



# Highways Act 1980

## 1980 CHAPTER 66

### PART V

#### IMPROVEMENT OF HIGHWAYS

##### *Safety provisions*

#### **66 Footways and guard-rails etc. for publicly maintainable highways.**

- (1) It is the duty of a highway authority to provide in or by the side of a highway maintainable at the public expense by them which consists of or comprises a made-up carriageway, a proper and sufficient footway as part of the highway in any case where they consider the provision of a footway as necessary or desirable for the safety or accommodation of pedestrians; and they may light any footway provided by them under this subsection.
- (2) A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of or comprises a carriageway, such raised paving, pillars, walls, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.
- (3) A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of a footpath [<sup>F1</sup>or bridleway], such barriers, [<sup>F1</sup>posts,] rails or fences as they think necessary for the purpose of safeguarding persons using the highway.
- (4) The powers conferred by the foregoing provisions of this section to provide any works include power to alter or remove them.
- (5) The power conferred by subsection (3) above, and the power to alter or remove any works provided under that subsection, shall not be exercised so as to obstruct any private access to any premises or interfere with the carrying out of agricultural operations.

*Status: Point in time view as at 27/09/2005.*

*Changes to legislation: Highways Act 1980, Cross Heading: Safety provisions is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) The powers of a highway authority under subsections (2) and (3) above may, with the consent of the Minister, be exercised by the council of a county [<sup>F2</sup>or metropolitan district] in relation to any part within the county [<sup>F2</sup>or metropolitan district] but outside Greater London of a highway for which the Minister is the highway authority.
- (7) The powers of a highway authority under subsections (2) and (3) above may, with the consent of the highway authority, be exercised by the council of a London borough or, as the case may require, by the Common Council in relation to any part within the borough, or the City, of a highway for which the council, or the Common Council, are not the highway authority.
- (8) A highway authority or council shall pay compensation to any person who sustains damage by reason of the execution by them of works under subsection (2) or (3) above.

#### Textual Amendments

- F1** Words in s. 66(3) inserted (13.2.2004 for E. and 1.4.2004 for W.) by 2000 c. 37, s. 70(1); S.I. 2004/292, art. 2(b); S.I. 2004/315, art. 2(b)
- F2** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 17

### 67 Guard-rails etc. in private streets.

- (1) Subject to the provisions of this section, in any street which is not a highway maintainable at the public expense and which consists of or comprises a carriageway a local authority may provide and maintain such pillars, rails or fences as they think necessary for the purpose of safeguarding persons using the street.
- (2) The power under subsection (1) above to provide any works includes power to alter or remove them.
- (3) Schedule 8 to this Act (consents before carrying out work in streets) applies to the powers conferred on local authorities by this section.
- (4) A local authority shall pay compensation to any person who sustains damage by reason of the execution by them of works under this section.
- (5) In this section “local authority” means any of the following, namely, the council of a district or London borough, . . . <sup>F3</sup> the Common Council and the Council of the Isles of Scilly [<sup>F4</sup>but in relation to a street in Wales, means a Welsh council].

#### Textual Amendments

- F3** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F4** Words in s. 67(5) added (1.4.1996) by 1994 c. 19, s. 22(1), Sch. 7 Pt. I para.6 (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, Sch.1.

### 68 Refuges.

- (1) A highway authority may, in relation to a highway maintainable at the public expense by them which consists of or comprises a made-up carriageway, construct and maintain works in that carriageway for providing places of refuge for the protection of pedestrians crossing the carriageway.

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- (2) Subsections (2) to (5) of section 64 above apply in relation to works mentioned in subsection (1) above as they apply in relation to works mentioned in subsection (1) of that section.

## 69 Subways.

- (1) For the purpose of protecting from danger traffic along a highway which consists of or comprises a made-up carriageway, or of making the crossing of it less dangerous to pedestrians, the highway authority for the highway may construct, light and maintain subways under the highway for the use of pedestrians, and may alter, remove or close temporarily any such subway.
- (2) With respect to highways in Greater London, the powers of a highway authority under subsection (1) above may be exercised with that authority's consent—
  - (a) in the case of a highway for which the Minister is the highway authority, by the council of a London borough or the Common Council, as respects any parts of the highway in that council's area; and
  - (b) .....<sup>F5</sup>
- (3) Subsection (1) above has effect in relation to a road which consists of or comprises a made-up carriageway and to which the public have access, but which is not a highway, as if it were a highway and as if the council of the district or London borough in which the road is situated were the highway authority for it or, in the case of a road situated in the City, as if the Common Council were the highway authority for it [<sup>F6</sup>or, in the case of a road in Wales, as if the Welsh council in whose area it is situated were the highway authority for it].

### Textual Amendments

- F5** S. 69(2)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F6** Words in s. 69(3) added (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. I para. 7](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3, Sch.1](#).

## 70 Footbridges over highways.

- (1) Without prejudice to any other powers of theirs to construct or reconstruct bridges, the highway authority for any highway may, for the purpose of protecting traffic along the highway from danger, or of making the crossing of it less dangerous to, or easier for, pedestrians, construct, light and maintain a bridge over the highway for the use of pedestrians, and may alter, remove or close temporarily any such bridge.
- (2) A bridge constructed under this section may form part of a bridge constructed for the use of vehicles or of a bridge providing a way from premises on one side of a highway to premises on the other or a means of access from a highway to any premises.
- (3) The supports of, and approaches to, a bridge constructed under this section may be situated—
  - (a) in the highway over which the bridge is to be constructed; or
  - (b) subject to subsection (4) below, in any other highway that crosses or enters the route of the first-mentioned highway.

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- (4) The supports of, or approaches to, a bridge to be constructed under this section shall not be constructed in such a highway as is mentioned in subsection (3)(b) above unless the highway authority by whom the bridge is to be constructed are the highway authority for that highway or the highway authority for it have given their consent.
- (5) Where any bridge proposed to be constructed under this section by a highway authority will provide or improve an access to a highway from any street vested in some other highway authority or any other premises, the highway authority may enter into agreements with that other authority or any person having an interest in those premises—
  - (a) for the making by the other party to the agreement of contributions towards the expenses to be incurred by the highway authority in constructing, lighting and maintaining the bridge;
  - (b) with respect to the use of the bridge and its maintenance.
- (6) A highway authority shall pay compensation to any person who sustains damage by reason of the execution by them under this section of works in or over a highway.

## **71 Margins for horses and livestock.**

- (1) It is the duty of a highway authority to provide in or by the side of a highway maintainable at the public expense by them which consists of or comprises a made-up carriageway adequate grass or other margins as part of the highway in any case where they consider the provision of margins necessary or desirable for the safety or accommodation of ridden horses and driven livestock; and a highway authority may light a margin provided by them under this section.
- (2) A highway authority may alter or remove a margin provided by them under this section.

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