



Trunk Roads Act 1936

1936 CHAPTER 5

4 Modification of 25 & 26 Geo.5 c.47.

- (1) Subject to the provisions of this section, the functions of the highway authority under section one and section two of the Restriction of Ribbon Development Act, 1935 (hereinafter in this section referred to as " the Act of 1935 ") shall not be exercisable by the Minister, but shall, in relation to trunk roads, be exercisable by the county council, or where those functions were immediately before the road became a trunk road exercisable by some other council, by that council; and in this section the expression " the authority " means the authority by whom the said functions are exercisable:

Provided that subsection (4) of section thirty-two of the Local Government Act, 1929, shall apply with respect to the relinquishment of the said functions by councils of boroughs and urban districts as it applies to the relinquishment of functions with respect to the maintenance and repair of county roads by such councils.

- (2) The restrictions specified in section two of the Act of 1935 shall apply to every trunk road notwithstanding that it may not have been a classified road on the seventeenth day of May, nineteen hundred and thirty-five, and that the said section may not have been adopted with respect thereto.
- (3) In relation to a trunk road the authority shall not give any consent under section one of the Act of 1935 or, in a case where a standard width has not been adopted, under section two of that Act except after consultation with the Minister, and the Minister may require the authority to withhold consent or to attach to the giving of their consent such conditions as he may direct:

Provided that—

- (a) the Minister shall not require the authority to withhold any consent or attach any conditions which they are not empowered by the Act of 1935 to withhold or attach;
- (b) the Minister may give notice in writing to the authority that in such cases and subject to such conditions as may be specified in the notice consents may be given under either of the said sections without consultation with the Minister.

Status: This is the original version (as it was originally enacted).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

- (4) Where an application is made for the consent of the authority under section one or section two of the Act of 1935 in a case where the Minister is required to be consulted, the authority shall, within fourteen days of the delivery of the application—
- (a) send to the Minister sufficient particulars thereof, and
 - (b) serve notice on the applicant that the application cannot be granted except after consultation with the Minister,

and subsection (5) of section seven of the Act of 1935 (which provides that if the decision of the highway authority is not communicated to the applicant within two months of the application their consent shall be deemed to have been given unconditionally) shall have effect, in relation to any such application as aforesaid, as if for the reference to a period of two months there were substituted a reference to a period of three months.

- (5) Where compensation is payable by the authority under section nine of the Act of 1935 by reason of a restriction in force under section one or section two of that Act, the Minister shall pay to the authority such sum as represents the amount, if any, payable by the authority in consequence of any requirement made by him under this section, and any question whether any such sum is payable by the Minister, or as to the amount of any such sum, shall, in default of agreement, be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that—

- (a) where the compensation is payable by the authority in pursuance of an agreement made by them with the claimant without the approval of the Minister, no sum shall be payable by the Minister as aforesaid, except such sum as he may agree to pay; and
- (b) the arbitrator shall, in determining whether any sum is payable by the Minister as aforesaid, or as to the amount of any such sum, take into account any undertaking given or proposed to be given by the Minister to the authority, and shall treat any such undertaking as modifying the restriction aforesaid in the same manner and to the same extent as if the like undertaking were given or proposed to be given by the authority to the claimant.

In any proceedings relating to the payment of any such sum or to the payment by the authority of such compensation as aforesaid in any case where the Minister has made requirements under this section, the Minister shall be entitled to appear and be heard.

- (6) In relation to trunk roads the power of a highway authority under section thirteen of the Act of 1935 of acquiring land for the purposes of the construction or improvement of a road shall be exercisable by the Minister, but the other powers of acquiring land under the said section shall be exercisable by the authority and not by the Minister.
- (7) The Act of 1935 shall in relation to trunk roads have effect subject to the further modifications specified in the Fourth Schedule to this Act.