



# Highways Act 1980

## 1980 CHAPTER 66

### PART II

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

##### *Trunk roads*

#### **10 General provision as to trunk roads.**

- (1) Subject to the provisions of this section, all such highways and proposed highways as immediately before the commencement of this Act were trunk roads within the meaning of the <sup>M1</sup>Highways Act 1959 continue to be, and to be known as, trunk roads.
- (2) The Minister shall keep under review the national system of routes for through traffic in England and Wales, and if he is satisfied after taking into consideration the requirements of local and national planning, including the requirements of agriculture, that it is expedient for the purpose of extending, improving or reorganising that system either—

(a) that any highway

[<sup>F1</sup>or any proposed highway—

- (i) to be constructed by the Minister [<sup>F2</sup>or a strategic highways company], or
- (ii) in relation to which the Minister has entered or proposes to enter into an agreement under section 38(3A).]

should become a trunk road, or

(b) that any trunk road should cease to be a trunk road,

he may by order direct that that highway or proposed highway shall become, or, as the case may be, that that road shall cease to be, a trunk road as from such date as may be specified in that behalf in the order.

[<sup>F3</sup>(2A) Subsection (2) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).]

*Status: Point in time view as at 14/06/2024.*

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- (3) The power of the Minister under this section to direct that a highway or proposed highway shall become a trunk road shall include power to direct that a highway or proposed highway which he considers suitable for the purpose of relieving a main carriageway of the trunk road from local traffic shall become part of the trunk road, whether or not the highway or proposed highway is separated from the remainder of the road by intervening land.
- [<sup>F4</sup>(3A) The power to direct that a highway or proposed highway become a trunk road includes the power to direct that a strategic highways company is the highway authority for that trunk road.]
- (4) <sup>F5</sup> . . .
- (a) . . . . .
- (b) . . . . .
- the power under this section to direct that a [<sup>F6</sup>proposed highway] shall become a trunk road may be exercised in relation to any cycle track or footpath proposed to be constructed <sup>F5</sup> . . . on land separated by intervening land from the trunk road in connection with which it is to be used.
- (5) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
- (6) If objection to an order proposed to be made under this section is duly made in accordance with Part I of Schedule 1 to this Act by a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, and is not withdrawn, the order shall be subject to special parliamentary procedure.
- (7) If an order under this section directing that a [<sup>F7</sup>proposed highway] shall become a trunk road is revoked or varied by a subsequent order made at any time before the date on which the highway is opened for the purposes of through traffic, the revoking or varying order shall not be deemed for the purposes of section 2 above to be an order directing that a trunk road shall cease to be a trunk road.
- (8) In addition to the case where a trunk road ceases to be a trunk road by virtue of an order made under this section, a trunk road shall cease to be a trunk road if the road is transferred from the Minister [<sup>F8</sup>or a strategic highways company] to some other highway authority to become part of a special road provided by that authority.
- (9) No highway which is within the City shall be, or become, a trunk road, and without prejudice to the generality of the foregoing provision, none of the following bridges, that is to say, Blackfriars Bridge, London Bridge, Southwark Bridge and Tower Bridge, and no highway carried by any of those bridges, shall be, or become, a trunk road.

#### Textual Amendments

- F1** Words in s. 10(2)(a) substituted (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 22\(2\)\(a\)](#); [S.I. 1991/2288](#), [art. 3](#), Sch.
- F2** Words in s. 10(2)(a)(i) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [s. 57\(1\)](#), [Sch. 1 para. 10\(2\)](#); [S.I. 2015/481](#), [reg. 2\(a\)](#)
- F3** S. 10(2A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [ss. 36, 241](#), [Sch. 2 para. 22](#) (with [s. 226](#)); [S.I. 2010/101](#), [art. 2](#) (with [art. 6](#))

