



# Highways Act 1980

## 1980 CHAPTER 66

### PART II

#### TRUNK ROADS, CLASSIFIED ROADS, METROPOLITAN ROADS, SPECIAL ROADS

##### *Trunk roads*

#### **10 General provision as to trunk roads**

- (1) Subject to the provisions of this section, all such highways and proposed highways as immediately before the commencement of this Act were trunk roads within the meaning of the Highways Act 1959 continue to be, and to be known as, trunk roads.
- (2) The Minister shall keep under review the national system of routes for through traffic in England and Wales, and if he is satisfied after taking into consideration the requirements of local and national planning, including the requirements of agriculture, that it is expedient for the purpose of extending, improving or reorganising that system either—
  - (a) that any highway, or any highway proposed to be constructed by the Minister, should become a trunk road, or
  - (b) that any trunk road should cease to be a trunk road,he may by order direct that that highway or proposed highway shall become, or, as the case may be, that that road shall cease to be, a trunk road as from such date as may be specified in that behalf in the order.
- (3) The power of the Minister under this section to direct that a highway or proposed highway shall become a trunk road shall include power to direct that a highway or proposed highway which he considers suitable for the purpose of relieving a main carriageway of the trunk road from local traffic shall become part of the trunk road, whether or not the highway or proposed highway is separated from the remainder of the road by intervening land.
- (4) Without prejudice to the powers of the Minister under this Act—

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- (a) to improve trunk roads by the construction of cycle tracks and footways for use in connection therewith, or
- (b) to provide such tracks or ways as part of any trunk road which he is authorised to construct,

the power under this section to direct that a highway proposed to be constructed by the Minister shall become a trunk road may be exercised in relation to any cycle track or footpath proposed to be constructed by the Minister on land separated by intervening land from the trunk road in connection with which it is to be used.

- (5) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
- (6) If objection to an order proposed to be made under this section is duly made in accordance with Part I of Schedule 1 to this Act by a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, and is not withdrawn, the order shall be subject to special parliamentary procedure.
- (7) If an order under this section directing that a highway proposed to be constructed by the Minister shall become a trunk road is revoked or varied by a subsequent order made at any time before the date on which the highway is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of section 2 above to be an order directing that a trunk road shall cease to be a trunk road.
- (8) In addition to the case where a trunk road ceases to be a trunk road by virtue of an order made under this section, a trunk road shall cease to be a trunk road if the road is transferred from the Minister to some other highway authority to become part of a special road provided by that authority.
- (9) No highway which is within the City shall be, or become, a trunk road, and without prejudice to the generality of the foregoing provision, none of the following bridges, that is to say, Blackfriars Bridge, London Bridge, Southwark Bridge and Tower Bridge, and no highway carried by any of those bridges, shall be, or become, a trunk road.

## **11 Local and private Act functions with respect to trunk roads**

- (1) As from the date when a highway becomes a trunk road, any functions of construction, maintenance or improvement exercisable as respects that highway by a council under a local or private Act are to be deemed to have become exercisable by the Minister alone and while the highway remains a trunk road they shall continue to be so exercisable.
- (2) Where the Minister is satisfied that there has been conferred on a council by a local or private Act a function substantially similar to one conferred by a provision of this Act specified in Schedule 3 to this Act, he may, after consultation with the council, by order direct that, in relation to a trunk road, the function conferred by the local or private Act is to be exercisable in accordance with the following conditions:
  - (a) where the provision of the local or private Act is similar to a provision of this Act specified in Part I of the said Schedule 3, that it is to be exercisable by the Minister only;
  - (b) where the provision of the local or private Act is similar to a provision of this Act specified in Part II of the said Schedule, that, in so far as it is exercisable by a council, it is to be exercisable by that council (and, if the road is situated

