



# Trunk Roads Act 1946

## 1946 CHAPTER 30

### 2 General provisions as to orders under section I

- (1) The provisions of the Second Schedule to this Act shall be complied with in connection with the making of an order under subsection (2) of section one of this Act; and if objection to the order is duly made in accordance with the provisions of the said Schedule by a council who are responsible for the maintenance of any road to which the order relates, or who will become so responsible by virtue of the order, and is not withdrawn, the order shall be provisional only and shall be subject to special parliamentary procedure.
- (2) Where any such order directs that an existing road shall become a trunk road, or that a road shall cease to be a trunk road, the date to be specified in that behalf in the order shall be the first day of April next after the date on which the order takes effect, or, where the order directs both that a road shall cease to be a trunk road and that a road proposed to be constructed by the Minister on a new route in substitution therefor shall become a trunk road, the first day of April next after the date on which notice is given by the Minister to the council who will become responsible for the maintenance of the first-mentioned road that the new route is opened for the purposes of through traffic.
- (3) Where any such order directs that a road shall cease to be a trunk road, then, as from the date specified in that behalf in the order, the following authority, that is to say—
  - (a) where the road is situated within a rural district, a county borough or a metropolitan borough, the council of the county comprising that district or the council of the county borough or metropolitan borough, as the case may be ;
  - (b) where the road is situated within any other borough or within an urban district, the council of the county comprising that borough or district, or the council of the borough or district, according as the road is or is not designated by the order as a classified road,

shall become the highway authority for the road :

Provided that in the case of a road in the county of London—

- (a) where the road includes a bridge or tunnel which, immediately before the road became a trunk road, was vested in the London County Council, that council shall become the highway authority for the bridge or tunnel and so much of

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*Status: This is the original version (as it was originally enacted).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

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- the road as is carried thereby, but without prejudice to any liability of the council of any metropolitan borough to maintain and repair the carriageways and footways over any such bridge; and
- (b) if the Minister, after consultation with the London County Council and the council of the metropolitan borough in which the road is situated, considers that any other bridge or tunnel forming part of the road ought to be vested in the London County Council, the order may direct that that council shall become the highway authority for that bridge or tunnel and so much of the road as is carried thereby.
- (4) A road for which the council of a county or of a county borough become the highway authority by virtue of the last foregoing subsection shall be deemed to be a county road, and in relation to a road for which the council of a county so become the highway authority section thirty-two of the Local Government Act, 1929 (which entitles the councils of certain boroughs and urban districts to claim the functions of maintenance and repair of county roads), shall have effect as if the road had become a county road on the date on which the order takes effect, but any functions of maintenance and repair claimed under the said section shall not be exercisable until the date on which the road becomes a county road.
- (5) If any order made under section one of this Act, being an order which directs that a road proposed to be constructed by the Minister shall become a trunk road, is revoked or varied by a subsequent order made at any time before the date on which that road is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of this section to be an order directing that a road shall cease to be a trunk road.