

*Status: Point in time view as at 28/05/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Wales) Act 1994, SCHEDULE 7. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

Section 22(1).

#### HIGHWAYS, ROAD TRAFFIC AND TRANSPORT

##### PART I

##### HIGHWAYS

###### *The Highways Act 1980 (c. 66)*

- 1 (1) Section 1 of the Highways Act 1980 (which makes general provision for determining the highway authority) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) In Wales the council of a county or county borough are the highway authority for all highways in the county or, as the case may be, the county borough, whether or not maintainable at the public expense, which are not highways for which the Minister is the highway authority under subsection (1) above.”
- (3) After subsection (4) add—
- “(5) Subsection (3A) above is subject to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the Welsh council for the area in which the highway is situated are the highway authority.”

##### Commencement Information

- II** Sch. 7 Pt. I para. 1 wholly in force at 1.4.1996; Sch. 7 Pt. I para. 1 not in force at Royal Assent see s. 66; Sch. 7 Pt. I para. 1 in force at 3.4.1995 for certain purposes by S.I. 1995/852, art. 4(1), Sch. 2 (subject to art. 4(2)-(6)); Sch. 7 Pt. I para. 1 in force at 1.4.1996 by S.I. 1996/396, art. 3, Sch. 1

- 2 (1) Section 6 of that Act (delegation etc. of functions with respect to trunk roads) is amended as follows.
- (2) After subsection (1A) of that section insert—
- “(1B) The Minister shall not delegate functions to a council under subsection (1) above with respect to a trunk road or land outside their area but in Wales except after consultation with the Welsh council in whose area it is situated; and subsection (1A) does not apply in relation to a trunk road or land in Wales.”.
- (3) In subsection (6) of that section—
- (a) after “the county council” insert “(the “responsible council”)”;

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- (b) after first “district council” insert “ or Welsh council (the “contracting council”) ”; and
- (c) for “district” in the second place in which it occurs substitute “ contracting ”.
- (4) In subsection (6A) of that section, for “district council” substitute “ contracting council ” and after paragraph (b) insert—
- “(c) with respect to a trunk road or land in Wales but outside the area—
- (i) of the responsible council; and
- (ii) of the contracting council,
- except after consultation with the Welsh council in whose area the trunk road or land is situated.”
- 3 In section 8(4) of that Act (restrictions on certain agreements between local highway authorities)—
- (a) after first “county” insert “ (other than one in Wales) ”;
- (b) after “another county” insert “ or county borough ”;
- (c) for “the counties” substitute “ their areas ”;
- (d) after “or of a county” insert “ or county borough ”; and
- (e) after “the other county” insert “ or, as the case may be, county borough ”.
- 4 In section 36(7) of that Act (highways maintainable at public expense), after “the council of a county” insert “ in England ”.
- 5 In section 47(3) of that Act (procedure for applications with regard to unnecessary highways), after “relating to any highway” insert “ in England ”.
- 6 In section 67 of that Act (guard-rails in private streets), in subsection (5), at the end add “but, in relation to a street in Wales, means a Welsh council”.
- 7 In section 69 of that Act (subways), in subsection (3) at the end add “or, in the case of a road in Wales, as if the Welsh council in whose area it is situated were the highway authority for it”.
- 8 In section 79 of that Act (prevention of obstruction at corners), after subsection (3) insert—
- “(3A) In relation to any land in Wales—
- (a) subsection (3) above does not apply; but
- (b) if the Minister is the highway authority, he shall not serve a notice restraining the erection of any building on the land except with the consent of the Welsh council in whose area the land is situated.”
- 9 In section 100 of that Act (drainage of highways), after subsection (6) insert—
- “(6A) In subsection (6) above, “the district council” shall be read, in relation to Wales, as “the Welsh council”.
- (6B) Where the highway authority are a Welsh council—
- (a) subsection (6) above does not apply; but
- (b) before exercising any powers under sections 158, 159, 163, 165 and 168 of the <sup>M1</sup>Water Industry Act 1991 by virtue of subsection (5) above, they shall give notice of their intention to do so—
- (i) to the sewerage undertaker; and

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(ii) where they propose to exercise those powers outside their county or county borough, to the Welsh council or, as the case may be, the district council within whose area the powers are proposed to be exercised.”

