

These notes refer to the Highways (Obstruction by Body Corporate) Act 2004 (c.29) which received Royal Assent on 15 November 2004

HIGHWAYS (OBSTRUCTION BY BODY CORPORATE) ACT 2004

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. Section 137 of the Highways Act 1980 makes it an offence for a person, without lawful authority, to wilfully obstruct a highway. A 'person' includes a body corporate. If a person is convicted of such an offence and it appears to the magistrates that the obstruction is continuing and that it is within the power of that person to remove it, the magistrates may make an order under section 137ZA (1) of the 1980 Act requiring that person to remove the obstruction. If the person fails to comply with the order, he is guilty of an offence under section 137ZA(3) of the 1980 Act and liable to a fine. The maximum fine is level 5 on the standard scale, which is currently £5000.
4. Section 314 of the 1980 Act provides that a director, manager, secretary or other similar officer of a body corporate that has committed particular offences under the 1980 Act will also be guilty of those offences if it can be proved that the offence was committed with the consent or connivance of that officer or is attributable to the neglect of the officer.
5. The purpose of the Act is to apply section 314 to offences under sections 137 (wilfully obstructing a highway) and 137ZA (failing to comply with an order to remove an obstruction).