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- in Greater London, also by the Greater London Council), as well as by the Minister;
- (c) where the provision of the local or private Act is similar to a provision of this Act specified in Part III of the said Schedule, that, in so far as it is exercisable by a council, it is to be exercisable by that council with the consent of the Minister (and, if the road is situated in Greater London, also by the Greater London Council with such consent), as well as by the Minister.
- (3) Where the Minister makes an order under this section in relation to a function conferred by a provision of a local or private Act, and the provision of this Act by which a function substantially similar to the first-mentioned function is conferred is, in relation to a trunk road, subject to any modification, the provision of the local or private Act shall, in relation to a trunk road, be subject to a similar modification, and the Minister may by the same order specify the modification to which the provision of the local or private Act is accordingly to be subject.

### *Classified roads*

## **12 General provision as to principal and classified roads**

- (1) Subject to subsection (3) below, all such highways or proposed highways as immediately before the commencement of this Act—
- (a) were principal roads for the purposes of any enactment or instrument which refers to roads or highways classified by the Minister as principal roads, either by virtue of having been so classified under section 27(2) of the Local Government Act 1966 (which is replaced by subsection (3) below), or by virtue of being treated as such in accordance with section 40(1) of the Local Government Act 1974,
- (b) were (whether or not they also fall within paragraph (a) above) classified roads for the purposes of any enactment or instrument which refers to roads classified by the Minister (but does not specifically refer to their classification as principal roads), either by virtue of having been so classified under section 27(2) of the said Act of 1966, or by virtue of being treated as such in accordance with section 40(1) of the said Act of 1974. or
- (c) were classified roads for the purposes of any enactment or instrument by virtue of being treated as such in accordance with section 27(4) of the said Act of 1966,
- continue to be, and to be known as, principal roads or, as the case may be, classified roads (or both principal roads and classified roads of a category other than principal roads, in the case of highways falling within both paragraph (a) and paragraph (b) above) for the purposes specified in subsection (2) below.
- (2) So far as a highway that continues to be a principal or classified road in accordance with subsection (1) above was, immediately before the commencement of this Act, a classified road for the purposes of any enactment repealed and replaced by this Act, it is a classified road for the purposes of the corresponding provision of this Act; and so far as any such highway was immediately before the commencement of this Act a principal or classified road for the purposes of any other enactment, or any instrument, it so continues for the purposes of that enactment or instrument.
- (3) The Minister may for the purposes of—
- (a) any provision of this Act which refers to classified roads, or

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- (b) any other enactment or any instrument (whether passed or made before or after the passing of this Act) which refers to highways classified by the Minister, classify highways or proposed highways, being highways or proposed highways for which local highway authorities are the highway authorities, in such manner as he may from time to time determine after consultation with the highway authorities concerned.
- (4) References in any provision hereafter contained in this Act to classified roads are references to—
- (a) any highway or proposed highway that for the time being is a classified road for the purposes of that provision by virtue of subsections (1) and (2) above;
  - (b) any highway or proposed highway that for the time being is classified under subsection (3) above for the purposes of that provision, or for the purposes of enactments that include that provision ; and
  - (c) any highway or proposed highway that for the time being is classified under subsection (3) above as a principal road for the purposes of any enactment or instrument which refers to roads or highways classified by the Minister as principal roads.

### **13 Power to change designation of principal roads**

- (1) The Minister may by order assign some other description to the highways which for the time being are principal roads for the purposes of any enactment or instrument (whether by virtue of section 12(1) and (2) above, or by virtue of having been so classified under section 12(3) above, or otherwise).
- (2) If an order is made under subsection (1) above, then, except in so far as the order otherwise provides, any reference to a principal road in any enactment or instrument passed or made before the order is made (including an enactment in this Act) is to be construed as a reference to a highway of the description specified in the order.
- (3) Nothing in subsection (1) above affects the power of the Minister under section 12(3) above to classify highways or proposed highways in such manner as he may determine after consultation with the highway authority concerned.

