STATUTORY INSTRUMENTS

2015 No. 377

HIGHWAYS

The Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015

Made - - - -	*2nd March 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 19 of the Infrastructure Act 2015(**1**):

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015.

(2) These Regulations come into force on 1st April 2015.

(3) An amendment or revocation made by these Regulations has the same extent and application as the provision to which it relates.

Interpretation

2. In these Regulations—

"the 1980 Act" means the Highways Act 1980(**2**);

"the 2015 Act" means the Infrastructure Act 2015;

"the appointment" means the appointment of the company as a strategic highways company under Part 1 of the 2015 Act(**3**); and

"the company" means Highways England Company Limited, a company limited by shares and incorporated in England and Wales under company number 9346363.

(**1**) 2015 c.7.
(**2**) 1980 c.66.
(**3**) See S.I. 2015/376.

Consequential amendments

3. The enactments specified in the Schedule are amended in accordance with the Schedule.

Transitional provisions: general

4.—(1) The appointment does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State before the appointment.

(2) Anything (including the conduct of legal proceedings) which, immediately before the appointment, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to a transferred function, be continued by or in relation to the company.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for the purposes of or in connection with a transferred function has effect, so far as necessary for continuing its effect after the appointment, as if done by or in relation to the company.

(4) Any enactment, instrument or other document passed or made before the appointment has effect, so far as necessary for the purposes of or in consequence of paragraph (2) or (3), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were references to the company.

(5) The references in paragraphs (2) and (3) to things done include references to things omitted to be done.

(6) Paragraphs (2) to (4) are subject to any matter dealt with by a transfer scheme made under section 15 of the 2015 Act.

(7) This regulation is subject to regulations 5 and 6.

(8) In this regulation "transferred function" means a function transferred from the Secretary of State to the company as a result of the appointment(**4**).

Transitional provision: highway litter clearance and cleaning

5.—(1) The functions transferred to the Secretary of State under the orders mentioned in paragraph (2) are transferred to the company.

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

(a) the Highway Litter Clearance and Cleaning (Transfer of Duties) Order 1991(**5**);

(b) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) Order 1997(**6**);

(c) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) Order 1998(**7**);

(d) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) (A13 Trunk Road) Order 2000(**8**); and

(e) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) (England) Order 2009(**9**).

Transitional provision: orders and schemes

6.—(1) This regulation applies where—

(**4**) See S.I. 2015/376. As a result of its appointment the company became the highway authority for the highways specified in that Order. Consequently certain statutory functions previously exercised by the Secretary of State in relation to those highways were transferred to the company.
(**5**) S.I. 1991/337.
(**6**) S.I. 1997/2960.
(**7**) S.I. 1998/467.
(**8**) S.I. 2000/1508.
(**9**) S.I. 2009/2677, amended by S.I. 2010/2401.

(a) the Secretary of State has prepared a draft of a relevant instrument for the purpose of the enactment in question but, at the time of the appointment, has not made the instrument; and

(b) the instrument relates to, or makes provision in connection with, a transferred highway.

(2) The Secretary of State may make the instrument notwithstanding that the Secretary of State is not (or will not be) the highway authority for the highway.

(3) Accordingly, the procedures that apply in relation to, or in connection with, the making of the instrument (including any applicable rules regulating the procedure to be followed at a local inquiry) are those that apply in relation to, or in connection with, the making of that instrument by the Secretary of State.

(4) Where the instrument is an order under section 106(1) of the 1980 Act, the instrument once made is deemed to be a scheme made by the company and confirmed by the Secretary of State under section 106(3) of the 1980 Act.

(5) In all other cases the instrument, once made, is deemed to have been made by the company and confirmed by the Secretary of State.

(6) The instrument has effect, so far as necessary for the purposes of paragraph (4) or (5), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were references to the company.

