
STATUTORY INSTRUMENTS

1965 No. 481

LONDON GOVERNMENT

The London Traffic and Highways (Transitional Provisions) Order 1965

<i>Made</i>	- - - -	<i>16th March 1965</i>
<i>Laid before Parliament</i>		<i>25th March 1965</i>
<i>Coming into Operation</i>		<i>1st April 1965</i>

The Minister of Transport (hereinafter referred to as “the Minister”) in exercise of his powers under section 84 of the London Government Act 1963 and of all other powers him enabling in that behalf hereby makes the following order:—

Commencement and citation

1. This order shall come into operation on 1st April 1965 and may be cited as the London Traffic and Highways (Transitional Provisions) Order 1965.

Interpretation

2.—(1) In this order the following expressions have the meanings hereby respectively assigned to them:—

“the Act of 1959” means the Highways Act 1959;

“the first Act of 1960” means the Road Traffic Act 1960;

“the second Act of 1960” means the Road Traffic and Roads Improvement Act 1960;

“the Act of 1961” means the Highways (Miscellaneous Provisions) Act 1961;

“the Act of 1962” means the Road Traffic Act 1962;

“the Act of 1963” means the London Government Act 1963.

(2) Any reference in this order to any enactment shall be construed, except where the context otherwise requires, as a reference to that enactment as amended by any subsequent enactment.

(3) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

S. 10 of the London County Council (General Powers) Act 1958 (compulsory purchase orders)

3.—(1) The provisions of this Article shall apply in relation to any compulsory purchase order made before 1st April 1965 by the London County Council, the Common Council or the council of a metropolitan borough under section 10 of the London County Council (General Powers) Act 1958.

(2) The order shall (subject as hereinafter provided) have effect on and after 1st April 1965 as if it had been made—

- (a) in the case of an order which relates to any highway which on that date becomes a metropolitan road or to any highway to be constructed communicating with such a road (whether the order relates to any other highway or not), by the Greater London Council, and
- (b) in the case of any other order, by the council of the London borough in which the highway to which the order relates is situated, or where the highway is situated in the City, by the Common Council.

(3) The provisions of the last foregoing paragraph shall have effect in relation to an order subject to any amendment which may be made to the order by the Minister in exercise of powers in that behalf conferred on him by an order under section 84 of the Act of 1963.

(4) Where by virtue of the foregoing provisions of this Article an order has effect as if made by the Greater London Council, or where by virtue of an amendment made by the Minister in exercise of the powers referred to in the last foregoing paragraph to an order to which this Article applies the Greater London Council become the authority authorised to acquire the land comprised therein, and (in either case) that order relates to any highway which is not a metropolitan road or a highway to be constructed by that Council communicating with such a road, then, for the purpose of carrying that order into effect by the Greater London Council (including the execution of any works on land comprised in the order) the provisions of section 144 of the Metropolis Management Act 1855 or, as the case may be, of section 72 of the Metropolis Management Amendment Act 1862 shall, notwithstanding the repeal of those sections under powers conferred by the Act of 1963, remain in force in relation to that highway and the powers under the relevant section shall be exercisable by the Greater London Council.

(5) Where any order to which this Article applies has been made in exercise of a power conferred by a provision of section 10 of the said Act of 1958 and that provision has been repealed under powers conferred by the Act of 1963, the order shall not be invalidated by such repeal but shall have effect as if the said section 10 had remained in force in its entirety but with—

- (a) the substitution of references to the Greater London Council or the council of a London borough for the references to the London County Council or the council of a metropolitan borough,
- (b) the substitution in subsection (1)(a) of that section of references to Parts III and V of the Act of 1959 and Part II of the Act of 1963 for the references to the enactments mentioned in that subsection (being enactments repealed under powers conferred by the Act of 1963) and
- (c) the retention of the reference to section 144 of the Metropolis Management Act 1855 or, as the case may be, to section 72 of the Metropolis Management Amendment Act 1862 in so far as that retention is requisite for the purpose of any order to which the last foregoing paragraph of this Article applies.

