



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Precautions to be taken in doing certain works in or near streets or highways

170 Control of mixing of mortar etc. on highways

- (1) Subject to subsection (2) below, a person who mixes or deposits on a highway any mortar or cement or any other substance which is likely to stick to the surface of the highway or which, if it enters drains or sewers connected with the highway, is likely to solidify in the drains or sewers is guilty of an offence and liable to a fine not exceeding £200.
- (2) Nothing in subsection (1) above applies to any mixing or deposit—
 - (a) in a receptacle or on a plate which prevents the substance in question from coming into contact with the highway and from entering any drains and sewers connected with the highway;
 - (b) by the highway authority or a local authority in connection with the maintenance or alteration of the highway or a bridge over which or a tunnel through which the highway passes;
 - (c) by a body having a duty under an enactment to maintain—
 - (i) a bridge over which or a tunnel through which the highway passes, or
 - (ii) works or materials supporting or protecting the highway where it forms part of the approaches to such a bridge or tunnel,if the mixing or deposit is in connection with the maintenance or alteration of the bridge, tunnel, works or materials;
 - (d) by statutory undertakers in connection with apparatus in or the placing of apparatus in the highway;

Status: This is the original version (as it was originally enacted).

- (e) by a person entitled to the benefit of a licence in respect of the highway under section 181 below if the mixing or deposit cannot reasonably be done elsewhere than on the highway.

(3) In subsection (2) above—

" local authority " means any of the following, namely, the council of a county, district or London borough, the Greater London Council, the Common Council and the Council of the Isles of Scilly ; and

" statutory undertakers " means any of the following, namely, any body who are statutory undertakers within the meaning provided by section 329(1) below, the Post Office and any public authority exercising functions by virtue of any provision of sections 14 and 15 of the Water Act 1973 (which relate to sewerage).