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- F4** S. 10(3A) inserted (12.2.2015 for specified purposes, 5.3.2015 in so far as not already in force) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 10\(3\)](#); S.I. 2015/481, reg. 2(a)
- F5** Words in s. 10(4) omitted (01.11.1991) by virtue of [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 22\(2\)\(b\)](#), (with ss. 25(2), 167(2)); S.I. 1991/2288, [art. 3](#), Sch.
- F6** Words in s. 10(4) substituted (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 22\(2\)\(b\)](#); S.I. 1991/2288, [art. 3](#), [Sch.](#)
- F7** Words in s. 10(7) substituted (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 22\(2\)\(c\)](#); S.I. 1991/2288, [art. 3](#), Sch.
- F8** Words in s. 10(8) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 10\(4\)](#); S.I. 2015/481, reg. 2(a)

#### Modifications etc. (not altering text)

- C1** S. 10(2)(a)(i) modified (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\), regs. 1\(2\), 12\(a\)\(ii\)](#)
- C2** S. 10(6) modified (22.7.2008) by [Transport for London Act 2008 \(c. i\), ss. 1, 31\(2\)\(a\)](#) (with ss. 31(3), 48)

#### Marginal Citations

- M1** 1959 c. 25.

## 11 Local and private Act functions with respect to trunk roads.

- (1) As from the date when a highway becomes a trunk road, any functions of construction, maintenance or improvement exercisable as respects that highway by a council under a local or private Act are to be deemed to have become exercisable by the Minister alone<sup>F9</sup> or a strategic highways company alone, whichever is highway authority for the trunk road (“the trunk road authority”), and while the highway remains a trunk road they shall continue to be so exercisable.
- (2) Where the Minister is satisfied that there has been conferred on a council by a local or private Act a function substantially similar to one conferred by a provision of this Act specified in Schedule 3 to this Act, he may, after consultation with the council, by order direct that, in relation to a trunk road, the function conferred by the local or private Act is to be exercisable in accordance with the following conditions:
- where the provision of the local or private Act is similar to a provision of this Act specified in Part I of the said Schedule 3, that it is to be exercisable by the <sup>F10</sup>trunk road authority] only;
  - where the provision of the local or private Act is similar to a provision of this Act specified in Part II of the said Schedule, that, in so far as it is exercisable by a council, it is to be exercisable by that council. . . <sup>F11</sup>, as well as by the <sup>F12</sup>trunk road authority];
  - where the provision of the local or private Act is similar to a provision of this Act specified in Part III of the said Schedule, that, in so far as it is exercisable by a council, it is to be exercisable by that council with the consent of the <sup>F13</sup>trunk road authority]. . . <sup>F11</sup>, as well as by the <sup>F13</sup>trunk road authority].
- (3) Where the Minister makes an order under this section in relation to a function conferred by a provision of a local or private Act, and the provision of this Act by which a function substantially similar to the first-mentioned function is conferred is, in relation to a trunk road, subject to any modification, the provision of the local or private Act shall, in relation to a trunk road, be subject to a similar modification, and

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the Minister may by the same order specify the modification to which the provision of the local or private Act is accordingly to be subject.

#### **Textual Amendments**

- F9** Words in s. 11(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 11(2)**; S.I. 2015/481, reg. 2(a)
- F10** Words in s. 11(2)(a) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 11(3)**; S.I. 2015/481, reg. 2(a)
- F11** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F12** Words in s. 11(2)(b) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 11(3)**; S.I. 2015/481, reg. 2(a)
- F13** Words in s. 11(2)(c) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 11(3)**; S.I. 2015/481, reg. 2(a)

#### **Modifications etc. (not altering text)**

- C3** S. 11 modified (22.7.2008) by [Transport for London Act 2008 \(c. i\)](#), ss. 1, **32(1)** (with ss. 32(2), 48)

### *Classified roads*

## **12 General provision as to principal and classified roads.**

(1) Subject to subsection (3) below, all such highways or proposed highways as immediately before the commencement of this Act—

