



# Highways Act 1980

## 1980 CHAPTER 66

### PART XIV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Miscellaneous powers etc. of highway authorities and local authorities*

**282 Power of highway authority to execute works for mitigating adverse effect of constructing or improving etc. highway**

- (1) A highway authority may carry out—
- (a) on land acquired by them under section 246 above;
  - (b) on any other land belonging to them ;
  - (c) on any highway for which they are the highway authority;
  - (d) on any highway which they have been authorised to improve or construct by virtue of an order under section 14 or 18 above,
- works for mitigating any adverse effect which the construction, improvement, existence or use of a highway has or will have on the surroundings of the highway.
- (2) Without prejudice to the generality of subsection (1) above, the works that may be carried out under that subsection include the planting of trees, shrubs or plants of any other description and the laying out of any area as grassland.
- (3) A highway authority may develop or redevelop any land acquired by them under section 246 above, or any other land belonging to them, for the purpose of improving the surroundings of a highway in any manner which they think desirable by reason of its construction, improvement, existence or use.

**283 Power of Minister to conduct experiments**

- (1) The Minister may, either by himself or through an authority or other organisation approved by him, conduct experiments or trials for the purpose of—
- (a) improving the construction of highways, road-ferries or subways, or

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- (b) testing the effect of various classes of vehicles on various types of highways.
- (2) The Minister may construct such highways and works, erect such plant, and provide such accommodation, as may be necessary for the purpose of conducting an experiment or trial under this section.
- (3) An experiment or trial under this section shall not be conducted on any highway except with the consent of the highway authority or other person responsible for the maintenance of the highway.
- (4) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person is entitled to recover from the Minister compensation in respect of the damage.

A person is not entitled to compensation under this subsection if the damage was caused by his own negligence; and if his own negligence contributed to the damage the compensation shall be reduced accordingly.

#### **284 Powers of Minister in relation to privately maintainable parts of trunk roads**

Where a trunk road comprises a highway which a person is liable to maintain under a charter or special enactment or by reason of tenure, enclosure or prescription, the Minister is entitled to exercise in relation to that highway any power which he would be entitled to exercise in relation thereto if that highway were a highway maintainable at the public expense.

#### **285 Power of Minister and Greater London Council to execute in Greater London road improvements not involving widening**

- (1) Subject to subsection (3) below, where either the Minister of Transport or the Greater London Council ("the Council"), after consultation with the highway authority, are of the opinion that, with a view to facilitating the movement of traffic it is expedient for works to be executed for the improvement of a highway in Greater London to which this section applies, being works which the highway authority could execute and which do not involve the widening of the highway, then—
  - (a) the highway authority shall, within 3 months of being notified of that fact, inform the Minister or, as the case may be, the Council whether they are prepared to undertake those works and, if so, within what time; and
  - (b) if the Minister or, as the case may be, the Council at the expiration of the said 3 months are not satisfied that the highway authority will with reasonable dispatch undertake those works (or within the said 3 months are satisfied that they will not), the Minister or, as the case may be, the Council may execute those works or other works appearing to him or them to secure the same or an equivalent improvement of the highway.

For the purposes of this subsection it is not to be treated as widening a highway to take into the highway land not forming part of it but situated within its outer limits.

- (2) The highways to which subsection (1) above applies are highways for which a London borough council or the Common Council are the highway authority and also, where the power under that subsection is exercised by the Minister, metropolitan roads.
- (3) The Minister shall exercise his powers under subsection (1) above only if he considers it necessary in connection with any order made or proposed to be made by him

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under section 6 or section 9 of the Road Traffic Regulation Act 1967 by virtue of section 84A(2) or (4) of that Act.

