



Highways Act 1980

CHAPTER 66

HIGHWAYS ACT 1980

PART I

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- 5 Agreement for local highway authority to maintain and improve certain highways constructed or to be constructed by Minister or strategic highways company.
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14 Powers as respects roads that cross or join trunk or classified roads.

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

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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.

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- 61 Regulations supplementing maintenance powers of district councils.

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

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- 64 Dual carriageways and roundabouts.
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- 101 Power to fill in roadside ditches etc.
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- 154 Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths.
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- 157—
- 159
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PART XI

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- 213 Power for limited owners to borrow for expenses.
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- 217 Objections only to be made as provided by private street works code.
- 218 Saving for Thames Water Authority and Port of London Authority.

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PART XII

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- 240 Acquisition of land in connection with construction, improvement etc. of highway: further general powers.
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- 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, strategic highways company or Assembly for buildings etc. needed for traffic management purposes
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- 247 General provision as to acquisition procedure etc.
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- 263 Vesting of highways maintainable at public expense.
- 264 Vesting of drains etc. of certain roads.

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- 265 Transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road.
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- 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.
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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.
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- 301 Restriction on exercise of powers of lighting authorities.

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- 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.

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- 302 Provisions as to inquiries.

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

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

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- 307 Disputes as to compensation which are to be determined by Upper Tribunal and related provisions.

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- 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.

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- 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 or development consent
- 338 Saving for works, etc., of dock, harbour and canal undertakers.

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- 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.

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

Status: Point in time view as at 23/02/2017.

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Provisions conferring functions exercisable in relation to trunk roads by the Minister or a strategic highways company 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

Provisions conferring functions exercisable in relation to trunk roads by the Minister or a strategic highways company 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 or a strategic highways company and by other authorities with the consent of the Minister or a strategic highways company

- 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...

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

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

- 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...
 - 2ZB Where, in relation to any public path extinguishment order, special...
 - 2A (1) The following decisions- (a) a decision of the Secretary...
 - 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, BRIDLEWAYS AND RESTRICTED BYWAYS
- 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...

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- 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...
- 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

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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—
- 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...

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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...

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

Status: Point in time view as at 23/02/2017.

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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

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 Section 8(1) of the Compulsory Purchase Act 1965 has effect...
- 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...

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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...

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...

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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...

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
- 6

Parish Councils Act 1957

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

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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...

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—

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Development of Rural Wales Act 1976

28

Rent Act 1977

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

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 23/02/2017.

Changes to legislation:

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