



# Highways Act 1980

## CHAPTER 66

### HIGHWAYS ACT 1980

#### PART I

##### HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

###### *Highway authorities*

- 1 Highway authorities: general provision.
- 2 Highway authority for road which ceases to be a trunk road.
- 3 Highway authority for approaches to and parts of certain bridges.

###### *Agreements between authorities*

- 4 Agreement for exercise by Minister of certain functions of local highway authority as respects highway affected by construction, etc. of trunk road.
- 5 Agreement for local highway authority to maintain and improve certain highways constructed or to be constructed by Minister.
- 6 Delegation etc. of functions with respect to trunk roads.
- 7 .....
- 8 Agreements between local highway authorities for doing of certain works.
- 9 Seconding of staff etc.

#### PART II

##### TRUNK ROADS, CLASSIFIED ROADS, METROPOLITAN ROADS, SPECIAL ROADS

###### *Trunk roads*

- 10 General provision as to trunk roads.
- 11 Local and private Act functions with respect to trunk roads.

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*Classified roads*

- 12 General provision as to principal and classified roads.
- 13 Power to change designation of principal roads.

*Powers as respects roads that cross or join trunk roads or classified roads*

- 14 Powers as respects roads that cross or join trunk or classified roads.

*GLA roads*

- 14A Designation of first GLA roads by Secretary of State.
- 14B Orders of the Authority changing what are GLA roads.
- 14C Certification and records of GLA roads.
- 14D Construction of provisions relating to GLA roads.

*Metropolitan roads*

- 15 .....

*Special roads*

- 16 General provision as to special roads.
- 17 Classification of traffic for purposes of special roads.
- 18 Supplementary orders relating to special roads.
- 19 Certain special roads and other highways to become trunk roads.
- 20 Restriction on laying of apparatus etc, in special roads.

*Ancillary matters with respect to orders under section 14 or 18 and schemes under section 16*

- 21 Extinguishment of rights of statutory undertakers as to apparatus etc. in connection with orders under section 14 or 18 and schemes under section 16.
- 22 .....
- 23 Compensation in respect of certain works executed in pursuance of orders under section 14 or 18.

**PART III**

CREATION OF HIGHWAYS

- 24 Construction of new highways and provision of road-ferries.
- 25 Creation of footpath or bridleway by agreement.
- 26 Compulsory powers for creation of footpaths and bridleways.
- 27 Making up of new footpaths and bridleways.
- 28 Compensation for loss caused by public path creation order.
- 29 Protection for agriculture and forestry.
- 30 Dedication of highway by agreement with parish or community council.
- 31 Dedication of way as highway presumed after public use for 20 years.
- 31A Register of maps, statements and declarations.
- 32 Evidence of dedication of way as highway.
- 33 Protection of rights of reversioners.
- 34 Conversion of private street into highway.
- 35 Creation of walkways by agreement.

**PART IV**

MAINTENANCE OF HIGHWAYS

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### *Highways maintainable at public expense*

36 Highways maintainable at public expense.

#### *Methods whereby highways may become maintainable at public expense*

37 Provisions whereby highway created by dedication may become maintainable at public expense.

38 Power of highway authorities to adopt by agreement.

39 .....

40 Adoption of private streets.

#### *Maintenance of highways maintainable at public expense*

41 Duty to maintain highways maintainable at public expense.

42 Power of district councils to maintain certain highways.

43 Power of parish and community councils to maintain footpaths and bridleways.

44 Person liable to maintain highway may agree to maintain publicly maintainable highway.

45 Power to get materials for repair of publicly maintainable highways.

46 Supplemental provisions with respect to the getting of materials under section 45.

47 Power of magistrates' court to declare unnecessary highway to be not maintainable at public expense.

48 Power of magistrates' court to order a highway to be again maintainable at public expense.

#### *Maintenance of privately maintainable highways*

49 Maintenance of approaches to certain privately maintainable bridges.

50 Maintenance of privately maintainable footpaths and bridleways.

51 No liability to maintain by reason of enclosure if highway fenced with consent of highway authority.

52 Power to get materials for repair of privately maintainable highways.

53 Power of magistrates' court to extinguish liability to maintain privately maintainable highway.

54 Extinguishment of liability to maintain privately maintainable highway diverted by order of magistrates' court.

55 Extinguishment of liability to maintain or improve bridges comprised in trunk roads and special roads.

#### *Enforcement of liability for maintenance*

56 Proceedings for an order to repair highway.

57 Default powers of highway authorities in respect of non-repair of privately maintainable highways.

58 Special defence in action against a highway authority for damages for non-repair of highway.

#### *Recovery by highway authorities etc. of certain expenses incurred in maintaining highways*

59 Recovery of expenses due to extraordinary traffic.

60 Liability of certain persons for cost of use of alternative route where highway closed by reason of their works.

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*Regulations supplementing maintenance powers of district councils*

- 61 Regulations supplementing maintenance powers of district councils.

**PART V**

IMPROVEMENT OF HIGHWAYS

*General power of improvement*

- 62 General power of improvement.

*Relief of main carriageway of trunk road from local traffic*

- 63 Relief of main carriageway of trunk road from local traffic.

*Dual carriageways, roundabouts and cycle tracks*

- 64 Dual carriageways and roundabouts.  
65 Cycle tracks.

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- 66 Footways and guard-rails etc. for publicly maintainable highways.  
67 Guard-rails etc. in private streets.  
68 Refuges.  
69 Subways.  
70 Footbridges over highways.  
71 Margins for horses and livestock.

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- 72 Widening of highways.  
73 Power to prescribe improvement line for widening street.  
74 Power to prescribe a building line.  
75 Variation of widths of carriageways and footways.

*Levels*

- 76 Levelling of highways.  
77 Alteration of levels.

*Corners*

- 78 Cutting off of corners.  
79 Prevention of obstruction to view at corners.

*Fences and boundaries*

- 80 Power to fence highways.  
81 Provision of highway boundary posts.

