



# Highways Act 1980

## 1980 CHAPTER 66

### PART XIV

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Miscellaneous powers etc. of highway authorities and local authorities*

**290 Supplementary provisions as to powers of entry for the purpose of survey.**

- (1) A person authorised under section 289 above to enter on any land shall, if so required, produce evidence of his authority before or after entering on that land.
- (2) A person so authorised may take with him on to the land in question such other persons, and such vehicles and equipment, as he may consider necessary.
- (3) Subject to subsection (6) below, a person shall not under section 289 above demand admission as of right to any land which is occupied unless at least 7 days' notice of the intended entry has been given to the occupier.
- (4) Subject to subsection (6) below, a person shall not, in the exercise of a power conferred by section 289 above, place or leave any apparatus on or in any land or remove any apparatus therefrom unless notice of his intention to do so has been included in the notice required by subsection (3) above and a like notice has been given to the owner of the land.
- (5) A person shall not execute any works authorised by section 289(3) above unless notice of his intention to do so was included in the notices required by subsections (3) and (4) above and, where the interests [<sup>F1</sup>of the Coal Authority, of any licensed operator (within the meaning of the Coal Industry Act 1994, or] of any. . . <sup>F2</sup> or statutory undertakers are liable to be affected by the proposed works, a like notice has been given [<sup>F1</sup>to that Authority or, as the case may be, to the licensed operator or statutory undertakers concerned.]
- (6) Where a highway authority intend to place and leave apparatus on or in a highway or to remove apparatus therefrom, or to execute in relation thereto such works as are

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authorised by section 289(3) above, no notice need be given to the occupier or owner of the land over which the highway subsists; but if the highway authority are not the highway authority for the highway, they shall give to that authority such notice as is required by subsections (4) and (5) above to be given to the owner.

(7) If <sup>F3</sup> . . . any . . . <sup>F4</sup> statutory undertakers to whom notice is given under subsection (5) above object to the proposed works on the ground that the execution thereof would be seriously detrimental to the carrying on of their undertaking. . . <sup>F4</sup>, the works shall not be executed except with the authority of the appropriate Minister.

<sup>F5</sup>(8) Where in the exercise of a power conferred by section 289 above works authorised by subsection (3) of that section are to be executed in a street—

- (a) section 55 of the New Roads and Street Works Act 1991 (notice of starting date of works), so far as it requires notice to be given to a person having apparatus in the street which is likely to be affected by the works,
- (b) section 69 of that Act (requirements to be complied with where works likely to affect another person's apparatus in the street), and
- (c) section 82 of that Act (liability for damage or loss caused),

have effect in relation to the works as if they were street works within the meaning of Part III of that Act.]

(9) [<sup>F6</sup>A universal service provider in connection with the provision of a universal postal service,][<sup>F7</sup>the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)] are to be deemed to be statutory undertakers and their respective undertakings statutory undertakings for the purposes of the foregoing provisions of this section.

[<sup>F8</sup>(9A) For the purposes of subsection (9) above, the undertaking of a universal service provider shall be taken to be his undertaking so far as it relates to the provision of a universal postal service.]

[<sup>F9</sup>(9B) For the purposes of subsection (9) above, the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaking except to the extent that it is the person's undertaking as licence holder.]

(10) In this section “the appropriate Minister” means—

- <sup>F10</sup>(a) . . . . .
- (b) in relation to statutory undertakers carrying on any railway, tramway, road transport, dock, harbour or pier undertaking, the Minister of Transport; and
- (c) in all other cases, the Secretary of State.

#### Textual Amendments

- F1** Words in s. 290(5) substituted (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 26(a)** (with s. 40(7)); S.I. 1994/2553, **art. 2**.
- F2** Words repealed by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), **Sch. 26** paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F3** Words in s. 290(7) repealed (31.10.1994) by 1994 c. 21, s. 67, **Sch. 9 para. 26(b)**, **Sch. 11 Pt. II** (with s. 40(7)); S.I. 1994/2553, **art. 2**.
- F4** Words repealed by **Water Act 1989** (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), **Sch. 26** paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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- F5** S. 290(8) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), **Sch. 8**, Part I, para. 11; S.I. 1992/2984, art. 2(2), **Sch. 2**.
- F6** Words in s. 290(9) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(9)(a)**
- F7** Words in s. 290(9) substituted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 4(c)(i)**
- F8** S. 290(9A) inserted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 49(9)(b)**
- F9** S. 290(9B) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 4(c)(ii)**
- F10** S. 290(10)(a) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27**, Pt. I

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

- C1** S. 290 modified by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 1(10)(vi), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- C2** S. 290(9): by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, Sch. 4 para. 3(1), **Sch. 5 para. 45** it is provided that references to British Telecommunications in s. 290(9) cease to have effect

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**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\(6\)](#)