

Highways (Provision of Cattle-Grids) Act, 1950

14 GEO. 6. CH. 24

ARRANGEMENT OF SECTIONS

Section

1. Provision of cattle-grids and by-passes.
2. Removal of cattle-grids and discontinuance of by-passes.
3. Repair of cattle-grids and by-passes in England and Wales.
4. Repair of cattle-grids and by-passes in Scotland.
5. Exercise of powers by agreement between neighbouring authorities.
6. Traffic signs.
7. Supersession of gates by cattle-grids.
8. Acquisition of land.
9. Agreements for use of land for cattle-grids or by-passes.
10. Contributions towards expenditure of appropriate authorities.
11. Regulations as to construction of cattle-grids, etc.
12. Application of enactments as to persons damaging highways.
13. Delegation to local authorities of functions of Minister.
14. Provision of cattle-grids off roads.
15. Protection of bridges and railways.
16. Financial provisions.
17. Interpretation.
18. Provisions as to cattle-grids and by-passes provided before commencement of Act.
19. Short title, commencement and extent.

Schedule.—Procedure for determination by appropriate authority of certain questions.



CHAPTER 24

An Act to provide for cattle-grids in or in connection with highways, and for purposes connected therewith.
[28th July 1950.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where, whether on the representations of owners or occupiers of agricultural land or otherwise, and after such consultation with any such owners and occupiers as the appropriate authority consider requisite, it appears to the appropriate authority for any road expedient so to do for controlling the passage of animals along the road, the authority may subject to the provisions of this Act provide for the road, and maintain, a cattle-grid in the road, or partly in the road and partly in adjoining land. Provision of cattle-grids and by-passes.

(2) Where the appropriate authority provide a cattle-grid, they shall also provide, either by means of a gate or other works on the road or by means of a by-pass, or partly by one of those means and partly by the other, and maintain, facilities for the passage under proper control of animals and all other traffic unable to pass over the cattle-grid, being traffic entitled by law to go along the road.

(3) The powers conferred by the foregoing provisions of this section do not include power to place any part of a cattle-grid on land falling outside the road and not belonging to the appropriate authority, or to provide a by-pass over land not belonging

to the appropriate authority, except in so far as is authorised by any such agreement as is provided for by section nine of this Act:

Provided that where after complying with the provisions of the Schedule to this Act the appropriate authority determine, as respects any common or waste land not forming part of the road but adjoining the road or adjacent thereto, that it is expedient so to do, the appropriate authority may place any part of a cattle-grid, or provide a by-pass, on any of that land notwithstanding that it does not form part of the road and does not belong to the authority.

(4) Without prejudice to the provisions of the last foregoing subsection, the appropriate authority shall not provide a by-pass running along any part of a way over which there is a public right of way unless, after complying with the provisions of the Schedule to this Act, the authority determine that it is expedient so to do.

(5) In this Act—

the expression “cattle-grid” means a device designed to prevent the passage of animals, or animals of any particular description, but to allow the passage of all or some other traffic, and includes any fence or other works necessary for securing the efficient operation of the said device; and

the expression “by-pass”, in relation to a cattle-grid provided for any road, means a way, over land not comprised within the limits of the road, for the traffic for which the by-pass is provided, with a public right of way thereover—

(a) for that traffic, or

(b) if any part of the by-pass is provided along a way over which there was a public right of way before the by-pass was provided, for the said traffic and for any other traffic entitled to use the way before the by-pass was provided,

subject in either case to the limitation that there may be placed thereon any such gate or other works as may be necessary for the proper control of all or any of such traffic and the efficient operation of the cattle-grid for use in connection with which the by-pass is provided;

and references in this Act to the provision or maintenance of a by-pass shall include references to the provision or maintenance of any such gate or other works.

(6) The appropriate authority shall have power to alter or improve any cattle-grid, by-pass or works provided in pursuance of this Act:

Provided that the appropriate authority shall not carry out any such alteration or improvement as aforesaid whereby traffic of any description which before the alteration or improvement could lawfully have gone along the road (either by passing over the cattle-grid or by going through any gate or along any by-pass provided under subsection (2) of this section) will be prevented from so going along the road.

