

SCHEDULES

SCHEDULE 10

Section 32.

ROAD HUMPS

PART I

PROVISION FOR ENGLAND AND WALES

- 1 In section 62(3) of the Highways Act (descriptions of works for which specific powers are given and in relation to which the general power in that section does not apply), the following paragraph is inserted after paragraph (f)—
- “(ff) the construction, maintenance and removal of road humps;”
- 2 The following provisions are inserted after section 90 of the Highways Act 1980—

“Road humps

90A Construction of road humps by highway authority.

- (1) A highway authority may construct road humps in a highway maintainable at the public expense for which they are the highway authority if—
- (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less ; or
 - (b) the road humps are specially authorised by the Secretary of State, and may remove any road humps so constructed by them.
- (2) The consent of the Greater London Council is required for the construction of road humps under this section by a London borough council or the Common Council.

90B Additional powers of the Secretary of State.

- (1) The Secretary of State may construct road humps in a highway maintainable at the public expense for which he is not the highway authority if—
- (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
 - (b) the road humps are specially authorised by him, and may maintain and remove any road humps so constructed by him.
- (2) The consent of the local highway authority for the highway concerned is required for the construction of road humps under this section and also, in the case of a highway in Greater London for which the Greater London Council are not the highway authority, the consent of that Council.

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- (3) The Secretary of State and the local highway authority may enter into an agreement for the carrying out by the local highway authority of any works which the Secretary of State has power to carry out under this section.
- (4) Subject to subsection (5) below, the consent of the Secretary of State is required before the local highway authority or any other person having power to maintain the highway may remove or otherwise interfere with a road hump constructed under this section.
- (5) If the Secretary of State so directs with the consent of the local highway authority the local highway authority shall have the same powers in relation to a road hump constructed under this section as they have in relation to a road hump constructed by them under section 90A above.
- (6) Where a road hump has been constructed under this section, the local highway authority and any other person having power to maintain the highway may reimburse the Secretary of State the whole or part of his expenses in relation to the road hump.

90C Consultation and local inquiries.

- (1) Where the Secretary of State or a local highway authority propose to construct a road hump under section 90A or 90B above, he or they shall consult with—
 - (a) the chief officer of police for the area in which the highway concerned is situated ; and
 - (b) such other persons or bodies as may be prescribed by regulations made by the Secretary of State.
- (2) The Secretary of State or local highway authority shall also—
 - (a) publish in one or more newspapers circulating in the area in which the highway concerned is situated; and
 - (b) place at appropriate points on that highway,
a notice of the proposal stating the nature, dimensions and location of the proposed road hump and the address to which and the period within which any objections to the proposal may be sent.
- (3) The period stated in a notice under subsection (2) above shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) of that subsection.
- (4) The Secretary of State or local highway authority shall consider any objections sent to him or them in accordance with a notice under subsection (2) above and may, if he or they think fit, cause a local inquiry to be
- (5) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (provisions as to inquiries) have effect in relation to an inquiry held under subsection (4) above as they have effect in relation to an inquiry held under that section, but with such modifications as may be prescribed by regulations made by the Secretary of State.
- (6) Before making regulations under this section the Secretary of State shall consult such representative organisations as he thinks fit.

90D Regulations concerning construction and maintenance of road humps.

- (1) The Secretary of State may by regulations make such provision in relation to the construction and maintenance of road humps as appears to him to be necessary or expedient in the interest of safety and the free movement of traffic, and may in particular—
 - (a) provide that road humps shall be constructed only in highways of such descriptions and in such circumstances as may be prescribed by the regulations ;
 - (b) impose requirements as to—
 - (i) the nature, dimensions, location and spacing of road humps ;
 - (ii) the placing of signs of such type or character as may be so prescribed ;
 - (iii) the carrying out and maintenance of other ancillary or consequential works.
- (2) Regulations under this section may make different provision for different cases, as for example for road humps and highways of different descriptions.
- (3) Before making any regulations under this section the Secretary of State shall consult with such representative organisations as he thinks fit.
- (4) Regulations under this section do not apply where a road hump is specially authorised by the Secretary of State, but conditions attached by him to the authorisation may, in particular, relate to any of the matters with respect to which regulations may be made under this section.

