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## SCHEDULES

### SCHEDULE 4

#### HIGHWAYS

##### PART I

###### AMENDMENTS OF THE HIGHWAYS ACT 1980

- 1 In section 1—
  - (a) in subsection (2), after the word “county” in the first place where it occurs, there shall be inserted the words “or metropolitan district”, and after that word in the second place where it occurs there shall be inserted the words “or, as the case may be, the district”;
  - (b) in subsection (3) for the words from the beginning to “the council” there shall be substituted the words “The council”; and
  - (c) in subsection (4), after the word “county”, there shall be inserted the words “or, as the case may be, the metropolitan district”.
- 2 In section 2, in paragraph (a), after the word “county”, there shall be inserted the words “or metropolitan district”, and in paragraph (b) for the words from “the” in the second place where it occurs to the end of the paragraph there shall be substituted the words “the council of the borough.”
- 3 In section 4(3), before the word “district”, there shall be inserted the word “non-metropolitan”.
- 4 In section 6—
  - (a) in subsection (1)—
    - (i) for the words “the Greater London Council” there shall be substituted the words “a metropolitan district council”; and
    - (ii) the words after “below” shall be omitted;
  - (b) after that subsection there shall be inserted—

“(1A) The Minister shall not delegate functions to a council under subsection (1) above—

    - (a) with respect to a trunk road or land outside their area but within a non-metropolitan county or London borough, except with the consent of the council of that county or borough;
    - (b) with respect to a trunk road or land outside their area but within a metropolitan district except after consultation with the council of that district.”
  - (c) in subsection (5) for the words “the Greater London Council” there shall be substituted the words “a metropolitan district council”;

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(d) in subsection (6) the words after “arrangements” in the third place where it occurs shall be omitted; and

(e) after that subsection there shall be inserted—

“(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a district council of any functions—

(a) with respect to a trunk road or land outside their area but within a non-metropolitan district, except with the consent of the council of the non-metropolitan district;

(b) with respect to a trunk road or land outside their area but within a metropolitan district, except after consultation with the council of the metropolitan district.”

5 At the end of section 8(4) there shall be inserted “; and the council of a metropolitan district may not enter into an agreement under this section with the council of another metropolitan district or of a county unless the districts are in the same county or in counties which adjoin each other or, as the case may be, the county in which the district is situated and the other county adjoin each other.”.

6 In section 20(8) for the words “sections 156 and 159” there shall be substituted the words “section 156”.

7 In sections 31(7), 36(6), 40, 172(1), 188(1), 190(1), 191(1) and (3), 192(1) and (3), 193(1) and (2), 194(1) and (2), 195(3), 197(2) and (3), 198, 199 and 200(2) and (3), after the word “county”, there shall be inserted the words “, metropolitan district”.

8 In section 34, after the words “county council,” there shall be inserted the words “a metropolitan district council,”.

9 In section 35, in subsections (1)(a) and (b) and 3(d) and (e) before the word “district”, and in subsection (7) before the word “district” in the first two places where it occurs, there shall be inserted the word “non-metropolitan”.

10 In section 39, after the words “county council”, there shall be inserted the words “or metropolitan district council”.

11 In section 42(1) and (3), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.

12 In section 43(2), before the word “district”, there shall be inserted the word “non-metropolitan”.

13 In section 45—

(a) in subsections (4) and (6) for the word “county” there shall be substituted the words “non-metropolitan county, metropolitan district”;

(b) in subsections (7) and (8) for the word “county” there shall be substituted the words “non-metropolitan county or metropolitan district”; and

(c) in subsection (12), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.

14 In section 50, in subsection (2), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.

15 In section 61, before the word “district” in each place where it occurs there shall be inserted the word “non-metropolitan”.

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- 16 In section 64(5) for the words “subsections (1) to (4)” there shall be substituted the words “subsections (1) to (3)”.
- 17 In section 66(6), after the word “county” in both places where it occurs, there shall be inserted the words “or metropolitan district”.
- 18 In section 79(3), before the word “district” there shall be inserted the word “non-metropolitan”.
- 19 In sections 80(4), 195(1)(b), 254(2)(b) and 271(1)(ii) and paragraph 1 of Schedule 15 after the word “county”, there shall be inserted the words “or metropolitan district”.
- 20 In section 95(1), in paragraph (a), after the word “county”, there shall be inserted the words “or metropolitan district”, and in paragraph (c) for the words “any other” there shall be substituted the word “a”.
- 21 At the end of section 100(6) there shall be inserted “; and where the highway authority are a metropolitan district council they shall, before so exercising any powers under that Act, give such notice to the water authority within whose area the powers are proposed to be exercised.”.
- 22 In section 114(1), (3) and (4), after the words “county council” there shall be inserted the words “or metropolitan district council”.
- 23 In section 115H, in subsection (1) for the words “subsections (2) and (3)” there shall be substituted the words “subsection (3)”; and in subsection (3) for the words from the beginning to “as” there shall be substituted  
“Subsection (1) above shall have effect in relation to a highway—  
(a) to which this Part of this Act applies; and  
(b) in relation to which there is no pedestrian planning order in force, as”
- 24 In section 116—  
(a) in subsection (1) for the word “appropriate” there shall be substituted the word “highway”; and  
(b) for paragraph (a) of subsection (3) there shall be substituted—  
“(a) if the highway is in a non-metropolitan district, the council of that district; and”
- 25 In sections . . . <sup>F1</sup> 143(1)(a), 146(2)(a) and (5)(b), 147(1)(a), 156(2)(i) and 175, before the word “district”, there shall be inserted the word “non-metropolitan”.