*Cattle-grids*

- 82 Provision of cattle-grids and by-passes.  
83 Removal of cattle-grids and discontinuance of by-passes.  
84 Maintenance of cattle-grids and by-passes.  
85 Exercise of powers by agreement between neighbouring authorities.  
86 Supersession of gates by cattle-grids.

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- 87 Agreements for use of land for cattle-grids or by-passes.
- 88 Contributions towards expenditure of highway authorities.
- 89 Delegation to certain authorities of functions of Minister.
- 90 Protection of bridges and railways.

#### *Road humps*

- 90A Construction of road humps by highway authority.
- 90B Additional powers of the Secretary of State.
- 90C Consultation and local inquiries.
- 90CA Special procedure for certain road humps in London.
- 90D Regulations concerning construction and maintenance of road humps.
- 90E Status of road humps.
- 90F Meaning of “road hump” and interpretation of sections 90A to 90E.

#### *Other traffic calming works*

- 90G Powers to carry out traffic calming works.
- 90GA Special procedure for certain traffic calming works in London.
- 90H Prescribing of works.
- 90I Status of works authorised by section 90G.

#### *Construction, reconstruction, improvement etc. of bridges*

- 91 Construction of bridge to carry existing highway maintainable at public expense.
- 92 Reconstruction of bridge maintainable at public expense.
- 93 Power to make orders as to reconstruction, improvement, etc., of privately maintainable bridges.
- 94 Powers of highway authorities and bridge owners to enter into agreements.
- 95 Supplemental provisions as to orders and agreements under sections 93 and 94.

#### *Miscellaneous improvements*

- 95A Power to install equipment for detection of traffic offences.
- 96 Powers of highway and local authorities to plant trees, lay out grass verges, etc.
- 97 Lighting of highways.
- 98 Delegation of lighting functions of highway authority.
- 99 Metalling of highways.
- 100 Drainage of highways.
- 101 Power to fill in roadside ditches etc.
- 102 Provision of works for protecting highways against hazards of nature.
- 103 Provision of posts to indicate depth of flood water.
- 104 Mitigating nuisance of dust.
- 105 Power to improve road-ferries.

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- 105A Environmental assessment of certain highway projects.
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## 105D Validity of decisions

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#### CONSTRUCTION OF BRIDGES OVER AND TUNNELS UNDER NAVIGABLE WATERS AND DIVERSION ETC. OF WATERCOURSES

##### *Construction of bridges over and tunnels under navigable waters*

- 106 Orders and schemes providing for construction of bridges over or tunnels under navigable waters.
- 107 Provisions supplementary to section 106.

##### *Diversion etc. of watercourses*

- 108 Power to divert navigable watercourses.
- 109 Provisions supplementary to section 108.
- 110 Power to divert non-navigable watercourses and to carry out other works on any watercourse.

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- 111 Interpretation of Part VI.

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#### PROVISION OF SPECIAL FACILITIES FOR HIGHWAYS

- 112 Provision of picnic sites and public conveniences for users of trunk roads.
- 113 Exercise by council of functions of Minister with respect to management or provision of picnic sites etc.
- 114 Provision of public conveniences by county council for users of roads for which they are the highway authority.
- 115 Provision of areas for parking heavy goods vehicles, etc.

### **PART VIIA**

#### PROVISION OF AMENITIES ON CERTAIN HIGHWAYS

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- 115B Provision etc. of services and amenities by councils.
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- 115D Limits of powers under ss. 115B and 115C.
- 115E Execution of works and use of objects etc. by persons other than councils.
- 115F Power to impose conditions on permissions under section 115E.
- 115G Notices to be given before exercise of powers under Part VIIA.
- 115H Duties to consult or obtain consent of other authorities.
- 115J Consents not to be unreasonably withheld.
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### **PART VIII**

#### STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

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### *Stopping up and diversion of highways*

- 116 Power of magistrates' court to authorise stopping up or diversion of highway.
- 117 Application for order under section 116 on behalf of another person.
- 118 Stopping up of footpaths and bridleways.
- 118ZA Application for a public path extinguishment order.
- 118A Stopping up of footpaths and bridleways crossing railways.
- 118B Stopping up of certain highways for purposes of crime prevention, etc.
- 118C Application by proprietor of school for special extinguishment order.
- 119 Diversion of footpaths and bridleways.
- 119ZA Application for a public path diversion order.
- 119A Diversion of footpaths and bridleways crossing railways.
- 119B Diversion of certain highways for purposes of crime prevention, etc.
- 119C Application by proprietor of school for special diversion order.
- 119D Diversion of certain highways for protection of sites of special scientific interest.
- 119E Provisions supplementary to section 119D.
- 120 Exercise of powers of making public path extinguishment and diversion orders.
- 121 Supplementary provisions as to public path extinguishment and diversion orders.
- 121A Regulations with respect to applications for orders.
- 121B Register of applications.
- 121C Cases where council may decline to determine applications.
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- 121E Determination of appeals.
- 122 Power to make temporary diversion where highway about to be repaired or widened.
- 123 Saving and interpretation.

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- 124 Stopping up of private access to highways.
- 125 Further powers to stop up private access to premises.
- 126 Provisions supplementary to sections 124 and 125 etc.
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### *Protection of public rights*

- 130 Protection of public rights.
- 130A Notices to enforce duty regarding public paths.
- 130B Orders following notice under section 130A.
- 130C Section 130B: procedure.
- 130D Section 130B: costs.

### *Damage to highways, streets etc.*

- 131 Penalty for damaging highway etc.
- 131A Disturbance of surface of certain highways.
- 132 Unauthorised marks on highways.
- 133 Damage to footways of streets by excavations.
- 134 Ploughing etc. of footpath or bridleway.
- 135 Authorisation of other works disturbing footpath or bridleway.
- 135A Temporary diversion for dangerous works.
- 135B Temporary diversion for dangerous works: supplementary.
- 136 Damage to highway consequent on exclusion of sun and wind.