90E Status of road humps.

- (1) Where a road hump conforms to regulations under section 90D above and, in the case of a road hump in a highway maintainable at the public expense the conditions mentioned in subsection (2) below are satisfied, the road hump shall not be treated as constituting an obstruction to the highway but as part of the highway, so that in particular—
 - (a) the obligation of any person to maintain the highway ; and
 - (b) the obligation of any person having power to break open the highway to make good any damage or otherwise reinstate the highway,extend to maintaining or, as the case may be making good any damage to or otherwise reinstating the road hump.
- (2) The further conditions applicable in the case of a road hump in a highway maintainable at the public expense are—
 - (a) that the highway is for the time being subject to a statutory speed limit for motor vehicles of 30 miles per hour or less or the road hump is specially authorised by the Secretary of State ; and
 - (b) that the road hump was constructed under section 90A or 90B above or was constructed at a time when the highway was not maintainable at the public expense.
- (3) In relation to a road hump specially authorised by the Secretary of State the reference in subsection (1) above to conformity with regulations shall be

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construed as a reference to conformity with the conditions attached to the authorisation.

- (4) In so far as it does not apply apart from this subsection, Part II of the Public Utilities Street Works Act 1950 (code regulating relations between persons carrying out alterations to roads and statutory undertakers having apparatus in those roads) applies in relation to the construction, maintenance and removal of a road hump as if the works were executed for road purposes and were mentioned in section 21(1)(a) of that Act and as if the person executing them were the promoting authority within the meaning of that Part.

90F Meaning of " road hump " and interpretation of sections 90A to 90E.

- (1) In this Act " road hump " means an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs or lighting) required in connection with such a hump.
- (2) In sections 90A to 90E above—
 " motor vehicle " has the same meaning as in the Road Traffic Regulation Act 1967 ; and
 " statutory" means having effect by virtue of an enactment.”.

- 3 In section 329(1) of the Highways Act 1980 (interpretation) the following is inserted at the appropriate place—
 “ road hump' has the meaning provided by section 90F(1);”.

PART II

PROVISION FOR SCOTLAND

Construction of road humps by highway authority

- 4 A highway authority may construct road humps in a highway for which they are the highway authority if—
- (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less ; or
 - (b) the road humps are especially authorised by the Secretary of State, and may remove any road humps so constructed by them.

Additional powers of the Secretary of State

- 5 (1) The Secretary of State may, with the consent of the local highway authority for the highway concerned, construct road humps in a highway for which he is not the highway authority if—
- (a) the highway is subject to a statutory speed limit for motor vehicles of 30 miles per hour or less; or
 - (b) the road humps are specially authorised by him,
- and may maintain and remove any road humps so constructed by him.

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- (2) The Secretary of State and the local highway authority may enter into an agreement for the carrying out by the local highway authority of any works which the Secretary of State has power to carry out under this paragraph.
- (3) Subject to sub-paragraph (4), the consent of the Secretary of State is required before the local highway authority may remove or otherwise interfere with a road hump constructed under this paragraph.
- (4) If the Secretary of State so directs with the consent of the local highway authority, the local highway authority shall have the same powers in relation to a road hump constructed under this paragraph as they have in relation to a road hump constructed by them under paragraph 4.
- (5) Where a road hump has been constructed under this paragraph, the local highway authority may reimburse the Secretary of State the whole or part of his expenses in relation to the road hump.

