



Infrastructure Act 2015

2015 CHAPTER 7

PART 1

STRATEGIC HIGHWAYS COMPANIES

Exercise of functions

5 General duties

- (1) A strategic highways company must, in exercising its functions, co-operate in so far as reasonably practicable with other persons exercising functions which relate to—
 - (a) highways, or
 - (b) planning.
- (2) A strategic highways company must also, in exercising its functions, have regard to the effect of the exercise of those functions on—
 - (a) the environment, and
 - (b) the safety of users of highways.

6 Directions and guidance

- (1) The Secretary of State may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its functions.
- (2) Directions under subsection (1) may provide, in particular, that a function is only to be exercised—
 - (a) after consultation with the Secretary of State, or
 - (b) with the consent of the Secretary of State.
- (3) In exercising its functions, a strategic highways company must—
 - (a) comply with a direction, and
 - (b) have regard to guidance,
given to it under subsection (1).

- (4) Directions and guidance under subsection (1) must be published by the Secretary of State in such manner as he or she considers appropriate.

7 Delegation of functions

- (1) A strategic highways company may authorise another person to exercise a function it has under any enactment, if the function is prescribed by regulations made by the Secretary of State.
- (2) An authorisation may authorise the exercise of a function—
- (a) wholly or to any other extent;
 - (b) generally or only in some cases or areas;
 - (c) unconditionally or subject to conditions.
- (3) An authorisation—
- (a) does not prevent the company or any other person from exercising the function to which the authorisation relates,
 - (b) may be for a period not exceeding ten years, and
 - (c) may be revoked at any time.
- (4) The strategic highways company may—
- (a) enter into a contract with an authorised person in connection with the exercise by that person of a function;
 - (b) make payments to an authorised person in that connection.
- (5) Where an authorisation is revoked at a time when a contract in connection with the exercise of a function is subsisting, the authorised person is entitled to treat the contract as repudiated by the company (and not as frustrated by reason of the revocation).
- (6) Regulations under this section may not prescribe a function if it is—
- (a) a power of entry, or
 - (b) a power or duty to make subordinate legislation.
- (7) Where a function of the Secretary of State is transferred to a strategic highways company under this Part and is, immediately before the transfer, authorised to be exercised by another person by an order under section 69 of the Deregulation and Contracting Out Act 1994—
- (a) the authorisation is to have effect as if it had been given by the transferee company under this section, and
 - (b) if the function is not prescribed under subsection (1), it is to be regarded as having been so prescribed.
- (8) Where a function of a strategic highways company is transferred to another such company under this Part and is, immediately before the transfer, authorised to be exercised by another person under this section, the authorisation is to have effect as if it had been given by the transferee company under this section.

8 Exercise of delegated functions

- (1) A function to which an authorisation under section 7 relates may be exercised by—
- (a) the authorised person, or
 - (b) an employee of that person.

- (2) Anything done by, or in relation to, the authorised person or that person’s employee in connection with the exercise of a function is to be treated as done by, or in relation to, the company.
- (3) Subsection (2)—
 - (a) does not affect the rights and liabilities of the strategic highways company and the authorised person as between one another,
 - (b) does not make the strategic highways company liable under section 6 of the Human Rights Act 1998 in respect of any act (within the meaning of that section) of the authorised person or an employee of the authorised person if the act is of a private nature,
 - (c) does not prevent any civil proceedings which could otherwise be brought by or against the authorised person from being brought, and
 - (d) does not apply for the purposes of any criminal proceedings brought in respect of anything done by the authorised person or that person’s employee.
- (4) Schedule 15 to the Deregulation and Contracting Out Act 1994 (restrictions on disclosure of information) applies to an authorisation under section 7 as it applies to an authorisation of the Secretary of State under Part 2 of that Act (contracting out).
- (5) In this section—
 - (a) “employee”, in relation to a body corporate, includes a director or other officer of the body;
 - (b) references to anything done include anything omitted to be done;
 - (c) references to the exercise of a function include the purported exercise of a function.