



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Damage to highways, streets etc.

131 Penalty for damaging highway etc.

- (1) If a person, without lawful authority or excuse—
 - (a) makes a ditch or excavation in a highway which consists of or comprises a carriageway, or
 - (b) removes any soil or turf from any part of a highway, except for the purpose of improving the highway and with the consent of the highway authority for the highway, or
 - (c) deposits anything whatsoever on a highway so as to damage the highway, or
 - (d) lights any fire, or discharges any firearm or firework, within 50 feet from the centre of a highway which consists of or comprises a carriageway, and in consequence thereof the highway is damaged,he is guilty of an offence.
- (2) If a person without lawful authority or excuse pulls down or obliterates a traffic sign placed on or over a highway, or a milestone or direction post (not being a traffic sign) so placed, he is guilty of an offence; but it is a defence in any proceedings under this subsection to show that the traffic sign, milestone or post was not lawfully so placed.
- (3) A person guilty of an offence under this section is liable to a fine not exceeding £20 or, in the case of a second or subsequent conviction under this section, to a fine not exceeding £50.

132 Unauthorised marks on highways

- (1) A person who, without either the consent of the highway authority for the highway in question or an authorisation given by or under an enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway is guilty of an offence and liable to a fine not exceeding £100 or, in the case of a second or subsequent conviction under this subsection, to a fine not exceeding £200.
- (2) The highway authority for a highway may, without prejudice to their powers apart from this subsection and whether or not proceedings in respect of the matter have been taken in pursuance of subsection (1) above, remove any picture, letter, sign or other mark which has, without either the consent of the authority or an authorisation given by or under an enactment, been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway.

133 Damage to footways of streets by excavations

If the footway of a street that is a highway maintainable at the public expense is damaged by or in consequence of any excavation or other work on land adjoining the street, the highway authority for the highway may make good the damage and recover the expenses reasonably incurred by them in so doing from the owner of the land in question or the person causing or responsible for the damage.

134 Ploughing of footpath or bridleway

- (1) Where a footpath or bridleway crosses agricultural land or land which is being brought into use for agriculture, then, if—
 - (a) it is proposed in accordance with the rules of good husbandry to plough the land, and
 - (b) it is convenient, in so ploughing the land, to plough the path or way together with the rest of the land,

the public right of way shall be subject to the condition that the occupier shall have the right, subject to the following provisions of this section, to plough the path or way as well as the rest of the land.
- (2) This section does not confer any right to plough so much of a footpath or bridleway as follows what are for the time being the headlands or sides of a field or enclosure.
- (3) Before ploughing a footpath or bridleway in the exercise of the right conferred by this section the occupier shall give to the highway authority for the path or way not less than 7 days' notice of his intention to plough it.
- (4) Subject to section 135 below, where a footpath or bridleway is ploughed in die exercise of the right conferred by this section the occupier of the land shall as soon as may be after the ploughing is completed and in any event—
 - (a) not later than 6 weeks from the date of giving notice of intention to plough under subsection (3) above, or
 - (b) if, in contravention of that subsection, no such notice was given, not later than 3 weeks from the time when the occupier began to plough the footpath or bridleway,

make good the surface of the path or way so as to make it reasonably convenient for the exercise of the public right of way.

- (5) A person who fails to comply with subsection (3) or (4) above is guilty of an offence and liable—
- (a) in the case of a failure to comply with subsection (3), to a fine not exceeding £10,
 - (b) in the case of a failure to comply with subsection (4), to a fine not exceeding £200;
- and where a person is convicted of failing to comply with subsection (4) and the offence is continued after the conviction he is guilty of a further offence and liable to a fine not exceeding £1 for each day on which the offence is so continued.
- (6) It is the duty of a highway authority to enforce the provisions of subsections (3) to (5) above as respects any footpath or bridleway for which they are the highway authority; and subject to subsection (7) below no proceedings in respect of an offence under those provisions shall be brought except by the authority required by this subsection to enforce those provisions as respects the path or way in question.
- (7) Proceedings in respect of an offence under subsection (4) above may be brought by the council of the parish or community in which the path or way in question is situated or by the council of the district within whose area the path or way is situated.
- (8) Without prejudice to subsections (6) and (7) above, if a footpath or bridleway is ploughed and the occupier has no right to plough it, or if there is a failure to comply with subsection (4) above, a competent authority, after giving to the occupier not less than 14 days' notice of their intention, may take all necessary steps for making good the surface of the path or way so as to make it reasonably convenient for the exercise of the public right of way.
- (9) A competent authority may recover from the occupier the amount of any expenses reasonably incurred by the authority in and in connection with the exercise of their powers under subsection (8) above.
- (10) For the purposes of subsections (8) and (9) above the following are competent authorities—
- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
 - (b) in the case of any other footpath or bridleway, the highway authority.
- (11) Nothing in this section prejudices any limitation or condition having effect apart from this section.

135 Temporary diversion of path or way ploughed up under section 134

- (1) If on the application of the occupier the highway authority are satisfied that it is expedient in the interests of good farming that the period of 6 or 3 weeks mentioned in section 134(4) above should be extended the highway authority may—
- (a) order the temporary diversion of the path or way until such date as may be specified in the order, being a date not more than 3 months after the time when the occupier began to plough the footpath or bridleway, and
 - (b) by the order extend the period of 6 weeks or 3 weeks mentioned in section 134(4) so as to expire on that date.

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

- (2) On the making of the order the highway authority shall forthwith cause a copy of it to be displayed in a prominent position at the ends of the diversion.
- (3) In deciding whether to make an order under this section a highway authority shall take into account the interests of the users of the path or way.
- (4) An order under this section diverting a path or way—
 - (a) shall not affect the line of a path or way on land now occupied by the applicant,
 - (b) shall not divert any part of the path or way on to land not occupied by the applicant, unless written consent to the making of the order has been given by the occupier of that land, and by any other person whose consent is needed to obtain access to the land,
 - (c) may require as a condition of the taking effect of the order the provision of any necessary facilities for the convenient use of the diversion,and the highway authority may enter into an agreement with the applicant for the provision of any such facilities by the highway authority at the expense of the applicant.

136 Damage to highway consequent on exclusion of sun and wind

- (1) If a highway which consists of or comprises a carriageway is being damaged in consequence of the exclusion from it of the sun and wind by a hedge or tree (other than a tree planted for ornament or for shelter to a building, courtyard or hop ground), a magistrates' court may by order require the owner or occupier of the land on which the hedge or tree is growing, so to cut, prune or plash the hedge or prune or lop the tree as to remove the cause of damage.
- (2) The power of a magistrates' court to make an order under subsection (1) above is exercisable on a complaint made by the highway authority for the highway, or, in the case of a highway maintainable by reason of tenure, enclosure or prescription, by the person liable to maintain the highway.
- (3) If a person against whom an order under subsection (1) above is made fails to comply with it within 10 days from such date as may be specified in the order, he is guilty of an offence and liable to a fine not exceeding £25, and the highway authority or other person on whose complaint the order was made may carry out the work required by the order and may recover the expenses reasonably incurred by them or him in so doing from the person in default.
- (4) No person shall be required by an order made under this section, nor is any person permitted by subsection (3) above, to cut or prune a hedge at any time between the last day of September and the first day of April.