



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Miscellaneous

178 Restriction on placing rails, beams etc. over highways.

- (1) No person shall fix or place any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway without the consent of the highway authority for the highway, and the highway authority may attach to their consent such reasonable terms and conditions as they think fit.
- (2) Subject to subsection (3) below, a person aggrieved by the refusal of a consent under subsection (1) above, or by any terms or conditions attached to such a consent, may appeal to a magistrates' court.
- (3) No appeal lies under subsection (2) above against any term or condition attached by the Minister to a consent given by him under this section if he declares the term or condition to be necessary for the purpose of securing the safety of persons using the highway to which the consent relates or of preventing interference with traffic on it.
- (4) If a person contravenes subsection (1) above, or the terms or conditions of any consent given under that subsection, he is guilty of an offence and liable to a fine not exceeding [^{F1}level 1 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 £1 for each day on which the offence is so continued.
- (5) This section does not apply to any works or apparatus belonging to any statutory undertakers, and for this purpose the Civil Aviation Authority [^{F2}, a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence),] and [^{F3}[^{F4}a universal service provider in connection with the provision of a universal postal service] and the

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 178 is up to date with all changes known to be in force on or before 26 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)

operator of [^{F5}an electronic communications code network][^{F6}or a driver information [^{F7}network]] are to be deemed to be statutory undertakers].

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**
- F2** Words in s. 178(5) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 4(a)**
- F3** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 76(11), **Sch. 5 para. 45**
- F4** Words in s. 178(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(6)**
- F5** Words in s. 178(5) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(e)(2)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F6** Words inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 13(1), **Sch. 4 para. 3(10)**
- F7** Word in s. 178(5) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(e)(2)(e)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

Modifications etc. (not altering text)

- C1** S. 178: 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**
- C2** S. 178(5): by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 3(1), **Sch. 5 para. 45** it is provided that references to British Telecommunications in s. 178(5) cease to have effect

Status:

Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation:

Highways Act 1980, Section 178 is up to date with all changes known to be in force on or before 26 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.