



Highways Act 1980

1980 CHAPTER 66

PART VIII

STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

Stopping up of means of access to highways

124 Stopping up of private access to highways

- (1) Subject to subsection (3) below, where the highway authority for a highway consider that a private means of access from the highway to any premises is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, they may be authorised by an order made in accordance with this section to stop up the means of access.
- (2) An order under this section shall be made by the highway authority for the highway in question and, if they are a local highway authority, shall be confirmed either by the Minister or, where subsection (5) below allows, by the highway authority themselves.
- (3) No order under this section relating to an access to any premises shall be made by the Minister or, in the case of an order made by a local highway authority, confirmed either by the Minister or by that authority unless the Minister or, as the case may be, the confirming authority is or are satisfied—
 - (a) that no access to the premises from the highway in question is reasonably required, or
 - (b) that another reasonably convenient means of access to the premises is available or will be provided by the Minister or, as the case may be, the local highway authority.
- (4) Subject to subsection (5) below, the Minister may make regulations for prescribing the procedure to be followed in connection with the making and confirmation of orders under this section, and such regulations shall in particular make provision—

- (a) for the publication in such manner as may be prescribed by the regulations of notice of the order proposed to be made or confirmed and for service on such persons as may be so prescribed of a copy of that notice and of such other documents, if any, as may be so prescribed;
 - (b) as to the content of that notice;
 - (c) for objections to the making of an order by the Minister received within such period as may be so prescribed and not withdrawn, to be considered by him;
 - (d) for objections to the confirmation of an order made by a local highway authority to be considered by the Minister if any of the objections to the confirmation of the order received within such period as may be so prescribed and not withdrawn was made by an owner, lessee or occupier of any premises with a private means of access which the order would authorise the highway authority to stop up;
 - (e) for objections to the confirmation of an order made by a local highway authority received within such period as may be so prescribed and not withdrawn to be considered by the local highway authority if there is no objection received within that period from an owner, lessee or occupier such as is mentioned in paragraph (d) above or if all such objections so received are withdrawn before the order is referred to the Minister for confirmation;
 - (f) for the making of modifications in the order, whether in consequence of any objections or otherwise, before the order is made or confirmed.
- (5) In the case of an order made by a local highway authority under this section—
- (a) if no objection to the confirmation of the order is received within the period prescribed by regulations under subsection (4) above; or
 - (b) if every such objection so received is withdrawn; or
 - (c) if every such objection so received from an owner, lessee or occupier of any premises with a private means of access which the order would authorise the highway authority to stop up is withdrawn,
- the local highway authority may themselves confirm the order, with or without modifications.
- (6) Before confirming an order with modifications the local highway authority, if they consider that the proposed modifications will make a substantial change in the order, shall inform every such owner, lessee or occupier as is mentioned in subsection (5) (c) above and every other person who appears to them to be likely to be affected by the modifications to the order—
- (a) of their intention to make the order; and
 - (b) of the form in which they propose to make it.
- (7) The local highway authority shall give every such person as is mentioned in subsection (6) above an opportunity to make representations with regard to the order, and shall consider any representations with regard to it which any such person makes.
- (8) Schedule 2 to this Act has effect as to the validity and date of operation of any order under this section.

125 Further powers to stop up private access to premises

- (1) Subject to subsection (2) below an order under section 14 or 18 above (orders for certain purposes connected with trunk, classified or special roads) and an order under section 211 of the Town and Country Planning Act 1971 (order by Minister to stop

up or divert highway that crosses etc. a main highway) may authorise the appropriate authority—

- (a) to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the relevant road, or forming the site of any works authorised by the order or by any previous order made under the same enactment;
- (b) to provide a new means of access to any such premises.

(2) For the purposes of subsection (1) above—

- (a) the appropriate authority in the case of an order under section 211 of the Town and Country Planning Act 1971 is the highway authority for the main highway, and in any other case is the authority by whom the order is made; and
- (b) the relevant road is the trunk road, classified road, special road or, as the case may be, main highway to which the order relates.