*Powers as respects roads that cross or join trunk roads or classified roads*

### **14 Powers as respects roads that cross or join trunk or classified roads**

- (1) Provision may be made by an order under this section in relation to a trunk road or a classified road, not being, in either case, a special road, for any of the following purposes:—
  - (a) for authorising the highway authority for the road—
    - (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road ;
    - (ii) to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;

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- (b) for transferring to such other highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the highway authority in pursuance of the order or any previous order made under this section;
    - (c) for any other purpose incidental to the purposes afore said ;
- and references in this section, with respect to an order made thereunder, to " the road " and " the highway authority " are references to, respectively, the trunk road or, as the case may be, classified road to which the order relates and the highway authority for that road.
- (2) The provision that may be made pursuant to subsection (1)(c) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—
    - (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted; or
    - (b) of any sewerage authority in respect of any sewers or sewage disposal work of theirs which immediately before that date are under, in, on, over, along or across that highway.
  - (3) An order under this section—
    - (a) in relation to a trunk road shall be made by the Minister, and
    - (b) in relation to a classified road shall be made by the highway authority and confirmed by the Minister.
  - (4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
  - (5) Subject to subsection (4) above, an order under this section relating to a trunk road may come into operation on the same day as the order under section 10 above relating to that road.
  - (6) No order under this section authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
  - (7) An order under this section may provide for the payment of contributions—
    - (a) by the highway authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the order or of any previous order made under this section;
    - (b) to the highway authority by any other highway authority in respect of any liabilities so imposed on the first-mentioned authority that would otherwise have fallen to be discharged by that other authority;and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

### *Metropolitan roads*

#### **15 General provision as to metropolitan roads**

- (1) Subject to the provisions of this Act, all such highways and proposed highways as immediately before the commencement of this Act were metropolitan roads within the meaning of subsection (1) of section 29 of the Transport (London) Act 1969 (which subsection is replaced by subsection (2)(b) and (c) below) continue to be, and to be known as, metropolitan roads.
- (2) References in any provision of this Act and in any other enactment to metropolitan roads are to be construed as references to—
  - (a) any highway or proposed highway that is for the time being a metropolitan road by virtue of subsection (1) above;
  - (b) any highway or proposed highway in Greater London that is for the time being classified under section 12(3) above as a principal road for the purposes of any enactment or instrument which refers to roads or highways classified by the Minister of Transport as principal roads; and
  - (c) any other highway or proposed highway in Greater London that is for the time being designated as a metropolitan road by an order under section 10 above directing that the highway shall cease to be a trunk road.
- (3) A certificate by or on behalf of the Minister of Transport that any highway or proposed highway in Greater London is, or is not, for the time being classified as provided by subsection (2)(b) above, or within subsection (2)(a) above by virtue of a corresponding classification under section 27(2) of the Local Government Act 1966, shall be evidence of the fact stated and any such certificate may describe the highway or proposed highway in question by reference to a map.
- (4) The Greater London Council shall prepare and maintain a list of, and a map showing, the highways and proposed highways which are for the time being metropolitan roads and shall deposit a copy of that list and of that map with each of the London borough councils and the Common Council; and the Greater London Council and each of those other authorities shall make that list and map or, as the case may be, the copies thereof so deposited with them, available for inspection by the public at all reasonable hours.
- (5) The provisions of subsections (2) to (4) above are to be deemed for the purposes of section 84 of the London Government Act 1963 (which relates to the making of supplementary and transitional provision by order) to be included in that Act.

### *Special roads*

#### **16 General provision as to special roads**

- (1) Subject to the provisions of this Act, all such highways or proposed highways as immediately before the commencement of this Act were special roads, as being highways or proposed highways provided, or to be provided, in pursuance of a scheme made, or having effect as if made, under section 11 of the Highways Act 1959 (which section is replaced by subsections (3) to (10) below), continue to be, and to be known as, special roads.
- (2) Roads that continue to be special roads by virtue of subsection (1) above continue, subject to the provisions of this Act, to be special roads for the use of traffic of

the classes for the use of which they were special roads immediately before the commencement of this Act.