### *Obstruction of highways and streets*

- 137 Penalty for wilful obstruction.
- 137ZA Power to order offender to remove obstruction.
- 137A Interference by crops.
- 138 Penalty for erecting building, etc., in highway.
- 139 Control of builders' skips.
- 140 Removal of builders' skips.
- 140A Builder's skips: charge for occupation of highway.
- 140B Builders' skips: charge determined by reference to duration of occupation of highway
- 140C Regulations under sections 140A and 140B
- 141 Restriction on planting of trees etc. in or near carriageway.
- 142 Licence to plant trees, shrubs, etc., in a highway.
- 143 Power to remove structures from highways.
- 144 Power to erect flagpoles etc. on highways.
- 145 Powers as to gates across highways.
- 146 Duty to maintain stiles etc. on footpaths and bridleways.
- 147 Power to authorise erection of stiles etc. on footpath or bridleway.
- 147ZA Agreements relating to improvements for benefit of persons with mobility problems.
- 147A Road-side sales.
- 148 Penalty for depositing things or pitching booths etc. on highway.
- 149 Removal of things so deposited on highways as to be a nuisance etc.
- 150 Duty to remove snow soil etc. from highway.
- 151 Prevention of soil etc. being washed on to street.
- 152 Powers as to removal of projections from buildings.
- 153 Doors etc. in streets not to open outwards.
- 154 Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths.
- 155 Penalties in connection with straying animals.
- 156 Restriction on breaking up by undertakers of maintainable highways recently closed or re-surfaced.



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- 157— .....  
159  
160 Powers as respects certain unnecessary obstructions of highways in Greater London.  
160A Further powers of highway authorities and district council in relation to highways.

*Danger or annoyance to users of highways and streets*

- 161 Penalties for causing certain kinds of danger or annoyance.  
161A Danger or annoyance caused by fires lit otherwise than on highways.  
162 Penalty for placing rope, etc. across highway.  
163 Prevention of water falling on or flowing on to highway.  
164 Power to require removal of barbed wire.  
165 Dangerous land adjoining street.  
166 Forecourt abutting on streets.  
167 Powers relating to retaining walls near streets.

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

- 168 Building operations affecting public safety.  
169 Control of scaffolding on highways.  
170 Control of mixing of mortar etc. on highways.  
171 Control of deposit of building materials and making of excavations in streets.  
171A Works under s. 169 or s. 171: charge for occupation of the highway.  
171B Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway  
171C Regulations under sections 171A and 171B  
172 Hoardings to be set up during building etc.  
173 Hoardings to be securely erected.  
174 Precautions to be taken by persons executing works in streets.  
175 Liability of certain persons in respect of materials left on highway.  
175A Duty to have regard to needs of disabled and blind in executing works, etc.

*Miscellaneous*

- 176 Restriction on construction of bridges over highways.  
177 Restriction on construction of buildings over highways.  
178 Restriction on placing rails, beams etc. over highways.  
179 Control of construction of cellars etc. under street.  
180 Control of openings into cellars etc. under streets, and pavement lights and ventilators.  
181 Provisions relating to placing, etc. of certain apparatus in or under a highway.  
182 Supplementary provisions as to licences under section 181.  
183 Appeal against certain decisions of local highway authority under section 181.  
184 Vehicle crossings over footways and verges.  
185 Power to install refuse or storage bins in streets.

**PART X**

NEW STREETS

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### *New street byelaws*

- 186 Power of county councils and London boroughs and the Common Council to make new street byelaws.
- 187 Continuation of existing street to be a new street.
- 188 Power to declare existing highway to be a new street.
- 189 Revocation and amendment of orders under section 188.
- 190 Power to relax byelaw requirements.

### *Passing of plans deposited under byelaws*

- 191 Passing or rejection of plans etc.
- 192 Deposit of plans to be of no effect after certain interval.

### *Requirements and prohibitions as to new streets*

- 193 Imposition of requirements as to width of new streets in certain cases.
- 194 Power to vary position or direction, and to fix beginning and end, of new street.
- 195 Construction of bridge carrying new street.
- 196 Power to allow widening of existing street on one side only to less than prescribed width.

### *Enforcement of byelaws and requirements of local authority*

- 197 Power to require removal or alteration of work not in conformity with byelaws.
- 198 Fine for executing work otherwise than in accordance with conditions.
- 199 Enforcement of conditions imposed by or under byelaws against owner.

### *Provisions as to regulation of new streets by enactment*

- 200 Application of certain sections where new streets regulated by enactment.

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- 201 Right of local authority to retain deposited plans.
- 202 Interpretation of Part X.

## **PART XI**

### **MAKING UP OF PRIVATE STREETS**

#### *Introductory*

- 203 Interpretation of Part XI.
- 204 Purposes and application of private street works code and advance payments code.

#### *The private street works code*

- 205 Street works in private streets.
- 206 Incidental works.
- 207 Provisional apportionment of expenses.
- 208 Objections to proposed works.
- 209 Hearing and determination of objections.
- 210 Power to amend specification, apportionment, etc.

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- 211 Final apportionment and objections to it.
- 212 Recovery of expenses and charge thereof on premises.
- 213 Power for limited owners to borrow for expenses.
- 214 Financial provisions.
- 215 Exemption for place of public religious worship.
- 216 Certain railways and canals not to be chargeable with expenses.
- 217 Objections only to be made as provided by private street works code.
- 218 Saving for Thames Water Authority and Port of London Authority.

*The advance payments code.*

- 219 Payments to be made by owners of new buildings in respect of street works.
- 220 Determination of liability for, and amount of, payments.
- 221 Refunds etc. where work done otherwise than at expense of street works authority.
- 222 Sums paid or secured to be in discharge of further liability for street works.
- 223 Determination to cease to have effect when plans not proceeded with.
- 224 Certain matters to be local land charges.
- 225 Interest on sums paid under advance payments code.

