



Highways Act 1980

1980 CHAPTER 66

PART V

IMPROVEMENT OF HIGHWAYS

Corners

79 Prevention of obstruction to view at corners.

- (1) Where, in the case of a highway maintainable at the public expense, the highway authority for the highway deem it necessary for the prevention of danger arising from obstruction to the view of persons using the highway to impose restrictions with respect to any land at or near any corner or bend in the highway or any junction of the highway with a road to which the public has access, the authority may, subject to the provisions of this section, serve a notice, together with a plan showing the land to which the notice relates,—
 - (a) on the owner or occupier of the land, directing him to alter any wall (other than a wall forming part of the structure of a permanent edifice), fence, hoarding, paling, tree, shrub or other vegetation on the land so as to cause it to conform with any requirements specified in the notice; or
 - (b) on every owner, lessee and occupier of the land, restraining them either absolutely or subject to such conditions as may be specified in the notice from causing or permitting any building, wall, fence, hoarding, paling, tree, shrub or other vegetation to be erected or planted on the land.
- (2) A notice under subsection (1) above may at any time be withdrawn by the authority by whom it was given.
- (3) A notice restraining the erection of any building on land shall not be served by a highway authority except with the consent of the council of the [^{F1}non-metropolitan] district in which the land is situated or if the land is situated in a London borough or the City and the highway authority concerned is. . . ^{F2} the Minister, with the consent of the council of that London borough or the Common Council, as the case may require.

Status: Point in time view as at 15/01/2005. This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 79 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)

[^{F3}(3A) In relation to any land in Wales—

- (a) subsection (3) above does not apply; but
 - (b) if the Minister is the highway authority, he shall not serve a notice restraining the erection of any building on the land except with the consent of the Welsh council in whose area the land is situated.]
- (4) A copy of a notice under subsection (1)(a) above shall be served on the owner or on the occupier of any land according as the notice was served on the occupier or on the owner of it.
 - (5) A notice under subsection (1)(b) above does not prevent any owner, lessee or occupier of any land from executing or permitting the reconstruction or repair, in such manner as not to create any new obstruction to the view of persons using the adjacent highways, of any building which was on the land before the service of the notice.
 - (6) A restriction imposed by a notice under subsection (1) above comes into force on the service of the notice and, while in force, is binding on the successor in title to every owner, and on every lessee and every occupier, of the land to which it relates.
 - (7) A person on whom a notice has been served under subsection (1) above may, within 14 days from the date of the receipt of the notice by him, give notice to the authority by whom the notice was given objecting to any requirement specified in it, or to any restriction imposed by it, and stating reasons for his objections.
 - (8) Where notice is given under subsection (7) above the question whether the notice under subsection (1) above is to be withdrawn as respects any requirement or restriction objected to shall be determined, if the parties so agree, by a single arbitrator appointed by them and, in default of agreement, shall be determined by a county court, and in determining a question under this subsection the arbitrator or court shall have power to order that the requirement or restriction objected to shall have effect subject to such modifications, if any, as the arbitrator or court may direct.
 - (9) A person on whom a notice is served under subsection (1) above may, notwithstanding anything in any conveyance, or in any lease or other agreement, do all such things as may be necessary for complying with the requirements of the notice.
 - (10) Subject to the provisions of this section, if a person on whom a notice is served under subsection (1) above contravenes the provisions of the notice, he is, without prejudice to any other proceedings which may be available against him, guilty of an offence and liable to a fine not exceeding [^{F4}level 1 on the standard scale]; and if the offence is continued after conviction, he is guilty of a further offence and liable to a fine not exceeding £2 for each day on which the offence is so continued.
 - (11) Any person sustaining loss in direct consequence of any requirement of a notice served under subsection (1) above, and any person who proves that his property is injuriously affected by restrictions imposed by a notice served under that subsection, is entitled, if he makes a claim within 6 months from the date of service of the notice, to recover from the authority by whom the notice was served compensation for the injury sustained.
 - (12) A person on whom a notice is served under subsection (1) above is entitled to recover from the authority by whom the notice was served any expenses reasonably incurred by him in carrying out any directions contained in the notice.
 - (13) If any question arises under subsection (12) above whether any expenses were reasonably incurred by any person as there provided, it shall be determined, if the

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parties so agree, by a single arbitrator appointed by them and, in default of agreement, shall be determined by a county court.

- (14) Any two or more authorities on whom powers are conferred by this section may by agreement exercise those powers jointly, and the agreement may provide for the apportionment of any expenses incurred under it.
- (15) Nothing in this section—
- (a) authorises the service by a local highway authority of a notice under this section with respect to any wall forming part of an ancient monument or other object of archaeological interest, except with the consent of the Secretary of State; or
 - (b) applies with respect to a wall belonging to any of the following undertakers, that is to say, railway undertakers, canal undertakers, inland navigation undertakers, dock undertakers, or harbour undertakers, where the wall forms part of or is necessary for the maintenance of a railway comprised in the railway undertaking, a canal comprised in the canal undertaking, a navigation comprised in the inland navigation undertaking, a dock comprised in the dock undertaking, or a harbour comprised in the harbour undertaking.
- (16) In relation to any prohibition or restriction on the use of land or buildings imposed by the Minister by a notice served by him under this section, section 1(1)(c) of the ^{M1}Local Land Charges Act 1975 has effect as if the references to the date of the commencement of that Act were omitted.
- (17) In this section—
- “building” includes any erection however, and with whatever material, it is constructed, and any part of a building;
 - “wall” includes any partition with whatever material it is constructed, and any bank.

Textual Amendments

- F1** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, [Sch. 4 para. 18](#)
- F2** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F3** S. 79(3A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), [Sch. 7 Pt. I para.8](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 3, [Sch.1](#).
- F4** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46
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Marginal Citations

- M1** 1975 c. 76.

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