



Local Government (Scotland) Act 1966

1966 CHAPTER 51

PART III

ROADS

Grants towards construction and improvement of roads

28 Road grants and classifications.

- (1) It is hereby declared that the purposes for which advances may be made by the Secretary of State under section 8 of the Development and Road Improvement Funds Act 1909 include the carrying out of surveys with a view to ascertaining the need for the construction or improvement of roads (whether or not any such construction or improvement is carried out) and other purposes incidental or conducive to the purposes described in subsection (1) of that section.
- (2) The Secretary of State may, for all or any of the following purposes, that is to say, the purposes of the said section 8, so far as it relates to the making of advances to local highway authorities, and the purposes of any enactment or instrument (whether passed or made before or after the passing of this Act) which refers to roads or highways classified by the Secretary of State, classify roads and proposed roads in such manner as he may from time to time determine after consultation with the highway authorities concerned.
- (3) Section 17 of the Ministry of Transport Act 1919 shall cease to have effect so far as it relates to the construction, improvement and maintenance of roads, bridges and ferries; and in any enactment (including an enactment in any local Act) or any instrument in force at the commencement of this Part of this Act any reference to a road classified, or classified in any class, under the said section 17 shall be construed as a reference to a road which for the time being is classified under subsection (2) of this section—
 - (a) as a principal road for the purposes of advances under the said section 8 ; or
 - (b) as a classified road for the purposes of that enactment or instrument.

- (4) For the purposes of subsection (3) of this section any road which, immediately before the commencement of this Part of this Act, was classified under the said section 17 in Class I, II, or III shall, until the Secretary of State otherwise directs, be treated as classified under subsection (2) of this section as a classified road for the purpose of every such enactment or instrument as is mentioned in the said subsection (3).
- (5) A road in a small burgh which is vested in a county council by reason only of its being a classified road shall cease to be so vested when it ceases to be a classified road.

In this subsection " small burgh " has the same meaning as in the Local Government (Scotland) Act 1947.

Lighting of road

29 Provision of lighting by highway authorities.

- (1) The Secretary of State and every local highway authority shall have power to provide lighting for the purposes of any road or proposed road for which they are or will be the highway authority, and may for that purpose—
- (a) contract with any persons for the supply of gas, electricity or other means of lighting ; and
 - (b) construct and maintain such lamps, posts and other works as they consider necessary.
- (2) A highway authority may alter or remove any works constructed by them under this section or vested in them under the following provisions of this Part of this Act.
- (3) A highway authority shall pay compensation to any person who sustains damage by reason of the execution of works authorised by this section.
- (4) Subject to the last preceding subsection, the provisions of section 99 of the Burgh Police (Scotland) Act 1892 relating to the fixing of lamp irons, lamp posts and lamps shall apply to a highway authority, not being a body to which the said provisions would otherwise apply, as they apply to such a body.
- (5) For the purposes of section 8 of the Development and Road Improvement Funds Act 1909 the expression " improvement of roads " shall include the lighting of roads under the power conferred by this section.

30 Powers of existing lighting authorities.

- (1) Subject to subsection (2) of this section, the powers of a lighting authority shall not be exercised, after the commencement of this Part of this Act, for purposes of the lighting of any road for which they are not the highway authority except with the consent of the highway authority (which consent may be given either generally or in respect of any particular road or length of road, and either without conditions or subject to such conditions as the highway authority think fit).
- (2) Subsection (1) of this section does not apply to the exercise of powers for the purpose only of the operation or maintenance of a lighting system which is not transferred to the highway authority under the following provisions of this Part of this Act.
- (3) If a lighting authority are aggrieved by the refusal of a local highway authority to give their consent for the purposes of this section, or by any conditions subject to which

such consent is given, they may appeal to the Secretary of State, who may give such directions in the matter as he thinks fit.

- (4) In this Part of this Act " lighting authority " means a council or other body authorised to provide lighting under section 99 of the Burgh Police (Scotland) Act 1892, section 149 of the Local Government (Scotland) Act 1947 or section 23 of the Road Traffic Act 1934 (as applied to Scotland by section 41(8) of that Act) or any corresponding local enactments; and references to the powers of a lighting authority are references to their powers under the said enactments.