#### Marginal Citations

M1 1991 c. 56.

- 10 In section 114 of that Act (provision of public conveniences), after subsection (2) insert—
- “(2A) In subsection (2) above, the reference to the council of the district in which the conveniences will be situated shall be read in relation to Wales as a reference to the Welsh council in whose area the conveniences will be situated.
- (2B) Where the highway authority referred to in subsection (1) above are or, as the case may be, will be a Welsh council—
- (a) subsection (2) above does not apply; but
- (b) before providing any conveniences under subsection (1) above outside their county or county borough they shall give notice of their intention to do so to the Welsh council or, as the case may be, the district council in whose area the conveniences will be situated.”
- 11 In section 116(3) of that Act (notice of application to stop up or divert highway), after paragraph (a) insert—
- “(aa) if the highway is in Wales, the Welsh council for the area in which it is situated if they are not the highway authority for it; and”;
- and after “by the district council” insert “ or Welsh council ”.
- 12 In section 120 of that Act (exercise of powers under sections 118 to 119A), in subsection (2)(a), for “the” immediately before “other council” substitute “ any ”.
- 13 In section 151 of that Act (prevention of soil etc. being washed on to street), after subsection (1) insert—
- “(1A) In relation to a street in Wales, the competent authorities for the purposes of this section are the highway authority for the street and, if different, the Welsh council in whose area the street is situated.”
- 14 In section 154 of that Act (overhanging and dangerous trees etc.), after subsection (1) insert—
- “(1A) In subsection (1)(a) above, any reference to a district includes a reference to a Welsh county or county borough.”
- 15 In section 166 of that Act (forecourt abutting on streets), in subsection (5), after “Middle Temple,” insert “ a Welsh council ”.
- 16 In section 185 of that Act (power to install refuse or storage bins in streets), in subsection (1)(a), for “also” substitute “ if different ”.
- 17 In section 204(2) of that Act (advance payments code), at the end add—

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- “(3) The areas in which the advance payments code applies by virtue of subsection (2)(b) above shall be taken to include any area in Wales—
- (a) which is, or is in, a county borough; and
  - (b) in which the code applied immediately before 1st April 1996 by virtue of that subsection.”
- 18 (1) Section 205 of that Act (street works in private streets), is amended as follows.
- (2) After subsection (4) insert—
- “(4A) In the case of a street in Wales—
- (a) subsection (4) above does not apply; but
  - (b) if the street works referred to in the resolution under subsection (1) above—
    - (i) are to be carried out in a part of the street which is treated as being in the area of a street works authority other than the local Welsh council for it; and
    - (ii) include the sewerage of the street,
 the proper officer of the council which are the street works authority shall, when preparing the specification required by subsection (3) above, consult the local Welsh council for it.”
- (3) At the end of subsection (5) add—
- “and, in the case of any part of a street in Wales which is treated as being in the area of a street works authority which are not the local Welsh council for it, at the offices of the local Welsh council.
- (5A) For the purposes of this section, the local Welsh council for a street in Wales are the council of the county or county borough in which it is situated.”
- 19 In section 210 of that Act (power to amend specification, apportionment, etc), at the end of subsection (2) insert “ and, in the case of any part of a street in Wales, the Welsh council for the county or county borough in which it is situated, if different from the street works authority in whose area it is treated as situated. ”
- 20 In section 219 of that Act, (exceptions to application of advance payments code), after subsection (4) insert—
- “(4A) In subsection (4)(c) above, “district council” is to be read in relation to plans deposited on or after 1st April 1996 for a building to be erected in Wales as “Welsh council”.”
- 21 In section 220 of that Act (determination of payments under advance payments code), in subsection (1), after first “subsection (2)” insert “ or (2A) ”, after “district council” insert “ or Welsh council ” and for second “subsection (2)” substitute “subsections (2) and (2A)” and, after subsection (2), insert—
- “(2A) Where any required plans which—
- (a) are deposited with a Welsh council; and
  - (b) relate to the erection of a building in an area—
    - (i) in which the advance payments code is in force; but
    - (ii) which is treated as being within the area of a street works authority other than that Welsh council,

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are passed, the Welsh council shall, in any case to which section 219 above may be applicable, within one week inform the street works authority of that event.”

