



# Highways Act 1980

## 1980 CHAPTER 66

### PART IX

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

##### *Miscellaneous*

#### [<sup>F1</sup>175B Consent of highway authority required for trunk road access

- (1) Access to or from a trunk road in England must not be constructed, formed or laid out without the consent of the highway authority for the trunk road.
- (2) Subsection (1) does not apply where—
  - (a) section 24(2) applies, or
  - (b) development consent is required under the Planning Act 2008.]

#### **Annotations:**

#### **Amendments (Textual)**

- F1** S. 175B inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), [Sch. 1 para. 43](#); S.I. 2015/481, reg. 2(a)

#### **176 Restriction on construction of bridges over highways.**

- (1) The highway authority for a highway may grant to the owner or occupier of any premises adjoining the highway a licence to construct a bridge over the highway on such terms and conditions, and to use it for such period and on such terms and conditions, as the authority think fit.
- (2) No fine, rent or other sum of money, except a reasonable sum in respect of legal or other expenses, is payable in respect of a licence under this section.

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- (3) A licence under this section shall not authorise any interference with the convenience of persons using the highway, or affect the rights of owners of premises adjoining the highway, or the rights of tramway, railway, dock, harbour or electricity undertakers.
- (4) It shall be a condition of every licence under this section that the person to whom it is granted is, at his own expense, to remove the bridge or alter it in such manner as the authority may require, if at any time they consider the removal or alteration necessary or desirable in connection with the carrying out of improvements to the highway.

The decision of the authority that the removal or alteration is necessary or desirable in that connection shall be final, and the condition shall be enforceable by the authority against the owner for the time being of the premises.

- (5) Subject to subsection (6) below, a person aggrieved by the refusal of an authority to grant a licence under this section or by the period for which the licence is granted or by a term or condition of the licence (other than the condition mentioned in subsection (4) above) may appeal to the Crown Court.
- (6) No appeal lies under subsection (5) above against any term or condition of a licence granted by the Minister under this section if he declares the term or condition to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic on it.
- (7) If a person, except in the exercise of statutory powers—
- (a) constructs a bridge over a highway without a licence under this section, or
  - (b) constructs or uses a bridge otherwise than in accordance with the terms and conditions of such a licence, or
  - (c) fails to remove or alter a bridge when required to do so in accordance with any condition of the licence or within one month from the date of the expiration of the licence,
- he is guilty of an offence and is liable to a fine not exceeding [<sup>F2</sup>level 2 on the standard scale], and if the offence is continued after conviction he is guilty of a further offence and is liable to a fine not exceeding £5 for each day on which the offence is so continued.
- (8) In this section “bridge” means a structure the sole purpose of which is to provide a way over a highway.

**Annotations:**

**Amendments (Textual)**

**F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

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

**C1** S. 176 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)**

**177 Restriction on construction of buildings over highways.**

- (1) No person shall—
- (a) except in the exercise of statutory powers, construct a building over any part of a highway maintainable at the public expense (whether it is intended

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to span the highway or not), or alter a building so constructed, without a licence granted under this section by the highway authority for that highway or otherwise than in accordance with the terms and conditions of a licence so granted;

- (b) use a building so constructed or altered in pursuance of a licence so granted otherwise than in accordance with the terms and conditions thereof:

and any person who contravenes any provision of this subsection is guilty of an offence and liable to a fine not exceeding [<sup>F3</sup>level 5 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 £50 for each day on which the offence is so continued.