- (a) were principal roads for the purposes of any enactment or instrument which refers to roads or highways classified by the Minister as principal roads, either by virtue of having been so classified under section 27(2) of the <sup>M2</sup>Local Government Act 1966 (which is replaced by subsection (3) below), or by virtue of being treated as such in accordance with section 40(1) of the <sup>M3</sup>Local Government Act 1974,
- (b) were (whether or not they also fall within paragraph (a) above) classified roads for the purposes of any enactment or instrument which refers to roads classified by the Minister (but does not specifically refer to their classification as principal roads), either by virtue of having been so classified under section 27(2) of the said Act of 1966, or by virtue of being treated as such in accordance with section 40(1) of the said Act of 1974, or
- (c) were classified roads for the purposes of any enactment or instrument by virtue of being treated as such in accordance with section 27(4) of the said Act of 1966,

continue to be, and to be known as, principal roads or, as the case may be, classified roads (or both principal roads and classified roads of a category other than principal roads, in the case of highways falling within both paragraph (a) and paragraph (b) above) for the purposes specified in subsection (2) below.

(2) So far as a highway that continues to be a principal or classified road in accordance with subsection (1) above was, immediately before the commencement of this Act, a classified road for the purposes of any enactment repealed and replaced by this Act, it is a classified road for the purposes of the corresponding provision of this Act; and so far as any such highway was immediately before the commencement of this Act a principal or classified road for the purposes of any other enactment, or any instrument, it so continues for the purposes of that enactment or instrument.

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- (3) The Minister may for the purposes of—
- (a) any provision of this Act which refers to classified roads, or
  - (b) any other enactment or any instrument (whether passed or made before or after the passing of this Act) which refers to highways classified by the Minister, classify highways or proposed highways, being highways or proposed highways for which local highway authorities are the highway authorities, in such manner as he may from time to time determine after consultation with the highway authorities concerned.
- (4) References in any provision hereafter contained in this Act to classified roads are references to—
- (a) any highway or proposed highway that for the time being is a classified road for the purposes of that provision by virtue of subsections (1) and (2) above;
  - (b) any highway or proposed highway that for the time being is classified under subsection (3) above for the purposes of that provision, or for the purposes of enactments that include that provision; and
  - (c) any highway or proposed highway that for the time being is classified under subsection (3) above as a principal road for the purposes of any enactment or instrument which refers to roads or highways classified by the Minister as principal roads.

#### Marginal Citations

M2 1966 c. 42.

M3 1974 c. 7.

### 13 Power to change designation of principal roads.

- (1) The Minister may by order assign some other description to the highways which for the time being are principal roads for the purposes of any enactment or instrument (whether by virtue of section 12(1) and (2) above, or by virtue of having been so classified under section 12(3) above, or otherwise).
- (2) If an order is made under subsection (1) above, then, except in so far as the order otherwise provides, any reference to a principal road in any enactment or instrument passed or made before the order is made (including an enactment in this Act) is to be construed as a reference to a highway of the description specified in the order.
- (3) Nothing in subsection (1) above affects the power of the Minister under section 12(3) above to classify highways or proposed highways in such manner as he may determine after consultation with the highway authority concerned.

*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.

- (1) Provision may be made by an order under this section in relation to a trunk road or a classified road, not being, in either case, a special road, for any of the following purposes:—
- (a) for authorising the highway authority for the road—

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- (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road;
- (ii) to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;
- (b) for transferring to such other highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the highway authority in pursuance of the order or any previous order made under this section;
- (c) for any other purpose incidental to the purposes aforesaid;

and references in this section, with respect to an order made thereunder, to “the road” and “the highway authority” are references to, respectively, the trunk road or, as the case may be, classified road to which the order relates and the highway authority for that road.

[<sup>F14</sup>(1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).]

(2) The provision that may be made pursuant to subsection (1)(c) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—

- (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted;. . . <sup>F15</sup>
- (b) . . . . . <sup>F15</sup>

(3) An order under this section—

- (a) in relation to a trunk road[<sup>F16</sup>for which he is the highway authority] shall be made by the Minister, and
- (b) [<sup>F17</sup>in any other case] shall be made by the highway authority and confirmed by the Minister.

(4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.

(5) Subject to subsection (4) above, an order under this section relating to a trunk road may come into operation on the same day as the order under section 10 above relating to that road.

