



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART X

HIGHWAYS

20 Highway amenities

The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments concerning amenities for certain highways.

21 Prosecution for offences relating to works in street

(1) In section 30 of the Public Utilities Street Works Act 1950 (enforcement)—

- (a) in subsection (2), for the words " Proceedings for the enforcement of" there shall be substituted the words " Subject to subsection (2A) of this section, proceedings for an offence under "; and
- (b) the following subsection shall be inserted after that subsection—

“(2A) A constable may take proceedings for an offence under section 8 of this Act without the consent of the Attorney General.”.

(2) In section 312 of the Highways Act 1980 (restriction on institution of proceedings)—

- (a) in subsection (1), for the word " Proceedings" there shall be substituted the words " Subject to subsection (3) below, proceedings "; and
- (b) the following subsection shall be inserted after subsection (2)—

“(3) A constable may take proceedings—

- (a) for an offence under paragraph (b) of section 171(6) above; or

Status: This is the original version (as it was originally enacted).

- (b) for an offence under paragraph (c) of that subsection consisting of failure to perform a duty imposed by section 171(5)(a) above ; or
 - (c) for an offence under section 174 above,
- without the consent of the Attorney General.”.

22 Control of construction under streets

- (1) The following paragraph shall be substituted for the first paragraph of subsection (1) of section 179 of the Highways Act 1980 (by virtue of which no person may construct a vault, arch or cellar under any street in Greater London or the carriageway of any street outside Greater London without the consent of the appropriate authority)—

“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.”.

- (2) The words " works to which this section applies " shall be substituted for the words " a vault, arch or cellar " where occurring in subsections (3) and (4) of that section.

- (3) The following subsections shall be substituted for subsection (5) of that section—

“(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
- (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 code-regulated works, as defined in section 1(5) of the Public Utilities Street Works Act 1950.”.

23 Control of road-side sales

The following section shall be inserted after section 147 of the Highways Act 1980—

“147A Road-side sales.

- (1) Subject to subsection (4) below, no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on—

- (a) the verge of a trunk road or a principal road ;
- (b) a lay-by on any such road ; or
- (c) unenclosed land within 15 metres of any part of any such road,

where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.

- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

- (3) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (4) This section does not apply—
- (a) to the sale or offer or exposure for sale of things from or on a vehicle which is used only for the purposes of itinerant trading with the occupiers of premises, or is used only for that purpose and for purposes other than trading;
 - (b) to the sale or offer or exposure for sale of newspapers;
 - (c) to anything done at a market in respect of which tolls, stallages or rents are payable ; or
 - (d) to the sale or offer or exposure for sale of anything by way of street trading which has been authorised under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or under any local enactment which makes provision similar to that made by that Schedule, either by the person so authorised or by a person acting as assistant to the person so authorised.”.