- (2) Subject to subsections (3) and (4) below, a licence under this section may contain such terms and conditions, including terms and conditions with respect to the construction (including the headway over the highway), maintenance, lighting and use of the building, as the highway authority think fit; and, any such term or condition is binding on the successor in title to every owner, and every lessee and occupier, of the building.
- (3) No fine, rent or other sum of money is payable in respect of a licence granted under this section except—
- (a) a reasonable sum in respect of legal or other expenses incurred in connection with the grant of the licence; and
- (b) an annual charge of a reasonable amount for administering the licence;
- and any sum payable by virtue of paragraph (a) above is recoverable from the applicant for the licence and any sum payable by virtue of paragraph (b) above is recoverable from the owner of the building.
- (4) No such licence shall authorise any interference with the convenience of persons using the highway, or affect the rights of the owners of premises adjoining the highway, or the rights of [<sup>F4</sup>statutory undertakers or the operator of [<sup>F5</sup>an electronic communications code network]][<sup>F6</sup>or a driver information [<sup>F7</sup>network]].
- (5) Where a licence under this section makes provision for the execution of any works or the provision of any facilities which in the opinion of the highway authority require to be executed or provided by them in connection with the building or its construction or alteration, the authority may execute those works or, as the case may be, provide those facilities and may recover the expenses reasonably incurred by them in so doing from the licensee or from the owner of the building.
- (6) A person aggrieved by the refusal of a highway authority to grant a licence under this section or by a term or condition of the licence may appeal to the Crown Court, except that no such appeal lies—
- (a) if the land on which the highway in question is situated is owned by the highway authority, or
- (b) against any term or condition which the highway authority declare to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon.
- (7) Where a person has constructed or altered a building for the construction, or, as the case may be, alteration, of which a licence is required by this section without such a licence or otherwise than in accordance with the terms and conditions of the licence, the highway authority may by notice served on the licensee or the owner of the building require him to demolish the building within such time as may be specified in the notice

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or, as the case may be, to make such alterations therein and within such time as may be so specified.

- (8) Where there has been a failure to comply with any terms or conditions of a licence under this section with respect to the maintenance or use of a building, the highway authority may by notice served on the licensee or the owner of the building require him to execute such works or take such steps as are necessary to secure compliance with those terms or conditions within such time as may be specified in the notice.
- (9) If a person on whom a notice is served under subsection (7) or (8) above fails to comply with the notice within the time specified in it, the highway authority may demolish the building or, as the case may be, execute such works or take such steps as are necessary to comply with the notice and may recover the expenses reasonably incurred by them in so doing from that person.
- (10) Where by virtue of subsection (9) above a highway authority demolish a building, they may dispose of the materials resulting from the demolition.
- (11) In relation to any prohibition or restriction on the use of a building imposed by the Minister by virtue of any term or condition contained in a licence granted by him under this section, section 1(1)(c) of the <sup>M1</sup>Local Land Charges Act 1975 has effect as if the references to the date of the commencement of that Act were references to 1st November 1971.
- [<sup>F8</sup>(12) Paragraph 23 of the [<sup>F9</sup>electronic communications code](which provides a procedure for certain cases where works involve the alteration of [<sup>F10</sup>electronic communications apparatus]) shall apply, for the purposes of works authorised or required by a licence under this section to be executed, to the licensee.]
- (13) This section does not apply to a building which constitutes a bridge within the meaning of section 176 above, but subject to that in this section “building” includes any structure and any part of a building.
- (14) Where the land on which a highway is situated is owned by the highway authority, nothing in subsection (3) above is to be taken as affecting the rights of that authority as the owner of that land to sell or lease the air-space above the surface of that land or grant any rights in relation to it.

#### Annotations:

##### Amendments (Textual)

- F3** Words substituted by virtue of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), ss. **38**, **46**
- F4** Words substituted by [Telecommunications Act 1984](#) (c. 12, SIF 96), s. 109, **Sch. 4 para. 76(10)(a)**, Sch. 5 para. 45
- F5** Words in s. 177(4) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(d)(2)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F6** Words inserted by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:1), s. 13(1), **Sch. 4 para. 3(9)**
- F7** Word in s. 177(4) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003](#) (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(d)(2)(e)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

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- F8** S. 177(12) substituted by Telecommunications Act 1984 (c.12, SIF 96), s. 109, **Sch. 4 para. 76(10)(b)**, Sch. 5 para. 45
- F9** Words in s. 177(12) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(d)(2)(d)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F10** Words in s. 177(12) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(d)(2)(c)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

#### Marginal Citations

- M1** 1975 c. 76.

