

SCHEDULES

SCHEDULE 23

TRANSITIONAL PROVISIONS

Cattle-grids etc.

- 9 (1) Without prejudice to the application of this Act to any cattle-grid, works or by-pass provided, or deemed to have been provided, under the Highways Act 1959, sub-paragraphs (2) and (3) below have effect as respects—
- (a) any cattle-grid provided for a highway which consists of or comprises a carriageway,
 - (b) any gate or other works on such a highway for use in connection with such a cattle-grid,
 - (c) any by-pass for use in connection with such a cattle-grid, and
 - (d) 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 28th July 1950, where application is made to the Minister for his approval thereof by the highway authority for the highway.
- (2) If, where such an application is made—
- (a) the Minister approves the cattle-grid, works or by-pass unconditionally, or
 - (b) he gives his approval subject to conditions as to the carrying out of works, the conclusion of an agreement under section 88 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 he gives his approval, the cattle-grid, works or by-pass are to be deemed to have been provided under this Act by the highway authority for whom the application for approval was made.
- (3) Where the Minister gives his approval of the cattle-grid, works or by-pass subject to conditions, the highway authority by whom the application for approval was made may 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 foregoing provisions of this sub-paragraph) sections 85, 87 and 243 of this Act apply in relation to the exercise of the powers conferred by the foregoing provisions of this sub-paragraph as they apply in relation to the corresponding powers conferred by this Act.