(6) For the purpose of preserving the validity of anything done before 1st April 1965 under or in relation to an order to which this Article applies and of enabling the appropriate authority and the Minister to act on or after that date under or in relation to such an order, the provisions of this Article shall apply (with any necessary modifications) to any notice served or published, document

issued, inquiry or hearing held, or act or thing done under or in relation to such an order before 1st April 1965, as they apply to the order itself.

(7) In this Article, except where the context otherwise requires, “highway” includes a proposed highway and a reference to the situation of such a highway is a reference to its situation when constructed.

S. 137 of the Act of 1959 (half-yearly schemes of repair and improvement works)

4.—(1) Any scheme duly confirmed under section 137(3) of the Act of 1959 by an order made before 1st April 1965 shall while the scheme remains in force on and after that date be deemed to be a scheme duly confirmed by the Greater London Council by virtue of section 14(1)(a) of the Act of 1963.

(2) Any order made by the Minister under section 137(2) of the Act of 1959 before 1st April 1965 and any order made by the Minister under section 137(5) of that Act before that date in so far as it specifies highways or classes of highways in Greater London shall have effect on and after that date as if made by the Greater London Council by virtue of section 14(1)(a) of the Act of 1963 until revoked or varied by that Council under section 286(2) of the Act of 1959 and as if any reference therein to the Minister were a reference to the Greater London Council.

Schedule 24 to the Act of 1959 (transitional provisions)

5. In relation to the extension to the whole of Greater London of the Act of 1959 (and in particular section 312(2) thereof) effected by the Act of 1963, the provisions of Schedule 24 to the Act of 1959 which are specified in the Schedule to this order shall apply to Greater London (other than the outer London boroughs) subject to the exclusions and modifications mentioned in that Schedule, and for the purposes of such application the references in the said provisions of the said Schedule 24 to the commencement of the Act of 1959 shall be construed as references to the extension of the Act of 1959 to the whole of Greater London.

S. 21 of the first Act of 1960 (directions with respect to speed limits on restricted roads)

6. Any directions given or having effect as if given by the Minister under subsection (1)(b) of section 21 of the first Act of 1960 before 1st April 1965 as respects any road shall have effect on and after that date as if given by the authority having power on and after that date to give directions as respects that road under subsection (1)(a) or (b) of that section until revoked or varied by that authority under subsection (6) thereof or by the Minister under subsection (5) thereof.

S. 34 of the first Act of 1960 (traffic regulations)

7.—(1) Any provision (not being a provision for regulating the speed of vehicles) as respects any road contained in regulations made or having effect as if made by the Minister under section 34 of the first Act of 1960 before 1st April 1965 shall—

- (a) if the road is a trunk road in Greater London, have effect on and after that date as if contained in an order made by the Minister under the said section 34 until revoked, suspended or varied in like manner as an order so made; and
- (b) if the road is a trunk road outside Greater London, have effect on and after that date as if contained in an order made under section 26 or 81 of the first Act of 1960 or section 11 of the second Act of 1960 by the authority having power on and after that date to make such an order with respect to that road until revoked, suspended or varied in like manner as an order so made:

Provided that any provision to which sub-paragraph (a) of this paragraph relates may also be revoked, suspended or varied by an order made by the Greater London Council, with

the consent of the Minister, in like manner as if that provision were contained in an order made by that Council, with such consent, under section 10 of the Act of 1963.

(2) Any provision (not being a provision for regulating the speed of vehicles) as respects any road contained in regulations made or having effect as if made by the Minister under section 34 of the first Act of 1960 before 1st April 1965 shall, if the road is not a trunk road, have effect on and after that date as if contained in an order made under section 26 or 81 of the first Act of 1960, or section 11 of the second Act of 1960 or section 10 of the Act of 1963 by the authority having power on and after that date to make such an order with respect to that road until revoked, suspended or varied in like manner as an order so made.

(3) Any provision as respects any road contained in an order made before 1st April 1965 and having effect by virtue of paragraph 15 of Schedule 19 to the first Act of 1960 shall have effect on and after that date as if contained in an order made under section 26 of the first Act of 1960 or section 10 of the Act of 1963 by the authority having power on and after that date to make such an order with respect to that road until revoked, suspended or varied in like manner as such an order with respect to that road except that if any such provision relates to a trunk road in Greater London then that provision shall have effect on and after 1st April 1965 as if contained in an order made by the Greater London Council, with the consent of the Minister, under section 10 of the Act of 1963 until revoked, suspended or varied in like manner as an order so made.

