



Highways Act 1980

1980 CHAPTER 66

PART XIII

FINANCIAL PROVISIONS

272 Advances for highway purposes.

- (1) Subject to subsection (4) below, the Minister may, with the approval of the Treasury, make advances to a highway authority for any of the purposes mentioned in paragraphs (a) to (k) below, or in respect of the expenses mentioned in paragraph (l) or (m) below:
- (a) the construction of a highway which is to be a highway maintainable at the public expense;
 - (b) the maintenance of a highway;
 - (c) the improvement of a highway;
 - (d) the provision, maintenance and improvement of a road-ferry;
 - (e) the acquisition of highway land;
 - (f) the provision of a lorry area or the exercise of any other power under section 115 above;
 - (g) the provision of public sanitary conveniences on or under land forming part of, or adjoining, or in the vicinity of, a highway or proposed highway;
 - (h) the provision of a new means of access to a highway in pursuance of any such order as is mentioned in paragraph (i) below or under section 129 above;
 - (i) the stopping up of a private means of access in pursuance of an order made under section 14, 18 or 124 above, or an order made under [^{F1}section 248 of the Town and Country Planning Act 1990], or in pursuance of an agreement made under section 127 above;
 - (j) the exercise of any powers conferred by section 246 or 253 above or section 282 below;
 - (k) the discharge or exercise of any duty or power imposed or conferred on the authority under section 20 of the ^{M1}Land Compensation Act 1973;

Changes to legislation: Highways Act 1980, Section 272 is up to date with all changes known to be in force on or before 21 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

- (l) any amount by which the annual expenditure incurred by the authority in maintaining highway land during the period between its acquisition and the construction or improvement of the highway in question, and in the payment of loan charges accruing due during that period in respect of any debt incurred by the authority for the purpose of acquiring the land, exceeds the annual income accruing to the authority from the land during that period;
- (m) any loan charges accruing due after the end of the period mentioned in paragraph (l) above in respect of any money borrowed by the authority for the purpose of acquiring highway land;

or may, with the like approval, and in conjunction with a local highway authority, make advances to some other person for any of the said purposes.

In paragraph (e) above “highway land” means land which the Minister is satisfied that the authority have acquired or are to acquire with a view to the construction of a new highway or the improvement of an existing highway, and in paragraphs (l) and (m) above it means land which the Minister is satisfied that the authority have acquired with a view as aforesaid; and in paragraphs (l) and (m) above “loan charges”, in relation to any borrowed money, means the sums required for the payment of interest on that money and for the repayment of it either by instalments or by means of a sinking fund.

- (2) The purposes for which advances maybe made by the Minister under paragraphs (a) to (k) of subsection (1) above include the carrying out of surveys with a view to ascertaining the need for the construction or improvement of highways (whether or not any such construction or improvement is carried out) and other purposes incidental or conducive to the purposes described in those paragraphs.
 - (3) The power of the Minister to make advances to himself in his capacity of highway authority for any purpose specified in subsection (1) above is a power conferred on him to expend money for that purpose.
 - (4) The power of the Minister to make advances to a local highway authority under subsection (1) above is exercisable only in cases where it appears to him that, notwithstanding the grants for which provision is made in Part I of the ^{M2}Local Government Act 1974, the whole or any part of any expenditure in respect of which any advances could be made under subsection (1) above should not fall on that authority.
 - (5) The Minister may, with the approval of the Treasury, make advances to a district council in respect of any work done by them in a highway in exercise of their powers under section 96 above.
- [^{F2}(5A) In relation to any work done in exercise of their powers under section 96 by a Welsh council in a highway within their area for which they are not the highway authority, subsection (5) above applies as though the reference to a district council were a reference to the Welsh council.]
- (6) The Minister may make advances under this section either by way of grant or by way of loan, or partly in one way and partly in the other, and on such terms and subject to such conditions as he thinks fit.
 - (7) In deciding whether to make an advance under this section in respect of a work the execution of which will require the employment of labour on a considerable scale, the Minister shall have regard to the general state and prospects of employment.

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Textual Amendments

- F1** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), [s. 4 Sch. 2 para. 45\(16\)](#)
- F2** [S. 272\(5A\)](#) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para.25](#) (with [s. 54\(7\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).
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Modifications etc. (not altering text)

- C1** [S. 272\(1\)](#) modified (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\)](#), [regs. 1\(2\)](#), [12\(g\)\(viii\)](#)
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Marginal Citations

- M1** [1973 c. 26](#).
- M2** [1974 c. 7](#).

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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\(6\)](#)