



Highways Act 1980

1980 CHAPTER 66

[^{F1}PART VIIIA

PROVISION OF AMENITIES ON CERTAIN HIGHWAYS

[^{F1}115J Consents not to be unreasonably withheld.

- (1) Consent to which this section applies is not to be unreasonably withheld but may be given subject to any reasonable conditions.
- (2) Without prejudice to the generality of subsection (1) above, it may be reasonable for consent to which this section applies to be given for a specified period of time or subject to the payment of a reasonable sum.
- (3) Consent is to be treated as unreasonably withheld for the purposes of this section if—
 - (a) the council have served a notice asking for consent on the person whose consent is required; and
 - (b) he fails within 28 days of the service of the notice to give the council notice of his consent or his refusal to give it.
- (4) Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.
- (5) If—
 - (a) the arbitrator determines that consent has been unreasonably withheld; but
 - (b) it appears to him that there are conditions subject to which it would be reasonable to give it,he may direct that it shall be treated as having been given subject to those conditions.
- (6) If—
 - (a) the arbitrator determines that any condition subject to which consent has been given is unreasonable; but

Status: Point in time view as at 20/11/2013.

Changes to legislation: Highways Act 1980, Section 115J is up to date with all changes known to be in force on or before 05 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)

- (b) it appears to him that there are conditions subject to which it would have been reasonable to give it,
he may direct that it shall be treated as having been given subject to those conditions.
- (7) Subject to subsection (8) below, the expenses and remuneration of the arbitrator shall be paid by the council seeking the consent.
- (8) Where the arbitration concerns the consent of the British Railways Board or [^{F2}Transport for London, or any of its subsidiaries (within the meaning of the Greater London Authority Act 1999)] under section 115H(4) above, the arbitrator may give such directions as he thinks fit as to the payment of his expenses and remuneration.
- (9) This section applies to consent required under any provision of this Part of this Act except section 115H(1) above.]

Textual Amendments

- F1** Pt. VIIA (ss. 115A–115K) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 20, [Sch. 5 para. 1](#)
- F2** Words in s. 115J(8) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 2, [Sch. 1 Pt. 1 para. 7\(4\)](#)

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