#### Textual Amendments

**F1** Words repealed by [Rights of Way Act 1990 \(c.24, SIF 59\)](#), s. 6(5)

- 26 In section 151(1)(a) for the words after “also” there shall be substituted the words “, if the street is situated in a non-metropolitan district, the council of that district; and”.
- 27 In section 154(1)(b) for the words after “also” there shall be substituted the words “, if the highway is situated in a non-metropolitan district, the council of that district;”.

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- 28 In section 160(2) for the words from “the Greater London Council” to “the Council” there shall be substituted the words “the highway authority that any person mentioned in paragraph (a), (b) or (c) of subsection (1) above has caused an unnecessary obstruction for the purposes of this section, that authority”.
- 29 In section 186—
- (a) in subsection (1) for the words “and of every” there shall be substituted the words “, metropolitan district and”; and
  - (b) in subsections (5)(b) and (7), after the words “county council” there shall be inserted the words “, metropolitan district council”.
- 30 In section 189(1) for the words “a London” there shall be substituted the words “, metropolitan district council or London”.
- 31 In section 196(8)(a), after the word “council” there shall be inserted the words “or metropolitan district council”.
- 32 In section 197(1) for the word “the” in the second place where it occurs there shall be substituted the words “metropolitan district council or”.
- 33 In section 203(3) in the definition of “street works authority” after the word “county”, there shall be inserted the words “or metropolitan district”.
- 34 In sections 205(5) and 210(2) for the words after “also” there shall be substituted the words “, in the case of a street situated in a non-metropolitan district, at the offices of the council of that district.”.
- 35 In sections 220(2) and 223(6), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 36 In section 230(7), after the word “concerned”, there shall be inserted the words “is situated in a non-metropolitan district and”.
- 37 In section 263(5), before the word “district” in the first place where it occurs, there shall be inserted the word “non-metropolitan”.
- 38 In section 264—
- (a) in subsection (1), after the word “county” in both places where it occurs, there shall be inserted the words “or metropolitan district”;
  - (b) for subsection (2) there shall be substituted—
    - “(2) The drains belonging to a highway—
    - (a) which immediately before the date of the abolition of the Greater London Council under the Local Government Act 1985 was a metropolitan road; and
    - (b) which did not become a trunk road on that date by virtue of an order made under paragraph 53 of Schedule 4 to that Act,
 vest in the council of the London borough in which the highway is situated or, if it is situated in the City in the Common Council, and

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where any other drain or sewer was, at the date when the highway became a metropolitan road, used for any purpose in connection with the drainage of that highway, that council shall have the right of using the drain or sewer for that purpose.”

- (c) in subsection (3)—
- (i) in paragraph (a), before the word “district”, there shall be inserted the word “non-metropolitan”;
  - (ii) in paragraph (c) for the words “or the Greater London Council” there shall be substituted the words “, metropolitan district council or London borough council or the Common Council”.

- 39 In section 285—
- (a) in subsection (1) for the words from “either” to “are” in the first place where it occurs there shall be substituted the words “the Minister of Transport, after consultation with the highway authority, is”, and in paragraph (b) of that subsection for the word “are” in both places where it occurs there shall be substituted the word “is”;
  - (b) in subsection (4) for the words “or the Council execute or propose” there shall be substituted the words “executes or proposes”;
  - (c) in subsection (5) for the words “or the Council execute” there shall be substituted the word “executes”; and
  - (d) in subsection (6) for the words “or the Council proceed” there shall be substituted the word “proceeds”.
- 40 In section 298(1), before the word “district”, there shall be inserted the word “non-metropolitan”.
- 41 In section 330(1), after the words “county council” in both places where they occur, there shall be inserted the words “or metropolitan district council”.
- 42 In paragraph 1 of Schedule 7, before the words “district council”, there shall be inserted the word “non-metropolitan”.
- 43 In paragraph 1(d) of Schedule 12 for the words from “road” to “is” there shall be substituted the words “road in a non-metropolitan district, to the district council, and if the highway is a classified road”.
- 44 In paragraph 1 of Schedule 23 for the words “they have” there shall be substituted the words “it has”.

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