(7) For the purposes of this Act, except in its application to Scotland, the appropriate authority—

(a) for any road repairable by the inhabitants at large shall be the highway authority;

(b) for any other road, shall—

(i) if the road is in a rural district, be the county council,

(ii) if the road is in a non-county borough or urban district, be the borough council or urban district council, as the case may be,

(iii) if the road is in a county borough, be the county borough council.

(8) For the purposes of this Act in its application to Scotland, the appropriate authority—

(a) for any road for the maintenance and management of which a highway authority is responsible, shall be the highway authority;

(b) for any other road—

(i) if the road is in a burgh, shall be the town council of the burgh;

(ii) if the road is a way which a district council is empowered by section twenty-nine of the Local Government (Scotland) Act, 1894 (as read with subsection (2) of section one of the Local Government (Scotland) Act, 1929) to maintain, shall be the district council; and

(iii) in any other case shall be the county council of the county in which the road lies.

2.—(1) Where it appears to the appropriate authority, after such consultation with such owners and occupiers of agricultural land as the appropriate authority consider requisite, that a cattle-grid provided in pursuance of this Act is no longer required, the authority may remove the cattle-grid and any gate or other works on the road which have been provided for use in connection therewith, making good the site thereof.

Removal of
cattle-grids
and
discontinuance
of by-passes.

(2) Where a by-pass has been provided for use in connection with a cattle-grid and the appropriate authority remove the cattle-grid, they may direct that the by-pass shall be discontinued ; and—

- (a) if the direction so provides, then as from such date as may be specified in the direction the public right of way over the by-pass shall be extinguished ; and
- (b) in any case where a direction is given under this subsection, the authority may remove all or any of the works provided for the purposes of the by-pass.

(3) Where a by-pass has been provided, as to the whole or any part thereof, along a way over which there was a public right of way before the by-pass was provided, the following provisions shall have effect :—

- (a) notwithstanding anything in paragraph (a) of the last foregoing subsection, a direction under that subsection shall not extinguish any right of way which existed before the by-pass was provided ;
- (b) if the cattle-grid for use in connection with which the by-pass was provided is removed, then as soon as may be thereafter the appropriate authority shall (whether or not they direct that the by-pass shall be discontinued, but without prejudice to their powers under paragraph (b) of the last foregoing subsection if they so direct) remove so much of the works provided for the purpose of the by-pass as obstructs the exercise of the right of way existing before the by-pass was provided.

Repair of
cattle-grids
and by-passes
in England
and Wales.

3.—(1) A cattle-grid provided in pursuance of this Act for any road, any gate or other works on a road provided for use in connection with such a cattle-grid, and any works provided for the purposes of a by-pass provided in pursuance of this Act, shall be repairable by the appropriate authority ; and in a case in which the appropriate authority is also the highway authority they shall not be entitled to rely on any exemption from liability for non-repair available to a highway authority as the successor to the inhabitants at large.

(2) A by-pass provided in pursuance of this Act shall, unless and until the appropriate authority give a direction discontinuing the by-pass, in all cases be treated as a highway repairable by the inhabitants at large for which the appropriate authority are the highway authority.

(3) This section shall not apply to Scotland.

Repair of
cattle-grids and
by-passes in
Scotland.

4.—(1) For the purposes of maintenance and management (including any liability in respect of loss, injury or damage arising therefrom) any cattle-grid, by-pass, gate or other works

provided in pursuance of this Act shall be deemed to be vested in the appropriate authority for the road for which it is provided.

(2) This section shall apply to Scotland only.

5.—(1) In the case of a road repairable by the inhabitants at large which is intersected, joined or continued by a road for which some authority other than the highway authority for the first-mentioned road is the appropriate authority, the following provisions shall have effect. Exercise of powers by agreement between neighbouring authorities.

(2) The highway authority and the other authority may enter into an agreement as to the exercise by the other authority of that authority's powers under sections one and two of this Act in relation to the road for which they are the appropriate authority ; and any such agreement may provide for the defraying by the highway authority of the whole or any part of the expenses incurred by the other authority in consequence of the agreement.