(6) No order under this section authorising the stopping up of a highway shall be made or confirmed by the Minister unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

(7) An order under this section may provide for the payment of contributions—

- (a) by the highway authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the order or of any previous order made under this section;

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- (b) to the highway authority by any other highway authority in respect of any liabilities so imposed on the first-mentioned authority that 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.

#### Textual Amendments

- F14** S. 14(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, [Sch. 2 para. 23](#) (with s. 226); S.I. 2010/101, [art. 2](#) (with art. 6)
- F15** S. 14(2)(b) and the word immediately preceding it repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#), [Sch. 27 Pt. I](#)
- F16** Words in s. 14(3)(a) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 12\(a\)](#); S.I. 2015/481, reg. 2(a)
- F17** Words in s. 14(3)(b) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 12\(b\)](#); S.I. 2015/481, reg. 2(a)

#### Modifications etc. (not altering text)

- C4** S. 14 modified (1.4.2018) by [The Sub-national Transport Body \(Transport for the North\) Regulations 2018 \(S.I. 2018/103\)](#), regs. 1(2), [13\(1\)](#)

### *<sup>F18</sup>GLA roads*

#### Textual Amendments

- F18** S. 14A and crossheading inserted (12.1.2000) by [1999 c. 29](#), [s.260](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3434, [art.2](#)

#### <sup>F19</sup>**14A Designation of first GLA roads by Secretary of State.**

- (1) The Secretary of State may by order designate highways or proposed highways as highways which are to be GLA roads.
- (2) Any highway or proposed highway so designated—
- (a) shall become a GLA road, and
- (b) if it is a trunk road or other highway for which the Secretary of State is the highway authority, shall accordingly cease to be such a road or highway, on such date as may be specified in that behalf in the order.
- (3) Orders under this section may be made or amended at any time before the beginning of the term of office of the first Mayor of London.]

#### Textual Amendments

- F19** S. 14A and crossheading inserted (12.1.2000) by [1999 c. 29](#), [s.260](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3434, [art.2](#)

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**Modifications etc. (not altering text)**

C5 S. 14A extended (5.5.2000) by S.I. 2000/1064, art. 2(1)

**[<sup>F20</sup>14B Orders of the Authority changing what are GLA roads.**

- (1) The Mayor of London shall keep under review the system of highways and proposed highways in Greater London and the allocation of responsibility for that system between the different local highway authorities.
- (2) If the Mayor of London considers it expedient that—
  - (a) any highway or proposed highway in Greater London, other than a trunk road, should become a GLA road, or
  - (b) that any GLA road should cease to be such a road and should become a road for which the highway authority is a London borough council or the Common Council,

the Greater London Authority may by order direct that that highway or proposed highway shall become, or (as the case may be) that that road shall cease to be, a GLA road as from such date as may be specified in that behalf in the order.
- (3) Where an order under subsection (2) above directs that a highway or proposed highway shall become a GLA road, it shall become such a road as from the date specified in that behalf in the order.
- (4) Where an order under subsection (2) above directs that a GLA road shall cease to be such a road, then, as from the date specified in that behalf in the order, the road shall cease to be a GLA road and the following authority, that is to say—
  - (a) where the road is situated in a London borough, the council for the London borough, and
  - (b) where the road is situated in the City, the Common Council,

shall become the highway authority for the road.
- (5) An order under this section shall be of no effect unless—
  - (a) it is made with the consent of the relevant highway authority; or
  - (b) if that consent is refused, it is confirmed (with or without modification) by the Secretary of State.
- (6) For the purposes of subsection (5) above, the relevant highway authority is—
  - (a) in the case of an order directing that a highway or proposed highway shall become a GLA road, the authority which is the highway authority for the highway or proposed highway; and
  - (b) in the case of an order directing that a GLA road shall cease to be such a road, the authority which will become the highway authority for the road in consequence of the order.]