S. 36 of the first Act of 1960 (traffic regulation in consequence of the execution of works)

8. Any provision as respects any road contained in an order made under section 36 of the first Act of 1960 before 1st April 1965 by a highway authority, being an authority which ceases to exist or to be the highway authority for that road on that date by virtue of the Act of 1963, shall, subject to the provisions of subsection (6) of the said section, have effect on and after that date as if contained in an order made by the authority which could have made that order on that date until revoked or varied in like manner as an order so made.

S. 44 of the first Act of 1960 (schemes for pedestrian crossings on roads not being trunk roads)

9. Any provision of a scheme in force immediately before 1st April 1965 with respect to a road, which was situate in the London Traffic Area, being a scheme submitted to the Minister under section 44(1) or (4) of the first Act of 1960 or by virtue of an order made or having effect as if made by him under section 44(8) of that Act, shall—

- (a) if the provision relates to a crossing on a metropolitan road, continue in force on and after that date as if contained in a scheme submitted by the Greater London Council until revoked or varied under section 44(4) of the first Act of 1960;
- (b) if the provision relates to a crossing on any other road in a London borough, continue in force on and after that date as if contained in a scheme submitted by the council of that borough until revoked or varied under the said section 44(4);
- (c) if the provision relates to a crossing on any other road in the City of London, continue in force on and after that date as if contained in a scheme submitted by the Common Council until revoked or varied under the said section 44(4); and
- (d) if the provision relates to a crossing on any road outside Greater London, continue in force on and after that date as if contained in a scheme submitted by the authority having power on and after that date to submit such a scheme in respect of that road until revoked or varied under the said section 44(4).

S. 49 and S. 50 of the first Act of 1960 (use of roads as playgrounds)

10.—(1) Any provision as respects any road contained in an order made and confirmed or having effect as if made and confirmed under section 49 of the first Act of 1960 before 1st April 1965 shall—

- (a) if the road is situate in the area of a London borough, have effect on and after that date as if contained in an order made by the council of that borough until revoked, varied or amended in like manner as an order so made; and
- (b) if the road is situate outside Greater London but was situate in the London Traffic Area, have effect on and after that date as if contained in an order made by the authority having power on and after that date to make such an order in respect of that road until revoked, varied or amended in like manner as an order so made.

(2) Any byelaws made or having effect as if made under section 50 of the first Act of 1960 and in force immediately before 1st April 1965 shall in so far as they relate to a road specified in sub-paragraph (a) or (b) of the last preceding paragraph continue in force on and after that date as if made by the council or, as the case may be, the authority specified in relation to that road by that sub-paragraph until revoked, varied or amended in like manner as byelaws so made.

Regulations for purposes of S. 49 of the first Act of 1960

11. The Street Playgrounds Orders (Procedure) (England and Wales) Regulations 1961⁽¹⁾ made by the Minister shall apply in relation to orders made by the Common Council and the council of a London borough under section 49 of the first Act of 1960 as if those regulations were made by the Greater London Council and accordingly for the purpose of this application for any reference therein to the Minister there shall be substituted a reference to the Greater London Council and for any reference therein to the Secretary, Ministry of Transport at St. Christopher House, Southwark Street, London, S.E.1, there shall be substituted a reference to the Clerk to the Council, Greater London Council, The County Hall, London, S.E.1.

S. 81 of the first Act of 1960 (compulsory purchase orders for the provision of parking places)

12. A compulsory purchase order made by the council of a metropolitan borough under section 81 of the first Act of 1960 as extended by section 11(13) of the second Act of 1960 before 1st April 1965 shall not be invalidated by the repeal of the said section 11(13) by the Act of 1963 but shall have effect on and after that date as if it had been made under the said section 81 as extended by section 13 of the Act of 1963, and as if it had been made by the council of the London borough in which the land to which the order relates is situated.

