



Highways Act 1980

1980 CHAPTER 66

PART XII

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

Vesting of highways etc.

263 Vesting of highways maintainable at public expense.

- (1) Subject to the provisions of this section, every highway maintainable at the public expense, together with the materials and scrapings of it, vests in the authority who are for the time being the highway authority for the highway.
- (2) Subsection (1) above does not apply—
 - (a) to a highway with respect to the vesting of which, on its becoming or ceasing to be a trunk road, provision is made by section 265 below, or
 - (b) to a part of a trunk road with respect to the vesting of which provision is made by section 266 below, or
 - (c) to a part of a special road with respect to the vesting of which provision is made by section 267 below.
- (3) Where a scheme submitted to the Minister jointly by two or more local highway authorities under section 16 above determines which of those authorities are to be the special road authority for the special road or any part of it (“the designated authority”) and the designated authority are not the highway authority for the road or that part of it, the road or that part of it vests in the designated authority.
- (4) Where—
 - (a) the responsibility for the maintenance of a bridge or other part of a highway is transferred to a highway authority by means of an order under section 93 above, but the property in it is not so transferred, or
 - (b) the responsibility for the maintenance of a part of a highway is transferred to a highway authority in pursuance of an agreement made under section 94 above, but the property in that part is not so transferred,

Status: Point in time view as at 18/02/2014. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 263 is up to date with all changes known to be in force on or before 12 September 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)

the part of the highway in question does not by virtue of subsection (1) above vest in that highway authority.

- (5) Notwithstanding anything in subsection (1) above, any such material as is referred to in that subsection which is removed from a highway by a [^{F1}non-metropolitan] district council in exercise of their powers under section 42, 50 or 230(7) above vests in the district council and not in the highway authority.

Textual Amendments

F1 Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 37**

Modifications etc. (not altering text)

C1 [S. 263](#): certain rights and liabilities transferred by [S.I. 1986/148](#), **art. 9(1)(2)**

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