



# Highways Act 1980

## 1980 CHAPTER 66

### PART V

#### IMPROVEMENT OF HIGHWAYS

##### *[<sup>F1</sup> Road humps*

#### Textual Amendments

**F1** Ss. 90A–90F inserted by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 32, [Sch. 10 para. 2](#)

#### **90A Construction of road humps by highway authority.**

(1) A highway authority may construct road humps in a highway maintainable at the public expense for which they are the highway authority if—

- (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
- (b) [<sup>F2</sup>(whether or not the highway is subject to such a limit)]the road humps are specially authorised by the Secretary of State, [<sup>F3</sup>or
- (c) (whether or not the highway is subject to such a limit) the road humps fall within section 90CA below.]

and may remove any road humps so constructed by them.

(2) ..... <sup>F4</sup>

#### Textual Amendments

**F2** Words in s. 90A(1)(b) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 12](#); [S.I. 1992/1286](#), art. 2, [Sch.](#)

**F3** S. 90A(1)(c) and the word “or” immediately preceding it inserted (3.7.2000) by [1999 c. 29, s. 268\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

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**F4** S. 90A(2) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

## **90B Additional powers of the Secretary of State.**

- (1) The Secretary of State may construct road humps in a highway maintainable at the public expense for which he is not the highway authority if—
  - (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
  - (b) [<sup>F5</sup>(whether or not the highway is subject to such a limit)]the road humps are specially authorised by him,
 and may maintain and remove any road humps so constructed by him.
- (2) The consent of the local highway authority for the highway concerned is required for the construction of road humps under this section. . . <sup>F6</sup>
- (3) The Secretary of State and the local highway authority may enter into an agreement for the carrying out by the local highway authority of any works which the Secretary of State has power to carry out under this section.
- (4) Subject to subsection (5) below, the consent of the Secretary of State is required before the local highway authority or any other person having power to maintain the highway may remove or otherwise interfere with a road hump constructed under this section.
- (5) If the Secretary of State so directs with the consent of the local highway authority the local highway authority shall have the same powers in relation to a road hump constructed under this section as they have in relation to a road hump constructed by them under section 90A above.
- (6) Where a road hump has been constructed under this section, the local highway authority and any other person having power to maintain the highway may reimburse the Secretary of State the whole or part of his expenses in relation to the road hump.

### **Textual Amendments**

- F5** Words in s. 90B(1)(b) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para.12](#); [S.I. 1992/1286, art. 2](#), Sch.
- F6** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

## **90C Consultation and local inquiries.**

- (1) Where the Secretary of State<sup>F7</sup>, a strategic highways company ] or a local highway authority propose to construct a road hump under section 90A or 90B above, he<sup>F8</sup>, it] or they shall consult with—
  - (a) the chief officer of police for the area in which the highway concerned is situated; and
  - (b) such other persons or bodies as may be prescribed by regulations made by the Secretary of State.
- (2) The Secretary of State<sup>F9</sup>, a strategic highways company ] or local highway authority shall also—
  - (a) publish in one or more newspapers circulating in the area in which the highway concerned is situated; and

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- (b) place at appropriate points on that highway,  
a notice of the proposal stating the nature, dimensions and location of the proposed road hump and the address to which and the period within which any objections to the proposal may be sent.
- (3) The period stated in a notice under subsection (2) above shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) of that subsection.
- (4) The Secretary of State<sup>F10</sup>, a strategic highways company ] or local highway authority shall consider any objections sent to him<sup>F11</sup>, it ] or them in accordance with a notice under subsection (2) above and may, if he<sup>F12</sup>, it ] or they think fit, cause a local inquiry to be held.
- (5) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (provisions as to inquiries) have effect in relation to an inquiry held under subsection (4) above as they have effect in relation to an inquiry held under that section, but with such modifications as may be prescribed by regulations made by the Secretary of State.
- (6) Before making regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.

#### Textual Amendments

- F7** Words in s. 90C(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(2\)\(a\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F8** Word in s. 90C(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(2\)\(b\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F9** Words in s. 90C(2) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(3\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F10** Words in s. 90C(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(4\)\(a\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F11** Word in s. 90C(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(4\)\(b\)](#); [S.I. 2015/481, reg. 2\(a\)](#)
- F12** Word in s. 90C(4) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(1\), Sch. 1 para. 26\(4\)\(c\)](#); [S.I. 2015/481, reg. 2\(a\)](#)

#### <sup>F13</sup>90CA Special procedure for certain road humps in London.

- (1) A road hump falls within this section if—
- it is constructed by a local highway authority in Greater London, and
  - the requirements of subsections (2) and (3) below have been complied with.
- (2) The requirement of this subsection is that before starting to construct the road hump the authority concerned gives the Secretary of State notice stating—
- the nature, dimensions and location of the proposed road hump,
  - the spacing between the proposed road hump and any other humps constructed, or proposed to be constructed, in the vicinity,
  - the type and description of signs which are proposed to be located in the highway in connection with the proposed hump,
  - the statutory speed limit for motor vehicles to which the highway where it is proposed to construct the hump is subject, and

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- (e) the period (of not less than one month) within which, and the address to which, the Secretary of State may send any comments on the proposal to the authority.
- (3) The requirement of this subsection is that in deciding—
- (a) whether to proceed with the construction of the road hump, and
  - (b) what the nature, dimensions and location of the road hump as constructed are to be,
- the authority concerned has regard to any comments made by the Secretary of State within the period stated in the notice.]

