



# Highways Act 1980

## 1980 CHAPTER 66

### PART I

#### HIGHWAY AUTHORITIES AND AGREEMENTS BETWEEN AUTHORITIES

##### *Agreements between authorities*

#### **6 Delegation etc. of functions with respect to trunk roads.**

- (1) The Minister [<sup>F1</sup>or a strategic highways company] may by agreement with a county council, [<sup>F2</sup>a metropolitan district council], or a London borough council delegate to that council all or any of his [<sup>F3</sup>or its ] functions (including functions under a local or private Act) with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired by him [<sup>F4</sup>or it ] in connection with a trunk road under section 239(2) or (4) or section 246 below; . . . <sup>F5</sup>
- [<sup>F6</sup>(1A) The Minister [<sup>F7</sup>or a strategic highways company] shall not delegate functions to a council under subsection (1) above—
- (a) with respect to a trunk road or land outside [<sup>F8</sup>that council's] area but within a non-metropolitan county or London borough, except with the consent of the council of that county or borough;
  - (b) with respect to a trunk road or land outside [<sup>F8</sup>that council's] area but within a metropolitan district except after consultation with the council of that district.]
- [<sup>F9</sup>(1B) The Minister [<sup>F10</sup>or a strategic highways company ] shall not delegate functions to a council under subsection (1) above with respect to a trunk road or land outside [<sup>F11</sup>that council's]area but in Wales except after consultation with the Welsh council in whose area it is situated; and subsection (1A) does not apply in relation to a trunk road or land in Wales.]
- (2) A council shall, in the exercise of any functions delegated to them under subsection (1) above, act as agents for the Minister [<sup>F12</sup>or a strategic highways company] and in

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accordance with such conditions as [<sup>F13</sup>may be attached] to the delegation, and among such conditions there shall be included the following—

- (a) that the works to be executed and the expenditure to be incurred by the council in the discharge of the delegated functions shall be subject to the approval of the Minister [<sup>F12</sup>or a strategic highways company];
  - (b) that the council shall comply with any requirement of the Minister [<sup>F12</sup>or a strategic highways company] as to the manner in which any such works are to be carried out, and with any directions of the Minister [<sup>F12</sup>or a strategic highways company] as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
  - (c) that any such works shall be completed to the satisfaction of the Minister [<sup>F12</sup>or a strategic highways company ].
- (3) If at any time the Minister [<sup>F14</sup>or a strategic highways company] is satisfied that a trunk road or land with respect to which functions are delegated under subsection (1) above is not in proper repair and condition, he [<sup>F15</sup>or the company] may give notice to the council requiring them to place it in proper repair and condition within such time as may be specified in the notice, and if the notice is not complied with the Minister [<sup>F14</sup>or a strategic highways company] may do anything that seems to him [<sup>F16</sup>or the company] necessary to place the road or land in proper repair and condition.
- (4) A delegation to a council under subsection (1) above may be determined by notice given by the Minister [<sup>F17</sup>or a strategic highways company] to the council during the first 9 months of any calendar year, or the functions so delegated may be relinquished by a notice given by the council to the Minister [<sup>F17</sup>or a strategic highways company] during any such period; and the notice shall take effect as from 1st April in the calendar year following that in which it is given.
- (5) The Minister [<sup>F18</sup>or a strategic highways company] may enter into an agreement with a county council, [<sup>F19</sup>a metropolitan district council] or a London borough council—
- (a) for the construction of a trunk road, or
  - (b) for the carrying out by [<sup>F20</sup>the council] of any work of improvement of, or other dealing with, any trunk road or any such land as is mentioned in subsection (1) above;

and subsection (2) above applies to the discharge of the functions of a council under any such agreement and to the conditions to be included in any such agreement as it applies to the discharge of functions delegated under subsection (1) above to any such council and to the conditions to be attached to any such delegation.

- (6) Where—
- (a) any functions have been delegated by the Minister [<sup>F21</sup>or a strategic highways company] to a county council under subsection (1) above, or
  - (b) the Minister [<sup>F21</sup>or a strategic highways company] has entered into an agreement with a county council under subsection (5) above,
- the county council [<sup>F22</sup>(the “responsible council”)] may, with the consent of the Minister [<sup>F21</sup>or a strategic highways company], enter into arrangements with a district council [<sup>F23</sup>or Welsh council (the “contracting council”)] for the carrying out by the [<sup>F24</sup>contracting] council, in accordance with the arrangements, of such of the delegated functions or, as the case may be, of the functions to which the agreement relates as may be specified in the arrangements;. . . <sup>F25</sup>

<sup>F26</sup>(6A) No arrangements shall be entered into under subsection (6) above for the carrying out by a [<sup>F27</sup>contracting council] of any functions—