*General*

- 226 Power to vary width of carriageway and footway on making up a private street.
- 227 Widening of highway comprised in private street.
- 228 Adoption of private street after execution of street works.
- 229 Power of majority of frontagers to require adoption where advance payment made.
- 230 Urgent repairs to private streets.
- 231 Compensation for damage caused by execution of street works.
- 232 Power to treat as a private street land designated for purposes of this section by development plan.
- 233 Appeal to Minister under private street works code.
- 234 Provisions as to private street in area of more than one street works authority.
- 235 Evasion of private street works expenses by owners.
- 236 Contribution by street works authority to expenses of street works.
- 237 Power of street works authority to grant charging order.

**PART XII**

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

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- 238 Interpretation etc. of Part XII.

*Acquisition of land generally*

- 239 Acquisition of land for construction, improvement etc. of highway: general powers.
- 240 Acquisition of land in connection with construction, improvement etc. of highway: further general powers.
- 241 Acquisition of land between improvement line and boundary of street.

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- 242 Acquisition of land for execution of works in connection with certain bridges.
- 243 Acquisition of land for cattle-grids etc.
- 244 Acquisition of land for road-ferries.
- 245 Acquisition of land for buildings etc. needed for discharge of functions of highway authority.
- 245A Acquisition of land by Secretary of State or Assembly for buildings etc. needed for traffic management purposes
- 246 Acquisition of land for mitigating adverse effects of constructing or improving highway.
- 247 General provision as to acquisition procedure etc.
- 248 Acquisition in advance of requirements.
- 249 Distance limits from highway applicable to compulsory acquisition.

*Additional provisions with respect to acquisition of rights over land*

- 250 Land acquisition powers to extend to creation as well as acquisition of rights.
- 251 Rights acquired to be binding on successive owners of the land.
- 252 Power of landowner affected by rights acquisition to compel acquisition of whole interest.
- 253 Agreements as to use of land near highways.
- 254 Compulsory acquisition for certain purposes of rights in land belonging to local authorities etc.
- 255 Liability for certain expenses resulting from order under section 254.

*Exchange of land*

- 256 Power to exchange land to adjust boundaries of highways.

*Further provisions with respect to acquisition procedure for exercise of highway land acquisition powers*

- 257 Compulsory acquisition proceedings taken concurrently with other related proceedings, etc.
- 258 Provisions relating to objections to compulsory purchase orders.
- 259 Power to confirm, etc., compulsory purchase order in part and postpone consideration of remainder.
- 260 Clearance of title to land acquired for statutory purposes.

*Special compensation provisions as respects certain compulsory acquisitions for highway purposes*

- 261 Benefit to vendor to be taken into account in assessing compensation on certain compulsory acquisitions for highway purposes.
- 262 Assumptions to be made in assessing compensation on certain compulsory acquisitions of land for service stations etc. and lorry areas for special roads.

*Vesting of highways etc.*

- 263 Vesting of highways maintainable at public expense.
- 264 Vesting of drains etc. of certain roads.

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*Transfer of property and liabilities on change of status of highway etc.*

- 265 Transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road.
- 266 Transfer to Minister of privately maintainable bridges carrying trunk roads.
- 266A Transfer of property and liabilities upon a highway becoming or ceasing to be a GLA road.
- 266B Transfer of employees upon a highway becoming or ceasing to be a GLA road.
- 267 Transfer to local highway authorities of privately maintainable bridges carrying special roads.
- 268 Transfer of property and liabilities in connection with special roads etc.
- 269 .....
- 270 Transfer of lighting systems.
- 271 Provisions with respect to transfer of toll highways to highway authorities.

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FINANCIAL PROVISIONS

- 272 Advances for highway purposes.
- 273 Contributions by county councils to expenses of district councils under section 96.
- 274 Contributions by councils towards expenses of highway authorities.
- 274A Contributions by parish or community councils.
- 275 Contributions by councils and local planning authorities towards expenses incurred in connection with footpaths and bridleways.
- 276 Contributions to land drainage works which will benefit trunk roads.
- 277 Contribution towards maintenance of bridge where road ceases to be a trunk road.
- 278 Agreements as to execution of works.
- 279 Borrowing power of councils.
- 280 Application of certain sums payable to local highway authorities.
- 281 Exemption from stamp duty.
- 281A Stamp duty land tax

**PART XIV**

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Miscellaneous powers etc. of highway authorities and local authorities*

- 282 Power of highway authority to execute works for mitigating adverse effect of constructing or improving etc. highway.
- 283 Power of Minister to conduct experiments.
- 284 Powers of Minister in relation to privately maintainable parts of trunk roads.
- 284A Trunk roads: miscellaneous functions of Secretary of State.
- 285 Power of Minister and Greater London Council to execute in Greater London road improvements not involving widening.
- 286 Power to require angles of new buildings at corners of streets to be rounded off.
- 287 Power to erect barriers in streets in cases of emergency etc.
- 288 Power to require gas and water pipes to be moved.

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- 289 Powers of entry of highway authority for the purpose of survey.
- 290 Supplementary provisions as to powers of entry for the purpose of survey.
- 291 Powers of entry of highway authority for purpose of maintaining, etc. certain structures and works.
- 292 Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under section 289 or 291.
- 293 Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.
- 294 Entry, etc., of premises by highway authority or council for certain purposes.
- 295 Power of councils to dispose of certain materials.
- 296 Power of highway authority or council to execute certain works on behalf of other person.
- 297 Power of highway authority or council to require information as to ownership of land.
- 298 Duty of local authorities to furnish information to county councils and the Greater London Council.
- 299 Right to discharge water.
- 300 Right of local authorities to use vehicles and appliances on footways and bridleways.
- 301 Restriction on exercise of powers of lighting authorities.

*London borough council affecting roads of another authority*

- 301A London borough council exercising powers so as to affect another authority's roads.
- 301B Royal Parks or highways in London affected by proposals relating to the other.

