



# Highways Act 1980

## 1980 CHAPTER 66

### PART II

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

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

#### **21 Extinguishment of rights of statutory undertakers as to apparatus etc. in connection with orders under section 14 or 18 and schemes under section 16.**

- (1) <sup>F1</sup>. . . [<sup>F2</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>F3</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>F4</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>F5</sup>the said Act of 1990] referred to in subsection (1) above have effect, as applied for the purposes of this section—

*Status: Point in time view as at 14/06/2024.*

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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>F6</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>F7</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	
<b>F1</b>	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), <b>Sch. 9</b> ; S.I. 1992/2984, art. 2(2), <b>Sch. 2</b> .
<b>F2</b>	Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, <b>Sch. 2 para. 45(1)(a)(i)</b>
<b>F3</b>	Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, <b>Sch. 2 para. 45(1)(a)(ii)</b>
<b>F4</b>	Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, <b>Sch. 2 para. 45(1)(a)(iii)</b>
<b>F5</b>	Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, <b>Sch. 2 para. 45(1)(b)</b>
<b>F6</b>	Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, <b>Sch. 2 para. 45(1)(c)</b>
<b>F7</b>	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), <b>58</b>

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#### Textual Amendments

- F8** 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>[F9]</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>[F10]</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

- F9** 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)
- F10** 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)

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