
STATUTORY INSTRUMENTS

2004 No. 370

**The Removal of Obstructions from Highways
(Notices etc.) (England) Regulations 2004**

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004 and shall come into force on 10th March 2004.

(2) In these Regulations, “the 1980 Act” means the Highways Act 1980.

(3) These Regulations apply in relation to England only⁽¹⁾.

Forms of notices for removal of obstructions from highways

2. The forms set out in the Schedule, or forms substantially to the same effect, shall be the forms to be used for the following purposes of the 1980 Act—

- (a) Form 1 for the notice under section 130A(1) (notice requesting a local highway authority to secure the removal of an obstruction);
- (b) Form 2 for the notice under section 130A(6)(a) (notice by a local highway authority to persons who may be responsible for an obstruction);
- (c) Form 3 for the notice under section 130A(6)(b) (notice by a local highway authority, to a person who served notice in Form 1, that the authority have served notice in Form 2);
- (d) Form 4 for the notice under section 130C(1) (notice to a local highway authority of an intention to apply to the magistrates' court for an order requiring the authority to take steps for securing the removal of an obstruction); and
- (e) Form 5 for the notice under section 130B(6) (notice of a magistrates' court order requiring a local highway authority to take steps for securing the removal of an obstruction).

Manner and places of display of notices under section 130B(6) of the 1980 Act

3. A notice by a local highway authority under section 130B(6) of the 1980 Act shall be displayed by affixing a copy of it to some conspicuous object placed—

- (a) at each side of the obstruction; and
- (b) at the first point, from each side of the obstruction, where the obstructed highway is joined by another highway.

(1) The functions of the Secretary of State under sections 130A to 130C of the Highways Act 1980 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1 as extended by section 99 of the Countryside and Rights of Way Act 2000.

13th February 2004

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Affairs