- (4) Where the Minister or the Council execute or propose to execute works under this section for the improvement of a highway, then for the purpose of or in connection with the execution of those works—
- (a) he or they shall (subject to the following provisions of this section) have all the powers and rights, and be subject to all the obligations and liabilities, of the highway authority; and
  - (b) he or they may exercise of his or their own motion any powers which, if the works were executed by the highway authority, he or they could exercise on the application of that authority; and
  - (c) he or they may do or require the highway authority to do anything which that authority has power to do in some capacity other than that of highway authority.
- (5) Where the Minister or the Council execute works under this section for the improvement of a highway the amount of his or their expenses in connection therewith, as certified by him or them, shall (except, where the expenses are the Minister's, in so far as they may be met by any grant made by the Minister) be paid to him or, as the case may be, them on demand by the highway authority; and that authority have the like power of raising money required to make such payment, and the like right to recover the whole or any part of any sum paid, as if the expenses of the Minister or the Council had been incurred in executing the works as their agent.
- (6) Subsection (4) above does not transfer to the Minister or the Council in connection with the execution of any works any powers, rights, obligations or liabilities of a highway authority under any enactment to which this subsection applies ; but where the Minister or the Council proceed under this section to execute works in a highway, any such enactment applies in relation to those works as if the Minister or the Council were acting as agent of the highway authority, but so that the highway authority are to comply with any directions of the Minister or, as the case may be, the Council as to the exercise of their powers and rights.
- This subsection applies to the Public Utilities Street Works Act 1950 and, in the case of any works, to such other enactments as the Minister or the Council may specify for this purpose in a notice given by him or them to the highway authority.
- (7) Without prejudice to the generality of the foregoing provisions of this section, the powers exercisable under this section by the Minister or the Council in place of a highway authority include any power of that authority to acquire land, or an interest or right in, over or under land ; and any land, or any interest or right in, over or under land, acquired by the Minister or the Council by virtue of this section shall be acquired in the name and on behalf of the highway authority, and shall vest in that authority accordingly.
- (8) A highway authority shall produce to the Minister or, as the case may be, the Council such documents relating to matters affecting the exercise of the Minister's or the Council's powers under this section, and furnish him or them with such other information relating to those matters, as he or they may require in connection with the exercise of those powers or any proposal to exercise them.

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**286 Power to require angles of new buildings at corners of streets to be rounded off**

- (1) A local authority or, if there is a local highway authority for either of the two streets in question, that highway authority, may require the corner of a building intended to be erected at the corner of two streets in the area of the local authority to be rounded or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as they may determine.
- (2) A person aggrieved by a requirement of a local authority or local highway authority under this section may appeal to a magistrates' court.
- (3) A local authority or local highway authority shall pay compensation for any loss which may be sustained through the exercise by them of their powers under this section.
- (4) This section does not apply to a building, other than a dwelling-house, belonging to any of the following undertakers and used by them for the following purposes respectively:
  - (a) railway undertakers, for purposes of a railway comprised in the railway undertaking ;
  - (b) canal undertakers, for purposes of a canal comprised in the canal undertaking;
  - (c) inland navigation undertakers, for purposes of a navigation comprised in the inland navigation undertaking;
  - (d) dock undertakers, for purposes of a dock comprised in the dock undertaking;
  - (e) harbour undertakers, for purposes of a harbour comprised in the harbour undertaking;
  - (f) pier undertakers for purposes of a pier comprised in the pier undertaking.

**287 Power to erect barriers in streets in cases of emergency etc.**

- (1) Subject to the provisions of this section, for the purpose of securing public order or public safety or preventing congestion of traffic a competent authority may, in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed, cause barriers to be erected in any street and kept in position for so long as may be necessary for that purpose.

For the purposes of this section the following are competent authorities—

- (a) in the case of a street outside Greater London which is a highway, a local authority and also the highway authority;
  - (b) in the case of any other street, a local authority.
- (2) For the purpose of erecting barriers in a street under this section a competent authority may provide and maintain sockets or slots in or under the surface of the street.
  - (3) A competent authority shall not exercise the powers conferred by this section in such a way as to deprive pedestrians of reasonable access to any premises.
  - (4) Schedule 8 to this Act applies to the powers conferred on competent authorities by this section.
  - (5) If a person wilfully removes a barrier, socket or slot erected or provided under this section, he is guilty of an offence and liable to a fine not exceeding £5.
  - (6) In this section " local authority " means any of the following, namely, the council of a district or London borough, the Greater London Council, the Common Council and the Council of the Isles of Scilly.

## **288 Power to require gas and water pipes to be moved**

- (1) Section 153 of the Public Health Act 1875 (power to require gas and water pipes to be moved) applies for the purposes of any provisions of this Act to which this section applies as it applies for the purposes of that Act; but the said section 153 does not apply in any case in which the code in Part II of the Public Utilities Street Works Act 1950 (relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) has effect.
- (2) A local authority shall pay compensation to any person who sustains damage by reason of the execution by them of works under this section.
- (3) This section applies to section 294 below and to the other provisions of this Act which are specified in Schedule 22 to this Act.

