
STATUTORY INSTRUMENTS

1964 No. 1464

The London Authorities (Property etc.) Order 1964

Ancillary provision in relation to highways and bridges

6.—(1) Where by virtue of the Act any authority (hereinafter referred to as “the new highway authority”)—

- (a) becomes the highway authority for any highway (hereinafter referred to as “case (a)”),
- (b) becomes the highway authority for the highways in any area (hereinafter referred to as “case (b)”)

then—

(i) in case (a)—

the interest of the former highway authority in the highway, in so far as such interest is not vested in the new highway authority by virtue of section 226 of the Highways Act 1959 (which applies to Greater London by virtue of section 16(2) of the Act),

any land held by the former highway authority for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway,

any specified equipment on or near the highway, and

all liabilities attaching to the former highway authority in respect of such interest (whether vested in the new highway authority by virtue of the said section 226 or this paragraph), land or specified equipment;

in case (b)—

any land held for the construction of highways for which the new highway authority will be the highway authority, and

all liabilities attaching to the former highway authority in respect of such land;

shall by virtue of this order be transferred to and vest in or attach to the new highway authority;

(ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or this paragraph) or in respect of the land, equipment or liabilities transferred by sub-paragraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall be of full force and effect in favour of, or against, the new highway authority; and

(iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or

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this paragraph) or in respect of the land, equipment or liabilities transferred by sub-paragraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the new highway authority.

In this paragraph, “specified equipment” means—

- (a) traffic signs other than signs for indicating speed restrictions and, outside Greater London, pedestrian crossing marks and signs, and bollards and other obstructions for preventing the passage of vehicles, being the property of the former highway authority; and
- (b) in relation to any metropolitan road, lamps, lamp posts and other apparatus for the lighting thereof.

(2) Any county bridge in Greater London which is not vested in the highway authority for the highway carried by the bridge by virtue of any other provision shall by virtue of this order be transferred to and vest in the highway authority for such highway, and

- (a) all liabilities attaching to any authority in respect of the bridge shall by virtue of this order be transferred to and attach to such highway authority;
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall be of full force and effect in favour of, or against, such highway authority; and
- (c) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, such highway authority.

(3) Nothing in this article shall apply to any drain belonging to a highway which is on 1st April 1965 a metropolitan road or any other drain or sewer which is on that date used for any purpose in connection with the drainage of a metropolitan road, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto.

(4) Any expression in this article which is also used in the Highways Act 1959 shall have the same meaning as in that Act.