
Changes to legislation: Highways Act 1980, SCHEDULE 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Sections 10, 14, 16, 18, 106, 108, 124,
Schedule 23, paras. 4, 5.

VALIDITY AND DATE OF OPERATION OF CERTAIN SCHEMES AND ORDERS

- 1 (1) Subject to sub-paragraph (2) below, as soon as may be after a scheme or order to which this Schedule applies has been made or confirmed by the Minister, he shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the scheme or order has been made or confirmed, and naming a place where a copy of it may be inspected free of charge at all reasonable hours.
- (2) There is no requirement under sub-paragraph (1) above to publish a notice in the London Gazette of the making or confirmation of an order under section 124 of this Act; and if an order under that section is one that has been confirmed by a local highway authority the notice relating to it required to be published under sub-paragraph (1) above (otherwise than in the London Gazette) shall be published by that authority.
- 2 If a person aggrieved by a scheme or order to which this Schedule applies desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers of this Act or on the ground that any requirement of this Act or of regulations made under this Act has not been complied with in relation to the scheme or order, he may, within 6 weeks from the date on which the notice required by paragraph 1 above is first published, make an application for the purpose to the High Court.
- 3 On any such application, the Court—
 - (a) may by interim order suspend the operation of the scheme or order, or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that the scheme or order, or any provision contained in it, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the scheme or order or any provision contained in it, either generally or in so far as it affects any property of the applicant.
- 4 Subject to paragraph 3 above, a scheme or order to which this Schedule applies shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 above is first published, or on such later date, if any, as may be specified in the scheme or order.
- 5 In relation to any scheme or order to which this Schedule applies that is subject to special parliamentary procedure, the foregoing provisions of this Schedule have effect subject to the following modifications:—

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- (a) if the scheme or order is confirmed by Act of Parliament under section 6 of the ^{M1}Statutory Orders (Special Procedure) Act 1945, paragraphs 2 to 4 do not apply; and
- (b) in any other case, paragraph 2 has effect as if, for the reference in it to the date on which the notice required by paragraph 1 is first published, there were substituted a reference to the date on which the scheme or order becomes operative under the said Act of 1945, and paragraph 4 has effect as if the words from “and shall become operative” to the end of the paragraph were omitted.

Marginal Citations

M1 1945 c. 18 (9 & 10 Geo. 6).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)