



# Highways Act 1980

## 1980 CHAPTER 66

### PART IX

#### LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

##### *Precautions to be taken in doing certain works in or near streets or highways*

#### **174 Precautions to be taken by persons executing works in streets.**

- (1) [<sup>F1</sup>Where a person is executing works of any description in a street (other than street works within the meaning of Part III of the New Roads and Street Works Act 1991), he]—
- (a) shall erect such barriers and traffic signs for preventing danger to traffic, for regulating traffic, and for warning traffic of danger, as may be necessary and remove them as soon as they cease to be needed for any of those purposes;
  - (b) shall cause the works to be properly guarded and lighted during the hours of darkness; and
  - (c) where the nature of the works so requires, shall cause any building adjoining the street to be shored up or otherwise protected.
- [<sup>F2</sup>(1A) The Secretary of State may give guidance to <sup>F3</sup> ... highway authorities as to the discharge by them of their obligations under subsection (1)(a) and (b) where they are executing works for road purposes.
- (1B) A <sup>F3</sup> ... highway authority must in executing any works for road purposes have regard to any guidance given under subsection (1A).
- (1C) In subsections (1A) and (1B) “ works for road purposes ” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991. ]
- (2) Subject to subsection (3) below, if any person fails to satisfy an obligation to which he is subject by virtue of subsection (1) above he is guilty of an offence and, without prejudice to any other liability to which he may be subject apart from this subsection, is liable to a fine not exceeding £10 in respect of each day of such failure.

*Status: Point in time view as at 05/12/2017.*

*Changes to legislation: Highways Act 1980, Section 174 is up to date with all changes known to be in force on or before 07 August 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)*

- (3) Where a person is subject to the same obligation by virtue of subsection (1) above and by virtue of some other enactment, then, without prejudice to section 18 of the <sup>M1</sup>Interpretation Act 1978 (offences under two or more laws), if a failure by him to satisfy that obligation is an offence under an enactment other than subsection (2) above, subsection (2) above does not apply in relation to a failure by him to satisfy that obligation.
- (4) If a person, without lawful authority or excuse,—
- (a) takes down, alters or removes any barrier, traffic sign, support or light erected or placed in pursuance of subsection (1) above or any fence, barrier, traffic sign or light erected or placed on or near a street in pursuance of any other enactment for the purpose of warning users of the street of any obstruction, whether caused by the execution of works in or near the street or otherwise, or of protecting them from danger arising out of such an obstruction, or
  - (b) extinguishes any light so placed,
- he is guilty of an offence and liable to a fine not exceeding [<sup>F4</sup>level 3 on the standard scale].
- (5) For the purposes of section 312 below in its application to an offence under this section statutory undertakers and [<sup>F5</sup>any universal service provider concerned in connection with the provision of a universal postal service] are each to be deemed to be a person aggrieved.

#### Textual Amendments

- F1** Words in s. 174(1) 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. 7** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch. 2**
- F2** S. 174(1A)-(1C) inserted (26.11.2007 for W., 1.10.2013 for E.) by [Traffic Management Act 2004 \(c. 18\)](#), **ss. 71, 99(1)**; S.I. 2007/3174, art. 2, Sch.; S.I. 2013/2408, art. 2
- F3** Word in s. 174(1A)(1B) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 42**; S.I. 2015/481, reg. 2(a)
- F4** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F5** Words in s. 174(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(5)**

#### Marginal Citations

- M1** 1978 c. 30.

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