(3) No order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister by virtue of subsection (1)(a) above unless he is satisfied—

- (a) that no access to the premises is reasonably required, or
- (b) that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of subsection (1)(b) above or otherwise.

(4) Section 215 of the Town and Country Planning Act 1971 (procedure for making certain orders) in its application to an order under section 211 of that Act which by virtue of subsection (1)(a) above authorises the stopping up of a private means of access to premises has effect as if the persons on whom the Minister is required by section 215(2) and (7) to serve certain documents relating to the order included the owner and the occupier of those premises.

In this subsection " owner " in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term of which exceeds 3 years.

126 Provisions supplementary to sections 124 and 125 etc.

(1) Where—

- (a) an order under section 124 above, or
- (b) an order, by virtue of section 125 above, under section 14 or 18 above or under section 211 of the Town and Country Planning Act 1971,

authorises a highway authority to stop up a private means of access to any premises, then, notwithstanding anything in section 80(3) above, that authority may stop up the access in any way that seems to them appropriate, but not, if the order in question is under section 124 above, so as to obstruct any highway.

(2) Where a means of access to any premises—

- (a) is stopped up in pursuance of any such order as is specified in subsection (1) above, or
- (b) is limited by virtue of any restrictions imposed on the use (including the crossing) of a special road under Part II of this Act, or by section 13 of the Road Traffic Regulation Act 1967, or by regulations made under that section,

and any person suffers damage in consequence thereof by the depreciation of any interest in the premises to which he is entitled or by being disturbed in his enjoyment of the premises he is entitled to recover compensation in respect of that damage from the appropriate authority.

- (3) The appropriate authority for the purpose of subsection (2) above in cases falling within paragraph (a) or that subsection is the highway authority authorised by the order to stop up the means of access and in cases falling within paragraph (b) of that subsection is the special road authority.
- (4) Where any person is entitled to compensation in respect of any matter under subsection (2) above he is not entitled to recover compensation in respect of the same matter under any other enactment.

127 Stopping up private access to premises by agreement

The highway authority for a highway may agree with the occupier of any premises and any other person having an interest in them that any private means of access to the premises from the highway shall be stopped up by that authority in any way which seems to them appropriate but not so as to obstruct any highway; and an agreement under this section may make provision for the payment by the highway authority to the other party of compensation in respect of the damage (if any) suffered by him in consequence of the stopping up of the means of access.

128 Penalty for using access which has been stopped up

Any person who uses an access which has been stopped up by virtue of section 124, 125 or 127 above other than a person exercising a public right of way is guilty of an offence and liable to a fine not exceeding £50.

129 Further provisions with respect to new means of access

- (1) Without prejudice to their power to provide a new means of access to any premises when authorised to do so by an order made under any enactment, a highway authority—
 - (a) who by virtue of an order under section 124 above or an agreement under section 127 above have stopped up a means of access to any premises or propose to do so; or
 - (b) who consider it necessary or expedient in connection with the construction, improvement or alteration of a highway to provide a new means of access to any premises,
 may, subject to subsection (2) below, provide a new means of access to those premises from any highway or proposed highway.
- (2) If a highway authority proposing to provide a new means of access under subsection (1) above are not the highway authority for the highway from which the access will be provided or, as the case may be, will not become the highway authority for it on the completion of its construction, they shall not provide the access without the consent of the authority who are, or will become, the highway authority for that highway.
- (3) Where a private means of access to any premises is proposed to be stopped up by virtue of section 124 or 125 above and another means of access to those premises from

a highway is available or is to be provided, then, in determining for the purposes of section 124 or 125 whether that other means of access is or, as the case may be, will be reasonably convenient the Minister or, in the case of an order under section 124 which a local highway authority have power to confirm, that authority shall have regard—

- (a) to the need, if any, for a means of access from the highway to different places on those premises, and
 - (b) to any roads, paths or other ways on those or other premises which are or will be capable of providing such a means.
- (4) The provision of a new means of access to any premises from a highway under this section or under or by virtue of section 124, 125 or 127 above includes the provision of a road, path or other way on those or any other premises.