- (3) A highway authority may be authorised by means of a scheme under this section to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class prescribed thereby.
- (4) Subject to subsection (10) below, a highway authority authorised by means of a scheme under this section, or any such scheme as is referred to in subsection (1) above, to provide a special road is in this Act referred to in relation to that road as the special road authority.
- (5) A special road authorised by a scheme under this section may be provided—
  - (a) by means of the construction by the special road authority of a new highway along the route prescribed by the scheme or any part thereof;
  - (b) by means of the appropriation under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which the special road authority are the highway authority;
  - (c) by means of the transfer to the special road authority under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which they are not the highway authority.
- (6) A scheme under this section authorising the provision of a special road shall—
  - (a) in the case of a road to be provided by the Minister, be made by the Minister ;  
and
  - (b) in the case of a road to be provided by a local highway authority, be made by that authority and confirmed by the Minister.
- (7) Parts II and III of Schedule 1 to this Act have effect as to the making of a scheme under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such scheme.
- (8) Before making or confirming a scheme under this section, the Minister shall give due consideration to the requirements of local and national planning, including the requirements of agriculture.
- (9) If objection to a scheme under this section is duly made in accordance with Part II of the said Schedule 1 by the highway authority for a highway comprised in the route of the special road authorised by the scheme, and is not withdrawn, the scheme shall be subject to special parliamentary procedure.
- (10) A scheme under this section may be submitted to the Minister jointly by any two or more local highway authorities, and any such scheme may determine which of those authorities shall be the special road authority for the special road or any part thereof, and may provide—
  - (a) for the performance by that authority, in relation to the road or that part thereof, of any of the highway functions of any other authority who are party to the application, and
  - (b) for the making of contributions by that other authority to the special road authority in respect of expenditure incurred in the performance of those functions ;

and in relation to a special road provided or to be provided in pursuance of such a scheme, or any part of such a road, references in this Act to a special road authority

are references to the highway authority who are by virtue of that scheme the special road authority for that road or part.

## **17 Classification of traffic for purposes of special roads**

- (1) Different classes of traffic may be prescribed by a scheme under section 16 above in relation to different parts of the special road to which the scheme relates.
- (2) The classes of traffic prescribed by any such scheme shall be prescribed by reference to the classes set out in Schedule 4 to this Act.
- (3) The Minister of Transport may by order amend the said Schedule 4 by varying the composition of any class of traffic specified therein or adding a further class of traffic to those so specified, and references in schemes under the said section 16 made (whether by the Minister of Transport or a local highway authority) before the date on which the order comes into operation to any class of traffic to which the order relates are to be construed as references to that class as varied by the order or, if the order so provides, as including references to an additional class created thereby, as the case may be.

## **18 Supplementary orders relating to special roads**

- (1) Provision in relation to a special road may be made by an order under this section for any of the following purposes:—
  - (a) for appropriating as, or as part of, the special road, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which the special road authority are the highway authority;
  - (b) for transferring to the special road authority, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which they are not the highway authority ;
  - (c) for authorising the special road authority—
    - (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road;
    - (ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the special road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;
  - (d) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the special road authority in pursuance of the order or any previous order made under this section ;
  - (e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any local authority, any functions which, apart from the order, would be exercisable by that local authority in relation to the special road other than functions of that authority as local planning authority;