(3) The said other authority shall not unreasonably refuse to enter into an agreement under this section ; and if any question arises as to the terms (including terms as to payments) to be included in such an agreement, or if any question arises whether that authority has unreasonably refused to enter into such an agreement, the question shall be determined by arbitration.

(4) In the application of this section to Scotland for the reference to a road repairable by the inhabitants at large there shall be substituted a reference to a road for the maintenance and management of which a highway authority is responsible.

(5) Any question which is required by this section to be determined by arbitration in Scotland shall be determined by a single arbiter appointed, in default of agreement, by the Court of Session or the sheriff on the application of either party to the question ; and at any stage of the proceedings in any such arbitration the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of the Court of Session on any question of law arising in the arbitration.

6.—(1) As respects traffic signs relating to a cattle-grid provided by an appropriate authority for a road not repairable by the inhabitants at large, or to a by-pass provided for use in connection with such a cattle-grid, the expression " highway authority " in section forty-eight of the Road Traffic Act, 1930 (which provides for the erection and control of traffic signs) shall include the appropriate authority. Traffic signs.

(2) The power conferred on the Minister by subsection (2) of section forty-eight of the said Act of 1930 to prescribe the size, colour and type of traffic-signs shall include power to make regulations providing for the illumination of traffic-signs relating to a cattle-grid provided by an appropriate authority for any

road, or to a by-pass provided for use in connection with such a cattle-grid, or for the attachment of reflectors to such signs.

(3) The Minister may give directions to a highway authority or other appropriate authority, not being in either case the Minister, as to the exercise by them, in relation to a cattle-grid or by-pass provided in pursuance of this Act, of the authority's powers of causing traffic signs to be placed on or near a road.

(4) Any directions under the last foregoing subsection shall be enforceable on the application of the Minister by mandamus.

(5) In the application of this section to Scotland—

(a) for the reference to a road not repairable by the inhabitants at large there shall be substituted a reference to a road for the maintenance and management of which no highway authority is responsible; and

(b) for the reference to enforcement on the application of the Minister by mandamus there shall be substituted a reference to enforcement by order of the Court of Session on an application by the Lord Advocate under section ninety-one of the Court of Session Act, 1868.

Supersession
of gates by
cattle-grids.

7.—(1) Where, after complying with the provisions of the Schedule to this Act, the appropriate authority providing or proposing to provide a cattle-grid on a road where any person has the right to instal a gate or gates determine that the purpose for which that right is exercisable will be adequately achieved by the provision of the cattle-grid, the said right shall not be exercisable, so long as the cattle-grid is provided, except with the approval of the appropriate authority, and the appropriate authority may require that any gate or gates installed in the exercise of the said right before the provision of the cattle-grid shall be removed or may themselves remove any such gate or gates.

(2) The appropriate authority shall on demand repay any expenses reasonably incurred in removing a gate in compliance with a requirement under this section.

(3) Where in pursuance of subsection (1) of this section a gate has been removed (whether by, or in compliance with a requirement of, the appropriate authority) and the appropriate authority subsequently remove the cattle-grid, then, if within twelve months after the removal of the cattle-grid any person reinstals a gate in the exercise of a right of which the exercise was suspended while the cattle-grid was provided, the appropriate authority shall on demand repay the expenses reasonably incurred in reinstalling the gate.

(4) No objection shall be made or proceedings brought in respect of the purported exercise by the appropriate authority of their powers under subsection (1) of this section as respects any

gate or gates on the ground that no right to instal the gate or gates existed ; but the purported exercise by the authority of their powers under the said subsection (1) shall not affect the question whether any such right existed, or prejudice the powers of the appropriate authority or any other authority or person under any enactment or rule of law to protect public rights of way or to prevent or remove obstructions.

8.—(1) For the purpose of providing, altering or improving a cattle-grid or by-pass in the exercise of powers conferred by this Act the appropriate authority may acquire land by agreement, whether by way of purchase, lease or otherwise, and—

- (a) where the appropriate authority is not the Minister, they may be authorised by the Minister to purchase land compulsorily for the said purpose ;
- (b) the Minister may purchase land compulsorily for the said purpose.

(2) In relation to the compulsory purchase of land under this section, the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this Act had been in force immediately before the commencement of that Act and as if the last foregoing subsection were included among the enactments mentioned in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of that Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this section.

