



Highways Act 1980

1980 CHAPTER 66

PART I

HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

Highway authorities

1 Highway authorities: general provision.

- (1) The Minister is the highway authority for—
 - (a) any highway which is a trunk road;
 - [^{F1}(aa) any special road provided by him;]
 - (b) any highway as respects which an order made by him under any enactment expressly provides that he is to be the highway authority for it but does not direct that the highway is to be a trunk road;
 - (c) any highway (not falling within paragraph (a) above) transferred to him by an order under section 14 or 18 below;
 - (d) any other highway being a highway constructed by him, except where by virtue of section 2, 4(3) or 5(2) below or by virtue of some other enactment a local highway authority are the highway authority for it or where by means of an order made under section 14 or 18 below the highway is transferred to a local highway authority.
- (2) Outside Greater London the council of a county [^{F2}or metropolitan district] are the highway authority for all highways in the county [^{F2}or, as the case may be, the district], whether or not maintainable at the public expense, which are not highways for which under subsection (1) above the Minister is the highway authority.
- (3) [^{F3}The council] of a London borough or the Common Council are the highway authority for all highways in the borough or, as the case may be, in the City, whether or not maintainable at the public expense, which are not . . . ^{F4} highways for which under subsection (1) above the Minister is the highway authority.

Status: Point in time view as at 25/07/1995.

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[^{F5}(3A) In Wales the council of a county or county borough are the highway authority for all highways in the county or, as the case may be, the county borough, whether or not maintainable at the public expense, which are not highways for which the Minister is the highway authority under subsection (1) above.]

(4) Subsection (2) above is subject, as respects any highway outside Greater London for which the Minister is not the highway authority under subsection (1) above, to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the council of the county [^{F6}or, as the case may be, the metropolitan district] in which the highway is situated are the highway authority therefor.

[^{F7}(5) Subsection (3A) above is subject to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the Welsh council for the area in which the highway is situated are the highway authority.]

Textual Amendments

- F1** S. 1(1)(aa) inserted (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. [21\(2\)](#); S.I. 1991/2288, art. 3, [Sch.](#)
- F2** Words in s. 1(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 1\(a\)](#)
- F3** Words in s. 1(3) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 Pt. I](#), para. 1(b)
- F4** Words in s. 1(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F5** S. 1(3A) inserted (3.4.1995 for limited purposes, as mentioned in S.I. 1995/852 and 1.4.1996 otherwise, as mentioned in S.I. 1996/396) by 1994 c. 19, s. 22(1), [Sch. 7 Pt. I para. 1\(2\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 4(1)(5), [Sch.2](#) (with saving in art. 4(6)); S.I. 1996/396, art. 3, [Sch.1](#).
- F6** Words in s. 1(4) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 1\(c\)](#)
- F7** S. 1(5) added (3.4.1995 for limited purposes, as mentioned in S.I. 1995/852 and 1.4.1996 otherwise, as mentioned in S.I. 1996/396) by 1994 c. 19, s. 22(1), [Sch. 7 Pt. I para. 1\(3\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1995/852, art. 4(1)(5), [Sch. 2](#) (with saving in art. 4(6)); S.I. 1996/396, art. 3, [Sch.1](#).

2 Highway authority for road which ceases to be a trunk road.

[^{F8}(1)]Where an order made under section 10 below directs that a trunk road shall cease to be a trunk road, then, as from the date specified in that behalf in the order, the following authority, that is to say—

- (a) where the road is situated outside Greater London, the council of the county [^{F9}or metropolitan district], and
- (b) where the road is situated in a London borough, [^{F10}the council of the borough,]

shall become the highway authority for the road.

[^{F8}(2) In the case of a special road provided by the Minister, subsection (1) above has effect subject to any provision of the order directing that the Minister shall continue to be the highway authority for the road.]

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Textual Amendments

- F8** S. 2 renumbered 2(1) and s. 2(2) inserted (01.11.1991) by [New Roads and Street Works Act 1991](#) (c. 22, SIF 59, 108), [s. 21\(3\)](#); S.I. 1991/2288, [art. 3](#), Sch.
- F9** Words inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 8, [Sch. 4 para. 2](#)
- F10** Words substituted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 8, [Sch. 4 para. 2](#)