*Inquiries*

- 302 Provisions as to inquiries.

*Obstruction of persons executing Act*

- 303 Penalty for obstructing execution of Act.
- 304 Power to require occupier to permit works to be executed by owner.

*Recovery of expenses*

- 305 Recovery of expenses by councils and highway authorities.
- 306 Time-limit for summary proceedings for recovery of expenses.

*Determination of disputes as to compensation*

- 307 Disputes as to compensation which are to be determined by Lands Tribunal and related provisions.
- 308 Disputes as to compensation which are to be determined by arbitration or county court.
- 309 Compensation in respect of depreciation in value of interest in land subject to mortgage.

*Prosecutions, appeals, etc.*

- 310 Summary proceedings for offences.

*Status: Point in time view as at 11/05/1994.*

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- 311 Continuing offences.
- 312 Restriction on institution of proceedings.
- 313 Inclusion of several sums in one complaint, etc.
- 314 Offences by body corporate.
- 314A Fixed penalties for certain offences under Part 9
- 315 Notice to be given of right of appeal.
- 316 Appeals and applications to magistrates' courts.
- 317 Appeals to the Crown Court from decisions of magistrates' courts.
- 318 Effect of decision of court upon an appeal.
- 319 Judges and justices not to be disqualified by liability to rates.

*Notices, etc.*

- 320 Form of notices etc.
- 321 Authentication of documents etc.
- 322 Service of notices etc.
- 323 Reckoning of periods.

*Regulations, schemes, orders, etc.*

- 324 Regulations for procedure in connection with, and centre line of roads authorised etc. by, certain schemes and orders.
- 325 Provisions as to regulations, schemes and orders.
- 326 Revocation and variation of schemes and orders.

*Crown application*

- 327 Application of Act to Crown land.

*Interpretation*

- 328 Meaning of "highway".
- 329 Further provision as to interpretation.
- 330 Construction of certain enactments relating to execution of works by statutory undertakers.
- 331 References to functions of council as respects any highway.
- 332 Widening of carriageway not to cease to be improvement by reason of diminution etc. of footway.

*Savings etc.*

- 333 Saving for rights and liabilities as to interference with highways.
- 334 (1) Subject to the provisions of this section, nothing in...
- 335 Saving for minerals etc.
- 336 Saving for Coast Protection Act 1949.
- 337 Saving for obligation to obtain planning permission.
- 338 Saving for works, etc., of dock, harbour and canal undertakers.
- 339 Saving for works etc. of drainage authorities etc.
- 340 Preservation of amendments.
- 341 Amendment of section 303 of Public Health Act 1875.
- 342 Amendment of section 41 of the Countryside Act 1968.
- 343 Transitional provisions, amendments and repeals.
- 344 Application to Isles of Scilly.
- 345 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Procedures for Making or Confirming Certain Orders and Schemes

#### Part I — ORDERS

- 1 Where the Minister proposes to make an order under any...
- 2 Where an order under section 18 or section 108(1) of...
- 3 Not later than the day on which the said notice...

#### *TABLE Persons to be served with copies of the documents specified in paragraph 3 of this Schedule*

- (i) In the case of every order proposed to be...
- 4 Where the proposed order authorises the stopping up or diversion...
- 5 At any time, whether before or after the expiration of...
- 6 Where the period specified in a notice published by the...
- 7 (1) If any objection to the proposed order is received...
- 8 (1) After any objections to the proposed order which are...
- 9 In this Part of this Schedule references to a proposed...

#### Part II — SCHEMES UNDER SECTIONS 16 AND 106(3)

- 10 Where the Minister proposes to make a scheme under section...
- 11 Not later than the day on which the said notice...
- 12 At any time, whether before or after the expiration of...
- 13 Where the period specified in a notice published by the...
- 14 (1) If any objection to the proposed scheme is received...
- 15 (1) After any objections to the proposed scheme which are...
- 16 In this Part of this Schedule “proposed scheme” includes a...

#### Part III — GENERAL

- 17 If, on or after publishing a notice required by Part...
- 18 (1) Any person who objects to the making or confirmation...
- 19 (1) Where objections to the making or confirmation of an...
- 20 Proceedings required by this Schedule to be taken for the...
- 21 Where— (a) proceedings required to be taken for the purposes...

### SCHEDULE 2 — Validity and Date of Operation of Certain Schemes and Orders

- 1 (1) Subject to sub-paragraph (2) below, as soon as may...
- 2 If a person aggrieved by a scheme or order to...
- 3 On any such application, the Court— (a) may by interim...
- 4 Subject to paragraph 3 above, a scheme or order to...
- 5 In relation to any scheme or order to which this...

### SCHEDULE 3 — Provisions of this Act Referred to in Section 11

#### Part I

#### *Provisions conferring functions exercisable in relation to trunk roads by the Minister exclusively*

- 1 Provisions contained in Part IV. Section 38(1) and section 57(2)....
- 2 Provisions contained in Part V. Section 73.
- 3 Provisions contained in Part IX. Section 133, section 171(1) and...
- 4 Provisions contained in part XII. Sections 241 and 271.

#### Part II



*Status: Point in time view as at 11/05/1994.*

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*Provisions conferring functions exercisable in relation to trunk roads by the Minister as well as by other authorities*

- 5 Provisions contained in Part IX. Sections 151 and 152, section...  
Part III

*Provisions conferring functions exercisable in relation to trunk roads by the Minister and by other authorities with the consent of the Minister*

- 6 Provisions contained in Part V. Section 66(2) and section 96(4)....  
7 Provisions contained in Part IX. Section 185.

SCHEDULE 4 — Classes of Traffic for Purposes of Special Roads

Class I: Heavy and light locomotives, motor tractors, heavy motor...

Class II: Motor vehicles and trailers the use of which...

Class III: Motor vehicles controlled by pedestrians.

Class IV: All motor vehicles (other than invalid carriages and...

