



Highways Act 1980

1980 CHAPTER 66

PART V

IMPROVEMENT OF HIGHWAYS

Miscellaneous improvements

101 Power to fill in roadside ditches etc.

- (1) If it appears to the highway authority for any highway that a ditch on land adjoining or lying near to the highway constitutes a danger to users of the highway, the authority may—
 - (a) if they consider the ditch unnecessary for drainage purposes and any occupier of the land known to the authority agrees in writing that it is unnecessary for those purposes, fill it in; or
 - (b) place in the ditch, or in land adjoining or lying near to it, such pipes as they consider necessary in substitution for the ditch, and thereafter fill it in.
- (2) A highway authority shall pay compensation to the owner or occupier of any land who suffers damage by reason of the exercise by the authority of any power under subsection (1) above.
- (3) If a person, without the consent of the highway authority, opens up or keeps open any ditch which has been filled in under subsection (1) above (except as may be reasonably necessary for the purpose of doing work on any pipes placed in the ditch), then—
 - (a) the authority may carry out any work of repair or reinstatement necessitated by his action and may recover from him the expenses reasonably incurred by them in so doing; and
 - (b) without prejudice to their right to exercise that power, he is guilty of an offence and liable to a fine not exceeding three times the amount of those expenses.
- (4) Nothing in section 263 of the ^{M1}Public Health Act 1936 (which prohibits the culverting of watercourses in certain districts without the approval of the local authority) applies to anything done under subsection (1) above.

Status: Point in time view as at 10/03/2023.

Changes to legislation: Highways Act 1980, Section 101 is up to date with all changes known to be in force on or before 27 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)

- (5) A highway authority shall not exercise their powers under subsection (1) above in such a manner as to be likely to cause damage to or affect the drainage of any land or works used for the purposes of a railway or canal undertaking, except—
- (a) after giving not less than 14 days' notice to the undertakers of the manner in which it is proposed to exercise those powers; and
 - (b) in accordance with any reasonable requirements of the undertakers of which notice is given to the authority within 14 days from the date of service of the authority's notice;
- and any question whether any such requirement is reasonable shall, in default of agreement, be determined by the Minister.
- (6) In this section, “ditch” includes a watercourse and any part of a ditch or watercourse, and “pipes” including culverts, tunnels and other works.

Modifications etc. (not altering text)

- C1** S. 101 functions made exercisable concurrently (3.3.2017) by [The Cambridgeshire and Peterborough Combined Authority Order 2017 \(S.I. 2017/251\)](#), arts. 1(2)(b), **9(2)(aa)(3)**

Marginal Citations

- M1** 1936 c. 49.

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