31 Delegation of lighting functions of highway authorities.

- (1) A highway authority may agree with the lighting authority for the delegation to the lighting authority of any of the functions of the highway authority with respect to the lighting of any road or part of a road within the area of the lighting authority.
- (2) A lighting authority shall, for the discharge of any functions delegated to them under subsection (1) of this section, act as agents for the highway authority; and it shall be a condition of the delegation—
- (a) that any works to be executed or expenditure to be incurred by the lighting authority in the discharge of the delegated functions shall be subject to the approval of the highway authority ;
 - (b) that the lighting authority shall comply with any requirements of the highway authority as to the manner in which any such works are to be carried out, and with any directions of the highway authority as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
 - (c) that any such works shall be completed to the satisfaction of the highway authority.
- (3) If at any time the highway authority are satisfied that a lighting system in respect of which the functions of that authority are delegated under this section is not in proper repair or condition, they may give notice to the lighting authority requiring them to place it in proper repair or condition, and if the notice is not complied with within a reasonable time may themselves do anything which seems to them necessary to place the system in proper repair or condition.
- (4) A highway authority may agree with a lighting authority for the carrying out by the lighting authority of any works in connection with a lighting system provided or to be provided by the highway authority within the area of the lighting authority; and subsections (2) and (3) of this section shall apply to the conditions to be included in and to the discharge of functions pursuant to any such agreement, as they apply to the conditions to be attached to a delegation of functions under subsection (1) of this section and the discharge of functions so delegated.
- (5) A delegation to a lighting authority under this section may be determined by notice given to that authority by the highway authority, and functions delegated to a lighting authority under this section may be relinquished by notice given by that authority to the highway authority; but a notice under this subsection shall not take effect until 16th May in the calendar year following that in which it is given, and shall not be given during the last three months of a calendar year.

32 Transfer of road lighting systems.

- (1) On the date of the commencement of this Part of this Act there shall be transferred to the highway authority for any road for which a road lighting system was then provided by a lighting authority other than the highway authority—
 - (a) all lamps, lamp-posts and other apparatus which, immediately before that date, were vested in the lighting authority as part of that system ;
 - (b) except as provided by subsection (2) of this section, all other property or rights which, immediately before that date, were vested in the lighting authority for the purposes of that system, and all liabilities incurred by that authority for those purposes and not discharged before that date.
- (2) There shall not be transferred to a highway authority by virtue of this section any right or liability of a lighting authority in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the said date, and there shall not be transferred to the Secretary of State by virtue of this section any liability of a lighting authority in respect of loans or loan charges.
- (3) A highway authority and a lighting authority, or any two or more highway authorities, may make agreements with respect to the transfer of property, rights and liabilities under this section, including agreements for defining the property, rights and liabilities thereby transferred to the highway authority or any of those authorities, and for the transfer or retention of property, rights or liabilities held or incurred for the purposes of two or more road lighting systems, or partly for the purposes of such a lighting system and partly for other purposes ; and any dispute between the authorities concerned as to the property, rights or liabilities transferred by this section shall be determined—
 - (a) where the Secretary of State is one of those authorities, by arbitration;
 - (b) in any other case, by the Secretary of State.
- (4) If at any time after the commencement of this Part of this Act a road lighting system is provided by a lighting authority for the purposes of a road for which they are not the highway authority, the foregoing provisions of this section shall apply as if for references to the date of the commencement of this Part of this Act there were substituted a reference to such date as may be determined by agreement between the lighting authority and the highway authority or, in default of such agreement, as the Secretary of State may direct.
- (5) In this Part of this Act " road lighting system " means a lighting system which is not a footway lighting system.

33 Special provision as to footway lighting systems.

- (1) In this part of this Act " footway lighting system " means a system of lighting, provided for a road, which satisfies the following conditions, that is to say that either—
 - (a) no lamp is mounted more than thirteen feet above ground level; or
 - (b) no lamp is mounted more than twenty feet above ground level and there is at least one interval of more than fifty yards between adjacent lamps in the system,or such other conditions as may be prescribed by order of the Secretary of State in substitution for the said conditions.

Any statutory instrument containing an order made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (2) Where a footway lighting system maintained by a lighting authority other than the highway authority becomes a road lighting system—
- (a) in consequence of any order made by the Secretary of State under subsection (1) of this section; or
 - (b) in consequence of any alterations effected by the lighting authority,
- section 32 of this Act shall apply in relation to that system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be agreed upon between the lighting authority and the highway authority or, in default of such agreement, as the Secretary of State may direct.
- (3) If in the case of a road or part of a road in which a footway lighting system is maintained by a lighting authority other than the highway authority the highway authority propose to provide a road lighting system (either as a separate system or by means of alterations of the footway lighting system), they may give notice to that effect to the lighting authority; and where such notice is given section 32 of this Act shall apply in relation to the footway lighting system as if for references in subsections (1) and (2) to the date of the commencement of this Part of this Act there were substituted references to such date as may be specified for the purpose in the notice.

Supplemental

34 Commencement of Part III.

This Part of this Act shall come into force on 16th May 1967.