

Draft Order laid before Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. 000

CONTRACTING OUT

The Contracting Out (Highway Functions) Order 2008

Made - - - - 2008
Coming into force - - 2008

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by sections 69, 70 and 77(1) of the Deregulation and Contracting Out Act 1994(1).

In relation to the exercise of powers under section 70 of that Act, the Secretary of State has, as required by section 70(3), consulted with such representatives of local government as the Secretary of State considered appropriate.

In accordance with section 77(2) of that Act, a draft of this Order was laid before, and approved by a resolution of, each House of Parliament.

(1) 1994 c.40. Section 70 is applied in relation to functions of a best value authority by section 18 of the Local Government Act 1999 (c.27). Section 70(1) was amended, and subsections (1ZA) and (1ZB) were inserted, by the Local Government and Public Involvement in Health Act 2007 (c.28) (“the 2007 Act”), section 239(1). Subsection (1) is prospectively amended by the Greater London Authority Act 1999 (c.29) (“the 1999 Act”), section 423 and Schedule 34, Part IX. Subsection (6) was inserted by the 1999 Act, section 40(1) and (3). Subsections (1A) and (7) were inserted in relation to England by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and other Provisions) (England) Order 2001 (S.I. 2001/2273), articles 2(o) and 29(a) and (b). They were inserted in relation to Wales by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and other Provisions) (Wales) Order 2002 (S.I. 2002/808), articles 2(n) and 28(a) and (b). Section 79(1) contains definitions of “Minister” and “local authority”. The definition of the latter was amended, and sections 79A, 79B and 79C were inserted, by the 2007 Act, section 239(2) and (3). Section 79(2) is prospectively repealed by the 2007 Act, section 241 and Schedule 18, Part 19. Section 79(3)(a) and (b) were substituted, and section 79(4) was amended, by the Charities Act 2006 (c.50), section 75(1) and Schedule 8, paragraphs 179(1), (2) and (3).