



# 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) No person shall construct a vault, arch or cellar under—
- (a) any street in Greater London, or
  - (b) the carriageway of any street outside Greater London,
- without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed a vault, arch or cellar in contravention of this section require him to remove it, or to alter or deal with it in such 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 a vault, arch or cellar in contravention of this section is guilty of an offence and is liable to a fine not exceeding £25; 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 a vault, arch or cellar constructed in contravention of this section to be removed, altered or otherwise dealt with as they

*Status: This is the original version (as it was originally enacted).*

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think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.

- (5) As soon as may be after an authority consent to the construction of a vault, arch or cellar under a street they shall give notice thereof to any public utility undertakers having any apparatus under the street.