



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Precautions to be taken in doing certain works in or near streets or highways

172 Hoardings to be set up during building etc.

- (1) Subject to subsection (2) below, a person proposing to erect or take down a building in a street or court, or to alter or repair the outside of a building in a street or court, shall, before beginning the work, erect a close boarded hoarding or fence to the satisfaction of the appropriate authority so as to separate the building from the street or court.

For the purposes of this section the appropriate authority, in relation to any street or court, is the council of the county ^{F1}, metropolitan district] or London borough in which it is situated or, if it is situated in the City, the Common Council.

- (2) The obligation to erect a hoarding or fence imposed by subsection (1) above may be dispensed with if the appropriate authority so consent.
- (3) Where a person has erected a hoarding or fence in compliance with subsection (1) above, he shall—
- if the appropriate authority so require, make a convenient covered platform and handrail to serve as a footway for pedestrians outside the hoarding or fence;
 - maintain the hoarding or fence and any such platform and handrail in good condition to the satisfaction of the authority during such time as the authority may require;
 - if the authority so require, sufficiently light the hoarding or fence and any such platform and handrail during the hours of darkness; and
 - remove the hoarding or fence and any such platform and handrail when required by the authority.

Status: Point in time view as at 24/11/2005. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 172 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)

- (4) A person aggrieved by the refusal of a consent under subsection (2) above or by a requirement under subsection (3) above may appeal to a magistrates' court.
- (5) Subject to any order made on appeal, if a person contravenes this section he is guilty of an offence and liable to a fine not exceeding [^{F2}level 3 on the standard scale]; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding £2 for each day on which the offence is so continued.

Textual Amendments

- F1** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#) s. 8, Sch. 4 para. 7
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Modifications etc. (not altering text)

- C1** S. 172 applied (27.7.1993) by [1993 c. xv, s. 38\(13\)](#)
 S. 172 applied (21.7.1994) by [1994 c. xv, s. 39\(12\)](#).
- C2** S. 172: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), **Sch. 1**

Status:

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