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- (f) for any other purpose incidental to the purposes afore said or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.
- (2) The provision that may be made pursuant to subsection (1)(f) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—
- (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted ; or
  - (b) of any sewerage authority in respect of any sewers or sewage disposal works of theirs which immediately before that date are under, in, on, over, along or across that highway.
- (3) An order under this section making provision in connection with a special road shall—
- (a) in the case of a special road provided or to be provided by the Minister be made by the Minister; and
  - (b) in the case of a special road provided or to be provided by a local highway authority, be made by that authority and confirmed by the Minister.
- (4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
- (5) Subject to subsection (4) above, an order under this section may come into operation on the same day as the scheme authorising the special road to which it relates.
- (6) No order providing for the appropriation by or transfer to a special road authority of a highway comprised in the route prescribed by the scheme authorising the special road shall be made or confirmed by the Minister under this section unless either—
- (a) he is satisfied that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided before the date on which the appropriation or transfer takes effect, or
  - (b) he is satisfied that no such other route is reasonably required for any such other traffic ;
- and no order authorising the stopping up of a highway shall be made or confirmed by the Minister under this section unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
- (7) An order under this section may provide for the payment of contributions—
- (a) by a special road authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,
  - (b) to a special road authority by any other authority in respect of any liabilities so imposed on the special road authority that would otherwise have fallen to be discharged by the other authority,
- and may also provide for the determination by arbitration of disputes as to the payment of such contributions.
- (8) In this section " local authority" means the Greater London Council, the Common Council and the council of a county, district, London borough, parish or community, and includes the parish meeting of a rural parish not having a separate parish council.

## **19 Certain special roads and other highways to become trunk roads**

- (1) A special road to be provided by the Minister in pursuance of a scheme under section 16 above shall, except so far as it is provided by means of the appropriation or transfer of a highway, become a trunk road on such date as may be specified in the scheme.
- (2) A highway (not being a trunk road) which, by means of an order under section 18 above, is appropriated as, or as part of, a special road to be provided by the Minister, and a highway which, by means of such an order, is transferred to the Minister, shall become a trunk road on the date on which it is so appropriated or is so transferred, as the case may be.

## **20 Restriction on laying of apparatus etc. in special roads**

- (1) Subject to the provisions of this section, the powers conferred on statutory undertakers by or under any enactment to lay down or erect any apparatus under, in, over, along or across any land shall not be exercisable in relation to any land comprised in the route of a special road except with the consent of the special road authority.
- (2) The consent of a special road authority shall not be required under this section for the laying down or erection by statutory undertakers of any apparatus by way of renewal of any apparatus for the time being belonging to or used by them for the purpose of their undertaking.
- (3) A consent of a special road authority under this section may be given subject to conditions, but those conditions shall not include a condition requiring any payment to be made by the undertakers to the special road authority in respect of the exercise of the powers to the exercise of which the consent is given.
- (4) Where any apparatus in respect of which the consent of a special road authority is required under this section is to be laid down or erected along a line crossing the route of the special road but not running along that route, that authority—
  - (a) shall not withhold their consent under this section unless there are special reasons for doing so; and
  - (b) may, if they give their consent subject to conditions, make contributions to the statutory undertakers in respect of any expenses incurred by them in complying therewith.
- (5) Any dispute between a special road authority and any statutory undertakers in respect of—
  - (a) the withholding of the consent of that authority in respect of apparatus to be laid down or erected as mentioned in subsection (4) above, or
  - (b) the imposition of any condition on the grant of such consent, or
  - (c) the making of any contributions under subsection (4)(b) above,shall be determined by arbitration; and where the Minister is the special road authority the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.
- (6) Where the consent of a special road authority is required under this section in respect of apparatus to be laid down or erected otherwise than as mentioned in subsection (4) above, and the special road authority are a local highway authority, then—
  - (a) if the apparatus is to be laid under a carriageway, the authority shall not give their consent except with the approval of the Minister;

- (b) if the consent of the authority is refused (otherwise than in consequence of the withholding of the Minister's approval under paragraph (a) above) or is granted subject to conditions (other than conditions approved by the Minister under that paragraph) the statutory undertakers may appeal to the Minister, and he may make such order as he thinks fit.
- (7) The provisions of this section, so far as applicable, apply in relation to the sewers and sewage disposal works of any sewerage authority as they apply in relation to the apparatus of statutory undertakers.
- (8) The provisions of this section shall have effect in addition to and not in substitution for the provisions of sections 156 and 159 below and of any other enactment restricting or regulating the powers of any statutory undertakers to break up or open streets or enter upon land for the purpose of laying down or erecting apparatus.
- (9) For the purposes of this section the Post Office are to be deemed to be statutory undertakers.