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- (a) with respect to a trunk road or land outside their area but within a non-metropolitan district, except with the consent of the council of the non-metropolitan district;
  - (b) with respect to a trunk road or land outside their area but within a metropolitan district, except after consultation with the council of the metropolitan district.]
  - [<sup>F28</sup>(c) with respect to a trunk road or land in Wales but outside the area—
    - (i) of the responsible council; and
    - (ii) of the contracting council,except after consultation with the Welsh council in whose area the trunk road or land is situated.]
- (7) Plant or materials belonging to a council by whom functions fall to be exercised by virtue of a delegation, or agreement or arrangements under this section may be used by them for the purposes of those functions subject to the terms of the delegation, or agreement or arrangements.
- (8) Nothing in this section limits the power of the Minister [<sup>F29</sup>or a strategic highways company ] to enter into and carry into effect agreements with any person for any purpose connected with the construction, improvement or maintenance of, or other dealing with, a trunk road or otherwise connected with his [<sup>F30</sup>or the company's] functions relating to trunk roads under this or any other Act; but no such agreement shall provide for the delegation of powers or duties of the Minister [<sup>F29</sup>or a strategic highways company] except in accordance [<sup>F31</sup>with
- (a) the provisions of this section; or
  - (b) the provisions of any order made under section 69 of the Deregulation and Contracting Out Act 1994.]

#### Textual Amendments

- F1** Words in s. 6(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(2)(a)**; [S.I. 2015/481](#), reg. 2(a)
- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(a)(i)**
- F3** Words in s. 6(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(2)(b)**; [S.I. 2015/481](#), reg. 2(a)
- F4** Words in s. 6(1) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(2)(c)**; [S.I. 2015/481](#), reg. 2(a)
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 8, 102, **Sch. 4 para. 4(a)(ii)**, Sch. 17
- F6** S. 6(1A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 4(b)**
- F7** Words in s. 6(1A) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(3)(a)**; [S.I. 2015/481](#), reg. 2(a)
- F8** Words in s. 6(1A) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(3)(b)**; [S.I. 2015/481](#), reg. 2(a)
- F9** S. 6(1B) inserted (1.4.1996) by [1994 c. 19](#), s. 22(1), **Sch. 7 Pt. I para. 2(2)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); [S.I. 1996/396](#), art. 3, **Sch. 1**.
- F10** Words in s. 6(1B) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(4)(a)**; [S.I. 2015/481](#), reg. 2(a)
- F11** Words in s. 6(1B) substituted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(4)(b)**; [S.I. 2015/481](#), reg. 2(a)
- F12** Words in s. 6(2) inserted (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(1), **Sch. 1 para. 7(5)(a)**; [S.I. 2015/481](#), reg. 2(a)

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- F13** Words in s. 6(2) substituted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(5)(b)**; S.I. 2015/481, reg. 2(a)
- F14** Words in s. 6(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(6)(a)**; S.I. 2015/481, reg. 2(a)
- F15** Words in s. 6(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(6)(b)**; S.I. 2015/481, reg. 2(a)
- F16** Words in s. 6(3) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(6)(c)**; S.I. 2015/481, reg. 2(a)
- F17** Words in s. 6(4) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(7)**; S.I. 2015/481, reg. 2(a)
- F18** Words in s. 6(5) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(8)(a)**; S.I. 2015/481, reg. 2(a)
- F19** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 4(c)**
- F20** Words in s. 6(5)(b) substituted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(8)(b)**; S.I. 2015/481, reg. 2(a)
- F21** Words in s. 6(6) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(9)**; S.I. 2015/481, reg. 2(a)
- F22** Words in s. 6(6) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. (3)(a)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F23** Words in s. 6(6) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(3)(b)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F24** Words in s. 6(6) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(3)(c)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F25** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 8, 102, **Sch. 4 para. 4(d)**, Sch. 17
- F26** S. 6(6A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 4 para. 4(e)**
- F27** Words in s. 6(6A) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(4)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F28** S. 6(6A)(c) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 2(4)** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch.1**.
- F29** Words in s. 6(8) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(10)(a)**; S.I. 2015/481, reg. 2(a)
- F30** Words in s. 6(8) inserted (5.3.2015) by Infrastructure Act 2015 (c. 7), s. 57(1), **Sch. 1 para. 7(10)(b)**; S.I. 2015/481, reg. 2(a)
- F31** Words in s. 6(8) substituted (25.7.1995) by S.I. 1995/1986, **art. 3**.

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

- C1** S. 6 restricted (13.2.1992) by Severn Bridges Act 1992 (c. 3), **s. 15(6)**
- C2** S. 6 functions made exercisable concurrently (23.12.2016) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2016 (S.I. 2016/1267), arts. 1(2), **9(1)(a)**, (2)
- C3** S. 6 functions made exercisable concurrently (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **9(1)**
- C4** S. 6 functions made exercisable concurrently (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **9(1)**

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