



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Obstruction of highways and streets

150 Duty to remove snow soil etc. from highway.

- (1) If an obstruction arises in a highway from accumulation of snow or from the falling down of banks on the side of the highway, or from any other cause, the highway authority shall remove the obstruction.
- (2) If a highway authority fail to remove an obstruction which it is their duty under this section to remove, a magistrates' court may, on a complaint made by any person, by order require the authority to remove the obstruction within such period (not being less than 24 hours) from the making of the order as the court thinks reasonable, having regard to all the circumstances of the case.
- (3) In considering whether to make an order under this section and, if so, what period to allow for the removal of the obstruction, the court shall in particular have regard to—
 - (a) the character of the highway to which the complaint relates, and the nature and amount of the traffic by which it is ordinarily used,
 - (b) the nature and extent of the obstruction, and
 - (c) the resources of manpower, vehicles and equipment for the time being available to the highway authority for work on highways and the extent to which those resources are being, or need to be, employed elsewhere by that authority on such work.
- (4) Where they are under a duty to remove an obstruction under subsection (1) above, a highway authority may—
 - (a) take any reasonable steps (including the placing of lights, signs and fences on the highway) for warning users of the highway of the obstruction;

Status: Point in time view as at 01/02/1991.

Changes to legislation: *Highways Act 1980, Section 150 is up to date with all changes known to be in force on or before 24 July 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) sell any thing removed in carrying out the duty, unless the thing is claimed by its owner before the expiration of 7 days from the date of its removal;
 - (c) recover from the owner of the thing which caused or contributed to the obstruction, or where the thing has been sold under paragraph (b) above, from its previous owner, the expenses reasonably incurred as respects the obstruction in carrying out the duty and in exercising any powers conferred by this subsection, but so that no such expenses are recoverable from a person who proves that he took reasonable care to secure that the thing in question did not cause or contribute to the obstruction.
- (5) Where a highway authority sell any thing in exercise of their powers under subsection (4) above, then—
 - (a) if any expenses are recoverable under that subsection by the authority from the previous owner of the thing, they may set off the expenses against the proceeds of sale (without prejudice to the recovery of any balance of the expenses from the previous owner) and shall pay over any balance of the proceeds to the previous owner; and
 - (b) if no expenses are so recoverable, they shall pay over the whole of the proceeds of sale to the previous owner.
- (6) The foregoing provisions of this section apply to a person liable to maintain a highway by reason of tenure, enclosure or prescription as they apply to the highway authority for that highway, and references in those provisions to a highway authority are to be construed accordingly.

Status:

Point in time view as at 01/02/1991.

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