



# Highways Act 1980

## 1980 CHAPTER 66

### PART I

#### HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

##### *Highway authorities*

#### **1 Highway authorities: general provision.**

- (1) The Minister is<sup>[F1]</sup>, subject to subsection (1A),] the highway authority for—
- (a) any highway which is a trunk road;
  - <sup>F2</sup>[(aa) any special road provided by him;]
  - (b) any highway as respects which an order made by him under any enactment expressly provides that he is to be the highway authority for it but does not direct that the highway is to be a trunk road;
  - (c) any highway (not falling within paragraph (a) above) transferred to him by an order under section 14 or 18 below;
  - (d) any other highway being a highway constructed by him, except where by virtue of section 2, 4(3) or 5(2) below or by virtue of some other enactment a local highway authority are the highway authority for it or where by means of an order made under section 14 or 18 below the highway is transferred to a local highway authority.
  - <sup>F3</sup>(e) any highway for which he becomes the highway authority by virtue of section 2 of the Infrastructure Act 2015.]
- <sup>F4</sup>(1A) A strategic highways company is the highway authority for—
- (a) any highway specified in the appointment of the company in accordance with Part 1 of the Infrastructure Act 2015;
  - (b) any highway that is directed to become a trunk road and for which that company is directed to be highway authority under section 10;
  - (c) any special road provided by the company;

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- (d) any highway for which an order made under any enactment expressly provides for that company to be the highway authority;
- (e) any highway transferred to the company by an order under section 14 or 18;
- (f) any other highway constructed by the company except where—
  - (i) by virtue of section 4(3) or 5(2) or some other enactment, a local highway authority is the highway authority for it; or
  - (ii) by means of an order under section 14 or 18 the highway is transferred to a local highway authority.

Paragraphs (a), (b) and (f) do not apply where a local highway authority becomes the highway authority by virtue of section 2.]

- (2) Outside Greater London the council of a county [<sup>F5</sup>or metropolitan district] are the highway authority for all highways in the county [<sup>F5</sup>or, as the case may be, the district], whether or not maintainable at the public expense, which are not highways for which under subsection (1)[<sup>F6</sup>or (1A)] above the Minister[<sup>F7</sup>or a strategic highways company] is the highway authority.

[<sup>F8</sup>(2A) Transport for London is the highway authority for all GLA roads. ]

- (3) [<sup>F9</sup>The council] of a London borough or the Common Council are the highway authority for all highways in the borough or, as the case may be, in the City, whether or not maintainable at the public expense, which are not [<sup>F10</sup>for the time being GLA roads or]. . . <sup>F11</sup>highways for which under subsection (1)[<sup>F12</sup>or (1A)] above the Minister[<sup>F13</sup>or a strategic highways company] is the highway authority.

[<sup>F14</sup>(3A) In Wales the council of a county or county borough are the highway authority for all highways in the county or, as the case may be, the county borough, whether or not maintainable at the public expense, which are not highways for which the Minister is the highway authority under subsection (1) above.]

- (4) Subsection (2) above is subject, as respects any highway outside Greater London for which the Minister[<sup>F13</sup>or a strategic highways company] is not the highway authority under subsection (1)[<sup>F12</sup>or (1A)] above, to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the council of the county [<sup>F15</sup>or, as the case may be, the metropolitan district] in which the highway is situated are the highway authority therefor.

[<sup>F16</sup>(5) Subsection (3A) above is subject to any provision of this Act, or of any order made under this or any other Act, by virtue of which a council other than the Welsh council for the area in which the highway is situated are the highway authority.]

#### Textual Amendments

- F1** Words in s. 1(1) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(2)(a)**; S.I. 2015/481, reg. 2(a)
- F2** S. 1(1)(aa) inserted (01.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. **21(2)**; S.I. 1991/2288, art. 3, **Sch.**
- F3** S. 1(1)(e) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(2)(b)**; S.I. 2015/481, reg. 2(a)
- F4** S. 1(1A) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(3)**; S.I. 2015/481, reg. 2(a)
- F5** Words in s. 1(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 1(a)**

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- F6** Words in s. 1(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(4)(a)**; S.I. 2015/481, reg. 2(a)
- F7** Words in s. 1(2) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(4)(b)**; S.I. 2015/481, reg. 2(a)
- F8** S. 1(2A) inserted (3.7.2000) by 1999 c. 29, s. **259(2)**, (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2) (c), **Sch. Pt. 3**
- F9** Words in s. 1(3) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 Pt. I**, para. 1(b)
- F10** Words in s. 1(3) inserted (3.7.2000) by 1999 c. 29, ss. **259(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F11** Words in s. 1(3) repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F12** Words in s. 1(3)(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(4)(a)**; S.I. 2015/481, reg. 2(a); S.I. 2015/481, reg. 2(a)
- F13** Words in s. 1(3)(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 2(4)(b)**; S.I. 2015/481, reg. 2(a); S.I. 2015/481, reg. 2(a)
- F14** S. 1(3A) inserted (3.4.1995 for limited purposes, as mentioned in S.I. 1995/852 and 1.4.1996 otherwise, as mentioned in S.I. 1996/396) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 1(2)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)(5), **Sch. 2** (with saving in art. 4(6)); S.I. 1996/396, art. 3, **Sch. 1**.
- F15** Words in s. 1(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 1(c)**
- F16** S. 1(5) added (3.4.1995 for limited purposes, as mentioned in S.I. 1995/852 and 1.4.1996 otherwise, as mentioned in S.I. 1996/396) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 1(3)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1)(5), **Sch. 2** (with saving in art. 4(6)); S.I. 1996/396, art. 3, **Sch. 1**.

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