



# Highways Act 1980

## 1980 CHAPTER 66

### PART IX

#### LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

##### *Protection of public rights*

#### **[<sup>F1</sup>130A Notices to enforce duty regarding public paths.**

- (1) Any person who alleges, as respects any highway for which a local highway authority other than an inner London authority are the highway authority—
  - (a) that the highway falls within subsection (2) below, and
  - (b) that it is obstructed by an obstruction to which this section applies,may serve on the highway authority notice requesting them to secure the removal of the obstruction from the highway.
- (2) A highway is within this subsection if it is—
  - (a) a footpath, bridleway, or restricted byway, or
  - (b) a way shown in a definitive map and statement as a restricted byway or a byway open to all traffic.
- (3) Subject to subsection (4) below, this section applies to an obstruction of the highway if the obstruction is without lawful authority and either—
  - (a) the powers conferred by section 143, 149 or 154 below are exercisable in respect of it, or
  - (b) it is of a description prescribed by regulations made by the Secretary of State and the authority have power (otherwise than under any of those sections) to secure its removal.
- (4) This section does not apply to an obstruction if—
  - (a) it is or forms part of—
    - (i) a building (whether temporary or permanent) or works for the construction of a building, or

*Status: Point in time view as at 14/06/2024.*

*Changes to legislation: Highways Act 1980, Section 130A is up to date with all changes known to be in force on or before 02 October 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)*

- (ii) any other structure (including a tent, caravan, vehicle or other temporary or movable structure) which is designed, adapted or used for human habitation,
  - (b) an order may be made in respect of it under section 56 above, or
  - (c) the presence of any person constitutes the obstruction.
- (5) A person serving a notice under subsection (1) above must include in the notice the name and address, if known to him, of any person who it appears to him may be for the time being responsible for the obstruction.
- (6) A highway authority on whom a notice under subsection (1) above is served shall, within one month from the date of service of the notice, serve—
- (a) on every person whose name and address is, pursuant to subsection (5) above, included in the notice and, so far as reasonably practicable, on every other person who it appears to them may be for the time being responsible for the obstruction, a notice informing that person that a notice under subsection (1) above has been served in relation to the obstruction and stating what, if any, action the authority propose to take, and
  - (b) on the person who served the notice under subsection (1) above, a notice containing the name and address of each person on whom notice is served under paragraph (a) above and stating what, if any, action the authority propose to take in relation to the obstruction.
- (7) For the purposes of this section the persons for the time being responsible for an obstruction include the owner and any other person who for the time being—
- (a) has possession or control of it, or
  - (b) may be required to remove it.
- (8) A notice under subsection (1) or (6) above shall be in such form and contain such information as may be prescribed by regulations made by the Secretary of State.
- (9) In this section “inner London authority” means Transport for London, the council of an inner London borough or the Common Council of the City of London.
- (10) Subsection (2) above has effect until the commencement of section 47 of the Countryside and Rights of Way Act 2000 with the substitution for the references to a restricted byway and to a way shown in a definitive map and statement as a restricted byway of a reference to a way shown in a definitive map and statement as a road used as a public path.]

#### Textual Amendments

**F1** S. 130A inserted (13.2.2004 for E. and 1.4.2004 for W.) by 2000 c. 37, s. 63(1); S.I. 2004/292, art. 2(a); S.I. 2004/315, art. 2(a)

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