



# Highways Act 1980

## 1980 CHAPTER 66

### PART VII

#### PROVISION OF SPECIAL FACILITIES FOR HIGHWAYS

#### **112 Provision of picnic sites and public conveniences for users of trunk roads**

- (1) The Minister may provide on land adjoining, or in the vicinity of, a trunk road that is not a special road a picnic site for motorists and others likely to use the road with space for parking vehicles and a means of access to and from a highway.

An area of any such land as aforesaid in which there are, or are to be, provided such a picnic site, parking space and means of access as aforesaid is in this Act referred to as a "trunk road picnic area".

- (2) The Minister may erect buildings and execute works on a trunk road picnic area for the purpose of providing all or any of the following:—
- (a) parking places for vehicles,
  - (b) a means of access to or from the area from or to a highway,
  - (c) public sanitary conveniences (including lavatories), and
  - (d) facilities for the provision and consumption of meals and refreshments,
- and may equip buildings erected by him under this subsection with such furniture and apparatus as may be necessary for the purpose of providing such conveniences or facilities.
- (3) The Minister may manage a trunk road picnic area, but may not provide meals or refreshments on such an area.
- (4) The Minister may make arrangements with some other person, other than a council,—
- (a) for such conveniences or facilities as are referred to in subsection (2) above to be provided by that other person, or
  - (b) for meals or refreshments to be provided on the trunk road picnic area by that other person;

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and the powers of the Minister under this subsection include power to lease the trunk road picnic area or any part of it to that other person.

- (5) The Minister may provide public sanitary conveniences (including lavatories) in proper and convenient situations on or under land forming part of a trunk road that is not a special road, or adjoining, or in the vicinity of, such a road and may manage such conveniences.
- (6) The Minister shall pay compensation to any person who sustains damage by reason of the execution by him under this section of any works on or under a trunk road.
- (7) A council may contribute towards any expenses incurred by the Minister under this section.
- (8) Nothing in section 88 of the Public Health Act 1936 (restriction on erection of public sanitary conveniences in, or accessible from, streets) affects the powers of the Minister under this section.

**113 Exercise by council of functions of Minister with respect to management or provision of picnic sites etc.**

- (1) The Minister may by agreement with a council delegate to the council all or any of his functions with respect to the management of a trunk road picnic area or with respect to the management of public sanitary conveniences provided by him under section 112(5) above.
- (2) Subsections (2) to (4) of section 6 above (discharge of functions delegated by Minister to council and termination of delegation) apply in relation to functions delegated, and a delegation, to a council under subsection (1) above as they apply in relation to functions delegated, and a delegation, to a council under subsection (1) of that section.
- (3) The Minister may enter into agreements with a council—
  - (a) for the provision by the council on a trunk road picnic area of a picnic site for motorists and others likely to use the road,
  - (b) for the doing by the council of anything which he has power to do on that area under section 112(2) or (3) above, or
  - (c) for the discharge by the council of all or any of his functions under section 112(5) above,
 so, however, that subsections (2) and (3) of section 6 above apply to the discharge of the functions of a council under any such agreement and to the conditions to be included in any such agreement as they apply to the discharge of functions delegated under that section to a council and to the conditions to be attached to any such delegation.
- (4) Plant or materials belonging to a council to whom functions are delegated under subsection (1) above or with whom an agreement is made under subsection (3) above may be used by them for the purposes of those functions or of that agreement, subject to the terms of the delegation or agreement.
- (5) Where any functions of the Minister as respects a trunk road picnic area stand delegated to a council under subsection (1) above, or are functions of a council by virtue of an agreement under subsection (3) above, then, except in so far as any conditions attached to the delegation or included in the agreement, as the case may be, otherwise provide, that council—

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- (a) shall make available any relevant facilities and services for those who do not normally reside in the area of the council as freely as for those who do ;
- (b) shall have power to make reasonable charges for any relevant facilities or services;
- (c) may arrange for any relevant facilities or services to be provided by some other person and, when they make such arrangements, may authorise that person to make reasonable charges for them; and
- (d) may arrange with some other person, other than another council, for the provision by that other person of meals or refreshments on the trunk road picnic area.

References in this subsection to relevant facilities and services are references to facilities and services provided by the council in exercise of powers exercisable by them by virtue of the delegation or agreement referred to in this subsection.

- (6) Any power to provide buildings or other premises, or any services or facilities, or anything else, exercisable by a council by virtue of any such delegation or agreement as is referred to in subsection (5) above includes power to enter into agreements with some other person for the use, on such terms as may be agreed, of anything, or any facilities or services, provided by, or under the control of, that other person and, if it appears convenient, for the services of any staff employed in connection therewith.
- (7) Where any functions of the Minister with respect to the management or provision of public sanitary conveniences stand delegated to a council under subsection (1) above, or are functions of a council by virtue of an agreement under subsection (3) above, the council may make byelaws as to the conduct of persons using or entering those conveniences.

