



# Highways Act 1980

## 1980 CHAPTER 66

### PART VI

#### CONSTRUCTION OF BRIDGES OVER AND TUNNELS UNDER NAVIGABLE WATERS AND DIVERSION ETC. OF WATERCOURSES

##### *Construction of bridges over and tunnels under navigable waters*

#### **107 Provisions supplementary to section 106.**

- (1) Before making or confirming an order or scheme which provides for the construction of a bridge over or a tunnel under navigable waters, the Minister shall take into consideration the reasonable requirements of navigation over the waters affected by the order or scheme.
- (2) An order or scheme which provides for the construction of such a bridge shall include such plans and specifications as may be necessary to indicate the position and dimensions of the proposed bridge including its spans, headways and waterways, and in the case of a swing bridge shall contain such provisions as the Minister considers expedient for regulating its operation.
- (3) An order or scheme which provides for the construction of such a tunnel shall include such plans and specifications as may be necessary to indicate the position and dimensions of the proposed tunnel, including its depth below the bed of the navigable waters.
- (4) If objection to an order or scheme proposed to be made or, as the case may be, to an order or scheme made and proposed to be confirmed, is duly made in accordance with Schedule 1 to <sup>[F1]</sup>this Act by the Environment Agency, the Natural Resources Body for Wales or any <sup>[F2]</sup>navigation authority] on whom notice is required to be served under paragraph 3 or, as the case may be, paragraph 11 of that Schedule, on the ground that the bridge or tunnel is likely to obstruct or impede the performance of their functions under any enactment, or to interfere with the reasonable requirements of navigation over the waters affected by the order or scheme, as the case may be, and the objection

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**Status:** Point in time view as at 05/12/2017.

**Changes to legislation:** Highways Act 1980, Section 107 is up to date with all changes known to be in force on or before 07 August 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)

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is not withdrawn, the order or scheme, as the case may be, shall be subject to special parliamentary procedure.

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**Textual Amendments**

- F1** Words in s. 107(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 162** (with Sch. 7)
- F2** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 62(5), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

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