



Highways Act 1980

1980 CHAPTER 66

PART IV

MAINTENANCE OF HIGHWAYS

Maintenance of highways maintainable at public expense

42 Power of district councils to maintain certain highways.

- (1) Subject to Part I of Schedule 7 to this Act, the council of a [^{F1}non-metropolitan] district may undertake the maintenance of any eligible highway in the district which is a highway maintainable at the public expense.
- (2) For the purposes of subsection (1) above the following are eligible highways:—
 - (a) footpaths,
 - (b) bridleways,
 - [^{F2}(ba) restricted byways,] and
 - (c) roads (referred to in Schedule 7 to this Act as “urban roads”) which are neither trunk roads nor classified roads and which—
 - (i) are restricted roads for the purposes of [^{F3}section 81 of the Road Traffic Regulation Act 1984] (30 m.p.h. speed limit), or
 - (ii) are subject to an order [^{F4}made by virtue of section 84(1)(a) of that Act imposing a speed limit] not exceeding 40 m.p.h., or
 - (iii) are otherwise streets in an urban area.
- (3) The county council who are the highway authority for a highway which is for the time being maintained by a [^{F5}non-metropolitan] district council by virtue of this section shall reimburse to the district council any expenses incurred by them in carrying out on the highway works of maintenance necessary to secure that the duty to maintain the highway is performed, and Part II of Schedule 7 to this Act shall have effect for this purpose.

Status: Point in time view as at 25/05/2020.

Changes to legislation: Highways Act 1980, Section 42 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)

Textual Amendments

- F1** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 11**
- F2** S. 42(2)(ba) inserted (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. 1**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)
- F3** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 40**
- F4** Words in s. 42(2)(c)(ii) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch 4 para.11**; S.I. 1992/1286, **art. 2**,Sch.
- F5** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 11**

Modifications etc. (not altering text)

- C1** S. 42 applied (with modifications) (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

Status:

Point in time view as at 25/05/2020.

Changes to legislation:

Highways Act 1980, Section 42 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.