Class V: Vehicles drawn by animals.

Class VI: Vehicles (other than pedal cycles, perambulators, push-chairs and...

Class VII: Pedal cycles.

Class VIII: Animals ridden, led or driven.

Class IX: Pedestrians, perambulators, push-chairs and other forms of baby...

Class X: Motor cycles whereof the cylinder capacity of the...

Class XI: Invalid carriages. In this Schedule any expression defined...

SCHEDULE 5 — Modifications of Certain Provisions of the Town and Country Planning Act 1990 as Applied by Section 21

Part I — MODIFICATIONS IN RELATION TO LAND REFERRED TO IN PARAGRAPH (A) OR (B) OF SECTION 21(2)

- 1 For references in sections 271, 272, 274, 279(2) to (4),...  
2 In subsection (2) of section 271 and of section 272...  
3 The references in subsection (5) of the said section 271...  
4 In paragraph (b) of section 273(1) of the 1990 Act...  
5 For subsection (2) of the said section 273 substitute the...  
6 For references in subsections (3) and (6) of the said...

Part II — MODIFICATIONS IN RELATION TO LAND REFERRED TO IN PARAGRAPH (C) OF SECTION 21(2)

- 1 For references in sections 271, 272, 274, 279(2) to (4),...  
2 In subsection (2) of section 271 and of section 272...  
3 The references in subsection (5) of the said section 271...  
4 For subsections (1) and (2) of section 273 of the...  
5 For references in subsections (3) and (6) of the said...

SCHEDULE 6 — Provisions as to Making, Confirmation, Validity and Date of Operation of Certain Orders Relating to Footpaths and Bridleways

Part I — PROCEDURE FOR MAKING AND CONFIRMING CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

- 1 (1) Before a public path creation order, a public path...  
2 (1) If no representations or objections are duly made, or...  
2ZA (1) Where a public path extinguishment order, a special extinguishment...

*Status: Point in time view as at 11/05/1994.*

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- 2ZB Where, in relation to any public path extinguishment order, special...
- 2A (1) A decision of the Secretary of State under paragraph...
- 2B (1) Subject to sub-paragraph (2), subsections (2) to (5) of...
- 3 (1) The Secretary of State may, subject to the provisions...
- Part II — VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS  
RELATING TO FOOTPATHS AND BRIDLEWAYS
- 4 (1) As soon as may be after an order to...
- 4A As soon as may be after an order to which...
- 5 Schedule 2 of this Act (except paragraph 1 thereof) applies...
- 6 In this Part of this Schedule “prescribed” means prescribed by...

#### SCHEDULE 7 — Maintenance of Certain Highways by District Councils

##### Part I — REGULATIONS GOVERNING EXERCISE OF POWERS

- 1 Before exercising the relevant powers in relation to any highway...
- 2 If the county council are of the opinion that any...
- 3 (1) The relevant powers with respect to a highway specified...
- 4 (1) Without prejudice to paragraph 3(2) above, the relevant powers...
- 5 (1) Every district council shall prepare and keep up to...
- 6 A statement by or on behalf of the Minister that...
- 7 A district council shall indemnify a county council in respect...

##### Part II — REIMBURSEMENT BY HIGHWAY AUTHORITIES OF CERTAIN EXPENSES OF DISTRICT COUNCILS

- 8 The provisions of this Part of this Schedule apply where...
- 9 On or before 15th December in each year the district...
- 10 The county council are not liable to make a payment...
- 11 The district council may at any time, and from time...
- 12 A county council shall not unreasonably withhold approval of an...

#### SCHEDULE 8 — Consents Required for Execution of Certain Works in Streets

- 1 In this Schedule “the authority” means the highway authority or...
- 2 The authority shall not carry out any works to which...
- 3 A consent required by this Schedule in respect of any...
- 4 Where the consent of the Minister is required under this...

#### SCHEDULE 9 — Improvement Lines and Building Lines

- 1 Before a line is prescribed by the Minister he shall...
- 2 Before a line is prescribed by a county council, as...
- 2A Paragraph 2 above does not apply in relation to a...
- 3 . . . . .
- 4 A line which a highway authority propose to prescribe shall...
- 5 The plan shall be deposited at the offices of the...
- 6 As soon as the plan has been so deposited the...
- 7 The authority shall consider any objection to the proposed line...
- 8 Not later than 6 weeks after the date on which...
- 9 If the authority revoke the line, they shall—
- 10 Where a local highway authority prescribe a line or revoke...

#### SCHEDULE 10 — Procedure for Determination by Highway Authority of Certain Questions Arising in Connection with Provision of Cattle-Grid or By-Pass

- 1 (1) Before determining, under section 82 or 86 of this...
- 2 If no representation is duly made under paragraph 1 above,...
- 3 (1) Where a representation is duly made as aforesaid and...

*Status: Point in time view as at 11/05/1994.*

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- 4 For the purpose of displaying a notice as required by...
- 5 In relation to the exercise by a council of functions...

#### SCHEDULE 11 — Provisions as to Orders under Section 93 of this Act

##### *Limitations on matters to be dealt with by orders*

- 1 The Minister shall not by an order under section 93...
- 2 The Minister shall not by an order with respect to...
- 3 The Minister shall not by an order with respect to...
- 4 An order made with respect to— (a) a bridge owned...
- 5 Nothing in an order made with respect to—
- 6 An order requiring the reconstruction of a bridge crossing a...

##### *Procedure for making orders*

- 7 (1) An order to which this paragraph applies shall be...
- 8 Before making an order to which paragraph 7 above applies...
- 9 (1) If no objection is duly made by any person...
- 10 As soon as may be after the order has been...
- 11 Subject to paragraphs 7 to 10 above, the Minister of...

##### *Power to postpone commencement of orders*

- 12 The Minister may postpone the date of the coming into...

##### *Provisions as to public utility undertakers*

- 13 (1) Before making an order for the reconstruction or improvement...
- 14 (1) Where an order provides for the transfer to a...