S. 85 of the first Act of 1960 (parking places on highways where charges made)

13.—(1) Any order with respect to a site in Greater London made or having effect as if made by the Minister under section 85, or under section 86 (other than subsection (7)) or section 87 of the first Act of 1960, or under either of the said sections 86 and 87 as substituted by section 29(1) of the Act of 1962 or under section 3 of the second Act of 1960 before 1st April 1965 shall have effect on and after that date as if made by the Greater London Council by virtue of section 13(2) of the Act of 1963 until revoked or varied by that Council under section 90(6) of the first Act of 1960 or section 3(4) of the second Act of 1960 or by the Minister under section 13(2)(c) of the Act of 1963.

(2) Any reference in any such order as is mentioned in the last preceding paragraph to the council of a county borough, county district or metropolitan borough shall on and after 1st April 1965 be construed as a reference to the council of the London borough in which is situate the site with respect to which the order has effect.

(1) (1961 II, p. 2440).

S. 220 of the first Act of 1960 (control of dogs on roads)

14. Any provision as respects a length of road contained in an order made or having effect as if made under section 220 of the first Act of 1960 before 1st April 1965 shall, if the length of road is situate in the area of a London borough, have effect on and after that date as if contained in an order made by the council of that borough under the said section 220 until revoked or varied in like manner as an order so made.

S. 9 of the second Act of 1960 (bollards and other obstructions)

15. Any authorisation or requirement by the Minister under section 9(1)(b) of the second Act of 1960 to place bollards or other obstructions on a road for the purposes of a provision in regulations mentioned in that section, being an authorisation given or requirement imposed before 1st April 1965 shall—

- (a) if that provision relates to a road in Greater London, have effect on and after that date as if given or imposed under section 12(1)(b) of the Act of 1963 by the authority who on that date are treated by virtue of Article 7(1)(a) or (2) of this order as having made that provision; and
- (b) if that provision relates to a road which is a trunk road and is outside Greater London, have effect on and after that date as if given or imposed under section 32(2) of the Act of 1962.

S. 11 of the second Act of 1960 (orders as to parking places)

16.—(1) Any provision as respects any off-street parking place in Greater London contained in or having effect as if contained in an order made by the council of a county borough or county district under subsection (2) of section 11 of the second Act of 1960 or by the council of a metropolitan borough under the said subsection (2) by virtue of subsection (13) of that section before 1st April 1965 shall have effect on and after that date as if contained in an order made by the council of the London borough in which is situate the off-street parking place under subsection (2) of the said section until revoked or varied by that council under the said subsection (2) or by the Minister under subsection (7) of the said section.

(2) Any reference in any such provision as is mentioned in paragraph (1) of this Article to the council of a county borough, county district or a metropolitan borough shall on and after 1st April 1965 be construed as a reference to the council of the London borough in which is situate the off-street parking place to which that provision relates.

S. 13 of the second Act of 1960 (off-street parking places)

17. Any approval as respects an off-street parking place given under subsection (1) of section 13 of the second Act of 1960 by the Minister to a local authority, being an authority which ceases to exist or to be the local authority for that parking place on 1st April 1965 by virtue of the Act of 1963, and in force immediately before that date shall continue in force on and after that date as if it had been given to the authority which could have been given that approval on that date.

S. 11 of the Act of 1962 (speed limits not on restricted roads)

18. Any limit of speed as respects any road for which provision is made by an order made by the Minister by virtue of subsection (2)(a) of section 11 of the Act of 1962 before 1st April 1965 or deemed to have been imposed by such an order shall—

- (a) if the road is not a trunk road but is a road in Greater London, have effect on and after that date as if provided for or imposed by an order made by the Greater London Council by virtue of subsection (2)(aa) of the said section until revoked or varied in like manner as an order made by virtue of the last mentioned subsection; and

- (b) if the road is not a trunk road but is a road outside Greater London have effect on and after that date as if provided for or imposed by an order made by the local authority by virtue of subsection (2)(b) of the said section until revoked or varied in like manner as an order made by virtue of the last mentioned subsection.