(3) In the application of this section to Scotland for references to the said Act of 1946 there shall be substituted references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.

9.—(1) The appropriate authority may, for the purpose of providing, altering or improving a cattle-grid or by-pass, enter into an agreement under this section with persons interested in any land for the use of the land for that purpose ; and in particular there shall be exercisable by the appropriate authority and the public such rights over the land as may be specified in the agreement.

(2) An agreement under this section may contain provisions for payment to persons who are parties thereto in consideration of the use of the land or otherwise in respect of their entering into the agreement.

(3) The provisions of an agreement under this section relating to land in England or Wales shall bind the interest of any person who is a party to the agreement notwithstanding any devolution of that interest, and shall also bind any interest of any person which is thereafter created (whether immediately or

not) out of that interest ; but save as aforesaid an agreement under this section shall not operate so as to prejudice the rights of any person not a party thereto or confer upon any other person any right against him.

(4) As respects land in England or Wales, section two of the Forestry Act, 1947 (which empowers tenants for life and other limited owners to enter into forestry dedication covenants) shall apply to an agreement under this section as it applies to such a covenant.

(5) As soon as may be after an agreement under this section relating to land in England or Wales has become operative,—

- (a) it shall be registered in the prescribed manner in the register of local land charges by the proper officer of any county borough or county district council in whose area the land, or any part of that land, is situated ;
- (b) it shall be the duty of the appropriate authority to notify the making of the agreement to the proper officer of the council by whom the agreement is required to be registered as aforesaid, and to furnish him with all necessary information relating to the agreement.

The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection, and in this subsection the expression “prescribed” means prescribed by rules made in the exercise of that power.

(6) As respects land in Scotland—

- (a) section four of the Forestry Act, 1947 (which empowers certain classes of person to enter into forestry dedication agreements) shall apply in relation to agreements under this section as it applies in relation to forestry dedication agreements ; and
- (b) subsection (2) of section three of the said Act of 1947 (which relates to the enforcement of forestry dedication agreements) shall apply in relation to agreements under this section to which the owner or a limited owner of the land concerned is a party as it applies in relation to a forestry dedication agreement, but with the substitution for the reference to the Forestry Commissioners of a reference to the appropriate authority ;

and in this subsection in relation to any land the expression “owner” means the proprietor thereof for his own absolute use, and the expression “limited owner” means any person empowered under paragraph (a) of this subsection to enter into an agreement under this section relating thereto.

10.—(1) The appropriate authority may enter into an agreement with any person at whose instance a cattle-grid has been or is to be provided in pursuance of this Act, or any other person willing to make a contribution towards expenses of the authority under this Act, for the making by the said person of such a contribution (whether by a single payment or by periodical payments) of such amount as may be specified in the agreement and either towards all expenditure of the authority under this Act or towards such description of such expenditure as may be so specified.

Contributions towards expenditure of appropriate authorities.

(2) An agreement under this section may contain such incidental and consequential provisions as appear to the parties thereto expedient for the purposes of the agreement, and in particular such an agreement providing for a contribution towards the cost of installing a cattle-grid may provide for repayment of the contribution, to such extent as may be specified in the agreement, in the event of the cattle-grid being removed.

(3) In determining whether or not to provide a cattle-grid in pursuance of this Act an appropriate authority shall be entitled to have regard to the extent to which persons who in the opinion of the authority will derive special benefit from the provision of the cattle-grid are willing to enter into agreements under this section.

11.—(1) The Minister may make regulations as to the construction or installation of cattle-grids, the provision of by-passes, and the construction of works for the purposes of this Act, and as to the illumination of cattle-grids, by-passes and works provided for those purposes; and in the exercise of their functions under section one of this Act an appropriate authority shall comply with any regulations under this section for the time being in force.

Regulations as to construction of cattle-grids, etc.

In this subsection references to construction or provision include references to alteration and improvement and references to illumination shall include references to the provision of reflectors.