Consultation and local inquiries

- 6 (1) Where the Secretary of State or a local highway authority propose to construct a road hump under paragraph 4 or 5, he or they shall consult with—
 - (a) the chief officer of police for the area in which the highway concerned is situated ; and
 - (b) such other persons or bodies as may be prescribed by regulations made by the Secretary of State.
- (2) The Secretary of State or local highway authority shall also—
 - (a) publish in one or more newspapers circulating in the area in which the highway concerned is situated ; and
 - (b) place at appropriate points on that highway,
a notice of the proposal stating the nature, dimensions and location of the proposed road hump and the address to which and the period within which any objections to the proposal may be sent.
- (3) The period stated in a notice under sub-paragraph (2) shall be not less than 21 days beginning with the date on which the notice is first published in accordance with paragraph (a) of that sub-paragraph.
- (4) The Secretary of State or local highway authority shall consider any objection sent to him or them in accordance with a notice under sub-paragraph (2) and may, if he or they think fit, cause a local inquiry to be held.
- (5) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (provisions as to inquiries) have effect in relation to an inquiry held under sub-paragraph (4) as they have effect in relation to an inquiry held under that section, but with such modifications as may be prescribed by regulations made by the Secretary of State.
- (6) Before making regulations under this paragraph the Secretary of State shall consult such representative organisations as he thinks fit.

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Regulations concerning construction and maintenance of road humps

- 7 (1) The Secretary of State may by regulations make such provision in relation to the construction and maintenance of road humps as appears to him to be necessary or expedient in the interests of safety and the free movement of traffic, and may in particular—
- (a) provide that road humps shall be constructed only on highways of such descriptions and in such circumstances as may be prescribed by the regulations ;
 - (b) impose requirements as to—
 - (i) the nature, dimensions, location and spacing of road humps ;
 - (ii) the placing of signs of such type or character as may be so prescribed ;
 - (iii) the carrying out and maintenance of other ancillary or consequential works.
- (2) Regulations under this paragraph may make different provision for different cases, as for example for road humps and highways of different descriptions.
- (3) Before making any regulations under this paragraph the Secretary of State shall consult with such representative organisations as he thinks fit.
- (4) Regulations under this paragraph do not apply where a road hump is specially authorised by the Secretary of State, but conditions attached by him to the authorisation may, in particular, relate to any of the matters with respect to which regulations may be made under this paragraph.
- (5) In this paragraph and in paragraph 8 and 9(1) below, and without prejudice to paragraph 9(2) below, the expression " highway " includes any road over which the public have a right of way.

Status of road humps

- 8 (1) Where a road hump conforms to regulations under paragraph 7 and, in the case of a road hump constructed under paragraph 4 or 5 above, the condition mentioned in sub-paragraph (2) is satisfied, the road hump shall not be treated as constituting an obstruction to the highway but as part of the highway, so that in particular—
- (a) the obligation of any person to maintain the highway ; and
 - (b) the obligation of any person having power to break open the highway to make good any damage or otherwise reinstate the highway ;
- extend to maintaining or, as the case may be, to making good any damage to or otherwise reinstating the road hump.
- (2) The further condition applicable in the case of a road hump constructed under paragraph 4 or 5 above is that either—
- (a) the highway in question is for the time being subject to a statutory speed limit for motor vehicles of 30 miles per hour or less: or
 - (b) the road hump is specially authorised by the Secretary of State.
- (3) In relation to a road hump specially authorised by the Secretary of State the reference in sub-paragraph (1) to conformity with regulations shall be construed as a reference to conformity with the conditions attached to the authorisation.

- (4) In so far as it does not apply apart from this sub-paragraph, Part II of the Public Utilities Street Works Act 1950 (code regulating relations between persons carrying out alterations to roads and statutory undertakers having apparatus in those roads) applies in relation to the construction, maintenance and removal of a road hump as if the works were executed for road purposes and were mentioned in section 21(1)(a) of that Act and as if the person executing them were the promoting authority within the meaning of that Part.

Interpretation and construction

- 9 (1) In this Part—
- " motor vehicle " has the same meaning as in the Road Traffic Regulation Act 1967;
 - " road hump " means an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs or lighting) required in connection with such a hump ;
 - " statutory " means having effect by virtue of an enactment.
- (2) This Part shall be construed as one with the Roads (Scotland) Act 1970.