**Textual Amendments**

F20 S. 14B inserted (3.7.2000) by 1999 c. 29, s.261 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3



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**Modifications etc. (not altering text)**

- C6 S. 14B: power to apply conferred by 1984 c. 27, s. 124A(6) (as inserted (12.1.2000) by 1999 c. 29, s.272 (with Sch. 12 para. 9(1)); S.I. 1999/3434, art.2)

[<sup>F21</sup>**14C Certification and records of GLA roads.**

- (1) A certificate by or on behalf of Transport for London that any highway or proposed highway is, or is not, for the time being a GLA road shall be evidence of the facts stated in the certificate.
- (2) A certificate under subsection (1) above may describe the highway or proposed highway in question by reference to a map.
- (3) Transport for London shall prepare and maintain a record of the highways which are for the time being GLA roads.
- (4) The record required to be prepared and maintained under subsection (3) above may consist of—
  - (a) a list;
  - (b) a map; or
  - (c) a list and a map.
- (5) Transport for London shall deposit a copy of that record with the Greater London Authority, each of the London borough councils and the Common Council.
- (6) Transport for London, and the Greater London Authority, each of the London borough councils and the Common Council, shall make the record, or (as the case may be) the copies of the record deposited with them, available for inspection by the public at all reasonable hours.]

**Textual Amendments**

- F21 S. 14C inserted (3.7.2000) by 1999 c. 29, s.262 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

**Modifications etc. (not altering text)**

- C7 S. 14C: power to apply conferred by 1984 c. 27, s. 124A(6) (as inserted (12.1.2000) by 1999 c. 29, s.272 (with Sch. 12 para. 9(1)); S.I. 1999/3434, art.2)

[<sup>F22</sup>**14D Construction of provisions relating to GLA roads.**

- (1) Any reference in any provision of this Act or any other enactment to a GLA road shall be construed as a reference to a highway or proposed highway in Greater London which is for the time being a GLA road by virtue of—
  - (a) section 2(3) above;
  - (b) an order made by the Secretary of State under section 14A above; or
  - (c) an order made under section 14B above by the Greater London Authority.
- (2) The functions conferred or imposed on the Greater London Authority in relation to GLA roads shall be functions of the Authority which are exercisable by the Mayor of London acting on behalf of the Authority.

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- (3) Subsection (2) above does not apply in relation to any function expressly conferred or imposed on the London Assembly.]

**Textual Amendments**

**F22** S. 14D inserted (3.7.2000) by 1999 c. 29, s. 263(1) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2) (c), **Sch. Pt. 3**

*Metropolitan roads*

15 ..... <sup>F23</sup>

**Textual Amendments**

**F23** S. 15 repealed by **Local Government Act 1985** (c. 51, SIF 81:1), s. 102, **Sch. 17**

*Special roads*

**16 General provision as to special roads.**

(1) Subject to the provisions of this Act, all such highways or proposed highways as immediately before the commencement of this Act were special roads, as being highways or proposed highways provided, or to be provided, in pursuance of a scheme made, or having effect as if made, under section 11 of the <sup>M4</sup>Highways Act 1959 (which section is replaced by subsections (3) to (10) below), continue to be, and to be known as, special roads.

(2) Roads that continue to be special roads by virtue of subsection (1) above continue, subject to the provisions of this Act, to be special roads for the use of traffic of the classes for the use of which they were special roads immediately before the commencement of this Act.

(3) A highway authority may be authorised by means of a scheme under this section to provide, along a route prescribed by the scheme, a special road for the use of traffic of any class prescribed thereby.

[<sup>F24</sup>(3A) Subsection (3) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm schemes in relation to highways for which development consent required).]

