



# 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 [<sup>F1</sup>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 <sup>M1</sup>Land Compensation Act 1973;

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- (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 <sup>M2</sup>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.
- [<sup>F2</sup>(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.](#)

#### Marginal Citations

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

### **273 Contributions by county councils to expenses of district councils under section 96.**

The council of a county may contribute towards the expenses incurred by the council of any district in the county in exercise of their powers under section 96 above.

#### Modifications etc. (not altering text)

- C1** [Ss. 273–275](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 91](#), **Sch. 15 para. 1**

### **274 Contributions by councils towards expenses of highway authorities.**

A council may contribute towards any expenses incurred or to be incurred by a highway authority if, in the opinion of the council, the expenditure is or will be of benefit to the council's area.

#### Modifications etc. (not altering text)

- C2** [Ss. 273–275](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 91](#), **Sch. 15 para. 1**

### **[<sup>F3</sup>274A Contributions by parish or community councils.**

A parish council or community council may contribute towards any expenses incurred or to be incurred by a highway authority in constructing, removing or maintaining—

- (a) traffic calming works, or
- (b) other works (including signs or lighting) required in connection with traffic calming works,

if, in the opinion of the council, the expenditure is or will be of benefit to their area.]

#### Textual Amendments

- F3** [S. 274A](#) inserted (19.5.1997) by [1997 c. 29, s.30](#); [S.I. 1997/1097, art.3.](#)

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## 275 Contributions by councils and local planning authorities towards expenses incurred in connection with footpaths and bridleways.

A council or a local planning authority may defray or contribute towards, or undertake to defray or contribute towards, the expenses incurred or to be incurred by any other council or local planning authority for the purposes of—

- (a) the provisions of Part III of this Act relating to the creation of footpaths and bridleways by means of public path creation agreements or public path creation orders, to the making up of footpaths and bridleways and to the payment of compensation for loss caused by a public path creation order;
- (b) the provisions of Part VIII of this Act relating to the making of public path extinguishment orders and public path diversion orders, to the making up of footpaths and bridleways and to the payment of compensation for loss caused by any such order.

### Modifications etc. (not altering text)

- C3** Ss. 273–275 restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 91, **Sch. 15 para. 1**
- C4** S. 275 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2, **Sch. Pt. I**; S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2

## 276 Contributions to land drainage works which will benefit trunk roads.

Where it appears to the Minister that the execution or maintenance by a [<sup>F4</sup>the National Rivers Authority] or internal drainage board of any drainage works is desirable for the protection or enjoyment of a trunk road, he may make such contributions as he thinks fit towards any expenses incurred by [<sup>F5</sup>that Authority] or board in the execution or maintenance of those works.

### Textual Amendments

- F4** Words substituted 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. 25 para. 62(11)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F5** Words substituted 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. 25 para. 62(11)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

## 277 Contribution towards maintenance of bridge where road ceases to be a trunk road.

Where a trunk road carried by a bridge vested in the Minister by virtue of section 266 above ceases to be a trunk road, the Minister may contribute towards the expenses to be incurred in the maintenance of the bridge by the council who become the highway authority for the road.

In this section “bridge” includes the highway carried by the bridge and so much of the approaches thereto as supports or protects the surface of the trunk road.

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## [<sup>F6</sup>278] **Agreements as to execution of works.**