## **289 Powers of entry of highway authority for the purpose of survey**

- (1) A person duly authorised in writing by a highway authority may at any reasonable time enter on any land for the purpose of surveying that or any other land in connection with the exercise by that authority, in their capacity as a highway authority, of any of their functions.
- (2) The power conferred by this section to enter on land includes power to place and leave on or in the land any apparatus for use in connection with any survey of that or any other land (whether from the air or on the ground) and to remove such apparatus.
- (3) The power conferred by this section to survey land includes power to search and bore for the purpose of ascertaining—
  - (a) the nature of the subsoil or the presence of minerals in it;
  - (b) whether any damage to a highway maintainable at the public expense for which the authority are the highway authority is being caused or is likely to be caused by mining operations or other activities taking place under the highway or in or under land adjoining, or in the vicinity of the highway.

## **290 Supplementary provisions as to powers of entry for the purpose of survey**

- (1) A person authorised under section 289 above to enter on any land shall, if so required, produce evidence of his authority before or after entering on that land.
- (2) A person so authorised may take with him on to the land in question such other persons, and such vehicles and equipment, as he may consider necessary.
- (3) Subject to subsection (6) below, a person shall not under section 289 above demand admission as of right to any land which is occupied unless at least 7 days' notice of the intended entry has been given to the occupier.
- (4) Subject to subsection (6) below, a person shall not, in the exercise of a power conferred by section 289 above, place or leave any apparatus on or in any land or remove any apparatus therefrom unless notice of his intention to do so has been included in the notice required by subsection (3) above and a like notice has been given to the owner of the land.
- (5) A person shall not execute any works authorised by section 289(3) above unless notice of his intention to do so was included in the notices required by subsections (3) and (4) above and, where the interests of the National Coal Board, or of any water authority

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or statutory undertakers are liable to be affected by the proposed works, a like notice has been given to that Board or, as the case may be, to the water authority or statutory undertakers concerned.

- (6) Where a highway authority intend to place and leave apparatus on or in a highway or to remove apparatus therefrom, or to execute in relation thereto such works as are authorised by section 289(3) above, no notice need be given to the occupier or owner of the land over which the highway subsists; but if the highway authority are not the highway authority for the highway, they shall give to that authority such notice as is required by subsections (4) and (5) above to be given to the owner.
- (7) If the National Coal Board, or any water authority or statutory undertakers to whom notice is given under subsection (5) above object to the proposed works on the ground that the execution thereof would be seriously detrimental to the carrying on of their undertaking or, in the case of a water authority, would obstruct or impede the performance of their functions under any enactment, the works shall not be executed except with the authority of the appropriate Minister.
- (8) Where in the exercise of a power conferred by section 289 above works authorised by subsection (3) of that section are to be executed in a street or controlled land within the meaning of the Public Utilities Street Works Act 1950, section 26 of that Act (obligations on undertakers executing works which are likely to affect other undertakers' apparatus) applies in relation to those works as if they were works to which that section applies and as if the highway authority by whom they are to be executed were operating undertakers within the meaning of that section.
- (9) The Post Office and the Civil Aviation Authority are to be deemed to be statutory undertakers and their respective undertakings statutory undertakings for the purposes of the foregoing provisions of this section.
- (10) In this section " the appropriate Minister " means—
  - (a) in relation to a water authority, other than a water authority in their capacity as a sewerage authority, the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly;
  - (b) in relation to statutory undertakers carrying on any railway, tramway, road transport, dock, harbour or pier undertaking, the Minister of Transport; and
  - (c) in all other cases, the Secretary of State.

## **291 Powers of entry of highway authority for purpose of maintaining, etc. certain structures and works**

- (1) Where a highway authority have power or a right to maintain, alter or remove any structure or work which is situated on, over or under any land, and that land neither belongs to the highway authority nor forms part of a highway for which they are the highway authority, then, if for the purpose of exercising that power or that right it is necessary for a person to enter on that land or any other land, a person duly authorised in writing by that authority may at any reasonable time enter on that land or any other land for that purpose.
- (2) Subsections (1), (2) and (3) of section 290 above have effect in relation to a person authorised under this section to enter on any land as they have effect in relation to a person authorised under section 289 above to enter on any land.

- (3) In relation to a bridge to which section 118 of the Transport Act 1968 (duty of highway authorities, etc. as respects bridges over railways or inland waterways) applies, and which belongs to a highway authority, subsections (1) and (2) above have effect subject to the provisions of that section.
- (4) In this section—
  - " structure " includes a bridge, fence, barrier or post;
  - " work " includes a tunnel, ditch, gutter, watercourse, culvert, drain, soak-away or pipe.
- (5) Nothing in this section affects the powers of a highway authority under section 100 above.
- (6) Nothing in this section affects any agreement for the time being in force between a highway authority having power or a right to maintain, alter or remove a structure or work and any person having an interest in the land on, over or under which it is situated, being an agreement relating to the maintenance of or other dealing with the structure or work.

