

**Changes to legislation:** Highways Act 1980, Cross Heading: General is up to date with all changes known to be in force on or before 18 July 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) View outstanding changes

## SCHEDULES

### SCHEDULE 23 **E+W**

#### TRANSITIONAL PROVISIONS

##### Subordinate Legislation Made

**P1** [Sch. 23](#): for earlier exercises of power under Sch. 23, see Index to Government Orders

##### *General*

17 Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of, or by reference to any provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to the corresponding enactment repealed by this Act.

18 Without prejudice to paragraph 17 above, any reference in this Act (whether express or implied) to a thing done by a highway authority or other authority under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done, or having effect as if done, by a predecessor authority under the corresponding enactment repealed by this Act.

In this paragraph “predecessor authority” means—

- (a) in relation to the Secretary of State, the Minister of Transport or other Minister exercising the relevant function before the transfer of the function to the Secretary of State;
- (b) in relation to the Minister of Transport, the Secretary of State or other Minister exercising the relevant function before the transfer of the function to the Minister of Transport;
- (c) in relation to a council, the authority exercising the relevant function before the function vested in the council under the <sup>M1</sup>Local Government Act 1972 or, as the case may be, the <sup>M2</sup>London Government Act 1963.

##### Marginal Citations

**M1** 1972 c. 70.

**M2** 1963 c. 33.

19 Without prejudice to paragraph 17 or 18 above, any power which was exercisable by a highway authority or other authority immediately before the commencement of this Act, under an enactment repealed by this Act, by reference (whether express or implied) to anything done before the said commencement may be exercised by that authority under the corresponding provision of this Act.

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20           Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

<sup>F1</sup>21           .....

**Textual Amendments**  
**F1**   Sch. 23 para. 21 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch.9](#); S.I. 1992/2984, art. 2(2), Sch.2

22           Any enactment or other document of any kind referring to a highway repairable by the inhabitants at large or a highway maintainable by the inhabitants at large is to be construed as referring to a highway which for the purposes of this Act is a highway maintainable at the public expense.

23           Any enactment or other document of any kind referring to a surveyor of highways or a highway board is to be construed as referring to a highway authority.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- s. 337(c) inserted by [2024 asc 3 Sch. 3 para. 2\(10\)\(b\)](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)