

Highways Act 1980

1980 CHAPTER 66

PART XIV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Miscellaneous powers etc. of highway authorities and local authorities

Power of Minister and Greater London Council to execute in Greater London road improvements not involving widening.

- (1) Subject to subsection (3) below, where [FI the Minister of Transport, after consultation with the highway authority, is] of the opinion that, with a view to facilitating the movement of traffic it is expedient for works to be executed for the improvement of a highway in Greater London to which this section applies, being works which the highway authority could execute and which do not involve the widening of the highway, then—
 - (a) the highway authority shall, within 3 months of being notified of that fact, inform the Minister. . . F2 whether they are prepared to undertake those works and, if so, within what time; and
 - (b) if the Minister. . . ^{F2} at the expiration of the said 3 months [^{F3}is] not satisfied that the highway authority will with reasonable dispatch undertake those works (or within the said 3 months [^{F3}is] satisfied that they will not), the Minister. . . ^{F2} may execute those works or other works appearing to him. . . ^{F2} to secure the same or an equivalent improvement of the highway.

For the purposes of this subsection it is not to be treated as widening a highway to take into the highway land not forming part of it but situated within its outer limits.

- (2) The highways to which subsection (1) above applies are highways for which a London borough council or the Common Council are the highway authority. . . ^{F4}
- (3) The Minister shall exercise his powers under subsection (1) above only if he considers it necessary in connection with any order made or proposed to be made by him

Changes to legislation: Highways Act 1980, Section 285 is up to date with all changes known to be in force on or before 22 June 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

- under section 6 or section 9 of the Road Traffic Regulation Act [F51984] by virtue of [F6paragraph 3 or paragraph 7 of Schedule 9 to] that Act.
- (4) Where the Minister [F7 executes or proposes] to execute works under this section for the improvement of a highway, then for the purpose of or in connection with the execution of those works—
 - (a) he. . . ^{F8} shall (subject to the following provisions of this section) have all the powers and rights, and be subject to all the obligations and liabilities, of the highway authority; and
 - (b) he. . . F8 may exercise of his. . . F8 own motion any powers which, if the works were executed by the highway authority, he. . . F8 could exercise on the application of that authority; and
 - (c) he. . . ^{F8} may do or require the highway authority to do anything which that authority has power to do in some capacity other than that of highway authority.
- (5) Where the Minister [F9 executes] works under this section for the improvement of a highway the amount of his. . . F10 expenses in connection therewith, as certified by him. . . F10, shall (except. . . F10 in so far as they may be met by any grant made by the Minister) be paid to him. . . F10 on demand by the highway authority; and that authority have the like power of raising money required to make such payment, and the like right to recover the whole or any part of any sum paid, as if the expenses of the Minister. . F10 had been incurred in executing the works as their agent.
- (6) Subsection (4) above does not transfer to the Minister. . . ^{F11} in connection with the execution of any works any powers, rights, obligations or liabilities of a highway authority under any enactment to which this subsection applies; but where the Minister [F12proceeds] under this section to execute works in a highway, any such enactment applies in relation to those works as if the Minister. . . ^{F11} were acting as agent of the highway authority, but so that the highway authority are to comply with any directions of the Minister. . . ^{F13} as to the exercise of their powers and rights.
 - This subsection applies to [F14Part III of the New Roads and Street Works Act 1991] and, in the case of any works, to such other enactments as the Minister. . F11 may specify for this purpose in a notice given by him. . F13 to the highway authority.
- (7) Without prejudice to the generality of the foregoing provisions of this section, the powers exercisable under this section by the Minister. . . F15 in place of a highway authority include any power of that authority to acquire land, or an interest or right in, over or under land; and any land, or any interest or right in, over or under land, acquired by the Minister. . F15 by virtue of this section shall be acquired in the name and on behalf of the highway authority, and shall vest in that authority accordingly.
- (8) A highway authority shall produce to the Minister. . . ^{F16} such documents relating to matters affecting the exercise of the Minister's. . . ^{F16} powers under this section, and furnish him. . ^{F16} with such other information relating to those matters, as he. . . ^{F16} may require in connection with the exercise of those powers or any proposal to exercise them.

Textual Amendments

- F1 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 39(a)
- F2 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F3 Word substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 39(a)

Highways Act 1980 (c. 66)

Part XIV – Miscellaneous and Supplementary Provisions

Document Generated: 2024-06-22

Changes to legislation: Highways Act 1980, Section 285 is up to date with all changes known to be in force on or before 22 June 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

- F4 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F5 1984 substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 46
- F6 Words in s. 285(3) substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 46
- F7 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 39(b)
- F8 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F9 Word substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 39(c)
- F10 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F11 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F12 Word substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, Sch. 4 para. 39(d)
- **F13** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- **F14** Words in s. 285(6) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para.10**; S.I. 1992/2984, art. 2(2), **Sch.2**.
- F15 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- **F16** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

Changes to legislation:

Highways Act 1980, Section 285 is up to date with all changes known to be in force on or before 22 June 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. 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. 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)
```