



# Highways Act 1980

## 1980 CHAPTER 66

### PART V

#### IMPROVEMENT OF HIGHWAYS

##### *Fences and boundaries*

#### **80 Power to fence highways.**

- (1) Subject to the provisions of this section, a highway authority may erect and maintain fences or posts for the purpose of preventing access to—
  - (a) a highway maintainable at the public expense by them,
  - (b) land on which in accordance with plans made or approved by the Minister<sup>[F1]</sup> or a strategic highways company] they are for the time being constructing or intending to construct a highway shown in the plans which is to be a highway so maintainable, or
  - (c) land on which in pursuance of a scheme under section 16 above, or of an order under section 14 or 18 above, they are for the time being constructing or intending to construct a highway.
- (2) A highway authority may alter or remove a fence or post erected by them under this section.
- (3) The powers conferred by this section shall not be exercised so as to—
  - (a) interfere with a fence or gate required for the purpose of agriculture; or
  - (b) obstruct a public right of way; or
  - (c) obstruct any means of access for the construction, formation or laying out of which planning permission has been granted under Part III of <sup>[F2]</sup>the Town and Country Planning 1990] (or under any enactment replaced by the said Part III)<sup>[F3]</sup>and, in the case of a trunk road, consent has been given under section 175B (consent of highway authority required for trunk road access) ]; or

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- (d) obstruct any means of access which was constructed, formed or laid out before 1st July 1948, unless it was constructed, formed or laid out in contravention of restrictions in force under section 1 or 2 of the <sup>M1</sup>Restriction of Ribbon Development Act 1935.
- (4) As respects—
- (a) a highway that is a trunk road, and
- (b) land on which the Minister<sup>F4</sup> or a strategic highways company] is for the time being constructing or intending to construct a highway that is, or is to be, a trunk road, either in accordance with plans made by him<sup>F5</sup> or it ] in which the road is shown or in pursuance of a scheme under section 16 above,
- the powers under this section may be exercised not only by the Minister<sup>F6</sup> or a strategic highways company] but also, where the road or land is outside Greater London, by the council of the county [<sup>F7</sup> or metropolitan district] in which it is situated, or where the road or land is in Greater London, by . . .<sup>F8</sup> the council of the London borough in which it is situated.

#### Textual Amendments

- F1** Words in s. 80(1)(b) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 25\(2\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(4\)](#)
- F3** Words in s. 80(3) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 25\(3\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F4** Words in s. 80(4)(b) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 25\(4\) \(a\)\(i\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F5** Words in s. 80(4)(b) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 25\(4\) \(a\)\(ii\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F6** Words in s. 80(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 25\(4\)\(b\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F7** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 8, Sch. 4 para. 19](#)
- F8** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 102, Sch. 17](#)

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

- C1** S. 80 modified by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 72\(12\)](#)
- C2** S. 80 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\(2\)\(p\)\(3\)](#)

#### Marginal Citations

- M1** 1935 c. 47.

## 81 Provision of highway boundary posts.

A highway authority may erect and maintain, in a highway for which they are the highway authority, posts or stones to mark the boundary of the highway and may alter or remove any post or stone erected by them under this section.

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

- C3** S. 81 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)(q)(3)**

**Status:**

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