



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Miscellaneous

179 Control of construction of cellars etc. under street.

- (1) [^{F1}No person shall construct works to which this section applies under any part of a street without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed such works in contravention of this section require him to remove them, or to alter or deal with them in such a manner as may be specified in the notice.]

For the purposes of this section the appropriate authority is—

- (i) in relation to a street outside Greater London which is a highway, the highway authority for the street; and
 - (ii) in relation to any other street, the local authority in whose area the street is situated.
- (2) A person aggrieved by the refusal of a consent, or by a requirement of a notice, under subsection (1) above may appeal to a magistrates' court.
- (3) A person who constructs [^{F2}works to which this section applies] in contravention of this section is guilty of an offence and is liable to a fine not exceeding [^{F3}level 1 on the standard scale]; and, subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) above he is guilty of a further offence and is liable to a fine not exceeding £2 for each day during which the failure continues.
- (4) The appropriate authority may also cause [^{F4}works to which this section applies] constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.

Status: Point in time view as at 05/12/2017.

Changes to legislation: Highways Act 1980, Section 179 is up to date with all changes known to be in force on or before 07 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)

- [^{F5}(5) As soon as may be after an authority consent to the construction of works to which this section applies under a street they shall give notice of their consent to any public utility undertakers having any apparatus under the street.
- (6) Subject to subsection (7) below, the works to which this section applies are—
- (a) any part of a building; and
 - (b) without prejudice to the generality of paragraph (a) above, a vault, arch or cellar, whether forming part of a building or not.
- (7) This section does not apply to [^{F6}street works within the meaning of Part III of the New Roads and Street Works Act 1991].]

Textual Amendments

- F1** Paragraph substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(1\)](#)
- F2** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(2\)](#)
- F3** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. [46](#)
- F4** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(2\)](#)
- F5** S. 179(5)–(7) substituted for subsection (5) by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(3\)](#)
- F6** Words in s. 179(7) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. [168\(1\)](#), [Sch. 8](#), Part I, para. 7 (with s. 25(2)); S.I. 1992/2984, art. 2(2), [Sch. 2](#)

Modifications etc. (not altering text)

- C1** S. 179: 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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