### 178 Restriction on placing rails, beams etc. over highways.

- (1) No person shall fix or place any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway without the consent of the highway authority for the highway, and the highway authority may attach to their consent such reasonable terms and conditions as they think fit.
- (2) Subject to subsection (3) below, a person aggrieved by the refusal of a consent under subsection (1) above, or by any terms or conditions attached to such a consent, may appeal to a magistrates' court.
- (3) No appeal lies under subsection (2) above against any term or condition attached by the Minister to a consent given by him under this section if he declares the term or condition to be necessary for the purpose of securing the safety of persons using the highway to which the consent relates or of preventing interference with traffic on it.
- (4) If a person contravenes subsection (1) above, or the terms or conditions of any consent given under that subsection, he is guilty of an offence and liable to a fine not exceeding [<sup>F11</sup>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 £1 for each day on which the offence is so continued.
- (5) This section does not apply to any works or apparatus belonging to any statutory undertakers, and for this purpose the Civil Aviation Authority [<sup>F12</sup>, a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence),] and [<sup>F13</sup>[<sup>F14</sup>a universal service provider in connection with the provision of a universal postal service] and the operator of [<sup>F15</sup>an electronic communications code network][<sup>F16</sup>or a driver information [<sup>F17</sup>network]] are to be deemed to be statutory undertakers].

#### Annotations:

##### Amendments (Textual)

- F11** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46
- F12** Words in s. 178(5) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 4(a)**
- F13** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 76(11), **Sch. 5 para. 45**
- F14** Words in s. 178(5) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(6)**

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- F15** Words in s. 178(5) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(e)(2)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)
- F16** Words inserted by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 13(1), **Sch. 4 para. 3(10)**
- F17** Word in s. 178(5) substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by Communications Act 2003 (c. 21), ss. 406(1)(6), 408, 411, **Sch. 17 para. 56(1)(e)(2)(e)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, 3(1), Sch. 1 (with art. 3(2) (as amended (8.12.2003) by S.I. 2003/3142, art. 1(3))); S.I. 2003/3142, **art. 3(2)** (with art. 11)

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

- C2** S. 178: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C3** S. 178 modified (1.3.2016) by The Developments of National Significance (Wales) Regulations 2016 (S.I. 2016/56), reg. 1(2), **Sch. 3 para. 1** (with regs. 1(3), 43)
- C4** S. 178(5): by Telecommunications Act 1984 (c. 12, SIF 96), s. 109, Sch. 4 para. 3(1), **Sch. 5 para. 45** it is provided that references to British Telecommunications in s. 178(5) cease to have effect

**179 Control of construction of cellars etc. under street.**

- (1) <sup>F18</sup>No person shall construct works to which this section applies under any part of a street without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed such works in contravention of this section require him to remove them, or to alter or deal with them in such a manner as may be specified in the notice.]

For the purposes of this section the appropriate authority is—

- (i) in relation to a street outside Greater London which is a highway, the highway authority for the street; and
  - (ii) in relation to any other street, the local authority in whose area the street is situated.
- (2) A person aggrieved by the refusal of a consent, or by a requirement of a notice, under subsection (1) above may appeal to a magistrates' court.
- (3) A person who constructs <sup>F19</sup>works to which this section applies] in contravention of this section is guilty of an offence and is liable to a fine not exceeding <sup>F20</sup>level 1 on the standard scale]; and, subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) above he is guilty of a further offence and is liable to a fine not exceeding £2 for each day during which the failure continues.
- (4) The appropriate authority may also cause <sup>F21</sup>works to which this section applies] constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.
- <sup>F22</sup>(5) As soon as may be after an authority consent to the construction of works to which this section applies under a street they shall give notice of their consent to any public utility undertakers having any apparatus under the street.
- (6) Subject to subsection (7) below, the works to which this section applies are—
- (a) any part of a building; and

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- (b) without prejudice to the generality of paragraph (a) above, a vault, arch or cellar, whether forming part of a building or not.
- (7) This section does not apply to [F23 street works within the meaning of Part III of the New Roads and Street Works Act 1991].]