- (1) A highway authority may, if they are satisfied it will be of benefit to the public, enter into an agreement with any person—
  - (a) for the execution by the authority of any works which the authority are or may be authorised to execute, or
  - (b) for the execution by the authority of such works incorporating particular modifications, additions or features, or at a particular time or in a particular manner,on terms that that person pays the whole or such part of the cost of the works as may be specified in or determined in accordance with the agreement.
- (2) Without prejudice to the generality of the reference in subsection (1) to the cost of the works, that reference shall be taken to include—
  - (a) the whole of the costs incurred by the highway authority in or in connection with—
    - (i) the making of the agreement,
    - (ii) the making or confirmation of any scheme or order required for the purposes of the works,
    - (iii) the granting of any authorisation, permission or consent required for the purposes of the works, and
    - (iv) the acquisition by the authority of any land required for the purposes of the works; and
  - (b) all relevant administrative expenses of the highway authority, including an appropriate sum in respect of general staff costs and overheads.
- (3) The agreement may also provide for the making to the highway authority of payments in respect of the maintenance of the works to which the agreement relates and may contain such incidental and consequential provisions as appear to the highway authority to be necessary or expedient for the purposes of the agreement.
- (4) The fact that works are to be executed in pursuance of an agreement under this section does not affect the power of the authority to acquire land, by agreement or compulsorily, for the purposes of the works.
- (5) If any amount due to a highway authority in pursuance of an agreement under this section is not paid in accordance with the agreement, the authority may—
  - (a) direct that any means of access or other facility afforded by the works to which the agreement relates shall not be used until that amount has been paid,
  - (b) recover that amount from any person having an estate or interest in any land for the benefit of which any such means of access or other facility is afforded, and
  - (c) declare that amount to be a charge on any such land (identifying it) and on all estates and interests therein.
- (6) If it appears to the highway authority that a direction under subsection (5)(a) is not being complied with, the authority may execute such works as are necessary to stop up the means of access or deny the facility, as the case may be, and may for that purpose enter any land.
- (7) Where a highway authority recovers an amount from a person by virtue of subsection (5)(b), he may in turn recover from any other person having an estate or

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interest in land for the benefit of which the means of access or other facility was afforded such contribution as may be found by the court to be just and equitable.

This does not affect the right of any of those persons to recover from the person liable under the agreement the amount which they are made to pay.

- (8) The <sup>M3</sup>Local Land Charges Act 1975 applies in relation to a charge under subsection (5)(c) in favour of the Secretary of State as in relation to a charge in favour of a local authority.]

#### Textual Amendments

- F6** S. 278 substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), **s.23** (with ss. 25(2), 167(2)); S.I. 1991/2288, art. 3, **Sch.**

#### Modifications etc. (not altering text)

- C5** S. 278 modified (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), **art. 58(5)(a)** (with arts. 41(1), 45, 54(2), 55, 56, 57(6))
- C6** S. 278 modified (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, **8(2)**

#### Marginal Citations

- M3** 1975 c. 76

### 279 Borrowing power of councils.

A council may borrow for the purposes of this Act.

### 280 Application of certain sums payable to local highway authorities.

- (1) Any sum paid to, or recovered by, a local highway authority under any of the provisions of this Act mentioned in subsection (2) below, being a sum which for the purpose of any such provision is a lump sum, and so much of any other sum paid to, or recovered by, any such authority under any of those provisions as represents capital, shall be applied by the authority for purposes for which capital money is applicable by them.
- (2) The provisions of this Act referred to in subsection (1) above are sections 53(3) and (4), 54(1) and (2), 55(2) to (4) and 255(4), and paragraph 19 of Schedule 11.

### 281 Exemption from stamp duty.

If the Minister certifies that any stamp duty which, but for this section, would be payable on any instrument made by, to or with him in relation to a highway or proposed highway which is, or is to become, a trunk road would be payable as an expense incurred by him under this Act, that stamp duty is not payable.

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VALID FROM 01/12/2003

### [<sup>F7</sup>281A Stamp duty land tax

- (1) A land transaction to which the Minister is a party is exempt from charge for the purposes of stamp duty land tax if—
  - (a) the transaction relates to a highway or proposed highway which is, or is to become, a trunk road, and
  - (b) but for this section stamp duty land tax would be payable in respect of the transaction as an expense incurred by the Minister under this Act.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
  - “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

- F7** S. 281A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), art. 2, **Sch. Pt. 1 para. 12**

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