##### *Apportionment of expenses*

- 15 (1) Subject to sub-paragraph (2) below, where an order has...
- 16 Where the reconstruction or improvement of a bridge crossing—
- 17 Where an order providing for a matter referred to in...
- 18 Where it is determined by agreement or an award that...
- 19 Where it is determined by agreement or an award that...

##### *Arbitration*

- 20 Where a question is by any provision of this Schedule,...

#### SCHEDULE 12 — Provisions as to Orders Under Section 116 and Conveyances Under Section 256

##### Part I — NOTICES TO BE GIVEN BY APPLICANT FOR ORDER UNDER SECTION 116

- 1 At least 28 days before the day on which an...
- 2 Not later than 28 days before the day on which...
- 3 At least 28 days before the day on which the...

##### Part II — APPARATUS OF STATUTORY UNDERTAKERS

- 4 Where this Part of this Schedule applies in relation to...
- 5 Where a highway is stopped up or diverted in pursuance...
- 6 Subject to the following provisions of this Part of this...
- 7 If in the course of the execution of undertakers' works...
- 8 For the purposes of paragraph 7 above—

*Status: Point in time view as at 11/05/1994.*

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- 9 An amount which apart from this paragraph would be payable...
- 10 Any question arising under this Part of this Schedule shall,...
- Part III — INTERPRETATION
- 11 In this Schedule “ statutory undertakers ” includes operators of...

#### Schedule 12ZA — Delegation of function of making determination

##### *Interpretation*

- 1 In this Schedule— “ appointed person ” means a person...

##### *Appointments*

- 2 An appointment under section 121(5B) of this Act must be...

##### *Powers of appointed person*

- 3 Subject to the provisions of this Schedule, an appointed person...

##### *Holding of inquiries and other hearings by appointed persons*

- 4 (1) If either of the following persons—

##### *Revocation of appointments and making of new appointments*

- 5 (1) Where under paragraph 2(c) above the appointment of the...

##### *Certain acts and omissions of appointed person to be treated as those of appropriate Minister*

- 6 (1) Anything done or omitted to be done by an...

##### *Local inquiries and hearings: evidence and costs*

- 7 Subsections (2) to (5) of section 250 of the Local...

#### SCHEDULE 12A — Further Powers of Highway Authorities and Councils in Relation to Interference with Highways

##### *Interpretation*

- 1 (1) For the purposes of this Schedule the “minimum width”...

##### *Competent authorities*

- 2 For the purposes of this Schedule each of the following...

##### *Power to carry out works*

- 3 (1) Where the surface of— (a) a footpath,
- 4 (1) Where the occupier of any land fails to carry...
- 5 If the applicant fails to comply with a condition imposed...
- 6 Paragraphs 7 to 9 below have effect in relation to...

##### *Entry on land*

- 7 Subject to paragraph 8 below, any person duly authorised in...
- 8 (1) Except in the case of entry, solely for the...

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### *Financial*

9 (1) Subject to sub-paragraph (2) below, a competent authority may...

#### SCHEDULE 13 — Deductions from Rents

- 1 An occupier of premises by whom any sum in relation...
- 2 Where a deduction from rent payable to a landlord is...
- 3 Nothing in paragraph 2 above entitles a person to deduct...

#### SCHEDULE 14 — Provisions with Respect to Notices Under Section 184

- 1 A person on whom a notice under section 184(1) or...
- 2 An objection under paragraph 1 above shall be made by...
- 3 Where objection is made to a notice given by a...
- 4 If objection is made to such a notice and the...
- 5 Subject to paragraph 4 above, such a notice becomes effective...

#### SCHEDULE 15 — Application of Advance Payments Code

- 1 Where the advance payments code does not apply in a...
- 2 The resolution shall come into operation at such time, not...
- 3 When it has been passed, the resolution shall be published—...
- 4 A copy of the advertisement of the resolution published under...
- 5 For the purposes of this Schedule a notice is to...

#### SCHEDULE 16 — Particulars to be Stated in Specifications, Notices, Etc., Under the Private Street Works Code

- 1 The specification shall describe generally the works and things to...
- 2 The plans and sections shall show the constructional character of...
- 3 The estimate shall show the particulars of the probable cost...
- 4 The provisional apportionment shall state the amounts charged on the...
- 5 The notice under section 205 of this Act shall contain...
- 6 The notice under section 210 of this Act shall contain...

#### SCHEDULE 17 — Purposes for which Additional Land May be Taken in Advance of Requirements

#### SCHEDULE 18 — Distance Limits from Highway Applicable to Compulsory Acquisition

##### Part I

#### *Table of limits*

##### Part II

#### *Further provision with respect to the limits under Part I*

- 1 In the entries numbered 2 and 4 in Part I...
- 2 Where the boundaries of any highway will be altered in...

#### SCHEDULE 19 — Compulsory Acquisition of Rights: Modification of 1946 and 1965 Acts

*Status: Point in time view as at 11/05/1994.*

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Part I

1—4 . . . . .

Part II — ADAPTATION OF 1965 ACT, PART I

- 5 In relation to a compulsory acquisition of a right by...
- 6 For section 7 of the Act (measure of compensation) substitute...
- 7 For section 8(1) of the Act (protection for vendor against...
- 8 The following provisions of the Act (being provisions stating the...
- 9 Section 11 of the Act (powers of entry) is so...
- 10 Section 20 of the Act (protection for interests of tenants...
- 11 Section 22 of the Act (protection of acquiring authority’s possession...

