



# Highways Act 1980

## 1980 CHAPTER 66

### PART XIV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

##### *Notices, etc.*

#### **320 Form of notices etc.**

All notices, consents, approvals, orders, demands, licences, certificates and other documents authorised or required by or under this Act to be given, made or issued by, or on behalf of, a highway authority or a council, and all notices, consents, requests and applications authorised or required by or under this Act to be given or made to a highway authority or a council, shall be in writing.

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

C1 S. 320 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.](#)

#### **321 Authentication of documents etc.**

- (1) Any notice, consent, approval, order, demand, licence, certificate or other document which a council (whether as a highway authority or in any other capacity) are authorised or required by or under this Act to give, make or issue may be signed on behalf of the council—
  - (a) by the proper officer of the council, or
  - (b) by any officer of the council authorised by them in writing to sign documents of a particular kind or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of the proper officer of the council, or of an officer expressed to be duly authorised by the council to sign such a document

*Changes to legislation: Highways Act 1980, Cross Heading: Notices, etc. is up to date with all changes known to be in force on or before 14 March 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) View outstanding changes*

or the particular document, shall for the purposes of this Act, and of any byelaws, regulations and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by the council.

In this subsection “signature” includes a facsimile of a signature by whatever process reproduced.

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

**C2** S. 321 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.](#)

**322 Service of notices etc.**

- (1) Any notice, consent, approval, order, demand, licence, certificate or other document required or authorised by or under this Act to be given or served on a corporation is duly given or served if it is given to or served on the secretary or clerk of the corporation.
- (2) Subject to the provisions of this section, any notice, consent, approval, order, demand, licence, certificate or other document required or authorised by or under this Act to be given or served on any person may be given or served either—
  - (a) by delivering it to that person, or
  - (b) by leaving it at his proper address, or
  - (c) by post;
 so, however, that where any such document is sent by post otherwise than in a registered letter, or by the recorded delivery service, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.
- (3) For the purposes of this section, and of section 7 of the <sup>M1</sup>Interpretation Act 1978 in its application to this section, the proper address of any person to or on whom any such document is to be given or served—
  - (a) where the person has furnished an address for service in accordance with arrangements agreed to in that behalf, is the address furnished;
  - (b) where the person has not furnished an address as provided by paragraph (a) above, is
    - (i) in the case of the secretary or clerk of a corporation, that of the registered or principal office of the corporation, and
    - (ii) in any other case, the person’s usual or last known place of abode.
- (4) If the name or the address of any owner, lessee or occupier of premises to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the person seeking to give or serve the document, the document may be given or served by—
  - (a) addressing it to the person to whom it is to be given or on whom it is to be served by the description of “owner”, “lessee”, or “occupier” of the premises (describing them) to which the document relates, and
  - (b) delivering it to some responsible person resident or appearing to be resident on the premises or if there is no such person to whom it can be delivered, affixing it or a copy of it to some conspicuous part of the premises.

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- (5) The foregoing provisions of this section do not apply to the service of—
- (a) a notice required or authorised to be served under [<sup>F1</sup>Part II of, or Schedule 1 to, the Acquisition of Land Act 1981] as applied by this Act, or
  - (b) a summons.

**Textual Amendments**

**F1** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 31\(14\)](#)

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

**C3** S. 322 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.](#)

**Marginal Citations**

**M1** [1978 c. 30](#).

**323 Reckoning of periods.**

- (1) For the purposes of this Act—
- (a) in reckoning any period which is therein expressed to be a period from or before a given date, that date is to be excluded; and
  - (b) in reckoning any period therein mentioned of 8 days or less which apart from this provision would include a Sunday, Christmas Day, Good Friday or a bank holiday, that day is to be excluded.
- (2) In this section “bank holiday” means a day which is a bank holiday under the <sup>M2</sup>Banking and Financial Dealings Act 1971.

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

**C4** S. 323 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.](#)

**Marginal Citations**

**M2** [1971 c. 80](#).

**Changes to legislation:**

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[View outstanding changes](#)

**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. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- 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. 115E(5) inserted by [2023 c. 55 Sch. 22 para. 11\(3\)](#)
- 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. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- 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\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)