(2) The power to make regulations conferred by this section shall be exercisable by statutory instrument; and any statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

12.—(1) So much of section seventy-two of the Highway Act, 1835, as relates to the causing of injury or damage to highways and to the wilful destruction or injury of the surface of highways shall apply to any cattle-grid provided in pursuance of this Act, any gate or other works on a road for use in connection with such a cattle-grid, and any gate or other works for the proper control of traffic passing over a by-pass for use in connection with such a cattle-grid, as it applies to a highway.

Application of enactments as to persons damaging highways.

(2) Section fifty-four of the Road Traffic Act, 1930, (which enables a highway authority to recover from persons responsible for extraordinary traffic certain expenses incurred by the authority in repairing a road) shall have effect, in relation to any road to which that section applies, as if the references therein to expenses incurred by the highway authority in repairing the road included references to expenses incurred by the appropriate authority in repairing a cattle-grid provided for the road in pursuance of this Act.

(3) Nothing in the foregoing provisions of this section shall be construed as affecting the application of the said sections seventy-two and fifty-four to a by-pass.

(4) This section shall apply to Scotland with the substitution of the following subsection for subsection (1) thereof—

“(1) So much of section ninety-six of the Act of the first and second year of King William the Fourth chapter forty-three (as incorporated in the Roads and Bridges (Scotland) Act, 1878) as relates to the doing, or causing to be done, of any injury or damage to the footpaths or causeways therein mentioned shall apply to any cattle-grid provided in pursuance of this Act, any gate or other works on a road for use in connection with such a cattle-grid, and any gate or other works for the proper control of traffic passing over a by-pass for use in connection with such a cattle-grid, as it applies to any such footpath or causeway.”;

and with the substitution in subsection (3) thereof for the words “seventy-two” of the words “ninety-six”.

Delegation to local authorities of functions of Minister.

13. Subsections (1) to (3) of section five of the Trunk Roads Act, 1936 (which provide for delegation by the Minister to local authorities of his functions with respect to the maintenance, repair and improvement of trunk roads) shall apply, as respects trunk roads, to the functions of the Minister under the foregoing provisions of this Act, other than his functions under section six, eight or eleven thereof, and to his functions under the Schedule to this Act in so far as they are conferred on him as appropriate authority.

Provision of cattle-grids off roads.

14.—(1) The Minister may make regulations authorising an appropriate authority, in any such case as may be determined by or under the regulations, to provide, for a road where (in pursuance of the regulations or otherwise) a gate is or is to be provided, a cattle-grid off the road.

(2) As respects the provision of a cattle-grid as aforesaid, or any cattle-grid provided before the passing of this Act off the road for which the cattle-grid was provided, this Act shall apply subject to such exceptions, modifications and adaptations as may be provided by regulations under this section.

(3) The power to make regulations conferred by this section shall be exercisable by statutory instrument; and any statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

15.—(1) The appropriate authority shall not, in the exercise of functions conferred by this Act, carry out any work in—

- (a) so much of a road as passes over, or is comprised within the immediate approaches to, a bridge which is repairable by a person other than the appropriate authority,
- (b) so much of a road passing under such a bridge as is within ten feet of any part of the bridge or of the foundations thereof, or
- (c) so much (if any) of a road passing above a tunnel provided for the purpose of a railway undertaking as is within ten feet of any part of the tunnel,

Protection of
bridges and
railways.

except with the consent of the person liable to repair the bridge or the person carrying on the railway undertaking, as the case may be:

Provided that where that consent is refused the appropriate authority may refer the matter to the Minister, and if, after affording to the appropriate authority and to the said person an opportunity of being heard by a person appointed by the Minister for the purpose, and considering his report, the Minister so directs, the work may be carried out notwithstanding that the consent has been withheld but subject to compliance with any conditions which the Minister may impose.

(2) In this section the expression “railway undertaking” means a railway undertaking carried on in the exercise of powers conferred by or under any enactment.

16.—(1) Section eight of the Development and Road Improvement Funds Act, 1909 (which empowers the Minister with the approval of the Treasury to make advances to highway authorities in respect of the exercise of certain of their powers) shall have effect as if references to a highway authority included references to any appropriate authority and as if the exercise of powers conferred by this Act were one of the matters in respect of which the Minister may make advances under that section.

Financial
provisions.