## **292 Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under section 289 or 291**

- (1) Where, in the exercise of a power conferred by section 289 or 291 above to enter, or to do anything, on any land, any damage is caused to that land or to any chattels on it, any person interested in that land or those chattels may, subject to subsection (2) below, recover compensation in respect of that damage from the highway authority by whom or on whose behalf the power was exercised; and where in consequence of the exercise of such a power any person interested in the land or in any chattels on it is disturbed in his enjoyment thereof, he may recover from that authority compensation in respect of the disturbance.
- (2) Where any person is entitled under section 26 of the Public Utilities Street Works Act 1950, as applied by section 290(8) above, to compensation in respect of any matter, he is not entitled to recover compensation under subsection (1) above in respect of the same matter.
- (3) A person who wilfully obstructs a person acting in the exercise of a power conferred by section 289 or 291 above or who removes or otherwise interferes with any apparatus placed or left on or in any land in exercise of a power conferred by section 289 above, is guilty of an offence and liable to a fine not exceeding £50.
- (4) If a person who, in compliance with the provisions of section 289 or 291 above, is admitted into a factory, workshop or workplace discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purposes for which he was authorised to enter the land, he is guilty of an offence and liable—
  - (a) on summary conviction to a fine not exceeding the prescribed sum within the meaning of section 32(9) of the Magistrates' Courts Act 1980 (£1,000 or such other sum as may be fixed by order under section 143(1) of that Act); or
  - (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine, or both.

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**293 Powers of entry for purposes connected with certain orders relating to footpaths and bridleways**

- (1) A person duly authorised in writing by the Secretary of State or other authority having power under this Act to make a public path creation order, a public path extinguishment order or a public path diversion order may enter upon any land for the purpose of surveying it in connection with the making of the order.
- (2) For the purpose of surveying land, or of estimating its value, in connection with a claim for compensation payable by an authority in respect of that or any other land under section 28 above, or under that section as applied by section 121(2) above, a person who is an officer of the Valuation Office or who has been duly authorised in writing by the authority from whom the compensation is claimed may enter upon the land.
- (3) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least 7 days' notice in writing of the intended entry has been given to the occupier.
- (4) A person who wilfully obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable to a fine not exceeding £50.

**294 Entry, etc., of premises by highway authority or council for certain purposes**

- (1) If, in the discharge of functions conferred or imposed on an authority, being a highway authority or council, by a provision of this Act to which this section applies, it becomes necessary for an authorised officer of the authority to enter, examine or lay open any premises for the purpose of—
  - (a) surveying,
  - (b) making plans,
  - (c) executing, maintaining or examining works,
  - (d) ascertaining the course of sewers or drains,
  - (e) ascertaining or fixing boundaries, or
  - (f) ascertaining whether any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted,

and the owner or occupier of the premises refuses to permit the premises to be entered, examined or laid open for any such purpose, the authority, after giving notice to the owner or occupier of their intention to do so, may make a complaint to a magistrates' court for an order authorising the authority by any authorised officer to enter, examine and lay open the premises for any such purpose.

- (2) If on the hearing of the complaint no sufficient cause is shown against the making of the order for which the complaint is made, the court may make the order, and thereupon any authorised officer of the complainant authority may, subject to subsection (3) below, at all reasonable times between the hours of 9 a.m. and 6 p.m., enter, examine or lay open the premises described in the order for such of the purposes mentioned in subsection (1) above as are specified in the order.
- (3) Except in a case of emergency, no entry shall be made on any premises, and no works shall be begun therein, under subsection (2) above unless at least 7 days' notice of the intended entry, and of the object thereof, has been given to the occupier of the premises.



- (4) Where, in the course of an entry on or examination or laying open of premises authorised by an order under this section, damage is caused to land or to chattels, any person interested in the land or chattels may recover compensation in respect of that damage from the authority on whose complaint the order was made; and where by reason of any such entry, examination or laying open any person is disturbed in his enjoyment of land or chattels, he may recover from that authority compensation in respect of the disturbance.
- (5) This section applies to sections 101 and 154(2) above and to the other provisions of this Act specified in Schedule 22 to this Act.

