



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Obstruction of highways and streets

160 Powers as respects certain unnecessary obstructions of highways in Greater London.

- (1) If, in the case of any highway in Greater London. . . ^{F1}, it appears to an officer of police authorised for the purpose that any of the following persons, namely—
- (a) any undertakers acting in the exercise of a statutory power to break up or open that highway, or
 - (b) any person acting in the exercise of the power conferred by section 15(1) of the ^{M1}Pipelines Act 1962, or
 - (c) any person acting in the exercise of the power conferred by section 34(2) of the ^{M2}Public Health Act 1936,

has caused an unnecessary obstruction for the purposes of this section, he shall report the matter to the highway authority for the highway and that authority shall cause an inspection to be made.

If on the inspection it appears to the highway authority that the allegation is well founded they may proceed as provided by subsection (4) below.

- (2) If, in the case of any highway in Greater London other than one for which the Minister of Transport is the highway authority, it appears to [^{F2}the highway authority that any person mentioned in paragraph (a), (b) or (c) of subsection (1) above has caused an unnecessary obstruction for the purposes of this section, that authority] may proceed as provided by subsection (4) below.
- (3) For the purposes of this section a person causes an unnecessary obstruction where by the deposit of excavated matter or other material, or by means of the erection of

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 160 is up to date with all changes known to be in force on or before 25 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)

barriers, or otherwise, he creates an obstruction in a highway to a greater extent or for a longer period than is reasonably necessary.

- (4) In the circumstances mentioned in subsection (1) or (2) above the highway authority. . .^{F3} may by notice require the person causing the obstruction to take such steps as may appear to the highway authority or, as the case may be, the Council to be necessary, and as are specified in the notice, to mitigate or discontinue the obstruction.
- (5) Subject to subsection (6) below, if the person causing the obstruction (“the defaulter”) fails to comply with such requirement within 24 hours of the receipt of the notice the enforcing authority (that is to say, the highway authority. . .^{F4}) may take the necessary steps and may recover any expenses reasonably incurred by them in connection therewith from the defaulter.
- (6) If within 24 hours of receiving such a notice the defaulter, in a case where the obstructed highway is not one for which the Minister of Transport is the highway authority, makes representations to that Minister that the obstruction is not greater, or has not been continued for a longer period, than is reasonably necessary, and sends to the enforcing authority a copy of the representations so made, the enforcing authority shall not take any such steps as are authorised by subsection (5) above without the consent of that Minister.
- (7) A highway authority may, if they think fit, delegate to an officer of the authority their powers under this section of causing inspection to be made and of making requirements. . .^{F5}
- (8) In this section “undertakers” has the meaning provided by section 157(9) above.

Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 28**
- F3** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F4** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

Modifications etc. (not altering text)

- C1** [S. 160](#) extended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 2\(5\)](#), **Sch. 8 para. 33**
- C2** [S. 160](#) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), [Sch. 16 para. 2\(6\)\(9\)](#), [Sch. 17 paras 33, 35\(1\)](#)
- C3** [S. 160](#) amended 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. 1\(8\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)

Marginal Citations

- M1** [1962 c. 58.](#)
- M2** [1936 c. 49.](#)

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