



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Obstruction of highways and streets

144 Power to erect flagpoles etc. on highways.

- (1) Subject to subsection (2) below, a local authority may—
- (a) erect flagpoles, pylons and other structures on any highway in their area for the purpose of displaying decorations;
 - (b) make slots in such a highway for the purpose of erecting the structures; and
 - (c) remove any structure erected or slot made by the authority in pursuance of paragraph (a) or (b) above;

and any structures or slots which may be erected or made by virtue of this subsection are hereafter in this section referred to as “relevant works”.

- (2) A local authority are not entitled to exercise the powers conferred on them by subsection (1) above in respect of a highway for which they are not the highway authority except with the consent in writing of the highway authority for the highway, and are not entitled to exercise those powers in respect of so much of a highway as—
- (a) is carried by a bridge which a body other than the local authority and the highway authority has a duty to maintain; or
 - (b) forms part of the approaches to such a bridge and is supported or protected by works or materials which a body other than the local authority and the highway authority has a duty to maintain.

except with the consent in writing of that body.

In this subsection “bridge” includes a structure which carries a highway superimposed over a cutting.

Changes to legislation: Highways Act 1980, Section 144 is up to date with all changes known to be in force on or before 27 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

- (3) A highway authority or other body may give their consent in pursuance of subsection (2) above on such terms as they think fit (including in particular, without prejudice to the generality of the preceding provisions of this subsection, terms providing for the highway authority or body to remove any of the relevant works and reinstate the highway and to recover the reasonable cost of doing so from the local authority to whom the consent was given).
- (4) It is the duty of an authority by whom relevant works are erected or made by virtue of the preceding provisions of this section—
- (a) to ensure that the works are erected or made so as to obstruct the highway in question as little as is reasonably possible, so as not to obscure or conflict with traffic signs connected with the highway and so as to interfere as little as is reasonably possible with the enjoyment of premises adjacent to the highway and with, and with access to, any apparatus in or on the highway which belongs to or is used or maintained by statutory undertakers; and
 - (b) to ensure that while the works are retained they are properly maintained and, so far as it is necessary to light them to avoid danger to users of the highway, are properly lit; and
 - (c) if the authority are not the highway authority for the highway, to indemnify the highway authority against any payments falling to be made by the highway authority in consequence of the works.
- (5) A person who without lawful authority interferes with or removes any relevant works is guilty of an offence and liable to a fine not exceeding [^{F1}level 3 on the standard scale].
- (6) In this section—
- “local authority” means any of the following, namely, the council of a county, district or London borough, ^{F2}. . . the Common Council, the Council of the Isles of Scilly and a parish or community council; and
- “statutory undertakers” means any of the following, namely, any body which is a statutory undertaker within the meaning provided by section 329(1) below, [^{F3}any universal service provider in connection with the provision of a universal postal service], ^{F4}. . . ^{F5}. . . [^{F6}any licensee under a street works licence][^{F7}and the operator of [^{F8}an electronic communications code network]][^{F9}or a driver information [^{F10}network]].

Textual Amendments

- F1** Words in s. 144(5) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35, 37, 38, 46** (with s. 47)
- F2** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F3** S. 144(6): words in the definition of "statutory undertakers" substituted (26.3.2001) by [S.I. 2001/1149](#), art. 3(1), **Sch. 1 para. 49(2)**
- F4** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), **Sch. 27 Pt. 1**
- F5** Word repealed by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, **Sch. 7**
- F6** S. 144(6): words in definition of "statutory undertakers" substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8 Part I para. 3**; [S.I. 1992/2984](#), art. 2(2), **Sch. 2**.
- F7** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 76\(5\)](#), **Sch. 5 para. 45**

Changes to legislation: *Highways Act 1980, Section 144 is up to date with all changes known to be in force on or before 27 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*

- F8** Words in s. 144(6) in definition of "statutory undertakers" substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(a\)\(2\)\(a\)](#) (with [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(2\)](#) (with art. 11)
- F9** S. 144(6): words in definition of "statutory undertakers" inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 13(1), [Sch. 4 para. 3\(5\)](#)
- F10** Word in s. 144(6) in definition of "statutory undertakers" substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(a\)\(2\)\(e\)](#) (with [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, [art. 3\(2\)](#) (with art. 11)

Modifications etc. (not altering text)

- C1** By [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 3\(1\)](#), [Sch. 5 para. 45](#) it is provided that references to British Telecommunications in s. 144(6) cease to have effect

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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\(6\)](#)