**Annotations:**

**Amendments (Textual)**

- F18** Paragraph substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(1\)](#)
- F19** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(2\)](#)
- F20** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. [46](#)
- F21** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(2\)](#)
- F22** S. 179(5)–(7) substituted for subsection (5) by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [22\(3\)](#)
- F23** Words in s. 179(7) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. [168\(1\)](#), [Sch. 8](#), Part I, para. 7 (with s. [25\(2\)](#)); S.I. 1992/2984, art. [2\(2\)](#), [Sch. 2](#)

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

- C5** S. 179: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. [2\(1\)](#), [Sch. 1](#)

**180 Control of openings into cellars etc. under streets, and pavement lights and ventilators.**

- (1) No person shall make an opening in the footway of a street as an entrance to a cellar or vault thereunder without the consent of the appropriate authority, and where an authority give consent under this subsection they shall require the person to whom the consent is given to provide a door or covering constructed in such manner and of such materials as they direct.

For the purposes of this section the appropriate authority is the same as for the purposes of section 179 above.

- (2) No person shall carry out any works in a street to provide means for the admission of air or light to premises situated under, or abutting on, the street without the consent of the local authority, and the local authority in giving any consent under this subsection may impose any requirement as to the construction of the works.
- (3) A person aggrieved by the refusal of a consent, or by a requirement, under subsection (1) above may appeal to a magistrates' court and a person who applies for consent under subsection (2) above may appeal to such a court against a refusal of consent, or a requirement, under subsection (2).
- (4) Subject to any order made on appeal—
- (a) a person who—
- (i) makes an opening in the footway of a street in contravention of subsection (1) above, or
- (ii) fails to comply with a requirement made to him under that subsection,

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is guilty of an offence and, without prejudice to any other liability to which he may be subject, liable to a fine not exceeding [<sup>F24</sup>level 1 on the standard scale];

- (b) a person who—
- (i) carries out any works in contravention of subsection (2) above, or
  - (ii) fails to comply with a requirement made to him under that subsection,
- is guilty of an offence and, without prejudice to any other liability to which he may be subject, liable to a fine not exceeding [<sup>F25</sup>level 1 on the standard scale].

(5) As soon as may be after an authority give consent under either subsection (1) or subsection (2) above they shall give notice thereof to any public utility undertakers having any apparatus under the street.

- (6) The following, namely—
- (a) every vault, arch and cellar under a street,
  - (b) every opening in the surface of any street into any such vault, arch or cellar,
  - (c) every door or covering to any such opening,
  - (d) every cellar-head, grating, light and coal hole in the surface of a street, and
  - (e) all landings, flags or stones of the street by which any of the above are supported,

shall be kept in good condition and repair by the owner or occupier of the vault, arch or cellar, or of the premises to which it belongs.

(7) If default is made in complying with subsection (6) above, the appropriate authority may, after the expiration of 24 hours from the service of a notice of their intention to do so on any person in default, cause any thing as respects which there has been such a default to be repaired or put into good condition, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier thereof or of the premises to which it belongs.

**Annotations:**

**Amendments (Textual)**

**F24** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

**F25** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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

**C6** S. 180: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

<sup>F26</sup>**181** .....

**Annotations:**

**Amendments (Textual)**

**F26** S. 181 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), [s. 168\(2\)](#), [Sch. 9](#) (with [s. 25\(2\)](#)); [S.I. 1992/2984](#), [art. 2\(2\)](#), [Sch.2](#).



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F27 **182** .  
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**Annotations:**

**Amendments (Textual)**

**F27** S. 182 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#) s. 168(2), Sch. 9 (with s. 25(2)); [S.I. 1992/2984](#), art. 2(2), [Sch.2](#).

F28 **183** .....

**Annotations:**

**Amendments (Textual)**

**F28** S. 183 repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 169(2), Sch. 9 (with s. 25(2)); [S.I. 1992/2984](#), art. 2(2), [Sch.2](#).