S. 28 of the Act of 1962 (experimental traffic schemes)

19.—(1) Any provision as respects any road contained in an order made by the Minister or a local authority under subsection (2)(b) of section 28 of the Act of 1962 before 1st April 1965 shall—

- (a) if the road is a road in Greater London, have effect, subject to paragraph (3) of this Article, on and after that date as if contained in an order made by the Greater London Council under subsection (2)(b) of the said section 28 until revoked or varied in like manner as an order under the last mentioned subsection; and
- (b) if the road is not a road in Greater London, have effect, subject to paragraph (3) of this Article, on and after that date as if contained in an order made by the local authority under subsection (2)(a) of the said section 28 until revoked or varied in like manner as an order made under the last mentioned subsection.

(2) Any provision as respects any road contained in an order made by the Minister under subsection (2)(c) of the said section 28 before 1st April 1965 shall—

- (a) if the road is a trunk road in Greater London, have effect, subject to paragraph (3) of this Article, on and after that date as if contained in an order made by the Greater London Council, with the consent of the Minister, under subsection (2)(c) of the said section 28 until revoked or varied in like manner as an order made under the last mentioned subsection;
- (b) if the road is not a trunk road but is in Greater London, have effect, subject to paragraph (3) of this Article, on and after that date as if contained in an order made by the Greater London Council under subsection (2)(b) of that section until revoked or varied in like manner as an order made under the last mentioned subsection; and
- (c) if the road is not a trunk road but is outside Greater London, have effect, subject to paragraph (3) of this Article, on and after that date as if contained in an order made by the local authority under subsection (2)(a) of the said section 28 until revoked or varied in like manner as an order made under the last mentioned subsection.

(3) Nothing in this Article shall affect the provisions of subsection (3) of section 28 in relation to the period for which an order, which is made before 1st April 1965 and any provision of which has effect by virtue of this Article, may continue in force.

The first and second Acts of 1960 and the Act of 1962 (general)

20.—(1) Subject and without prejudice to the foregoing provisions of this order, in so far as any scheme, order, byelaw or application made, resolution passed, notice, direction, consent or approval given, step taken or other thing done before 1st April 1965 by a highway authority or a local authority under any provision contained in or having effect under the first Act of 1960, the second Act of 1960 or the Act of 1962 could have been made, passed, given, taken or done under that provision on and after that date by a highway authority or local authority created by the Act of 1963 or by an authority becoming such an authority by virtue of that Act, the same shall on and after 1st April 1965 be deemed to have been made, passed, given, taken or done by the new authority under the relevant provision contained in or having effect under the first Act of 1960, the second Act of 1960 or the Act of 1962 as the case may be.

(2) In so far as any notice mentioned in the last preceding paragraph refers to the Minister or any application so mentioned or any application by the Common Council is made to the Minister

by virtue of functions which on and after 1st April 1965 become functions of the Greater London Council, it shall be treated on and after that date in the case of the notice as referring to the last mentioned Council and in the case of the application as having been made to that Council.

(3) Subject and without prejudice to the foregoing provisions of this order, in so far as any notice, direction, consent or approval given before 1st April 1965 by the Minister under any provision contained in or having effect under the first Act of 1960, the second Act of 1960 or the Act of 1962 could have been given under that provision on and after that date by a highway authority or local authority created by the Act of 1963 or by an authority becoming such an authority for the purposes of that provision by virtue of that Act, the same shall on and after 1st April 1965 be deemed to have been given by the new authority under the relevant provision contained in or having effect under the first Act of 1960, the second Act of 1960 or the Act of 1962 as the case may be.

(4) In so far as any notice, direction, consent or approval mentioned in the last preceding paragraph refers to an authority by virtue of functions which on and after 1st April 1965 become functions of another authority it shall be treated on and after that date as referring to that other authority.

General provisions relating to highways

21.—(1) Where under the provisions of any enactment, at any time before 1st April 1965, any act has been done by, any notice or payment has been given or made to, or any right has been conferred on, a local highway authority in relation to any highway situated in Greater London, then, on and after 1st April 1965, that act shall be deemed to have been done by, that notice or payment shall be deemed to have been given or made to, and that right shall be deemed to have been conferred on—

- (a) the Greater London Council, where the highway in question becomes a metropolitan road,
- (b) in the case of all other highways, the council of the London borough in which the highway is situated or, where the highway is situated in the City, the Common Council.