22 In section 223 of that Act (determination to cease to have effect when plans not proceeded with), at the end add—

“(7) In any case—

- (a) to which this section may be applicable; and
- (b) which relates to plans for the erection of a building in any part of a street in Wales which is treated as being in the area of a street works authority other than the Welsh council for the county or county borough in which it is situated,

the Welsh council shall within one week inform the street works authority of the happening of any event of a kind described in paragraphs (a) to (c) of subsection (6) above.”

23 In section 232 of that Act (power to treat as a private street land designated by development plan), in subsection (9), for “27” substitute “ 27, 27A ”.

24 In section 264 of that Act (vesting of drains etc. of certain roads), at the end insert—

“(4) Subsection (3)(a) above does not apply in Wales.”

25 After section 272(5) of that Act (advances for purposes of works under section 96) insert—

“(5A) In relation to any work done in exercise of their powers under section 96 by a Welsh council in a highway within their area for which they are not the highway authority, subsection (5) above applies as though the reference to a district council were a reference to the Welsh council.”

26 In section 287 of that Act (power to erect barriers in streets in cases of emergency etc.), in subsection (6), at the end add “but, in relation to Wales, means a Welsh council”.

27 (1) Section 329 of that Act (further provision as to interpretation) is amended as follows.

(2) In subsection (1)—

- (a) in the definition of “local authority”, at the end add “but, in relation to Wales, means a Welsh council”; and
- (b) at the end add—

““Welsh council” means the council of a Welsh county or county borough.”

(3) After subsection (2) insert—

“(2A) In this Act—

- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in

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relation to Wales as references to counties and county boroughs) shall not apply.”

(4) After subsection (3) of that section insert—

“(3A) In a case where two or more communities are grouped under a common community council, references in this Act to a community are to be construed as references to those communities.”

**Commencement Information**

**I2** Sch. 7 para. 27 wholly in force at 1.4.1996; Sch. 7 para. 27 not in force at Royal Assent see s. 66; Sch. 7 para. 27(4) in force at 1.10.1995 by S.I. 1995/2490, art. 4(1), Sch. 2 (subject to art. 4(2)(3)); Sch. 7 para. 27(1)–(3) in force at 1.4.1996 by S.I. 1996/396, art. 3, Sch. 1

28 In Schedule 9 to that Act (improvement lines and building lines), after paragraph 2 insert—

“2A Paragraph 2 above does not apply in relation to a street or highway in Wales.”

29 In Schedule 12 to that Act (provisions as to orders under section 116 of that Act), in paragraph 1(d) after “district council” insert “ if the highway is a classified road in a Welsh county or county borough and the council of that county or county borough is not the highway authority, to the council of that county or county borough ”.

*The Conwy Tunnel (Supplementary Powers) Act 1983 (c. 7)*

30 In section 8(4)(b) of the Conwy Tunnel (Supplementary Powers) Act 1983 (provisions supplementary to section 7), for “the Aberconwy Borough Council” substitute “ the Aberconwy and Colwyn County Borough Council ”.

*The Level Crossings Act 1983 (c. 16)*

31 In section 1(11) of the Level Crossings Act 1983 (interpretation), in the definition of “local authority”—

- (a) omit “and Wales”, and
- (b) after “City of London” insert “, in relation to Wales, means any council of a county or county borough”.

*The New Roads and Street Works Act 1991 (c. 22)*

32 (1) In section 94 of the New Roads and Street Works Act 1991 (power of street authority or district council to undertake street works), after subsection (1) insert—

“(1A) In subsection (1), the reference to a district council, is to be read, in relation to Wales, as a reference to a county council or a county borough council.”

(2) In paragraph 2 of Schedule 2 to that Act (procedure in connection with toll orders), in sub-paragraph (3), after “City of London” insert “ but, in relation to Wales, means a county council or county borough council ”.

