



# Highways Act 1980

## 1980 CHAPTER 66

### PART II

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

##### *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>M1</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>F1</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>F2</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);

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- (b) except where paragraph (c) applies, the highway authority determined to be the special road authority by a jointly submitted scheme under subsection (10);
  - (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>F3</sup>any other case]of a road to be provided by a <sup>F4</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>F5</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>F6</sup>....

#### Textual Amendments

- F1** 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](#))

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- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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

- M1** 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>F7</sup> . . .
- [<sup>F8</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

- F7** 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.
- F8** 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

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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—
  - (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>F9</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>F10</sup>
  - (b) . . . . . <sup>F10</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>F11</sup>any other case ] of a special road provided or to be provided by a <sup>F12</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—

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- (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
- (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>F13</sup> the Common Council and the council of a county, district, London borough, parish or community, and includes the parish meeting of a <sup>F14</sup>. . . parish not having a separate parish council.

#### Textual Amendments

- F9** 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](#))
- F10** 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](#)
- F11** 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\(a\)](#)
- F12** 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\(a\)](#)
- F13** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#).
- F14** 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>F15</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>F16</sup> or a strategic highways company], and a highway which, by means of such an order, is transferred to the Minister<sup>F16</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.

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<sup>F17</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.

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**

- F15** 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)
- F16** 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)
- F17** 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.**

<sup>F18</sup>**20** .....

**Textual Amendments**

- F18** 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**

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