[<sup>F25</sup>(4) A reference in this Act to a special road authority is a reference to—

- (a) except where paragraph (b) or (c) applies, a highway authority authorised to provide a special road by means of—
  - (i) a scheme under this section, or
  - (ii) a scheme referred to in subsection (1);
- (b) except where paragraph (c) applies, the highway authority determined to be the special road authority by a jointly submitted scheme under subsection (10);

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- (c) a strategic highways company, where the company is the highway authority for a special road by virtue of an appointment under Part 1 of the Infrastructure Act 2015.]
- (5) A special road authorised by a scheme under this section may be provided—
- (a) by means of the construction by the special road authority of a new highway along the route prescribed by the scheme or any part thereof;
- (b) by means of the appropriation under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which the special road authority are the highway authority;
- (c) by means of the transfer to the special road authority under subsequent provisions in that behalf of this Part of this Act of a highway comprised in that route for which they are not the highway authority.
- (6) A scheme under this section authorising the provision of a special road shall—
- (a) in the case of a road to be provided by the Minister, be made by the Minister; and
- (b) in [<sup>F26</sup>any other case]of a road to be provided by a <sup>F27</sup>... highway authority, be made by that authority and confirmed by the Minister.
- (7) Parts II and III of Schedule 1 to this Act have effect as to the making of a scheme under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such scheme.
- (8) Before making or confirming a scheme under this section, the Minister shall give due consideration to the requirements of local and national planning, including the requirements of agriculture.
- (9) If objection to a scheme under this section is duly made in accordance with Part II of the said Schedule 1 by the highway authority for a highway comprised in the route of the special road authorised by the scheme, and is not withdrawn, the scheme shall be subject to special parliamentary procedure.
- (10) A scheme under this section may be submitted to the Minister jointly by any two or more<sup>F28</sup> ... highway authorities, and any such scheme may determine which of those authorities shall be the special road authority for the special road or any part thereof, and may provide—
- (a) for the performance by that authority, in relation to the road or that part thereof, of any of the highway functions of any other authority who are party to the application, and
- (b) for the making of contributions by that other authority to the special road authority in respect of expenditure incurred in the performance of those functions;
- and in relation to a special road provided or to be provided in pursuance of such a scheme, or any part of such a road<sup>F29</sup> ....

#### Textual Amendments

**F24** S. 16(3A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, [Sch. 2 para. 24](#) (with s. 226); [S.I. 2010/101](#), [art. 2](#) (with art. 6)

**F25** S. 16(4) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 13\(2\)](#); [S.I. 2015/481](#), reg. 2(a)

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- F26** Words in s. 16(6)(b) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 13\(3\)\(a\)](#); S.I. 2015/481, reg. 2(a)
- F27** Word in s. 16(6)(b) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 13\(3\)\(b\)](#); S.I. 2015/481, reg. 2(a)
- F28** Word in s. 16(10) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 13\(4\)\(a\)](#); S.I. 2015/481, reg. 2(a)
- F29** Words in s. 16(10) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 13\(4\)\(b\)](#); S.I. 2015/481, reg. 2(a)

#### Marginal Citations

- M4** 1959 c. 25.

## 17 Classification of traffic for purposes of special roads.

- (1) Different classes of traffic may be prescribed by a scheme under section 16 above in relation to different parts of the special road to which the scheme relates.
- (2) The classes of traffic prescribed by any such scheme shall be prescribed by reference to the classes set out in Schedule 4 to this Act.
- (3) The Minister of Transport may by order amend the said Schedule 4 by varying the composition of any class of traffic specified therein or adding a further class of traffic to those so specified,<sup>F30</sup> . . .
- [<sup>F31</sup>(4) An amending order may contain provision applying the amendments made by the order to existing schemes (whether made by the Minister or a local highway authority); and in the absence of such provision an amending order does not affect the classes of traffic prescribed in an existing scheme.

In this subsection an “existing scheme” means a scheme under section 16 made before the order comes into operation.]

#### Textual Amendments

- F30** Words in s. 17(3) omitted (01.11.1991) by virtue of [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 20\(1\)](#), (with ss. 25(2), 167(2)); S.I. 1991/2288, [art. 3](#), Sch.
- F31** S. 17(4) inserted (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 20\(1\)](#); S.I. 1991/2288, [art. 3](#), Sch.