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*The Severn Bridges Act 1992 (c. 3)*

- 33 (1) In section 39(1) of the Severn Bridges Act 1992 (interpretation), in the definition of “local authority”, at the end insert “ but, in relation to Wales, means a county council or a county borough council ”.
- (2) In paragraph 8 of Schedule 2 to that Act (correction of deposited plans), in subparagraph (3), for “Monmouth Borough Council” substitute “ Monmouthshire County Council ”.
- (3) In of Schedule 3 to that Act (other highway works)—
- (a) in paragraph 6(4)(b), for “Gwent County Council” substitute “ Monmouthshire County Council ”; and
  - (b) in paragraph 8(3), omit “Gwent County Council”.

*The Transport and Works Act 1992 (c. 42)*

- 34 (1) In section 11 of the Transport and Works Act 1992 (inquiries and hearings), in subsection (4), after “the Council of the Isles of Scilly” insert “ , a county borough council, ”.
- (2) In section 14 of that Act (publicity for making or refusal of orders), in subsection (7), at the end insert “ but are, in relation to Wales, county councils and county borough councils ”.
- (3) In section 48 of that Act (footpaths and bridleways over railways), in subsection (8), in the definition of “local authority” after “City of London” insert “ , a county borough council, ”.

## PART II

### ROAD TRAFFIC AND TRANSPORT

*The Transport Act 1968 (c. 73)*

- 35 In section 159 of the Transport Act 1968 (interpretation), at the end add—
- “(3) In this Act—
- (a) any reference to a county (other than one to a metropolitan county) shall be construed in relation to Wales as including a reference to a county borough;
  - (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
  - (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”

*The Public Passenger Vehicles Act 1981 (c. 14)*

- 36 In section 82 of the Public Passenger Vehicles Act 1981 (general interpretation provisions), at the end add—

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“(3) In this Act—

- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”

*The Transport Act 1981 (c. 56)*

37 In section 35 of the Transport Act 1981 (charges for licensing of cabs and cab drivers), after subsection (3) insert—

“(3A) In subsection (3) above, references to a district council shall be read, in relation to Wales, as references to a county council or a county borough council.”

*The Road Traffic Regulation Act 1984 (c. 27)*

38 (1) In section 39 of the Road Traffic Regulation Act 1984 (supplementary provisions as to exercise of powers under sections 32 to 35 in England or Wales), in subsection (4), omit “a district council in Wales proposes to make an order under section 32 or 35 of this Act, or”, and after subsection (7) insert—

“(7A) Subsection (7) above does not apply in Wales.”

- (2) In section 44 of that Act (control of off-street parking outside Greater London)—
  - (a) in subsection (1)(a), for “Welsh counties” substitute “ Welsh counties or county boroughs, by the county council or (as the case may be) county borough council ”; and
  - (b) in subsection (3)(b) omit “and counties in Wales”.
- (3) In section 45(7) of that Act (definition of “local authority” for purposes of sections making provision for parking on highways)—
  - (a) in paragraph (b), for the words “or of a district” substitute “ or county borough ”; and
  - (b) omit “in England and Scotland” and the words from “and in Wales” to the end.
- (4) In section 49 of that Act (supplementary provisions as to designation orders and designated parking places), omit subsection (3).
- (5) Omit section 54 of that Act (designation orders in Wales).
- (6) In section 55 of that Act (financial provisions relating to designation orders)—
  - (a) in subsections (2) and (4)(a) after “general fund” insert “ or, in Wales, council fund ”; and
  - (b) omit subsection (6).



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- (7) In section 59 of that Act (consents for, and provisions as to use of, parking places under section 57(1)(b)), in subsection (2), in paragraph (b) omit “or community” and after that subsection insert—
- “(2A) In subsection (2) above, paragraph (b) and the words which follow it do not apply in relation to Wales.”
- (8) In section 100 of that Act (interim disposal of vehicles removed under section 99), in subsection (5), in paragraph (b) of the definition of “local authority”, for “or of a district” substitute “or county borough”.
- (9) In section 125(4) of that Act (boundary roads), omit the words from “or, in relation to” to the end.
- (10) In section 142 of that Act (interpretation), after subsection (1) insert—
- “(1A) In this Act—
- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
  - (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
  - (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”
- (11) In Schedule 9 to that Act (special provisions as to certain orders)—
- (a) omit paragraph 11;
  - (b) in paragraph 24, for “sections 39 and 54” substitute “section 39”; and
  - (c) in paragraph 27(2), omit “54(5)”.

