



# Highways Act 1980

## 1980 CHAPTER 66

### PART IX

#### LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

##### *Miscellaneous*

#### **185 Power to install refuse or storage bins in streets.**

- (1) Subject to the provisions of this section, a competent authority may provide and maintain in or under a street orderly bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, grit or other materials.

For the purposes of this section the following are competent authorities—

- (a) in relation to a street that is a highway, the highway authority for the highway and [<sup>F1</sup>if different] the local authority in whose area it is situated acting with the consent of the highway authority;
  - (b) in relation to any other street, the local authority in whose area the street is situated.
- (2) An authority does not have power by virtue of this section to place a bin or other receptacle on a bridge over a railway, or under a bridge carrying a railway over a street, or within 10 feet of the abutments of a bridge carrying a railway over a street, except with the consent of the railway undertakers concerned.
- (3) An authority shall not exercise the power conferred by this section so as to obstruct or render less convenient the access to or exit from—
- (a) a station or goods yard belonging to railway undertakers; or
  - (b) premises belonging to canal, inland navigation, dock, harbour, tramway, electricity, gas [<sup>F2</sup>water or sewerage undertakers], [<sup>F3</sup>or to a universal service provider in connection with the provision of a universal postal service,] or to persons authorised by an enactment to carry on any other public undertaking, and used by those undertakers or persons for the purposes of their undertaking.

*Status: Point in time view as at 05/12/2017.*

*Changes to legislation: Highways Act 1980, Section 185 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)*

[<sup>F4</sup>(3A) For the purposes of subsection (3) above, the undertaking of a universal service provider shall be taken to be his undertaking so far as it relates to the provision of a universal postal service.]

(4) Nothing in this section is to be taken as empowering an authority to hinder the reasonable use of a street by the public or any person entitled to use it or as empowering an authority to create a nuisance to the owner or occupier of premises adjacent to a street.

#### Textual Amendments

- F1** Words in s. 185(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 16** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**.
- F2** Words substituted 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. 25 para. 62(7), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F3** Words in s. 185(3)(b) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(7)(a)**
- F4** S. 185(3A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(7)(b)**

#### Modifications etc. (not altering text)

- C1** S. 185 extended by Electricity Act 1989 (c. 29, SIF 44:1), s.112(1)(3), Sch. 16 para. 2(5)(c)(9), Sch. 17 paras. 33, **35(1)**

**Status:**

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