#### **114 Provision of public conveniences by county council for users of roads for which they are the highway authority**

- (1) Where the highway authority for a highway or proposed highway are or, as the case may be, will be a county council they may provide public sanitary conveniences (including lavatories) in proper and convenient situations on or under land adjoining, or in the vicinity of, the highway or proposed highway, and may manage such conveniences.
- (2) Before providing any conveniences under subsection (1) above a county council shall give notice of their intention to do so to the council of the district in which the conveniences will be situated.
- (3) A county council who provide conveniences under subsection (1) above may make byelaws as to the conduct of persons using or entering them.
- (4) The powers in subsection (1) above are without prejudice to section 87 of the Public Health Act 1936 (provision of public conveniences by local authorities) and nothing in section 88 of that Act (restriction on erection of public sanitary conveniences in, or accessible from, streets) affects the powers of a county council under mat subsection.

#### **115 Provision of areas for parking heavy goods vehicles, etc.**

- (1) A highway authority may provide on land adjoining, or in the vicinity of, a highway or proposed highway for which they are or, as the case may be, will be the highway authority an area, which may be used for all or any of the following purposes:

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- (a) the parking of heavy goods vehicles;
- (b) the transfer of goods to or from any such vehicle from or to any other vehicle;  
and
- (c) the temporary storage of goods which have been or are to be carried or hauled by heavy goods vehicles.

An area provided under this section is in this Act referred to as a " lorry area ".

- (2) For the purpose of enabling a lorry area to be used as mentioned in subsection (1) above, the highway authority by whom the area is provided may erect buildings and execute works on the area for the purpose of providing all or any of the following:

- (a) parking places for heavy goods vehicles and, if the lorry area is to be used for either or both of the purposes mentioned in subsection (1)(b) and (c) above, parking places for other vehicles which will be on the area in connection with that purpose or those purposes ;
- (b) a means of access to or from the area from or to a highway;
- (c) facilities for the accommodation of persons who will be on the lorry area in connection with any purpose for which the area may be used in pursuance of subsection (1) above or with the provision on the area of any such facilities as are mentioned in this subsection;
- (d) facilities for the provision of meals and refreshments for such persons as are mentioned in paragraph (c) above;
- (e) facilities for handling and storing goods which have been or are to be carried or hauled by heavy goods vehicles;
- (f) service station facilities for such vehicles and for other vehicles entitled to be on the lorry area;
- (g) sanitary conveniences (including lavatories) for such persons as are mentioned in paragraph (c) above;

and may install or provide in buildings erected by them under this subsection or elsewhere on the lorry area such equipment, furniture and apparatus as may be necessary for the purpose of providing such facilities or conveniences.

- (3) A highway authority may make arrangements with some other person, other than a council, for anything which that authority have power to do under subsection (2) above to be done by that other person and may lease the lorry area or any part of it to that other person, but may not themselves operate any such facilities as are mentioned in paragraphs (c), (d), (e) and (f) of that subsection.
- (4) Where a lorry area is provided by the Minister under this section he may enter into agreements with a council for the exercise by the council of all or any of his powers under subsection (2) above or of the powers conferred on him in his capacity as a highway authority by virtue of subsection (6) below.
- (5) Subsections (2) and (3) of section 6 above (discharge of functions delegated by the Minister to a council) apply to the exercise of the powers of a council under any agreement made under subsection (4) above and to the conditions to be included in any such agreement as they apply to the discharge of functions delegated under that section to a council and to the conditions to be attached to any such delegation.
- (6) Section 31 of the Road Traffic Regulation Act 1967 (power to make orders as to use of certain parking places) applies in relation to a lorry area as it applies in relation to an off-street parking place provided under section 28 of that Act, as if for references to a local authority and such a parking place there were substituted references to a

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highway authority and a lorry area respectively; and sections 84A, 84B, 84C, 84D and 85 of that Act (provisions with respect to certain orders and offences, including orders and offences under the said section 31) have effect as if—

- (a) references therein to the said section 31 and a local authority included references to that section as applied by this subsection and a local highway authority respectively;
  - (b) references in section 84D to a parking place included references to a lorry area ; and
  - (c) the reference in section 85(2) to the local authority for the parking place included a reference to the highway authority by whom the lorry area was provided.
- (7) A council may contribute towards any expenses incurred by the Minister under this section.
- (8) In this section—
- " goods " includes goods or burden of any description ;
  - " heavy goods vehicle " means a motor vehicle constructed or adapted for use for the carriage or haulage of goods and having an unladen weight of 2 tons or more, or a trailer;
  - " motor vehicle " has the same meaning as in the Road Traffic Act 1972;
  - " trailer " means a vehicle constructed or adapted for use for the carriage of goods and drawn or intended to be drawn by a motor vehicle.