



Highways Act 1980

1980 CHAPTER 66

PART II

TRUNK ROADS, CLASSIFIED ROADS, METROPOLITAN ROADS, SPECIAL ROADS

Special roads

18 Supplementary orders relating to special roads.

- (1) Provision in relation to a special road may be made by an order under this section for any of the following purposes:—
- (a) for appropriating as, or as part of, the special road, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which the special road authority are the highway authority;
 - (b) for transferring to the special road authority, as from such date as may be specified in the order, a highway which is comprised in the route prescribed by the scheme authorising the special road and which is a highway for which they are not the highway authority;
 - (c) for authorising the special road authority—
 - (i) to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the special road or is or will be otherwise affected by the construction or improvement of the special road;
 - (ii) to construct a new highway for purposes connected with any such alteration as aforesaid or for any other purpose connected with the special road or its construction, and to close after such period as may be specified in the order any new highway so constructed for temporary purposes;
 - (d) for transferring to such highway authority as may be specified in the order, as from such date as may be so specified, a highway constructed by the special road authority in pursuance of the order or any previous order made under this section;

Status: Point in time view as at 01/03/2010. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 18 is up to date with all changes known to be in force on or before 04 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)

- (e) for authorising or requiring the special road authority to exercise, either concurrently with or to the exclusion of any local authority, any functions which, apart from the order, would be exercisable by that local authority in relation to the special road other than functions of that authority as local planning authority;
- (f) for any other purpose incidental to the purposes aforesaid or otherwise incidental to the construction or maintenance of, or other dealing with, the special road.

[^{F1}(1A) Subsection (1) is subject to section 33(4) of the Planning Act 2008 (exclusion of powers to make or confirm orders in relation to highways for which development consent required).]

- (2) The provision that may be made pursuant to subsection (1)(f) above in an order under this section that provides for the stopping up or diversion of a highway, includes provision for the preservation of any rights—
 - (a) of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted;. . . ^{F2}
 - (b) ^{F2}
- (3) An order under this section making provision in connection with a special road shall—
 - (a) in the case of a special road provided or to be provided by the Minister be made by the Minister; and
 - (b) in the case of a special road provided or to be provided by a local highway authority, be made by that authority and confirmed by the Minister.
- (4) Parts I and III of Schedule 1 to this Act have effect as to the making of an order under this section; and Schedule 2 to this Act has effect as to the validity and date of operation of any such order.
- (5) Subject to subsection (4) above, an order under this section may come into operation on the same day as the scheme authorising the special road to which it relates.
- (6) No order providing for the appropriation by or transfer to a special road authority of a highway comprised in the route prescribed by the scheme authorising the special road shall be made or confirmed by the Minister under this section unless either—
 - (a) he is satisfied that another reasonably convenient route is available for traffic other than traffic of the class authorised by the scheme, or will be provided before the date on which the appropriation or transfer takes effect, or
 - (b) he is satisfied that no such other route is reasonably required for any such other traffic;

and no order authorising the stopping up of a highway shall be made or confirmed by the Minister under this section unless he is satisfied that another reasonably convenient route is available or will be provided before the highway is stopped up.

- (7) An order under this section may provide for the payment of contributions—
 - (a) by a special road authority to any other highway authority in respect of any additional liabilities imposed on that other authority in consequence of the provisions of the order or of any previous order made under this section,
 - (b) to a special road authority by any other authority in respect of any liabilities so imposed on the special road authority that would otherwise have fallen to be discharged by the other authority,

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and may also provide for the determination by arbitration of disputes as to the payment of such contributions.

- (8) In this section “local authority” means. . . ^{F3} the Common Council and the council of a county, district, London borough, parish or community, and includes the parish meeting of a ^{F4}. . . parish not having a separate parish council.

Textual Amendments

- F1** S. 18(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), ss. 36, 241, **Sch. 2 para. 25** (with s. 226); S.I. 2010/101, **art. 2** (with art. 6)
- F2** S. 18(2)(b) and the word immediately preceding it repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F3** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**.
- F4** Word in s. 18(8) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. V** Group2.

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