



Highways Act 1980

1980 CHAPTER 66

PART IX

LAWFUL AND UNLAWFUL INTERFERENCE WITH HIGHWAYS AND STREETS

Miscellaneous

176 Restriction on construction of bridges over highways

- (1) The highway authority for a highway may grant to the owner or occupier of any premises adjoining the highway a licence to construct a bridge over the highway on such terms and conditions, and to use it for such period and on such terms and conditions, as the authority think fit.
- (2) No fine, rent or other sum of money, except a reasonable sum in respect of legal or other expenses, is payable in respect of a licence under this section.
- (3) A licence under this section shall not authorise any interference with the convenience of persons using the highway, or affect the rights of owners of premises adjoining the highway, or the rights of tramway, railway, dock, harbour or electricity undertakers.
- (4) It shall be a condition of every licence under this section that the person to whom it is granted is, at his own expense, to remove the bridge or alter it in such manner as the authority may require, if at any time they consider the removal or alteration necessary or desirable in connection with the carrying out of improvements to the highway.

The decision of the authority that the removal or alteration is necessary or desirable in that connection shall be final, and the condition shall be enforceable by the authority against the owner for the time being of the premises.

- (5) Subject to subsection (6) below, a person aggrieved by the refusal of an authority to grant a licence under this section or by the period for which the licence is granted or by a term or condition of the licence (other than the condition mentioned in subsection (4) above) may appeal to the Crown Court.

Status: This is the original version (as it was originally enacted).

- (6) No appeal lies under subsection (5) above against any term or condition of a licence granted by the Minister under this section if he declares the term or condition to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic on it.
- (7) If a person, except in the exercise of statutory powers—
- (a) constructs a bridge over a highway without a licence under this section, or
 - (b) constructs or uses a bridge otherwise than in accordance with the terms and conditions of such a licence, or
 - (c) fails to remove or alter a bridge when required to do so in accordance with any condition of the licence or within one month from the date of the expiration of the licence,
- he is guilty of an offence and is liable to a fine not exceeding £50, and if the offence is continued after conviction he is guilty of a further offence and is liable to a fine not exceeding £5 for each day on which the offence is so continued.
- (8) In this section " bridge " means a structure the sole purpose of which is to provide a way over a highway.

177 Restriction on construction of buildings over highways

- (1) No person shall—
- (a) except in the exercise of statutory powers, construct a building over any part of a highway maintainable at the public expense (whether it is intended to span the highway or not), or alter a building so constructed, without a licence granted under this section by the highway authority for that highway or otherwise than in accordance with the terms and conditions of a licence so granted;
 - (b) use a building so constructed or altered in pursuance of a licence so granted otherwise than in accordance with the terms and conditions thereof:
- and any person who contravenes any provision of this subsection is guilty of an offence and liable to a fine not exceeding £400; and if the offence is continued after conviction, he is guilty of a further offence and liable to a fine not exceeding £50 for each day on which the offence is so continued.
- (2) Subject to subsections (3) and (4) below, a licence under this section may contain such terms and conditions, including terms and conditions with respect to the construction (including the headway over the highway), maintenance, lighting and use of the building, as the highway authority think fit; and, any such term or condition is binding on the successor in title to every owner, and every lessee and occupier, of the building.
- (3) No fine, rent or other sum of money is payable in respect of a licence granted under this section except—
- (a) a reasonable sum in respect of legal or other expenses incurred in connection with the grant of the licence; and
 - (b) an annual charge of a reasonable amount for administering the licence;
- and any sum payable by virtue of paragraph (a) above is recoverable from the applicant for the licence and any sum payable by virtue of paragraph (b) above is recoverable from the owner of the building.

- (4) No such licence shall authorise any interference with the convenience of persons using the highway, or affect the rights of the owners of premises adjoining the highway, or the rights of statutory undertakers or of the Post Office.
- (5) Where a licence under this section makes provision for the execution of any works or the provision of any facilities which in the opinion of the highway authority require to be executed or provided by them in connection with the building or its construction or alteration, the authority may execute those works or, as the case may be, provide those facilities and may recover the expenses reasonably incurred by them in so doing from the licensee or from the owner of the building.
- (6) A person aggrieved by the refusal of a highway authority to grant a licence under this section or by a term or condition of the licence may appeal to the Crown Court, except that no such appeal lies—
 - (a) if the land on which the highway in question is situated is owned by the highway authority, or
 - (b) against any term or condition which the highway authority declare to be necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon.
- (7) Where a person has constructed or altered a building for the construction, or, as the case may be, alteration, of which a licence is required by this section without such a licence or otherwise than in accordance with the terms and conditions of the licence, the highway authority may by notice served on the licensee or the owner of the building require him to demolish the building within such time as may be specified in the notice or, as the case may be, to make such alterations therein and within such time as may be so specified.
- (8) Where there has been a failure to comply with any terms or conditions of a licence under this section with respect to the maintenance or use of a building, the highway authority may by notice served on the licensee or the owner of the building require him to execute such works or take such steps as are necessary to secure compliance with those terms or conditions within such time as may be specified in the notice.
- (9) If a person on whom a notice is served under subsection (7) or (8) above fails to comply with the notice within the time specified in it, the highway authority may demolish the building or, as the case may be, execute such works or take such steps as are necessary to comply with the notice and may recover the expenses reasonably incurred by them in so doing from that person.
- (10) Where by virtue of subsection (9) above a highway authority demolish a building, they may dispose of the materials resulting from the demolition.
- (11) In relation to any prohibition or restriction on the use of a building imposed by the Minister by virtue of any term or condition contained in a licence granted by him under this section, section 1(1)(c) of the Local Land Charges Act 1975 has effect as if the references to the date of the commencement of that Act were references to 1st November 1971.
- (12) Any work authorised or required by a licence under this section to be executed by the licensee is for the purpose of section 7 of the Telegraph Act 1878 (alteration of the telegraphic lines of the Post Office) to be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the person executing the work is to be deemed to be the undertakers.

