



Isle of Man

Ellan Vannin

HIGHWAYS (AMENDMENT) BILL 2019

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Explanatory Memorandum

1. This Bill is promoted by Mr Harmer MHK on behalf of the Department of Infrastructure.
2. *Clause 1* provides the short title of the Act resulting from the Bill.
3. *Clause 2* introduces the amendments to the *Highways Act 1986* (“the 1986 Act”).
4. *Clause 3* amends section 92A of the 1986 Act to provide that an order which amends a definitive map only in consequence of the making of —
 - a. an order under section 33, 34 or 91,
 - b. an agreement under section 4 or 87, or
 - c. both such an order and such an agreement,need only be laid before Tynwald (because in these circumstances the process is essentially administrative in nature).
5. *Clause 4* adjusts the definition of “planning approval” for the purposes of the 1986 Act. The change is required because, as a result of the transfer of certain planning functions to the Cabinet Office, planning approval is no longer always granted by means of a development order under Part 2 of the *Town and Country Planning Act 1999*.
6. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the *Human Rights Act 2001*.



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HIGHWAYS (AMENDMENT) BILL 2019

1 **A BILL** to amend the Tynwald procedure in respect of certain orders amending
 2 the definitive maps for rights of way and associated statements, to amend the
 3 definition of "planning approval" for the purposes of the Highways Act 1986;
 4 and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and
 consent of the Council and Keys in Tynwald assembled, and by the authority of the
 same, as follows:—

5 **1 Short title**

6 The short title of this Act is the Highways (Amendment) Act 2019.

7 **2 Highways Act 1986 amended**

8 The *Highways Act 1986* is amended as follows.

9 **3 Amendment of definitive maps and associated statements: section 92A**
 10 **amended**

11 (1) Section 92A is amended as follows.

12 (2) At the beginning of subsection (6) insert "Subject to subsection (7),".

13 (3) At the end of the section add—

14 | "(7) An order under subsection (2) which does no more than give
 15 | effect to —

16 | (a) an order under section 33, 34 or 91,

17 | (b) an agreement under section 4 or 87, or

18 | (c) such an order and such an agreement,

19 | must be laid before Tynwald as soon as practicable after it is
 20 | made."

21 **4 Interpretation – section 119 amended**

22 In section 119, in the definition of "**planning approval**" omit "pursuant to a
 23 development order".

IN THE COUNCIL

HIGHWAYS (AMENDMENT) BILL 2019

A **BILL** to amend the Tynwald procedure in respect of certain orders amending the definitive maps for rights of way and associated statements, to amend the definition of "planning approval" for the purposes of the Highways Act 1986; and for connected purposes.

Leave to introduce given by the Council of Ministers on 17 January 2019.

MR HARMER

JANUARY 2019