SCHEDULE 20 — Acquisition of Land or Rights: Related Schemes and Orders

SCHEDULE 21 — Transitional Matters Arising where a Highway Becomes a Trunk Road or a Trunk Road Ceases to be a Trunk Road

- 1 All orders and regulations made, all directions, consents and notices...
- 2 Any order, byelaw, regulation or other instrument made by a...
- 3 All contracts, deeds, bonds or agreements entered into or made...
- 4 Where any such contract as aforesaid provides for the execution...
- 5 Where, before the day on which a highway becomes a...
- 6 In calculating— (a) the amount of any sum to be...
- 7 If any dispute arises under paragraph 4, 5 or 6...
- 8 All proceedings, legal or other, begun before the day on...
- 9 The provisions of this Schedule, except paragraph 2, apply in...

SCHEDULE 22 — Provisions of this Act to which Sections 288, 294, 312, 338, 339 and 341 of this Act Apply

- 1 Provisions contained in Part IV Section 36(6) and (7) and...
- 2 Provisions contained in Part V Section 66(2) to (8), sections...
- 3 Provisions contained in Part IX Sections 133, and 151 to...
- 4 . . . . .
- 5 Provisions contained in Part XI The private street works code,...
- 6 Provisions contained in Part XII Section 239(6) and section 241....
- 7 Provisions contained in Part XIV Sections 286, 295, 297, 303,...

SCHEDULE 22A — fixed penalty offences under part 9

SCHEDULE 22B — Fixed penalties for certain offences under Part 9

*Power to give fixed penalty notices*

- 1 (1) An authorised officer of a highway authority may, if...

*Power to give fixed penalty notices*

- 2 A fixed penalty notice for an offence may not be...

*Contents of fixed penalty notice*

- 3 (1) A fixed penalty notice must identify the offence to...

*The amount of the penalty and the period for payment*

- 4 (1) The penalty for a fixed penalty offence is (subject...

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*The discounted amount*

5 (1) A discounted amount is payable instead of the amount...

*Effect of notice and payment of penalty*

6 (1) This paragraph applies where a person is given a...

*Power to withdraw notices*

7 (1) If the highway authority consider that a fixed penalty...

*General and supplementary*

8 (1) In this Schedule “ prescribed ” means prescribed in...

*General and supplementary*

9 Section 323(1)(b) (reckoning of periods of 8 days or less)...

SCHEDULE 23 — Transitional Provisions

*Delegation of functions*

1 Section 6(1). . . of this Act shall have effect...

*Trunk roads and related roads*

2 Section 11(1) of this Act applies to a highway which...

3 (1) The provisions of this Act (except section 19) and...

4 (1) Any order under section 1(3) of the Trunk Roads...

5 (1) Any order under section 4 of the Trunk Roads...

*Special roads*

6 (1) In schemes under section 11 of the Highways Act...

*Vehicle crossings*

7 (1) If a person knowingly uses a grass verge or...

*Maintenance of highways*

8 Any question of liability for non-repair of a highway in...

*Cattle-grids etc.*

9 (1) Without prejudice to the application of this Act to...

*New streets*

10 .....

11 .....

*Private Street Works Code*

12 (1) Sub-paragraph (2) below has effect where—

13 (1) Subject to sub-paragraph (3) below, where a highway in...

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*Acquisition of land*

14 (1) Notwithstanding anything in section 1(2) of the Act of...

*National Freight Corporation*

15 .....

*Continuing offences*

16 Where an offence for the continuance of which a penalty...

*General*

- 17 Any reference in this Act (whether express or implied) to...
- 18 Without prejudice to paragraph 17 above, any reference in this...
- 19 Without prejudice to paragraph 17 or 18 above, any power...
- 20 Where a period of time specified in any enactment repealed...
- 21 .....
- 22 Any enactment or other document of any kind referring to...
- 23 Any enactment or other document of any kind referring to...

*References to Magistrates' Courts Act 1980*

24 .....

SCHEDULE 24 — Consequential Amendments

*Military Lands Act 1892*

1 In the Military Lands Act 1892— (a) in section 13,...

*Settled Land Act 1925*

2 In section 56(3) of the Settled Land Act 1925, for...

*Universities and College Estates Act 1925*

3 In section 16(3) of the Universities and College Estates Act...  
4 .....

*Public Utilities Street Works Act 1950*

5 .....

*Parish Councils Act 1957*

7 In section 3(10) of the Parish Councils Act 1957—

*Land Compensation Act 1961*

8 In section 8(7) of the Land Compensation Act 1961 for...  
9 .....

*Pipelines Act 1962*

10 In the Pipelines Act 1962— (a) in section 15(10), in...



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*London Government Act 1963*

11 In Schedule 9 to the London Government Act 1963, in...

*Licensing Act 1964*

12 In section 9(4) of the Licensing Act 1964—

*New Forest Act 1964*

13 In section 3 of the New Forest Act 1964—

*Severn Bridge Tolls Act 1965*

14 .....  
15 .....  
16 .....

*Countryside Act 1968*

17 In the Countryside Act 1968— (a) in section 27(6), for...

*Transport Act 1968*

18 In the Transport Act 1968— (a) in section 119(1), for...

*Chronically Sick and Disabled Persons Act 1970*

19 In section 20(2) of the Chronically Sick and Disabled Persons...  
20 .....  
21 .....  
22 .....  
23 In the Land Compensation Act 1973— (a) in section 19(1),...

*Control of Pollution Act 1974*

24 In the Control of Pollution Act 1974—

*Road Traffic Act 1974*

25 In section 17 of the Road Traffic Act 1974—

*Local Land Charges Act 1975*

26 In section 1(1)(a) of the Local Land Charges Act 1975...

*Local Government (Miscellaneous Provisions) Act 1976*

27 In the Local Government (Miscellaneous Provisions) Act 1976—

*Development of Rural Wales Act 1976*

28 In Schedule 3 to the Development of Rural Wales Act...

*Rent Act 1977*

29 In both section 34(1)(a) and section 50(1)(a) of the Rent...

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*Refuse Disposal (Amenity) Act 1978*

30 In section 3(3) of the Refuse Disposal (Amenity) Act 1978...

SCHEDULE 25 — Repeals

**Status:**

Point in time view as at 11/05/1994.

**Changes to legislation:**

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