



# Highways Act 1980

## 1980 CHAPTER 66

### PART XIV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Prosecutions, appeals, etc.*

#### **312 Restriction on institution of proceedings.**

- (1) [<sup>F1</sup>Subject to subsection (3) below, proceedings] for an offence under any provision of this Act to which this section applies or under byelaws made under any such provision shall not, without the written consent of the Attorney General, be taken by any person other than the person aggrieved, or a highway authority or council having an interest in the enforcement of the provision or byelaws in question.
- (2) This section applies to sections 167 and 177 above and to the provisions of this Act specified in Schedule 22 to this Act.
- [<sup>F2</sup>(3) A constable may take proceedings—
  - (a) for an offence under paragraph (b) of section 171(6) above; or
  - (b) for an offence under paragraph (c) of that subsection consisting of failure to perform a duty imposed by section 171(5)(a) above; or
  - (c) for an offence under section 174 above,without the consent of the Attorney General.]

#### **Textual Amendments**

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [21\(2\)\(a\)](#)
- F2** [S. 312\(3\)](#) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [21\(2\)\(b\)](#)

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*Status: Point in time view as at 01/04/2005.*

**Changes to legislation:** *Highways Act 1980, Section 312 is up to date with all changes known to be in force on or before 06 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)*

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

- C1** S. 312 applied (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 25\(1\)\(2\)](#); [S.I. 1991/2288](#), art. 3, [Sch.](#)

**Status:**

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