#### Textual Amendments

**F13** S. 90CA inserted (3.7.2000) by 1999 c. 29, s. 268(3) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

### 90D Regulations concerning construction and maintenance of road humps.

- (1) The Secretary of State may by regulations make such provision in relation to the construction and maintenance of road humps as appears to him to be necessary or expedient in the interests of safety and the free movement of traffic, and may in particular—
- (a) provide that road humps shall be constructed only in highways of such descriptions and in such circumstances as may be prescribed by the regulations;
  - (b) impose requirements as to—
    - (i) the nature, dimensions, location and spacing of road humps;
    - (ii) the placing of signs of such type or character as may be so prescribed;
    - (iii) the carrying out and maintenance of other ancillary or consequential works.
- (2) Regulations under this section may make different provision for different cases, as for example for road humps and highways of different descriptions.
- (3) Before making any regulations under this section the Secretary of State shall consult with such representative organisations as he thinks fit.
- (4) Regulations under this section do not apply where a road hump is specially authorised by the Secretary of State, but conditions attached by him to the authorisation may, in particular, relate to any of the matters with respect to which regulations may be made under this section.

[ Regulations under this section do not apply where a road hump falls within <sup>F14</sup>(5) section 90CA above.]

#### Textual Amendments

**F14** S. 90D(5) inserted (3.7.2000) by 1999 c. 29, s. 268(4), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

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## 90E Status of road humps.

(1) [<sup>F15</sup>Where the requirements of subsections (1A), (1B) or (1C) are satisfied in relation to a road hump], the road hump shall not be treated as constituting an obstruction to the highway but as part of the highway, so that in particular—

- (a) the obligation of any person to maintain the highway; and
- (b) the obligation of any person having power to break open the highway to make good any damage or otherwise reinstate the highway,

extend to maintaining or, as the case may be, making good any damage to or otherwise reinstating the road hump.

[ The requirements of this subsection are that—

- <sup>F16</sup>(1A)
- (a) regulations under section 90D above apply to the road hump,
  - (b) the road hump conforms to the regulations, and
  - (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.

(1B) The requirements of this subsection are that—

- (a) the road hump is specially authorised by the Secretary of State,
- (b) the road hump conforms with the conditions attached to the authorisation, and
- (c) if the road hump is in a highway maintainable at the public expense, the conditions mentioned in subsection (2) below are satisfied.

(1C) The requirements of this subsection are that—

- (a) the road hump falls within section 90CA, and
- (b) if the road hump is in a highway maintainable at the public expense, the condition mentioned in subsection (2)(a) below is satisfied.]

(2) The further conditions applicable in the case of a road hump in a highway maintainable at the public expense are—

- (a) that the highway is for the time being subject to a statutory speed limit for motor vehicles of 30 miles per hour or less or the road hump is specially authorised by the Secretary of State; and
- (b) that the road hump was constructed under section 90A or 90B above or was constructed at a time when the highway was not maintainable at the public expense.

<sup>F17</sup>(3) .....

<sup>F18</sup>(4) .....

### Textual Amendments

- F15** Words in s. 90E(1) substituted (3.7.2000) by 1999 c. 29, s. 268(5) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F16** S. 90E(1A)-(1C) inserted (3.7.2000) by 1999 c. 29, s. 268(6) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F17** S. 90(3) repealed (3.7.2000) by 1999 c. 29, s. 268(7), **Sch. 34 Pt. VI** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F18** S. 90E(4) repealed (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(2), **Sch.**; S.I. 1992/2984, art. 2(2), **Sch. 2**

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## 90F Meaning of “road hump” and interpretation of sections 90A to 90E.

(1) In this Act “road hump” means an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs for lighting) required in connection with such a hump.

(2) In sections 90A to 90E above—

“motor vehicle” has the same meaning as in the Road Traffic Regulation Act [<sup>F19</sup>1984];  
and

[<sup>F20</sup>“statutory speed limit” means a speed limit having effect by virtue of an enactment other than section 84(1)(b) or (c) of the Road Traffic Regulation Act 1984 (temporary and variable speed limits).]]

### Textual Amendments

- F19** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 13 para. 42](#)
- F20** S. 90F(2): definition 'statutory speed limit' substituted (1.7.1992) for definition of 'statutory' by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para.13](#); S.I. 1992/1286, [art. 2](#),Sch.

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