(7) In this regulation—

"relevant instrument" means an order or scheme made under any of the following enactments —

(a) sections 14(**10**), 16(**11**), 18(**12**), 106(**13**) or 108(**14**) of the 1980 Act,

(b) Schedule 1 to the Acquisition of Land Act 1981(**15**),

(c) the Stopping up of Accesses to Premises (Procedure) Regulations 1971(**16**); and

"transferred highway" means a highway for which the company is the highway authority (or a proposed highway for which the company will be the highway authority), whether as a result of the appointment or otherwise.

Saving

7. The revocation of article 26 of the Town and Country Planning (Development Management Procedure) (England) Order 2010(**17**) does not affect the operation of that article in relation to any application for planning permission notified to the Secretary of State(**18**) before the appointment.

(**10**) Section 14 was amended by the Planning Act 2008 (c.29), section 36 and paragraphs 21 and 23 of Schedule 2, and the Water Act 1989 (c.15), section 190 and Part 1 of Schedule 27.
(**11**) Section 16 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 24 of Schedule 2.
(**12**) Section 18 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 25 of Schedule 2, the Water Act 1989, section 190 and Part 1 of Schedule 27, and the Local Government Act 1985 (c.51), section 102 and Schedule 17.
(**13**) Section 106 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 26 of Schedule 2.
(**14**) Section 108 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 27 of Schedule 2.
(**15**) 1981 c. 67. Schedule 1 was amended by section 101 of the Planning and Compulsory Purchase Act 2004 (c.5).
(**16**) S.I. 1971/1707. Following consolidation of the original enabling power (section 2 of the Highways Act 1971 (c.41)), these Regulations have effect as if made under section 124 of the Highways Act 1980.
(**17**) S.I. 2010/2184. Article 26 is revoked by paragraph 49 of the Schedule to these Regulations.
(**18**) See article 26(1) of the 2010 Order.

Signed by authority of the Secretary of State for Transport

John Hayes
Minister of State
Department for Transport

2nd March 2015

SCHEDULE

Regulation 3

Consequential amendments

Stopping Up of Highways (Concurrent Proceedings) Regulations 1948

1. The Stopping Up of Highways (Concurrent Proceedings) Regulations 1948(**19**) are amended as follows.

2.—(1) Regulation 1 is amended as follows.

(2) The existing provision becomes paragraph (1) of regulation 1.

(3) After paragraph (1) insert—

"(2) In these Regulations "strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(**20**).".

3. In regulation 3 after "Minister" insert ", a strategic highways company".

4. In regulation 4 after "Minister" insert ", the strategic highways company".

Stopping up of Accesses to Premises (Procedure) Regulations 1971

5. The Stopping up of Accesses to Premises (Procedure) Regulations 1971 are amended as follows.

6. In regulation 1(2) (interpretation), at the appropriate place, insert—

""strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(**21**).".

7. In regulation 2 (application of regulations)—

(a) after "local highway authority" insert "or a strategic highways company";

(b) after "that authority" insert "or company".

8.—(1) Regulation 3 (publication and contents of notice) is amended as follows.

(2) In the words before sub-paragraph (a)—

(a) after the first "local highway authority" insert "or a strategic highways company";

(b) after the second "local highway authority" insert "or the strategic highways company".

(3) In subparagraph (a) after "local highway authority" insert "or the strategic highways company".

(4) In sub-paragraph (c)—

(a) after "local highway authority" insert "or a strategic highways company";

(b) after "that authority" insert "or company".

9.—(1) Regulation 6 (submission of local highway authority's order for confirmation) is amended as follows.

(2) In paragraph (1)—

(a) after the first "local highway authority" insert "or a strategic highways company";

(**19**) S.I. 1948/1348. Following consolidation of the original enabling power (section 49(5) of the Town and Country Planning Act 1947 (c.51)), these Regulations have effect as if made under section 255 of the Town and Country Planning Act 1990 (c.8).
(**20**) 2015 c.7.
(**21**) 2015 c.7.