



Trunk Roads Act 1936

1936 CHAPTER 5

3 General provisions as to functions with respect to trunk roads.

- (1) Upon any road becoming a trunk road, then in relation to the road, all functions which immediately before the road became a trunk road were exercisable by highway authorities as respects county roads and county bridges, and any functions of construction, maintenance, repair or improvement exercisable as respects that road by a local authority under any Act, including any private or local Act, shall, except as otherwise expressly provided by this Act, be exercisable by the Minister to the exclusion of any other authority; and all enactments relating to those functions shall have effect accordingly, but subject in the case of the enactments specified in the Second Schedule to this Act to the modifications specified in the second column of that schedule.
- (2) In relation to trunk roads the functions conferred on local authorities by the enactments specified in the Third Schedule to this Act shall be exercisable by the Minister (without the necessity of any resolution of adoption or of any order or declaration of any Government Department) and of the said functions—
 - (a) those mentioned in Part I of that Schedule shall not be exercisable by any other authority;
 - (b) those mentioned in Part II of that Schedule shall not be exercisable by a county council in any borough or urban district but save as aforesaid shall, in so far as they are exercisable by local authorities, be exercisable by those authorities as well as by the Minister;
 - (c) those mentioned in Part III of that Schedule shall not be exercisable by a county council in any borough or urban district and shall not be exercisable by any local authority except with the consent of the Minister;and those enactments shall have effect accordingly, but subject, in the case of the enactments specified in the said Parts I and II, to the modifications specified in the second column of those Parts.
- (3) Where the Minister is satisfied that functions substantially similar to those conferred by the enactments specified in the Third Schedule to this Act have been conferred on any local authority by a private or local Act, he may after consultation with the local authority by order direct that the provisions of the last foregoing subsection shall

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

apply in relation to the functions conferred by the private or local Act in like manner as they apply to the similar functions conferred by the enactments specified in the said Schedule, and may by the same order specify the modifications subject to which the provisions of the private or local Act are accordingly to have effect.

- (4) Where by any enactment empowering statutory undertakers to execute works in, under, upon, over, along or across any road, the undertakers are required—
- (a) to give notice to a local authority, or to obtain the consent or approval of a local authority;
 - (b) to carry out the works under the superintendence of a local authority;
 - (c) to reinstate the road to the satisfaction of a local authority; or
 - (d) to do anything in relation to a county road;

any such requirement and any provisions of such an enactment empowering the local authority to act in default of the undertakers or otherwise to enforce any such a requirement shall, in relation to trunk roads, have effect as if for references to the local authority there were substituted references to the Minister and as if for references to a county road there were substituted references to a trunk road; and notwithstanding the provisions of any enactment as to the determination of disputes in connection with the execution of any such works arising between the statutory undertakers and any authority, any such disputes arising between the statutory undertakers and the Minister shall be determined by an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (5) Except where the foregoing provisions of this section otherwise require, any document (including any enactment) relating to the functions of a local authority as respects county roads, or roads chargeable to a county shall, in relation to functions not transferred to the Minister under this Act, be construed as if references therein to such roads included references to trunk roads.
- (6) Section nine of the Development and Road Improvement Funds Act, 1909 (which contains provisions as to roads constructed by the Minister under Part II of that Act), shall not apply in relation to any trunk road.
- (7) Nothing in this section shall affect the liability of any authority or person to maintain and repair the Conway Bridge or any road which immediately before it became a trunk road was not repairable by a local authority.