



# Highways Act 1980

## 1980 CHAPTER 66

### PART XIV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

##### *Prosecutions, appeals, etc.*

#### **310 Summary proceedings for offences.**

All offences under this Act or under byelaws made under it are, except as provided by sections 292(4) and 297(3) above, punishable on summary conviction.

#### **311 Continuing offences.**

- (1) Where by virtue of any provision of this Act, or of byelaws made under it, a person convicted of an offence is, if the offence in respect of which he was convicted is continued after conviction, guilty of a further offence and liable to a fine for each day on which the offence is so continued, the court before whom the person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court.
- (2) Where a court fixes such a period the defendant is not liable to a fine in respect of the further offence for any day before the expiration of that period.

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

**C1** S. 311 applied (22.7.2008) by [Transport for London Act 2008 \(c. i\)](#), ss. 1, **35(4)** (with ss. 35(8), 48)

#### **312 Restriction on institution of proceedings.**

- (1) [<sup>F1</sup>Subject to subsection (3) below, proceedings] for an offence under any provision of this Act to which this section applies or under byelaws made under any such provision shall not, without the written consent of the Attorney General, be taken by any person

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other than the person aggrieved, or a highway authority or council having an interest in the enforcement of the provision or byelaws in question.

(2) This section applies to sections 167 and 177 above and to the provisions of this Act specified in Schedule 22 to this Act.

[<sup>F2</sup>(3) A constable may take proceedings—

- (a) for an offence under paragraph (b) of section 171(6) above; or
- (b) for an offence under paragraph (c) of that subsection consisting of failure to perform a duty imposed by section 171(5)(a) above; or
- (c) for an offence under section 174 above,

without the consent of the Attorney General.]

#### Textual Amendments

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [21\(2\)\(a\)](#)
- F2** S. 312(3) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [21\(2\)\(b\)](#)

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

- C2** S. 312 applied (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. [25\(1\)\(2\)](#); [S.I. 1991/2288](#), art. 3, [Sch.](#)

### 313 Inclusion of several sums in one complaint, etc.

Where two or more sums are claimed from any person as being due under this Act, a complaint, summons or warrant issued for the purposes of this Act, or of any byelaws made under it, in respect of that person may contain in the body thereof or in a schedule thereto a statement of all or any of the sums so claimed.

### 314 Offences by body corporate.

- (1) Where an offence under any provision of this Act to which this section applies is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) This section applies to sections 139, 140, 167, 168, 177 and 181 above.

PROSPECTIVE

### [<sup>F3</sup>314A Fixed penalties for certain offences under Part 9

- (1) A fixed penalty offence is any offence under Part 9 which—

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- (a) is listed in the first column in Schedule 22A (and described in general terms in the second column), and
  - (b) is prescribed in regulations made by the Secretary of State.
- (2) Offences listed in that Schedule which are committed by virtue of section 314 (offences committed by bodies corporate, etc.) are not fixed penalty offences.
- (3) Schedule 22B (which makes provision about fixed penalties for fixed penalty offences) has effect.
- (4) Regulations under subsection (1)(b) may—
- (a) make provision for Greater London different from that made for the rest of England;
  - (b) make consequential provision (including provision disapplying sections 8 to 11 of, and Schedule 2 to, the London Local Authorities and Transport for London Act 2003 in relation to any offence prescribed in such regulations);
  - (c) make transitional provision.]

#### Textual Amendments

F3 S. 314A inserted (prosp.) by Traffic Management Act 2004 (c. 18), ss. 64(1), 99 (with s. 38)

### 315 Notice to be given of right of appeal.

Where an appeal lies under this Act to the Crown Court or a magistrates' court against a requirement, order, refusal or other decision of a highway authority or a council, the notice given by the authority or council to the person concerned of the making of the requirement or order or of the refusal or other decision against which such an appeal lies shall state the right of appeal to the Crown Court or a magistrates' court, as the case may be, and the time within which such an appeal may be brought.

### 316 Appeals and applications to magistrates' courts.

- (1) Where any provision of this Act provides—
- (a) for an appeal to a magistrates' court against a requirement, order, refusal or other decision of a highway authority or a council, or
  - (b) for any other matter to be determined by, or an application in respect of any matter to be made to, a magistrates' court,
- the procedure shall be by way of complaint for an order.
- (2) The time within which an appeal such as is mentioned in subsection (1)(a) above may be brought is 21 days from the date on which notice of the decision of the highway authority or council is served on the person wishing to appeal, and for the purpose of this subsection the making of the complaint is to be deemed to be the bringing of the appeal.

### 317 Appeals to the Crown Court from decisions of magistrates' courts.

- (1) Where a person aggrieved by an order, determination or other decision of a magistrates' court under this Act is not by any other enactment authorised to appeal to the Crown Court he may appeal to that court.

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- (2) The applicant for an order under section 116 above or any person who was entitled under subsection (7) of that section to be, and was, or claimed to be, heard on the application may appeal to the Crown Court against the decision made by the magistrates' court on the application.

### **318 Effect of decision of court upon an appeal.**

Where on an appeal under this Act a court varies or reverses a decision of a highway authority or of a council it shall be the duty of the authority or the council to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

### **319 Judges and justices not to be disqualified by liability to rates.**

The judge of any court or a justice of the peace is not disqualified for acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or to be benefited by, any rate or fund out of which any expenses of a council are to be defrayed.

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

- C3** S. 319 applied (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 25\(1\(2\)\)](#); [S.I. 1991/2288](#), [art. 3](#), [Sch.](#)

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