*The Transport Act 1985 (c. 67)*

- 39 (1) In section 63(4) of the Transport Act 1985 (functions of local councils with respect to passenger transport outside passenger transport areas), omit “and Wales”.
- (2) In section 64(1) of that Act (consultation and publicity with respect to policies as to services), omit “and Wales”.
- (3) In section 66(1) of that Act (exclusions of powers of certain councils to run bus undertakings) for “and Wales” substitute “a county council or county borough council in Wales”.
- (4) Section 81 of that Act (provision, maintenance and operation of bus stations) is amended as provided in subsections (5) to (7).
- (5) After subsection (2) insert—
- “(2A) Where, immediately before 1st April 1996, a council (the “former council”) had power, by virtue of subsection (2) above, to maintain, repair and operate a bus station and any associated facilities, that power is, on and after that date, exercisable—
- (a) where the bus station and any such associated facilities—

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- (i) was or were, immediately before 1st April 1996, situated wholly within the area of the former council, and
- (ii) is or are, on and after that date, situated wholly within a single Welsh county or county borough,
- by the council of that county or county borough; and
- (b) in any other case, by such Welsh county council or county borough council as the Secretary of State may by order designate.”
- (6) After subsection (5) of that section insert—
- “(5A) Any Welsh county council or county borough council by whom any power is exercisable in relation to a bus station and any associated facilities by virtue of subsection (2A) above shall have power—
- (a) to make reasonable charges for the use of accommodation for public service vehicles at that bus station; and
- (b) to make reasonable charges for the use of, or let on hire to any person, those facilities (if any).”
- (7) In subsection (6) of that section, for “(3) or (5)” substitute “ (3), (5) or (5A) ”.
- (8) In section 87 of that Act (interpretation of Part IV), at the end add—
- “and
- (f) references to a district council shall be read, in relation to Wales, as references to a county council or county borough council, and references to a district shall be so read as references to a county or, as the case may be, county borough.”
- (9) In section 105 of that Act (travel concessions on services provided by local authorities), after subsection (2) insert—
- “(2A) In subsection (2) above, the reference to the general fund shall be read, in relation to Wales, as a reference to the council fund.”
- (10) In section 137 of that Act (general interpretation), after subsection (2) insert—
- “(2A) In this Act—
- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”

*The Road Traffic Act 1988 (c. 52)*

- 40 (1) In section 192 of the Road Traffic Act 1988 (general interpretation of Act), after subsection (1) insert—
- “(1A) In this Act—
- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough; and

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- (b) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.”

- (2) In paragraph 1(b) of Schedule 2 to that Act (deferred tests of condition of vehicles)—
  - (a) omit “and Wales”; and
  - (b) after “Greater London” insert “in such county or county borough in Wales”.

*The Road Traffic Offenders Act 1988 (c. 53)*

- 41 (1) Section 4 of the Road Traffic Offenders Act 1988 (offences for which local authorities in England and Wales may institute proceedings) is amended as follows.

- (2) In subsection (5)—
  - (a) for “or district” substitute “or county borough”; and
  - (b) omit the words from “except, in Wales,” to the end.

- (3) After subsection (7) add—

“(8) In relation to Wales, any reference in subsections (1) to (4) above to a county shall be read as including a reference to a county borough.”

*The Road Traffic Act 1991 (c. 40)*

- 42 In section 47 of the Road Traffic Act 1991 (applications for licences to drive hackney carriages etc.), after subsection (2) add—

“(3) In subsection (2), the reference to a district council shall be read in relation to Wales as including a reference to a county council or county borough council.”

- 43 In Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside London)—

- (a) in paragraphs 1(1)(a) and 2(1)(a), omit “and Wales”;
- (b) after paragraphs 1(1)(a) and 2(1)(a) insert, in both places—
  - “(aa) with respect to the whole, or any part, of their area, by a county council or county borough council in Wales;”; and
- (c) omit paragraphs 1(1)(e) (except the word “or” immediately before paragraph (f)) and (2) and 2(2).

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