**184 Vehicle crossings over footways and verges.**

- (1) Where the occupier of any premises adjoining or having access to a highway maintainable at the public expense habitually takes or permits to be taken a mechanically propelled vehicle across a kerbed footway or a verge in the highway to or from those premises, the highway authority for the highway may, subject to subsection (2) below, serve a notice on the owner and the occupier of the premises—
  - (a) stating that they propose to execute such works for the construction of a vehicle crossing over the footway or verge as may be specified in the notice; or
  - (b) imposing such reasonable conditions on the use of the footway or verge as a crossing as may be so specified.
- (2) A highway authority is not entitled by virtue of subsection (1) above to construct a vehicle crossing on, or on any part of, the site of a made-up vehicle crossing which has been constructed either under this section or under section 40 of the <sup>M2</sup>Highways Act 1971 (which this section replaces) or before the commencement of the said section 40, or to impose conditions on the use of such a crossing.
- (3) Where any land is being, or is to be, developed in accordance with a planning permission granted, or deemed to have been granted, under [<sup>F29</sup>the Town and Country Planning Act 1990], and it appears to the highway authority for a highway maintainable at the public expense that the development makes it necessary—
  - (a) to construct a crossing over a kerbed footway or a verge in the highway so as to provide an access for mechanically propelled vehicles to or from the carriageway of the highway from or to premises adjoining or having access to the highway; or
  - (b) to improve or otherwise alter a made-up vehicle crossing that provides such an access as is mentioned in paragraph (a) above (whenever constructed),that authority may serve on the owner and the occupier of the premises a notice stating that they propose to execute such works for the construction or, as the case may be, alteration of the crossing as may be specified in the notice.

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- (4) Unless the development giving rise to a notice under subsection (3) above consists solely of the provision of a new means of access to or from a highway from or to premises, there may be specified in a notice under that subsection works for the construction as part of the vehicle crossing proposed to be constructed or altered, as the case may be, of acceleration and deceleration lanes.
- (5) In determining whether to exercise their powers under subsection (1) or (3) above, a highway authority shall have regard to the need to prevent damage to a footway or verge, and in determining the works to be specified in a notice under subsection (1)(a) or (3) an authority shall have regard to that and the following other matters, namely—
- (a) the need to ensure, so far as practicable, safe access to and egress from premises; and
  - (b) the need to facilitate, so far as practicable, the passage of vehicular traffic in highways.
- (6) Schedule 14 to this Act has effect with respect to the making of objections to a notice under subsection (1) or (3) above and to the date on which such a notice becomes effective.
- (7) Where a notice under subsection (1)(a) or (3) above has become effective, the highway authority by whom the notice was served may execute such works as are specified in the notice, subject to such modifications (if any) as may have been made by the Minister, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.
- (8) A notice under subsection (1) or (3) above shall inform the person on whom it is served of his right to object to the notice and (except in the case of a notice under subsection (1)(b)) shall state the effect of subsection (7) above.
- (9) Where a person who is carrying out, or proposes to carry out, such a development as is referred to in subsection (3) above offers to execute the works specified in a notice under that subsection, the highway authority by whom the notice was served may authorise him to execute those works in accordance with plans approved by them.
- F30  
 . . .
- (10) If a person authorised under subsection (9) above to execute any works fails to execute them to the satisfaction of the highway authority before the development is completed, the authority may execute the works or alter the works executed by that person and recover the expenses reasonably incurred by them in so doing from him.
- (11) Any person may request the highway authority for a highway maintainable at the public expense to execute such works as are specified in the request for constructing a vehicle crossing over a footway or verge in the highway, and the authority may approve the request with or without modification, or may propose alternative works or reject the request; and in determining how to exercise their powers under this subsection an authority shall have regard to the matters mentioned in subsection (5) above.
- (12) An authority to whom a request under subsection (11) above is made shall notify the person making the request of their decision and if they approve, with or without modification, the works proposed in the request or propose alternative works, they shall supply him with a quotation of the cost of the works as approved or proposed by them, and he may, on depositing with them the amount quoted, require them to execute those works.

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(13) As soon as practicable after such a deposit has been made with an authority the authority shall execute the works as approved or proposed by them.

<sup>F31</sup>(14) .....

