



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Danger or annoyance to users of highways and streets

166 Forecourt abutting on streets

- (1) If it appears to a competent authority that the forecourt of premises abutting on a street, or any steps or projection or goods (whether for sale or not) placed in such a forecourt, is or are a source of danger, obstruction or inconvenience to the public, the authority may by notice require the owner or occupier of the forecourt to fence the forecourt from the street or, at his election, to take such other steps as may be specified in the notice to obviate the danger, obstruction or inconvenience to the public.

For the purposes of this section the following are competent authorities—

- (a) in the case of a street outside Greater London which is a highway, a local authority and also the highway authority;
 - (b) in the case of any other street, a local authority.
- (2) If it appears to a competent authority that a stall or other erection on a forecourt of premises abutting on a street is by reason of its character injurious to the amenities of the street, the authority may by notice require the owner or occupier of the forecourt to make such alterations in the stall or other erection as may be necessary to prevent its being injurious to the amenities of the street or, at his election, to remove it.

This subsection does not apply to any erection which has been in position in the forecourt of any premises at all times since 10th November 1960.

- (3) A competent authority does not have power under subsection (1) or (2) above to give a notice applying to any advertisement as defined in section 290(1) of the Town and Country Planning Act 1971, or under subsection (2) above to give a notice applying to anything erected in conformity with planning permission granted on an application under Part III of that Act.

Status: This is the original version (as it was originally enacted).

- (4) The provisions of Part XII of the Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works apply in relation to any notice under this section as if this section were contained in that Act (and as if the references to the local authority included references to the highway authority); and section 290(6) of that Act shall authorise the authority at their election to take either of the courses which were open to the person on whom the notice was served in order to comply with it.
- (5) In this section, "local authority" means any of the following, namely, the council of a district or London borough, the Common Council, the sub-treasurer of the Inner Temple, the under-treasurer of the Middle Temple, and the Council of the Isles of Scilly.