#### **295 Power of councils to dispose of certain materials**

- (1) The council of a county or a council who are a local authority may remove, appropriate, or use, sell or otherwise dispose of all old materials existing in any street other than a highway maintainable at the public expense at the time of the execution by the council of any works in the street, unless those materials are removed by the owners of premises in the street within 3 days from the date of service of a notice from the proper officer of the council requiring the owners of those premises to remove the materials.
- (2) Where a council remove, appropriate, or use, sell or otherwise dispose of any materials in a street under subsection (1) above, they shall, on demand, pay or allow to the owner of any premises in the street such proportion of the reasonable value of the material as is attributable to those premises, and the amount thereof shall be settled, in case of dispute, by arbitration, or, if the amount claimed does not exceed £50 and either party so requires, by a magistrates' court.

#### **296 Power of highway authority or council to execute certain works on behalf of other person**

A highway authority or a council may by agreement with any person execute at his expense any work which they have under this Act (except under Part XI) required him to execute, or any work in connection with a highway which he is otherwise under an obligation or is entitled to execute, and for that purpose they have all such rights as he would have.

#### **297 Power of highway authority or council to require information as to ownership of land**

- (1) A highway authority or a council may, for the purpose of enabling them to discharge or exercise any of their functions under this Act, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise.
- (2) Any person who, having been required in pursuance of this section to give any information, fails to give that information is guilty of an offence and liable to a fine not exceeding £100.
- (3) Any person who, having been so required to give any information, knowingly makes any mis-statement in respect thereof is guilty of an offence and liable—

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- (a) on summary conviction to a fine not exceeding the prescribed sum within the meaning of section 32(9) of the Magistrates' Courts Act 1980 (£1,000 or such other sum as may be fixed by order under section 143(1) of that Act); or
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine, or both.

**298 Duty of local authorities to furnish information to county councils and the Greater London Council**

- (1) Every district council shall furnish, and shall instruct their officers to furnish, any information in their power which may reasonably be required by any county council for the purpose of enabling that council to discharge their functions under this Act.
- (2) Every London borough council and the Common Council shall furnish, and shall instruct their officers to furnish, any information in their power which may reasonably be required by the Greater London Council for the purpose of enabling that Council to discharge their functions under this Act.

**299 Right to discharge water**

- (1) Where there has been constructed or laid in land, or in the exercise of rights, acquired by a highway authority in the exercise of highway land acquisition powers, any drain or other work for the purpose of draining surface water from a highway, proposed highway, maintenance compound, trunk road picnic area, lorry area or service area, the water may be discharged into or through that drain or other work and into any inland waters, whether natural or artificial, or any tidal waters.
- (2) A highway authority shall pay compensation to the owner or occupier of any land who suffers damage by reason of the exercise by the authority of any right under subsection (1) above.
- (3) This section is without prejudice to any enactment the purpose of which is to protect water against pollution.

**300 Right of local authorities to use vehicles and appliances on footways and bridleways**

- (1) No statutory provision prohibiting or restricting the use of footpaths, footways or bridleways shall affect the use by a competent authority of appliances or vehicles, whether mechanically operated or propelled or not, for cleansing, maintaining or improving footpaths, footways or bridleways or their verges, or for maintaining or altering structures or other works situated

For the purposes of this section—

- (a) the following are competent authorities, namely, the council of any county, district or London borough, the Common Council, the Council of the Isles of Scilly, any parish or community council, or parish meeting, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple; and
- (b) " statutory provision " means a provision contained in, or having effect under, any enactment.

- (2) The Minister of Transport and the Secretary of State acting jointly may make regulations prescribing the conditions under which the rights conferred by this section may be exercised, and such regulations may in particular make provision as to—
- (a) the construction of any appliances or vehicles used under this section,
  - (b) the maximum weight of any such appliances or vehicles, or the maximum weight borne by any wheel or axle,
  - (c) the maximum speed of any such appliances or vehicles,
  - (d) the hours during which the appliances or vehicles may be used, and
  - (e) the giving by the Minister of Transport or the Secretary of State of directions dispensing with or relaxing any requirement of the regulations as it applies to a particular authority or in any particular case.

### **301 Restriction on exercise of powers of lighting authorities**

- (1) Subject to subsection (2) below, the powers of a lighting authority shall not be exercised for purposes of the lighting of any highway for which they are not the highway authority except with the consent of the highway authority (which may be given either generally or in respect of any particular highway or length of highway, and either without conditions or subject to such conditions as the highway authority think fit).
- (2) Subsection (1) above does not apply to the exercise of powers for the purpose only of the operation or maintenance of a lighting system not transferred to the highway authority under Part III of the Local Government Act 1966 or under section 270 above.
- (3) References in this section to the powers of a lighting authority are references to their powers under section 161 of the Public Health Act 1875 or section 3 of the Parish Councils Act 1957 or any corresponding local enactment.