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Highways Act 1980

1980 CHAPTER 66

PART V

IMPROVEMENT OF HIGHWAYS

Construction, reconstruction, improvement etc. of bridges

91 Construction of bridge to carry existing highway maintainable at public expense.

A highway authority may construct a bridge to carry a highway maintainable at the public expense but the Minister shall not construct such a bridge without the approval of the Treasury.

Modifications etc. (not altering text)

- C1 S. 91 functions made exercisable concurrently (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **9(2)(r)(3)**

92 Reconstruction of bridge maintainable at public expense.

Without prejudice to any other powers they have under this Part of this Act, a highway authority may reconstruct a bridge which is a highway maintainable at the public expense by them, either on the same site or on a new site within 200 yards of the old one.

Modifications etc. (not altering text)

- C2 S. 92 functions made exercisable concurrently (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **9(2)(s)(3)**

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93 Power to make orders as to reconstruction, improvement, etc., of privately maintainable bridges.

(1) If the owners of a bridge to which this section applies or a ^{F1}...highway authority entitled by virtue of section 95 below to exercise with respect to such a bridge the powers conferred by this section consider—

- (a) that the bridge is or may be, by reason of its construction, position, or state of repair, dangerous or unsuitable for the requirements of road traffic as then existing or the expected development thereof, or
- (b) that the responsibility for the maintenance and improvement of the highway carried by the bridge or of the approaches to it should for any reason be transferred from the owners to a highway authority,

the owners or the authority may apply to the Minister for an order to provide for the reconstruction, improvement or maintenance of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge.

(2) Where an application is made to the Minister under subsection (1) above, he may, subject to the provisions of this section, make an order under this section, but before making such an order he shall consult the owners of the bridge and every ^{F1}... highway authority entitled to exercise with respect to it the powers conferred by this section, and if either the owners or any such ^{F1}... highway authority request him so to do shall hold an inquiry.

(3) Subject to the provisions of this section, the Minister may by an order made under this section—

- (a) require the execution, either by the owners or by a highway authority, of such works of reconstruction or improvement as may be specified in the order;
- (b) determine and direct by whom the bridge, the highway carried by the bridge and the approaches to the bridge are to be maintained;
- (c) provide for the transfer to and vesting in a highway authority of the property in the bridge, or the highway carried by the bridge, or the approaches to the bridge, and of all or any rights and obligations attaching to the bridge, or to such highway or approaches;
- (d) in the case of a swing bridge, determine and direct by whom and in what manner it is to be operated;
- (e) modify, so far as he considers necessary for giving effect to the order, any statutory provisions applicable to the bridge other than the provisions of a public general Act;
- (f) make such incidental, consequential and supplementary provisions, including provisions authorising the owners of the bridge or a highway authority to construct works which are necessary to enable them to comply with a requirement or direction contained in the order, as may appear to him to be necessary or proper for the purposes of the order.

(4) Subject to the provisions of this section, the Minister may, on his own initiative and without any application under subsection (1) above, make an order under this section with respect to a trunk road bridge if, on such grounds as are referred to in subsection (1) above, it seems to him fit and proper so to do; but, before making such an order, he shall consult the owners of the bridge (unless after diligent inquiry their names and addresses cannot be ascertained), and, if the owners request him so to do, shall hold an inquiry.

^{F2}(5)

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- (6) Subject to section 95(9) below, this section applies to any bridge (other than a highway maintainable at the public expense) which carries a highway consisting of or comprising a carriageway over a railway, over a canal, river, creek, watercourse, marsh or other place where water flows or is collected or over a ravine or other depression, other than a bridge to which a right to levy tolls is attached.
- (7) Schedule 11 to this Act has effect in relation to the making and carrying out of orders under this section.

Textual Amendments

- F1** Word in s. 93(1)(2) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 27\(2\)](#); S.I. 2015/481, reg. 2(a)
- F2** S. 93(5) omitted (5.3.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 27\(3\)](#); S.I. 2015/481, reg. 2(a)

Modifications etc. (not altering text)

- C3** Ss. 93-95 modified (22.7.2008) by [Transport for London Act 2008 \(c. i\), ss. 1, 33](#) (with s. 48)
- C4** S. 93 functions made exercisable concurrently (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\), arts. 1\(2\)\(b\), 9\(2\)\(t\)\(3\)](#)