(2) All expenses incurred by the Minister under this Act with the approval of the Treasury, being expenses incurred by the Minister as highway authority, shall be defrayed out of the Road Fund.

(3) There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the provisions of this Act in the sums payable out of the Road Fund;

(b) any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under Part I or Part II of the Local Government Act, 1948.

(4) Expenditure incurred by a district council in Scotland under this Act shall not be taken into account in any calculation as to the limit imposed on the district council rate by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.

Interpretation. **17.**—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“appropriate authority”, “by-pass” and “cattle-grid” have the meanings assigned to them respectively by section one of this Act;

“highway authority”, in the application of this Act to Scotland, means an authority, being the Minister or the council of a county or the town council of a burgh, charged with the responsibility for the maintenance and management of any road;

“repair” includes maintenance, and “repairable” shall be construed accordingly;

“road” means any way along which there exists a public right of passage with vehicles, whether exercisable over the whole or a part only of the width of the way;

“the Minister” means the Minister of Transport;

“traffic” includes pedestrians and animals;

“works” includes structures.

(2) In the case of a county road in an urban district which by virtue of section thirty-two of the Local Government Act, 1929 is repairable by the urban district council, references in this Act to the highway authority shall be construed as references to that council.

(3) References in this Act to driven, led or ridden animals include references to vehicles drawn by animals.

(4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

Provisions as to cattle-grids and by-passes provided before commencement of Act.
11 & 12 Geo. 6. c. xliii.

18.—(1) Any cattle-grid, by-pass or works provided before the commencement of this Act under section twelve of the Cumberland County Council Act, 1948 shall be deemed to have been provided by the appropriate authority in pursuance of this Act.

(2) If as respects any other cattle-grid provided for a road, any gate or other works on a road for use in connection with such a cattle-grid, any by-pass for use in connection with such

a cattle-grid, and any gate or other works for the proper control of traffic passing over such a by-pass, being a cattle-grid, works or by-pass provided before the passing of this Act, application is made to the Minister for his approval thereof and—

- (a) the Minister approves the cattle-grid, works or by-pass unconditionally, or
- (b) the Minister gives his approval subject to conditions as to the carrying out of work the conclusion of an agreement under section ten of this Act or any other matter, and those conditions have been complied with,

then as from the giving of the Minister's approval unconditionally or, as the case may be, compliance with all conditions subject to which the Minister gives his approval, the cattle-grid, works or by-pass shall be deemed to have been provided by the appropriate authority in pursuance of this Act.

(3) Where the Minister gives his approval of a cattle-grid, works or by-pass subject to conditions, the appropriate authority shall have power to carry out any work, or do any other thing, which is requisite for complying with the conditions; and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) sections five, eight and nine of this Act shall apply in relation to the exercise of powers conferred by the foregoing provisions of this subsection as they apply in relation to the corresponding powers conferred by the foregoing provisions of this Act.

(4) The said section twelve of the Cumberland County Council Act, 1948 is hereby repealed.

19.—(1) This Act may be cited as the Highways (Provision of Cattle-Grids) Act, 1950.

Short title,
commence-
ment and
extent.

(2) Subject as hereinafter provided, the provisions of this Act other than this section shall come into operation on such date as the Minister may by order appoint; and the power to make an order conferred by this subsection shall be exercisable by statutory instrument.

(3) Subsections (2) and (3) of the last foregoing section shall come into operation on the passing of this Act, and as respects any cattle-grid, works or by-pass to which the said subsection (2) applies the other provisions of this Act shall be deemed to have come into operation on the passing thereof.

(4) This Act shall not extend to Northern Ireland or to the administrative county of London.

Section 1.