*Ancillary matters with respect to orders under section 14 or 18 and schemes under section 16*

## **21 Extinguishment of rights of statutory undertakers as to apparatus etc. in connection with orders under section 14 or 18 and schemes under section 16**

- (1) Without prejudice to section 20 above, sections 230 to 232 of the Town and Country Planning Act 1971, (power to extinguish rights of statutory undertakers and power of statutory undertakers to remove or re-site apparatus) apply in relation to any land specified in subsection (2) below as they apply in relation to land acquired by a Minister, a local authority or statutory undertakers under Part VI of that Act, or under any other enactment, or appropriated by a local authority for planning purposes ; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 237(2) and (3), 238 and 240, which provide for the payment of compensation, and sections 233 to 236, which contain provisions consequential on the extinguishment of any rights under section 230) shall have effect accordingly.
- (2) The land referred to in subsection (1) above is—
  - (a) land acquired or appropriated by a special road authority for the purposes of carrying out any works in pursuance of a scheme under section 16 above or an order under section 18 above ;
  - (b) land forming the site of any part of a highway which is appropriated by or transferred to a special road authority by means of an order under section 18 above;
  - (c) land over which there subsists or has subsisted a highway the stopping up or diversion of which is or was authorised by an order under section 14 or 18 above.
- (3) The provisions of the said Act of 1971 referred to in subsection (1) above have effect, as applied for the purposes of this section—
  - (a) in relation to any such land as is referred to in subsection (2)(a) or (b) above, subject to the modifications set out in Part I of Schedule 5 to this Act, and
  - (b) in relation to any such land as is referred to in subsection (2)(c) above, subject to the modifications set out in Part II of that Schedule.

- (4) Where any apparatus of public utility undertakers is removed in pursuance of a notice or order given or made under section 230 or 232 of the said Act of 1971, as applied for the purposes of this section in relation to any such land as is specified in paragraph (a) or (b) of subsection (2) above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.
- (5) In this section "owner", in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term of which exceeds three years.

## **22 Application of section 21 to sewers and sewage disposal works of sewerage authorities**

- (1) Section 21(1) to (3) above, and the provisions of the Town and Country Planning Act 1971 applied by section 21(1) above apply, so far as applicable, in relation to the sewers and sewage disposal works of any sewerage authority as they apply in relation to the apparatus of statutory undertakers.
- (2) In the provisions of the said Act of 1971, as applied for the purposes of this section, references to the appropriate Minister are to be construed—
- (a) in relation to matters arising in England, as references to the Secretary of State for the Environment; and
  - (b) in relation to matters arising in Wales, as references to the Secretary of State for Wales.
- (3) Where a public sewer is removed in pursuance of a notice or order given or made under section 230 or 232 of the Town and Country Planning Act 1971, as applied for the purposes of this section in relation to any such land as is specified in paragraph (a) or (b) of section 21(2) above, any person who is the owner or occupier of premises the drains of which communicated with that sewer, or the owner of a private sewer which communicated with that sewer, is entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.
- (4) In this section "owner" has the same meaning as in section 21 above.

## **23 Compensation in respect of certain works executed in pursuance of orders under section 14 or 18**

Where, in pursuance of an order under section 14 or 18 above, the Minister, a special road authority or a local highway authority, as the case may be, execute in, or with respect to, a highway works which the highway authority for that highway have power to execute under Part V of this Act, the Minister, the special road authority or the local highway authority, as the case may be, shall be subject to the like liability to pay compensation to a person who sustains damage by reason of the execution of those works as would be the highway authority for that highway had those works been executed by that authority under the said Part V.