3 Highway authority for approaches to and parts of certain bridges.

- (1) Where a bridge carries a highway for which the Minister is not the highway authority and part of the bridge is situated in one county and part in another the highway authority for the highway carried by the bridge and the approaches thereto is such one of the councils of those counties as may be agreed between them before such a day as the Minister may by order made by statutory instrument appoint or, in default of such agreement, as may be determined by the Minister.
- (2) Where the Minister has made a determination under subsection (1) above the determination—
 - (a) may be varied at the request of the council of either of the counties concerned; and
 - (b) shall be varied to give effect to any request made jointly to the Minister by those councils;and any such variation shall take effect on the 1st April falling not less than 3 months, and not more than 15 months, after the date on which the determination is varied.
- (3) Where a bridge carries a highway for which the Minister is not the highway authority and subsection (1) above does not apply, but some part of one or more of the approaches to the bridge lies in a county different from the bridge itself, the highway authority for the whole of that approach or those approaches is the council of the county in which the bridge is situated.
- (4) For the purposes of this section, the approaches to a bridge consist of so much of the highway or highways on either side of the bridge as is situated within 100 yards of either end of the bridge.

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.

- (1) The Minister and a local highway authority may enter into an agreement for providing, in relation to a highway specified in the agreement, being a highway that crosses or enters the route of a trunk road or is or will be otherwise affected by the construction or improvement of a trunk road, that any functions specified in the agreement, being functions of improvement exercisable as respects that highway by the local highway authority, shall be exercisable by the Minister on such terms and subject to such conditions (if any) as may be so specified.
- (2) Where under an agreement made under this section any function of a local highway authority is exercisable by the Minister, then, for the purpose of exercising that function the Minister shall have the same powers under this Act (including highway land acquisition powers) as the local highway authority have for that purpose, and in

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exercising that function and those powers he shall have the like rights and be subject to the like liabilities as that authority.

- (3) Where for purposes connected with any function exercisable by him under an agreement made under this section the Minister proposes to construct a new highway, every council (other than the council of a [^{F11}non-metropolitan] district) in whose area the proposed highway is situated shall be a party to the agreement and the agreement shall provide for a local highway authority specified in the agreement to become the highway authority for the highway on its completion.
- (4) An agreement under this section made between the Minister and any other highway authority may provide for the payment of contributions—
- (a) by the Minister to that other authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the agreement;
 - (b) to the Minister by that other authority in respect of liabilities so imposed on the Minister, being liabilities which would otherwise have fallen to be discharged by that other authority;
- and may also provide for the determination by arbitration of disputes as to the payment of such contributions.
- (5) Any local highway authority who are a party to an agreement made under this section may contribute towards any expenses incurred by the Minister in executing any works to which the agreement relates.

Textual Amendments

F11 Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 3](#)

5 Agreement for local highway authority to maintain and improve certain highways constructed or to be constructed by Minister.

- (1) The local highway authority may by agreement with the Minister undertake the maintenance and improvement of a highway in their area, being a highway (other than a trunk road) which the Minister proposes to construct or has, whether before or after the commencement of this Act, constructed.
- (2) Where an agreement is made under this section the council who are a party to the agreement shall, on such date as may be provided by the agreement, become the highway authority for the highway to which the agreement relates.

6 Delegation etc. of functions with respect to trunk roads.

- (1) The Minister may by agreement with a county council, [^{F12}a metropolitan district council], or a London borough council delegate to that council all or any of his functions (including functions under a local or private Act) with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired by him in connection with a trunk road under section 239(2) or (4) or section 246 below;. . . ^{F13}

[^{F14}(1A) The Minister shall not delegate functions to a council under subsection (1) above—

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- (a) with respect to a trunk road or land outside their area but within a non-metropolitan county or London borough, except with the consent of the council of that county or borough;
 - (b) with respect to a trunk road or land outside their area but within a metropolitan district except after consultation with the council of that district.]
- (2) A council shall, in the exercise of any functions delegated to them under subsection (1) above, act as agents for the Minister and in accordance with such conditions as he may attach to the delegation, and among such conditions there shall be included the following—
 - (a) that the works to be executed and the expenditure to be incurred by the council in the discharge of the delegated functions shall be subject to the approval of the Minister;
 - (b) that the council shall comply with any requirement of the Minister as to the manner in which any such works are to be carried out, and with any directions of the Minister as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
 - (c) that any such works shall be completed to the satisfaction of the Minister.
- (3) If at any time the Minister is satisfied that a trunk road or land with respect to which functions are delegated under subsection (1) above is not in proper repair and condition, he may give notice to the council requiring them to place it in proper repair and condition within such time as may be specified in the notice, and if the notice is not complied with the Minister may do anything that seems to him necessary to place the road or land in proper repair and condition.
- (4) A delegation to a council under subsection (1) above may be determined by notice given by the Minister to the council during the first 9 months of any calendar year, or the functions so delegated may be relinquished by a notice given by the council to the Minister during any such period; and the notice shall take effect as from 1st April in the calendar year following that in which it is given.
- (5) The Minister may enter into an agreement with a county council, [^{F15}a metropolitan district council] or a London borough council—
 - (a) for the construction of a trunk road, or
 - (b) for the carrying out by them of any work of improvement of, or other dealing with, any trunk road or any such land as is mentioned in subsection (1) above;and subsection (2) above applies to the discharge of the functions of a council under any such agreement and to the conditions to be included in any such agreement as it applies to the discharge of functions delegated under subsection (1) above to any such council and to the conditions to be attached to any such delegation.
- (6) Where—
 - (a) any functions have been delegated by the Minister to a county council under subsection (1) above, or
 - (b) the Minister has entered into an agreement with a county council under subsection (5) above,the county council may, with the consent of the Minister, enter into arrangements with a district council for the carrying out by the district council, in accordance with the arrangements, of such of the delegated functions or, as the case may be, of the functions to which the agreement relates as may be specified in the arrangements;. . . ^{F16}