## 18 Supplementary orders relating to special roads.

- (1) Provision in relation to a special road may be made by an order under this section for any of the following purposes:—
  - (a) for appropriating as, or as part of, the special road, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which the special road authority are the highway authority;
  - (b) for transferring to the special road authority, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which they are not the highway authority;
  - (c) for authorising the special road authority—

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- (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road;
  - (ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the special road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;
  - (d) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the special road authority in pursuance of the order or any previous order made under this section;
  - (e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any local authority, any functions which, apart from the order, would be exercisable by that local authority in relation to the special road other than functions of that authority as local planning authority;
  - (f) for any other purpose incidental to the purposes aforesaid or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.
- [<sup>F32</sup>(1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).]
- (2) The provision that may be made pursuant to subsection (1)(f) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—
    - (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted;. . . <sup>F33</sup>
    - (b) . . . . . <sup>F33</sup>
  - (3) An order under this section making provision in connection with a special road shall—
    - (a) in the case of a special road provided or to be provided by the Minister be made by the Minister; and
    - (b) in [<sup>F34</sup>any other case ] of a special road provided or to be provided by a <sup>F35</sup>... highway authority, be made by that authority and confirmed by the Minister.
  - (4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
  - (5) Subject to subsection (4) above, an order under this section may come into operation on the same day as the scheme authorising the special road to which it relates.
  - (6) No order providing for the appropriation by or transfer to a special road authority of a highway comprised in the route prescribed by the scheme authorising the special road shall be made or confirmed by the Minister under this section unless either—
    - (a) he is satisfied that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided before the date on which the appropriation or transfer takes effect, or

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- (b) he is satisfied that no such other route is reasonably required for any such other traffic;
- and no order authorising the stopping up of a highway shall be made or confirmed by the Minister under this section unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.
- (7) An order under this section may provide for the payment of contributions—
- (a) by a special road authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,
- (b) to a special road authority by any other authority in respect of any liabilities so imposed on the special road authority that would otherwise have fallen to be discharged by the other authority,
- and may also provide for the determination by arbitration of disputes as to the payment of such contributions.
- (8) In this section “local authority” means. . . <sup>F36</sup> the Common Council and the council of a county, district, London borough, parish or community, and includes the parish meeting of a <sup>F37</sup>. . . parish not having a separate parish council.

#### Textual Amendments

- F32** S. 18(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), ss. 36, 241, **Sch. 2 para. 25** (with s. 226); [S.I. 2010/101](#), **art. 2** (with art. 6)
- F33** S. 18(2)(b) and the word immediately preceding it repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F34** Words in s. 18(3)(b) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 14(a)**; [S.I. 2015/481](#), reg. 2(a)
- F35** Word in s. 18(3)(b) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 14(b)**; [S.I. 2015/481](#), reg. 2(a)
- F36** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**.
- F37** Word in s. 18(8) repealed (8.11.1995) by [1995 c. 44, s. 1](#), **Sch. 1 Pt. V** Group2.

## 19 Certain special roads and other highways to become trunk roads.

- (1) A special road to be provided by the Minister<sup>F38</sup> or a strategic highways company] in pursuance of a scheme under section 16 above shall, except so far as it is provided by means of the appropriation or transfer of a highway, become a trunk road on such date as may be specified in the scheme.
- (2) A highway (not being a trunk road) which, by means of an order under section 18 above, is appropriated as, or as part of, a special road to be provided by the Minister<sup>F39</sup> or a strategic highways company], and a highway which, by means of such an order, is transferred to the Minister<sup>F39</sup> or a strategic highways company], shall become a trunk road on the date on which it is so appropriated or is so transferred, as the case may be.
- <sup>F40</sup>(3) Subsections (1) and (2) above have effect subject to any provision of the scheme under section 16 directing that the special road in question or any part of it shall not be a trunk road.

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Any such provision does not affect the power of the Minister to make an order under section 10(2)(a) with respect to the special road or part.]