94 Powers of highway authorities and bridge owners to enter into agreements.

- (1) A highway authority may agree with the owners of a bridge to which this section applies and with respect to which the highway authority are entitled by virtue of section 95 below to exercise the powers conferred by this section—
- for the payment by the highway authority of contributions towards the cost of the reconstruction, improvement or maintenance of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge;
 - for the transfer to the highway authority, on such terms as may be agreed, of the responsibility for the improvement and maintenance of the highway carried by the bridge, or of the approaches to it;
 - for the transfer to the highway authority, on such terms as may be agreed, of the property in the bridge, the highway carried by the bridge, and the approaches to the bridge, and of all or any rights and obligations attaching to the bridge, or to such highway or approaches;
- and the owners of the bridge may enter into and carry into effect any such agreement, notwithstanding that the bridge was constructed under statutory powers.
- (2) Subject to section 95(9) below, this section applies to any bridge (other than a highway maintainable at the public expense) which carries a highway over a railway or highway, over a canal, river, creek, watercourse, marsh or other place where water flows or is collected or over a ravine or other depression.
- (3) Where an agreement made under this section provides for the transfer to the highway authority of rights or obligations attaching to a bridge, then as from the date of the transfer the highway authority may exercise the rights transferred and shall, to the exclusion of the owners, be subject to the obligations transferred.

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Modifications etc. (not altering text)

- C5** Ss. 93-95 modified (22.7.2008) by [Transport for London Act 2008 \(c. i\)](#), ss. 1, **33** (with s. 48)
- C6** S. 94 functions made exercisable concurrently (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **9(2)(u)(3)**

95 Supplemental provisions as to orders and agreements under sections 93 and 94.

- (1) Subject to subsection (2) below, the powers conferred by sections 93 and 94 above on a highway authority or a local highway authority are exercisable—
- (a) in the case of a bridge outside Greater London, by the council of the county ^{F3}or metropolitan district] in which the bridge is situated;
 - (b) ^{F4}
 - (c) in the case of ^{F5}a] bridge in Greater London, by the council of the borough in which it is situated, or, if it is in the City, by the Common Council.
- (2) In the case of a trunk road bridge, the powers conferred on a highway authority by ^{F6}sections 93 and 94 are exercisable by the highway authority for the trunk road over, or partly over, the bridge.]
- (3) Where a bridge other than a trunk road bridge is situated partly in one area and partly in another, the powers conferred by sections 93 and 94 above on a highway authority or a local highway authority are exercisable by the council who, by virtue of section 3 above, are the highway authority for the whole of the bridge or, if there is no such highway authority, by any council who could have exercised those powers if their area had included the whole of the bridge.
- (4) For the purposes of the foregoing provisions of this section, the highway carried by a bridge, and the approaches to the bridge, are to be deemed to be part of the bridge.
- (5) Where—
- (a) a bridge crossing a railway is owned by railway undertakers and the railway is leased to other such undertakers, or
 - (b) a bridge crossing a canal is owned by canal undertakers and the canal is leased to other such undertakers,
- references in sections 93 and 94 above and in this section to the owners of the bridge, railway or canal include references to those other undertakers.
- (6) Nothing in sections 93 and 94 above or in this section or in any order made under section 93 above, authorises the stoppage of traffic on a canal without the consent of the canal owners, and a highway authority carrying out works authorised by any of the said sections, or by any such order, with respect to a bridge crossing a canal shall take such steps as may be necessary to prevent, so far as practicable, interference with traffic on the canal.
- (7) The consent of the owners of a canal to the temporary stoppage of traffic on it pursuant to subsection (6) above shall not be unreasonably withheld, and any question whether the withholding of such a consent is unreasonable shall be determined by the Minister.
- (8) In sections 93 and 94 above and in this section—
- “approaches” in relation to a bridge, means approaches for the maintenance of which the owners of the bridge are responsible and which connect the bridge to the highway maintainable at the public expense;

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“trunk road bridge” means a bridge the highway over which is a trunk road or partly a trunk road;

“canal” includes inland navigation;

and for the purposes of the said sections the towing path of a canal is to be deemed to form part of the canal.

(9) Sections 93 and 94 above and this section do not apply to any bridge which crosses the Manchester Ship Canal and is owned by the Manchester Ship Canal Company.

Textual Amendments

- F3** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 20**
- F4** S. 95(1)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F5** Word substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 20**
- F6** Words in s. 95(2) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 28**; [S.I. 2015/481](#), reg. 2(a)
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Modifications etc. (not altering text)

- C7** Ss. 93-95 modified (22.7.2008) by [Transport for London Act 2008 \(c. i\)](#), ss. 1, **33** (with s. 48)

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