
STATUTORY INSTRUMENTS

1997 No. 204

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Authorities (Goods and Services)
(Public Bodies) (Trunk Roads) (No. 1) Order 1997**

<i>Made</i>	- - - -	<i>28th January 1997</i>
<i>Laid before Parliament</i>		<i>6th February 1997</i>
<i>Coming into force</i>	- -	<i>3rd March 1997</i>

The Secretary of State for Transport and the Secretary of State for Wales, acting jointly in relation to England and Wales, in exercise of the powers conferred by section 1(5) and (6) of the Local Authorities (Goods and Services) Act 1970(1), hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Local Authorities (Goods and Services) (Public Bodies) (Trunk Roads) (No. 1) Order 1997 and shall come into force on 3rd March 1997.

Interpretation

2. In this Order, unless the context otherwise requires:

“the 1980 Act” means the Highways Act 1980(2);

“DBFO contract” means a contract between the Secretary of State for Transport or the Secretary of State for Wales and another person pursuant to which such other person undertakes responsibility for the design, building, financing and operation of a trunk road for an agreed period;

“management agent” means a person who has entered into a management agency contract with the Secretary of State for Transport or with the Secretary of State for Wales and where the context so admits includes a sub-contractor of such person;

“management agency contract” means a contract (other than a DBFO contract) between the Secretary of State for Transport or the Secretary of State for Wales and another person pursuant to which such other person undertakes responsibility for managing any maintenance

(1) 1970 c. 39. The power conferred on the Minister of Housing and Local Government is exercisable by the Secretary of State: paragraphs 2(1) and 5(2) of S.I. 1970/1681.

(2) 1980 c. 66.

or improvement of, or other dealing with, any length of trunk road and any trunk road connected land;

“trunk road” has the meaning given in section 329(1) of the 1980 Act;

“trunk road connected land” means any land which does not form part of a trunk road but which has been acquired by the Secretary of State for Transport or the Secretary of State for Wales in connection with a trunk road under section 239(2) or (4) or section 246 of the 1980 Act;

“unitary district” means a district (other than a metropolitan district) where the district council is the sole principal council for that local government area;

“unitary district council” means a district council (other than a metropolitan district council) which is the sole principal council for its local government area;

“works contractor” means a person who has entered into a works contract with the Secretary of State for Transport or the Secretary of State for Wales and where the context so admits includes a sub-contractor of such person;

“works contract” means a contract (other than a DBFO contract or a management agency contract) between the Secretary of State for Transport or the Secretary of State for Wales and another person pursuant to which such other person undertakes to carry out works of maintenance, improvement or construction in connection with a trunk road and trunk road connected land.

Designation of public bodies

3. A person of a description specified below, appearing to the Secretary of State for Transport and the Secretary of State for Wales to be exercising functions of a public nature, shall be a public body for the purposes of the Local Authorities (Goods and Services) Act 1970 in its application to England and Wales—

- a management agent,
- a works contractor.

Restrictions on agreements which may be entered into by a management agent or a works contractor

4. A management agent and a works contractor may only enter into an agreement with a local authority by virtue of this Order if it is a local highway authority (sub-contract) agreement within the meaning of article 5 below.

Local highway authority (sub-contract) agreement

5. An agreement is a local highway authority (sub-contract) agreement if it is an agreement to which each of the following subparagraphs of this article applies—

- (a) it is an agreement between a management agent or a work contractor and a local authority, which is a county council, a county borough council, a unitary district council, a metropolitan district council, or a London borough council, with respect to a trunk road or trunk road connected land which is the subject of such agent’s management agency contract or such contractor’s works contract, where:—
 - (i) such road or land is inside the local authority’s area; or
 - (ii) if such road or land is outside the local authority’s area but within a London borough, a unitary district or a non-metropolitan county in England, the council of that borough, district or county has consented to the agreement between the local authority and the management agent or works contractor; or

- (iii) if such road or land is outside the local authority's area, but within a metropolitan district, or within a county or county borough in Wales, the authority has consulted the council of that district, county or county borough prior to entering into the agreement with the management agent or works contractor;
- (b) it is an agreement made by acceptance of the local authority's offer to carry out the obligations under the agreement where:—
 - (i) the local authority made the offer in response to an invitation by the management agent or works contractor to submit offers; and
 - (ii) if such persons are known to exist upon reasonable enquiry by the management agent or works contractor, the invitation was made to other persons who were willing to carry out work of the kind concerned, including at least one person who was not a local authority.

Signed by authority of the Secretary of State for Transport

24th January 1997

John Watts
Minister of State
Department of Transport

Signed by authority of the Secretary of State for Wales

28th January 1997

Gwilym Jones
Parliamentary Under Secretary of State Welsh
Office

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates a management agent and a works contractor under the Local Authorities (Goods and Services) Act 1970.

The effect of the designation is to allow local highway authorities to provide goods and services in connection with trunk roads and trunk road connected land to—

- (a) management agents
- (b) works contractors

providing the conditions in articles 4 and 5 are fulfilled.

A management agent is a person who has entered into a management agency contract with the Secretary of State for Transport or Wales or a sub-contractor of such person and a works contractor is a person who has entered into works contract with either Secretary of State or a sub-contractor of such person. It is to be noted that DBFO contracts are not within the scope of management agency contracts or works contracts. Local highway authorities already have power to enter into contracts with DBFO contractors by virtue of articles 3 to 5 of the Local Authorities (Goods and Services) (Public Bodies) (Trunk Roads) Order 1996 (S.I.1996/342).

The definition of a works contractor includes not merely a person who has entered into a contract with either Secretary of State for the carrying out of specific works, but also a person who has entered into a contract with either Secretary of State for an agreed period for the carrying out of such works as may be required during that period.