
STATUTORY INSTRUMENTS

2009 No. 721

The Contracting Out (Highway Functions) Order 2009

Revocation and transitional provisions

4.—(1) Subject to paragraphs (3) and (4), the provisions of the 1995 Order, other than those mentioned in paragraph (2), are revoked.

(2) The provisions referred to in paragraph (1) are—

- (a) article 1(1);
- (b) the definition of “the 1980 Act” in article 1(2); and
- (c) article 3.

(3) This paragraph applies in relation to any street works of which notice has been given to the Secretary of State, as the street authority for a street(1), under section 54(1), 55(1) or 57 of the 1991 Act before 1st April 2008.

(4) Where paragraph (3) applies—

- (a) paragraphs 1(o), 11 and 12 of Schedule 2 (and article 3(1) insofar as it relates to them) have no effect; and
- (b) paragraphs 1(l) and 10 of Schedule 2 to the 1995 Order (and article 2 of that Order insofar as it relates to them) shall continue to have effect(2).

(5) Subject to paragraphs (6) and (7), the 1999 Order is revoked.

(6) This paragraph applies in relation to any street works of which notice has been given to a local highway authority, as the street authority for a street, under section 54(1), 55(1) or 57 of the 1991 Act before 1st April 2008.

(7) Where paragraph (6) applies—

- (a) paragraphs 1(o), 11 and 12 of Schedule 2 (and article 3(2) insofar as it relates to them) have no effect; and
- (b) paragraphs 1(1) and 10 of Schedule 2 to the 1999 Order (and article 2 of that Order insofar as it relates to them) shall continue to have effect(3).

(8) The 2001 Order is revoked.

(9) Subject to paragraph (10), article 3 (contracting out of highway functions) of the Transport for London (Best Value) (Contracting Out of Investment and Highway Functions) Order 2006(4) is revoked.

(1) Section 48(1) of the New Roads and Street Works Act 1991 (c.22) contains a definition of “street” and section 49(1) contains a definition of “street authority”.

(2) See regulation 19 (transitional arrangements) of both the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (S.I. 2007/1951) and the Street Works (Registers, Notices, Directions and Designations) (Wales) Regulations 2008 (S.I. 2008/101 (W.14)) and article 8 (duty to notify street authority of reinstatement) of the Traffic Management Act 2004 (Commencement No.4 and Transitional Provisions) (England) Order 2007 (S.I. 2007/1890 (C.71)) and article 9 of the Traffic Management Act 2004 (Commencement No.2 and Transitional Provisions) (Wales) Order 2007 (S.I. 2007/3174 (W.279) (C.130)).

(3) See footnote (b).

(4) S.I. 2006/91. This Order (“the 2006 Order”) was made under section 70 of the Deregulation and Contracting Out Act 1994 (c.40) as applied by section 18 of the Local Government Act 1999 (c.27) to a best value authority. Transport for London was a best value authority for the purposes of Part 1 of that Act, by virtue of section 1. Article 6(6) of the Local Government

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(10) Notwithstanding the revocation of article 3 of that Order, anything done, or having effect as if done, under that article shall continue to have effect.

and Public Involvement in Health Act 2007 (Commencement No.5 and Transitional, Saving and Transitory Provision) Order 2008 (S.I. 2008/917 (C.44)) provided that notwithstanding the coming into force of section 239 of the Act, the 2006 Order would continue to apply as if section 239(5) had not been commenced.