(2) Where under the provisions of any enactment, at any time before 1st April 1965, any act has been done by, any notice or payment has been given or made to, or any right has been conferred on, a council in relation to any highway situated in Greater London, and the act, notice, payment or right is not one to which the provisions of paragraph (1) of this Article apply, then, on and after 1st April 1965, that act shall be deemed to have been done by, that notice or payment shall be deemed to have been given or made to, and that right shall be deemed to have been conferred on, the Greater London Council, the council of the London borough in which the highway is situated, or, where the highway is situated in the City, the Common Council, according as the functions in connection with which that act was done, that notice was given, that payment was made or that right was conferred become exercisable on 1st April 1965 by that Council.

(3) Where at any time before 1st April 1965 any act has been done by, any notice or payment has been given or made to, or any right has been conferred on, any local highway authority or any council, in relation to a highway situated in Greater London, under any enactment repealed or revoked by or under the Act of 1963, and the act, notice, payment or right is such that it could have been done, given, made or conferred under a provision of the Act of 1959 or the Act of 1961 if that provision had been in force in relation to that highway, then that act, notice, payment or right shall not be invalidated by the repeals or revocations aforesaid but shall on and after 1st April 1965 have effect as if it had been done, given, made or conferred under that provision.

(4) In this Article, except where the context otherwise requires—

“council” includes, as respects anything done or occurring before 1st April 1965, the London County Council or the council of a metropolitan borough;

“enactment” includes any order or other instrument made under an Act of Parliament;

“highway” includes a street, a private street, a new street and a proposed highway, and where a highway is referred to as being situated in Greater London or in a London borough or in the

City that reference shall, in relation to a new street or a proposed highway, be construed as a reference to its situation when it is provided or constructed;

“local highway authority” includes, as respects anything done or occurring before 1st April 1965, the London County Council;

a reference to any act done by an authority shall include a reference to any scheme, order, regulation, byelaw, agreement, requirement, application or apportionment made, resolution passed, charge conferred, authorisation granted, notice, direction, consent, approval, license or certificate given, building line or improvement line prescribed, or other thing done by that authority;

a reference to any right conferred upon an authority shall include a reference to an obligation assumed by or imposed on or a deposit or lodgment made with that authority, a transfer of a highway to that authority and a provision for that authority to become the highway authority for a highway; and any expression which is defined in the Act of 1959 (as amended by the Act of 1963) and is used in this Article shall have the same meaning as in the said Act (as so amended).

(5) In so far as provision is made in any other Article of this order or in or by virtue of any other order under section 84 of the Act of 1963 for any matter the provisions of this Article shall not apply in relation to that matter.

Given under the Official Seal of the Minister of Transport the 16th March 1965.

L.S.

Tom Fraser
The Minister of Transport

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SCHEDULE

(see Article 5)

PROVISIONS OF SCHEDULE 24 TO THE ACT OF 1959 APPLIED BY THIS ORDER TO GREATER LONDON (OTHER THAN THE OUTER LONDON BOROUGHES)

Provisions contained in Part I

1. Paragraph 1.

Provisions contained in Part II

2. Paragraph 4.

Provisions contained in Part III

3. Paragraphs 6 and 7.

Provisions contained in Part IV

4. Paragraph 8.

Provisions contained in Part V

5. Paragraphs 10, 11 (exclusive of the proviso) and 14.

Provisions contained in Part VI

6. Paragraph 15.

Provisions contained in Part VII

7. Paragraphs 16, 17, 18(1), 19, 20 and 21.

Provisions contained in Part VIII

8. Paragraph 23.

Provisions contained in Part XI

9. Paragraph 28.

Provisions contained in Part XIII

10. Paragraphs 34, 35, 37 (exclusive of sub-paragraph (a) and with the substitution of a reference to subsection (1) for the reference to subsection (4) in sub-paragraph (b)), 38, 39 and 40.

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EXPLANATORY NOTE

This Order makes transitional and other provision consequential on the London Government Act 1963 in connection with regulations, orders and other instruments made and things done relating to traffic and highway matters.