SCHEDULE

PROCEDURE FOR DETERMINATION BY APPROPRIATE AUTHORITY OF
CERTAIN QUESTIONS

1. Before determining, under the foregoing provisions of this Act, the question—

- (a) whether it is expedient to place any part of a cattle-grid, or provide a by-pass, on any such land not forming part of a road and not belonging to the appropriate authority as is mentioned in the proviso to subsection (3) of section one of this Act, or
- (b) whether it is expedient to provide a by-pass on land over which there is a public right of way, or
- (c) whether the purpose for which a right to instal gates is exercisable will be adequately achieved by the provision of a cattle-grid,

the appropriate authority shall publish in two successive weeks in one or more local newspapers circulating in the locality where the cattle-grid is to be, or has been, provided a notice stating generally the question for determination, naming a place within the said locality where a copy may be inspected at all reasonable hours of such plans or other descriptive matter as appear to the appropriate authority to be requisite for enabling the nature of the question to be understood, and specifying the time (not being less than twenty-eight days) within which and the manner in which representations may be made to the appropriate authority, and shall display a like notice in a conspicuous manner at the place where the cattle-grid is to be or has been provided.

2. Where no representation is duly made under the foregoing paragraph, or every representation so made is withdrawn, the appropriate authority may proceed to determine the question.

3.—(1) Where a representation is duly made as aforesaid and not withdrawn, the following provisions shall have effect.

(2) Where the appropriate authority is not the Minister, the authority shall forward the representation to the Minister, together with their observations thereon and their proposals, in the light of the representation, for determining the question.

(3) The Minister shall consider any representations received by him (and, where the appropriate authority is not the Minister, the authority's observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the appropriate authority is not the Minister, to that authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) After the Minister has considered the report of the person who held the inquiry under the last foregoing sub-paragraph, or the person appointed under that sub-paragraph, as the case may be,—

- (a) the Minister may, where he is the appropriate authority, proceed to determine the question ;
- (b) where he is not the appropriate authority, the authority may determine the question in the affirmative if the Minister consents, but not otherwise, and subject to compliance with any conditions subject to which his consent is given.

(5) Notwithstanding anything in sub-paragraph (3) of this paragraph, except where a representation is made by a highway authority other than the Minister, the Minister may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Minister is unnecessary, proceed without compliance with the provisions of the said sub-paragraph (3).

(6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Minister to any person by whom a representation has been made under the foregoing provisions of this Schedule.

Any notice under this sub-paragraph may be sent by post.

(7) Except in Scotland, subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at and defraying of costs of inquiries) shall apply to a local inquiry held in pursuance of this Act as they apply to inquiries mentioned in subsection (1) of the said section two hundred and ninety :

Provided that subsection (4) of that section (which requires the costs of the department holding the inquiry to be defrayed by the parties thereto) shall not apply in so far as the Minister is of opinion, having regard to the object and result of the inquiry, that the Minister's costs should be defrayed by him.

(8) In Scotland subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the procedure for holding local inquiries) shall apply to a local inquiry held in pursuance of this Act as they apply to the inquiries mentioned in subsection (1) of the said section three hundred and fifty-five

4. For the purpose of displaying a notice as required by paragraph 1 of this Schedule, the appropriate authority shall have power, on the road or on adjoining land (whether or not belonging to the authority), to erect and maintain posts or boards or to affix a notice to any building or structure :

Provided that the powers conferred by this paragraph shall not be exercised, on land off the road which is occupied, except with the consent of the occupier.

5.—(1) The Minister may make regulations for securing that proceedings required by the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, to be taken in respect of the compulsory acquisition of land under this Act may be taken concurrently (so far as practicable) with proceedings required to be taken under the foregoing provisions of this Schedule.

(2) The power conferred by this paragraph to make regulations shall be exercisable by statutory instrument.

6. In relation to the exercise by a local authority of functions of the Minister as appropriate authority delegated to the local authority under section eleven of this Act, the foregoing provisions of this Schedule shall apply as if the local authority, and not the Minister, were the appropriate authority.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Highway Act, 1835	5 & 6 Will. 4. c. 50.
Court of Session Act, 1868	31 & 32 Vict. c. 100.
Roads and Bridges (Scotland) Act, 1878	41 & 42 Vict. c. 51.
Local Government (Scotland) Act, 1894	57 & 58 Vict. c. 58.
Development and Road Improvement Funds Act, 1909	9 Edw. 7. c. 47.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Local Government Act, 1929	19 & 20 Geo. 5. c. 17.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Trunk Roads Act, 1936	1 Edw. 8 & 1 Geo. 6. c. 5.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Forestry Act, 1947	10 & 11 Geo. 6. c. 21.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.

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