**Textual Amendments**

- F38** Words in s. 19(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 15**; S.I. 2015/481, reg. 2(a)
- F39** Words in s. 19(2) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 15**; S.I. 2015/481, reg. 2(a)
- F40** S. 19(3) added (01.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 21(1); S.I. 1991/2288, art. 3, **Sch.**

**F41**20 .....

**Textual Amendments**

- F41** S. 20 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), **Sch.9** (with s. 25(2)); S.I. 1992/2984, art. 2(2), **Sch.2**

*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.**

- (1) <sup>F42</sup> . . . [<sup>F43</sup>sections 271 to 274 of the Town and Country Planning Act 1990], (power to extinguish rights of statutory undertakers and power of statutory undertakers to remove or re-site apparatus) apply in relation to any land specified in subsection (2) below as they apply in relation to land acquired by a Minister, a local authority or statutory undertakers under [<sup>F44</sup>Part IX of that Act], or under any other enactment, or appropriated by a local authority for planning purposes; and all such other provisions of that Act as apply for the purposes of those provisions (including [<sup>F45</sup>sections 279(2) to (4), 280 and 282, which provide for the payment of compensation, and sections 275 to 278 which contain provisions consequential on the extinguishment of any rights under section 271 or 272]) shall have effect accordingly.
- (2) The land referred to in subsection (1) above is—
  - (a) land acquired or appropriated by a special road authority for the purposes of carrying out any works in pursuance of a scheme under section 16 above or an order under section 18 above;
  - (b) land forming the site of any part of a highway which is appropriated by or transferred to a special road authority by means of an order under section 18 above;
  - (c) land over which there subsists or has subsisted a highway the stopping up or diversion of which is or was authorised by an order under section 14 or 18 above.
- (3) The provisions of [<sup>F46</sup>the said Act of 1990] referred to in subsection (1) above have effect, as applied for the purposes of this section—

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- (a) in relation to any such land as is referred to in subsection (2)(a) or (b) above, subject to the modifications set out in Part I of Schedule 5 to this Act, and
  - (b) in relation to any such land as is referred to in subsection (2)(c) above, subject to the modifications set out in Part II of that Schedule.
- (4) Where any apparatus of public utility undertakers is removed in pursuance of a notice or order given or made under <sup>F47</sup>section 271, 272, or 273 of the said Act 1990], as applied for the purposes of this section in relation to any such land as is specified in paragraph (a) or (b) of subsection (2) above, any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.
- <sup>F48</sup>(4A) Subsection (4) above shall not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that subsection, any person who is—
- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
  - (b) the owner of a private sewer which communicated with that sewer,
- is entitled to recover from the special road authority compensation in respect of expenditure reasonably incurred by him, in consequence of the removal, for the purpose of making his drain or sewer communicate with any other public sewer or with a private sewage disposal plant.]
- (5) In this section “owner”, in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term of which exceeds three years.

**Textual Amendments**

**F42** Words in s. 21(1) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); S.I. 1992/2984, art. 2(2), [Sch. 2](#).

**F43** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(1\)\(a\)\(i\)](#)

**F44** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(1\)\(a\)\(ii\)](#)

**F45** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(1\)\(a\)\(iii\)](#)

**F46** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(1\)\(b\)](#)

**F47** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(1\)\(c\)](#)

**F48** S. 21(4A) inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 62\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)



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#### Textual Amendments

- F49** S. 22 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)

### **23 Compensation in respect of certain works executed in pursuance of orders under section 14 or 18.**

Where, in pursuance of an order under section 14 or 18 above, the Minister,<sup>F50</sup>a strategic highways company, ] a special road authority or a local highway authority, as the case may be, execute in, or with respect to, a highway works which the highway authority for that highway have power to execute under Part V of this Act, the Minister,<sup>F51</sup>the strategic highways company, ] the special road authority or the local highway authority, as the case may be, shall be subject to the like liability to pay compensation to a person who sustains damage by reason of the execution of those works as would be the highway authority for that highway had those works been executed by that authority under the said Part V.

#### Textual Amendments

- F50** Words in s. 23 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 16\(2\)](#); S.I. 2015/481, reg. 2(a)
- F51** Words in s. 23 inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 16\(3\)](#); S.I. 2015/481, reg. 2(a)

**Status:**

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**Changes to legislation:**

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