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- [^{F17}(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a district council of any functions—
 - (a) with respect to a trunk road or land outside their area but within a non-metropolitan district, except with the consent of the council of the non-metropolitan district;
 - (b) with respect to a trunk road or land outside their area but within a metropolitan district, except after consultation with the council of the metropolitan district.]
- (7) Plant or materials belonging to a council by whom functions fall to be exercised by virtue of a delegation, or agreement or arrangements under this section may be used by them for the purposes of those functions subject to the terms of the delegation, or agreement or arrangements.
- (8) Nothing in this section limits the power of the Minister to enter into and carry into effect agreements with any person for any purpose connected with the construction, improvement or maintenance of, or other dealing with, a trunk road or otherwise connected with his functions relating to trunk roads under this or any other Act; but no such agreement shall provide for the delegation of powers or duties of the Minister except in accordance [^{F18}with
 - (a) the provisions of this section; or
 - (b) the provisions of any order made under section 69 of the Deregulation and Contracting Out Act 1994.]

Textual Amendments

F12 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(a)(i)**

F13 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 8, 102, **Sch. 4 para. 4(a)(ii)**, Sch. 17

F14 [S. 6\(1A\)](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(b)**

F15 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(c)**

F16 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 8, 102, **Sch. 4 para. 4(d)**, Sch. 17

F17 [S. 6\(6A\)](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(e)**

F18 Words in [s. 6\(8\)](#) substituted (25.7.1995) by [S.I. 1995/1986](#), **art.3**.

Modifications etc. (not altering text)

C1 [S. 6](#) restricted (13.2.1992) by [Severn Bridges Act 1992 \(c. 3\)](#), **s. 15(6)**

7 ^{F19}

Textual Amendments

F19 [S. 7](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

8 Agreements between local highway authorities for doing of certain works.

- (1) Subject to the provisions of this section, local highway authorities may enter into agreements with each other for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority.

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- (2) An agreement under this section may provide, in relation to a highway specified in the agreement, being a highway for which one of the parties to the agreement are the highway authority, that any functions specified in the agreement, being functions exercisable as respects that highway by the highway authority therefor, shall be exercisable by some other party to the agreement on such terms and subject to such conditions (if any) as may be so specified.
- (3) Where under an agreement made under this section any function of the highway authority for a highway is exercisable by another highway authority, then, for the purpose of exercising that function that other highway authority shall have the same powers under this Act (including highway land acquisition powers) as the highway authority for the highway have for that purpose, and in exercising that function and those powers they shall have the like rights and be subject to the like liabilities as that authority.
- (4) The council of a county may not enter into an agreement under this section with the council of another county unless the counties adjoin each other [^{F20}]; and the council of a metropolitan district may not enter into an agreement under this section with the council of another metropolitan district or of a county unless the districts are in the same county or in counties which adjoin each other or, as the case may be, the county in which the district is situated and the other county adjoin each other.].
- (5) Expenses incurred in pursuance of an agreement made under this section shall be borne for the parties to the agreement in such proportions as may be determined by the agreement.

Textual Amendments

F20 Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 5](#)

Modifications etc. (not altering text)

C2 [S. 8](#) restricted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 91, [Sch. 15 para. 1](#)

9 Seconding of staff etc.

- (1) A council may enter into an agreement with the Minister for placing at his disposal for the purposes of his functions relating to highways, on such terms as may be provided by the agreement, the services of persons employed by the council and any premises, equipment and other facilities under the control of the council.
- (2) For superannuation purposes service rendered by a person whose services are placed at the disposal of the Minister in pursuance of this section is service rendered to the council by whom that person is employed.

Status:

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