
Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part III. (See end of Document for details)

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART III

SUPPLEMENTARY PROVISIONS

- 52 Where by virtue of this Act the functions of a highway authority are transferred to other highway authorities any rights of the transferor authority under section 82(2) of the ^{M1}Public Health Act 1961 shall become rights of each of the transferee authorities affected by the local Act in question.

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Marginal Citations

M1 1961 c. 64.

F153

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Textual Amendments

F1 Sch. 4 para. 53 repealed (3.7.2000) by 1999 c. 29, ss. 294(1)(b), 423, **Sch. 34 Pt. VI** (with s. 294(2)-(8), Sch. 12 para. 9(1)); S.I. 2000/801, art. 2, **Sch. Pt. III**

- 54 (1) Where a bridge carries a highway for which the Secretary of State is not the highway authority and part of the bridge is situated in one metropolitan district and part in another in the same county, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those districts as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.
- (2) Where a bridge carries a highway to which this sub-paragraph applies and part of the bridge is situated in one London borough and part in another, the highway authority for the highway carried by the bridge and the approaches to it is such one of the councils of those boroughs as may be agreed between them before such a day as the Secretary of State may by order appoint or, in default of such agreement, as may be determined by the Secretary of State.
- (3) Sub-paragraph (2) above applies to a highway which—
- (a) immediately before the abolition date is a metropolitan road; and
 - (b) does not on that date become a trunk road by virtue of an order under paragraph 53(2) above.
- (4) Where the Secretary of State has made a determination under sub-paragraph (1) or (2) above, the determination—

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- (a) may be varied at the request of either of the councils concerned; and
- (b) shall be varied to give effect to any request made jointly to the Secretary of State by both those councils;

and any such variation shall take effect on the 1st April falling not less than 3 months, and not more than 15 months, after the date on which the determination is varied.

- (5) In sub-paragraph (2) above references to a London borough include references to the City and references to the council of a London borough include references to the Common Council; and in sub-paragraph (4) above references to councils shall be construed accordingly.
- (6) Without prejudice to section 3(3) of the ^{M2}Highways Act 1980, where a bridge carries a highway for which the Secretary of State is not the highway authority and sub-paragraphs (1) and (2) above do not apply, but some part of one or more of the approaches to the bridge lies in a metropolitan district or London borough different from that in which the bridge itself is situated, the highway authority for the whole of that approach or those approaches is the council of the metropolitan district or London borough in which the bridge is situated.
- (7) For the purposes of this paragraph, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within 100 yards of either end of the bridge.

Marginal Citations

M2 1980 c. 66.

- 55 In the foregoing provisions of this Part of this Schedule “bridge”, “highway”, “proposed highway” and “trunk road” have the same meaning as in the Highways Act 1980 and “metropolitan road” has the meaning which, but for the provisions of this Act, it would continue to have in that Act.
- 56 (1) Subject to the following provisions of this paragraph—
- (a) any agreement made between the Secretary of State or the Minister of Transport and a metropolitan county council under subsection (1) or (5) of section 6 of the Highways Act 1980, and
 - (b) any arrangements made by a metropolitan county council with a district council under subsection (6) of that section,
- shall, if subsisting immediately before the abolition date, cease to have effect on that date; and where any such agreement ceases to have effect under this sub-paragraph anything done before the abolition date by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to the Secretary of State.
- (2) Subject to sub-paragraph (4) below, the Secretary of State may by order provide that any such agreement specified in the order shall have effect as from the abolition date as an agreement between the Secretary of State and a metropolitan district council or non-metropolitan county council specified in the order (a “successor council”) or as two or more separate agreements, each being between the Secretary of State and a successor council.
 - (3) An order under this paragraph in respect of an agreement may—

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- (a) provide that anything done by or in relation to the metropolitan county council in respect of the agreement shall have effect as if done by or in relation to any successor council or councils;
 - (b) modify or exclude any term of the agreement in relation to any successor council or councils;
 - (c) make provision in respect of any arrangements made by the metropolitan county council under section 6(6) of the said Act of 1980 in relation to the agreement;
 - (d) include such other incidental, consequential, transitional or supplementary provision as appear to the Secretary of State to be necessary or expedient.
- (4) All rights of a metropolitan county council arising from or in connection with any such agreement as is mentioned in sub-paragraph (1) above to receive payments from the Secretary of State and all liabilities of such a council arising as aforesaid to make payments to him (being rights and liabilities attributable to anything done or omitted under or in respect of any such agreement before the abolition date) shall be transferred on that date to the appropriate residuary body; and accordingly as from that date any such agreement shall have effect as respects such rights and liabilities as an agreement between the Secretary of State and the appropriate residuary body.
- 57 The Secretary of State may by order provide that any agreement specified in the order and made before the abolition date between him and a metropolitan county council in pursuance of regulation 14 of the ^{M3}Noise Insulation Regulations 1975 (local authorities as agents of highway authorities) shall cease to have effect on that date.

Marginal Citations
M3 [S.I. 1975/1763.](#)

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