



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 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, 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 section 71 of the Road Traffic Regulation Act 1967 (30 m.p.h. speed limit), or
 - (ii) are subject to an order under section 74 of that Act imposing a special 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 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.