



Highways Act 1980

1980 CHAPTER 66

PART I

HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

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 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 [^{F1}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—

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- (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

F1 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, [^{F2}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;. . . ^{F3}

[^{F4}(1A) The Minister shall not delegate functions to a council under subsection (1) above—

- (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.]

[^{F5}(1B) The Minister shall not delegate functions to a council under subsection (1) above with respect to a trunk road or land outside their area but in Wales except after consultation with the Welsh council in whose area it is situated; and subsection (1A) does not apply in relation to a trunk road or land in Wales.]

- (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

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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, [^{F6}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 [^{F7}(the “responsible council”)] may, with the consent of the Minister, enter into arrangements with a district council [^{F8}or Welsh council (the “contracting council”)] for the carrying out by the [^{F9}contracting]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;. . . ^{F10}

[^{F11}(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a [^{F12}contracting 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;

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- (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.]
- [^{F13}(c) with respect to a trunk road or land in Wales but outside the area—
- (i) of the responsible council; and
- (ii) of the contracting council,
- except after consultation with the Welsh council in whose area the trunk road or land is situated.]
- (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 [^{F14}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

- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(a)(i)**
- F3** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 8, 102, **Sch. 4 para. 4(a)(ii)**, Sch. 17
- F4** S. 6(1A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(b)**
- F5** S. 6(1B) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(2)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F6** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(c)**
- F7** Words in s. 6(6) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. (3)(a)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F8** Words in s. 6(6) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(3)(b)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F9** Words in s. 6(6) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(3)(c)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F10** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 8, 102, **Sch. 4 para. 4(d)**, Sch. 17
- F11** S. 6(6A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(e)**
- F12** Words in s. 6(6A) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(4)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F13** S. 6(6A)(c) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(4)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F14** 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)

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Textual Amendments

F15 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.
- (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 [^{F16}(other than one in Wales)] may not enter into an agreement under this section with the council of another county [^{F17}or county borough] unless [^{F18}their areas] adjoin each other [^{F19}]; 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 [^{F20}or county borough] 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 [^{F21}or, as the case may be, county borough] 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

- F16** Words in s. 8(4) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 3\(a\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).
- F17** Words in s. 8(4) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 3\(b\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).
- F18** Words in s. 8(4) substituted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 3\(c\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).
- F19** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 5](#)
- F20** Words in s. 8(4) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 3\(d\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).
- F21** Words in s. 8(4) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 3\(e\)](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch.1](#).

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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.

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