2001 No. 4061

CONTRACTING OUT

The Local Authorities (Contracting Out of Highway Functions) (England) Order 2001

Made - - - - -	*20th December 2001*
Coming into force - -	*21st December 2001*

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994(**a**);

Now, therefore, the Secretary of State for Transport, Local Government and the Regions in exercise of the powers conferred by section 70(**b**) of that Act and of all other powers enabling him in that behalf, after consultation with such representatives of local government as he considers appropriate, hereby makes the following Order:-

Citation, commencement and extent

1.—(1) This Order may be cited as the Local Authorities (Contracting Out of Highway Functions) (England) Order 2001 and shall come into force on the day after that on which it is made.

(2) This Order extends to England only.

Contracting out of functions of local highway authorities

2. Any function of a local highway authority which is conferred by or under any of the provisions listed in the Schedule to this Order may be exercised by, or by employees of, such person as may be authorised in that behalf by the local highway authority whose function it is.

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

Sally Keeble
Parliamentary Under Secretary of State
20th December 2001 Department for Transport, Local Government and the Regions

(**a**) 1994 c. 40.
(**b**) Section 79(1) contains a definition of "local authority".

[DOT 12715]

SCHEDULE

Article 2

FUNCTIONS CONFERRED BY CERTAIN REGULATIONS UNDER THE NEW ROADS AND STREET WORKS ACT 1991

1. Functions conferred on a local highway authority as street authority for a street under the Street Works Register (Registration Fees) Regulations 1999(**a**).

2. Functions conferred on a local authority as highway authority for a highway or as bridge authority for a bridge or as transport authority for a transport undertaking by or under any provision of the Street Works (Sharing of Costs of Works) (England) Regulations 2000(**b**).

3. Functions conferred on a local highway authority for a highway under any provision of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2001(**c**).

(**a**) S.I. 1999/1048.
(**b**) S.I. 2000/3314.
(**c**) S.I. 2001/1281.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order enables local highway authorities to authorise another person, or that person's employees, to exercise certain of their functions in relation to street works in highways in respect of which they are the highway authority. Those functions relate to fees to be paid by undertakers to a highway authority on the registration of specified information on a street works register; to the sharing of costs of works required to divert undertakers' apparatus where these are occasioned by major highway, bridge or transport works; and to charges payable to a highway authority by an undertaker whose street works are unreasonably prolonged.

STATUTORY INSTRUMENTS

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