(15) The expenses recoverable under subsection (7) or (10) above and the cost of the works for the purposes of subsection (12) above include [<sup>F32</sup>the cost of any measures needing to be taken in relation to undertaker's apparatus, in accordance with section 84 of the New Roads and Street Works Act 1991,] in consequence of the construction of the crossing.

(16) Nothing in this section imposes on any person other than a highway authority any obligation to maintain a vehicle crossing.

(17) If a person knowingly uses a footway or verge as a crossing in contravention of any condition imposed under subsection (1)(b) above, or knowingly permits it to be so used, he is guilty of an offence and liable to a fine not exceeding £20 or, in the case of a second or subsequent offence, to a fine not exceeding £50.

**Annotations:**

**Amendments (Textual)**

**F29** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 45\(11\)](#)

**F30** Words in s. 184(9) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), [Sch. 8 Part I para. 9\(a\)](#), [Sch.9](#) (with s. 25(2)); S.I. 1992/2984, art. 2(2), [Sch.2](#)

**F31** S. 184(14) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1)(2), [Sch. 8 Part I para. 9\(b\)](#), [Sch9](#) (with s. 25(2)); S.I. 1992/2984, art. 2(2), [Sch.2](#)

**F32** Words in s. 184(15) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8](#), Part I, [para.9](#) (with s. 25(2)); S.I. 1992/2984, art. 2(2), [Sch. 2](#).

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

**C7** S. 184(17): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**Marginal Citations**

**M2** 1971 c. 41.

**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>F33</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.

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- (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>F34</sup>water or sewerage undertakers], [<sup>F35</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.
- [<sup>F36</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.

#### Annotations:

#### Amendments (Textual)

- F33** 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**.
- F34** 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**
- F35** Words in s. 185(3)(b) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(7)(a)**
- F36** 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)

- C8** 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)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 90B(1A) inserted by 2015 c. 20 Sch. 10 para. 15(3)
- s. 90C(2)(2A) substituted for s. 90C(2) by 2015 c. 20 Sch. 10 para. 16(3)
- s. 90FA inserted by 2015 c. 20 Sch. 10 para. 20
- s. 105A-105AB substituted for s. 105A by S.I. 2017/1070 Sch. 2 para. 3
- s. 105B 105BA substituted for s. 105B by S.I. 2017/1070 Sch. 2 para. 4
- s. 105C(6A) inserted by S.I. 2017/1070 Sch. 2 para. 5(7)
- s. 105CA-105CD inserted by S.I. 2017/1070 Sch. 2 para. 6
- s. 105ZA inserted by S.I. 2017/1070 Sch. 2 para. 2
- s. 118ZA(5)(a) words inserted by 2015 c. 20 s. 25(3)
- s. 120(3ZA) inserted by 2000 c. 37 Sch. 6 para. 13(6)
- s. 121E(1A)(1B) inserted by 2015 c. 20 s. 23(5)
- s. 146(6) inserted by 2015 c. 20 s. 24(6)(d)
- s. 147(1A) inserted by 2015 c. 20 s. 24(3)
- s. 147(5A) inserted by 2015 c. 20 s. 24(5)
- s. 322(5)(ab) inserted by 2004 c. 18 s. 64(2)
- s. 325(2B) inserted by 2015 c. 20 Sch. 10 para. 21
- Sch. 6 para. 1(3ZA) inserted by 2015 c. 20 Sch. 7 para. 8(2)(b)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by 2015 c. 20 Sch. 7 para. 8(3)
- Sch. 6 para. 2(4) inserted by 2015 c. 20 Sch. 7 para. 8(4)
- Sch. 6 para. 2(5)(6) inserted by 2015 c. 20 Sch. 7 para. 8(5)
- Sch. 6 para. 2ZZA inserted by 2015 c. 20 Sch. 7 para. 8(6)
- Sch. 6 para. 4A(2) inserted by 2015 c. 20 Sch. 7 para. 8(7)(c)
- Sch. 6 para. 5(ba) inserted by 2015 c. 20 Sch. 7 para. 8(8)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by 2015 c. 20 Sch. 7 para. 8(7)(a)
- Sch. 6 para. 4A(1) words substituted by 2015 c. 20 Sch. 7 para. 8(7)(b)