

# CHAPTER 20

An Act to make provision, by means of Exchequer grants and otherwise, for the improvement of certain roads situated in, or affording access to, livestock rearing areas; and for purposes connected with the matter aforesaid. [21st December, 1955]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Proposals for improvement of roads.

**1.**—(1) The council—

(*a*) of any county, county borough, non-county borough or urban district in England or Wales, or

(*b*) of any county in Scotland, not being a county named in the Schedule to this Act,

may submit to the Minister proposals for effecting an improvement to which this Act applies in respect of any unclassified road or unadopted road in the area of the council.

(2) This Act applies to any improvement of a road in the case of which it appears to the council proposing the improvement—

(*a*) that the road is situated in, or affords access to, a livestock rearing area, and

(*b*) that the improvement would promote the use, or the more efficient use, of land in that area for any purpose of agriculture or forestry.

(3) Subject to the following provisions of this section, the Minister may approve any proposals submitted to him under

this section if he is satisfied that the conditions specified in paragraphs (*a*) and (*b*) of the last preceding subsection are fulfilled in respect of the improvement to which the proposals relate.

(4) The Minister shall not approve any proposals under this section which relate to an unclassified road unless the council submitting the proposals are the highway authority in respect of the road.

(5) The Minister shall not approve any proposals under this section which relate to an unadopted road unless he is satisfied that all requisite steps have been, or will be, taken for securing that the road will become a maintainable highway, and that, on its becoming such a highway, the council submitting the proposals will be the highway authority in respect of the road.

(6) Where proposals approved by the Minister under this section relate to an unadopted road in England or Wales which is a highway, then, without prejudice to the provisions of any other enactment under which such a road may become a maintainable highway, the council submitting the proposals shall have power, by notice exhibited on or near the road, to declare it to be a maintainable highway, and thereupon—

(*a*) the road shall become a maintainable highway, and

(*b*) if, apart from this subsection, any person would be under an obligation to repair the road (whether under an enactment, or by reason of tenure, enclosure or prescription), that obligation shall be extinguished.

Grants towards cost of approved proposals.

**2.**—(1) Subject to the provisions of this section, the Minister, with the approval of the Treasury, may make grants, out of moneys provided by Parliament, towards expenditure incurred by councils in carrying out proposals which, at any time before the end of the period of seven years beginning with the date of the passing of this Act, are approved by the Minister under the preceding section.

(2) The amount which may be paid to a council by way of grant under this section in respect of any proposals shall be such proportion of the expenditure incurred by the council in carrying out the proposals, and approved by the Minister as having been reasonably incurred, as the Minister, with the approval of the Treasury, may determine in the case of those proposals.

(3) A grant under this section in respect of any proposals may be paid either on the completion, to the satisfaction of the Minister, of the work of carrying out the proposals or by instalments on the completion, to the satisfaction of the Minister, of parts of that work.

(4) The aggregate of the grants made by virtue of this section shall not exceed four million pounds.

Contributions towards expenditure on improving roads.

**3.**—(1) Where the council of any county, county borough or county district in England or Wales, or the council of any county or district in Scotland, propose to improve an unclassified road or unadopted road in their area, and the improvement is one to which this Act applies, the council may enter into an agreement under this section with any person willing to contribute to the improvement; and the extent of the contributions (if any) obtainable by virtue of such agreements shall be included among the matters to which a council may have regard in connection with any proposal to effect such an improvement.

(2) Any agreement made under this section by a council with any person—

(*a*) shall provide for the making by that person of a contribution of such amount as may be specified in the agreement, either by a single payment or by periodical payments as may be so specified, towards expenditure to be incurred by the council in effecting the improvement to which the agreement relates, and

(*b*) may contain such incidental and consequential provisions as appear to the parties thereto to be expedient for the purposes of the agreement.

(3) A council may enter into an agreement under this section in respect of an improvement whether or not they have submitted, or intend to submit, proposals to the Minister under section one of this Act in respect of that improvement.

Financial Provisions.

**4.** There shall be paid out of moneys provided by Parliament—

(*a*) any administrative expenses incurred by the Minister for the purposes of this Act, and

(*b*) any increase, attributable to the provisions of subsection (6) of section one of this Act, in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954.

Interpretation.

**5.**—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" agriculture ", as respects England and Wales, has the same meaning as in the Agriculture Act, 1947, and as respects Scotland has the same meaning as in the Agriculture (Scotland) Act, 1948;

" improvement ", in relation to a road, includes the widening of the road, the cutting off of corners of the road, and the provision for the road of a cattle-grid and of any works required in connection with a cattle-grid, and " improve " shall be construed accordingly;

" livestock rearing area " means an area consisting predominantly of mountains, hills or heath, being an area in which the principal industry, or one of the principal industries, is the breeding, rearing and maintenance of sheep or cattle;

" maintainable highway ", as respects England and Wales, means a highway maintainable or repairable by the inhabitants at large, and as respects Scotland means a highway managed and maintained by the Minister of Transport and Civil Aviation or by a county or town council;

" the Minister " in relation to England and Wales means the Minister of Agriculture, Fisheries and Food and in relation to Scotland means the Secretary of State;

" road " includes any bridge, viaduct or subway;

" unadopted road " means a road which (whether it is a highway or not) is not a maintainable highway;

" unclassified road " means a road which is a maintainable highway but is neither a trunk road nor a road classified under the Ministry of Transport Act, 1919.

(2) In the application of this Act to Scotland—

(*a*) " highway authority ", in relation to a maintainable highway, means the authority responsible for the management and maintenance of the highway;

(*b*) section one hundred and eighteen of the Local Government (Scotland) Act, 1947 (which provides for the combination of certain counties for certain purposes) shall have effect in relation to the purposes of this Act as it has effect in relation to the purposes specified in subsection (1) of that section.

(3) The provisions of this Act, except subsection (6) of section one thereof, shall not be construed as conferring on any council any power to do work, or incur expenditure, which the council would not be authorised to do or incur apart from this Act.

Short title and extent.

**6.**—(1) This Act may be cited as the Agriculture (Improvement of Roads) Act, 1955.

(2) This Act shall not extend to Northern Ireland.

# SCHEDULE

Section 1.

COUNTIES IN SCOTLAND EXCLUDED FROM SECTION ONE

Argyll.
Caithness.
Inverness.
Orkney.
Ross and Cromarty.
Sutherland.
Zetland.

*Table of Statutes referred to in this Act*

| Short Title | Session and Chapter |
|---|---|
| Ministry of Transport Act, 1919 ... ... ... | 9 & 10 Geo. 5. c. 50. |
| Local Government (Scotland) Act, 1947... ... | 10 & 11 Geo. 6. c. 43. |
| Agriculture Act, 1947 ... ... ... ... | 10 & 11 Geo. 6. c. 48. |
| Local Government Act, 1948 ... ... ... | 11 & 12 Geo. 6. c. 26. |
| Agriculture (Scotland) Act, 1948 ... ... ... | 11 & 12 Geo. 6. c. 45. |
| Local Government (Financial Provisions) (Scotland) Act, 1954 ... ... ... ... | 2 & 3 Eliz. 2. c. 13. |

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