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

- (13) This section does not apply to a building which constitutes a bridge within the meaning of section 176 above, but subject to that in this section " building " includes any structure and any part of a building.
- (14) Where the land on which a highway is situated is owned by the highway authority, nothing in subsection (3) above is to be taken as affecting the rights of that authority as the owner of that land to sell or lease the air-space above the surface of that land or grant any rights in relation to it.

178 Restriction on placing rails, beams etc. over highways

- (1) No person shall fix or place any overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway without the consent of the highway authority for the highway, and the highway authority may attach to their consent such reasonable terms and conditions as they think fit.
- (2) Subject to subsection (3) below, a person aggrieved by the refusal of a consent under subsection (1) above, or by any terms or conditions attached to such a consent, may appeal to a magistrates' court.
- (3) No appeal lies under subsection (2) above against any term or condition attached by the Minister to a consent given by him under this section if he declares the term or condition to be necessary for the purpose of securing the safety of persons using the highway to which the consent relates or of preventing interference with traffic on it.
- (4) If a person contravenes subsection (1) above, or the terms or conditions of any consent given under that subsection, he is guilty of an offence and liable to a fine not exceeding £25 ; and if the offence is continued after 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.
- (5) This section does not apply to any works or apparatus belonging to any statutory undertakers, and for this purpose the Civil Aviation Authority and the Post Office are to be deemed to be statutory undertakers.

179 Control of construction of cellars etc. under street

- (1) No person shall construct a vault, arch or cellar under—
- (a) any street in Greater London, or
 - (b) the carriageway of any street outside Greater London,
- without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed a vault, arch or cellar in contravention of this section require him to remove it, or to alter or deal with it in such manner as may be specified in the notice.

For the purposes of this section the appropriate authority is—

- (i) in relation to a street outside Greater London which is a highway, the highway authority for the street; and
 - (ii) in relation to any other street, the local authority in whose area the street is situated.
- (2) A person aggrieved by the refusal of a consent, or by a requirement of a notice, under subsection (1) above may appeal to a magistrates' court.

- (3) A person who constructs a vault, arch or cellar in contravention of this section is guilty of an offence and is liable to a fine not exceeding £25; and, subject to any order made on appeal, if he fails to comply with a requirement of a notice served on him under subsection (1) above he is guilty of a further offence and is liable to a fine not exceeding £2 for each day during which the failure continues.
- (4) The appropriate authority' may also cause a vault, arch or cellar constructed in contravention of this section to be removed, altered or otherwise dealt with as they think fit, and may recover the expenses reasonably incurred by them in so doing from the offender.
- (5) As soon as may be after an authority consent to the construction of a vault, arch or cellar under a street they shall give notice thereof to any public utility undertakers having any apparatus under the street.

180 Control of openings into cellars etc. under streets, and pavement lights and ventilators

- (1) No person shall make an opening in the footway of a street as an entrance to a cellar or vault thereunder without the consent of the appropriate authority, and where an authority give consent under this subsection they shall require the person to whom the consent is given to provide a door or covering constructed in such manner and of such materials as they direct.

For the purposes of this section the appropriate authority is the same as for the purposes of section 179 above.

- (2) No person shall carry out any works in a street to provide means for the admission of air or light to premises situated under, or abutting on, the street without the consent of the local authority, and the local authority in giving any consent under this subsection may impose any requirement as to the construction of the works.
- (3) A person aggrieved by the refusal of a consent, or by a requirement, under subsection (1) above may appeal to a magistrates' court and a person who applies for consent under subsection (2) above may appeal to such a court against a refusal of consent, or a requirement, under subsection (2).
- (4) Subject to any order made on appeal—
 - (a) a person who—
 - (i) makes an opening in the footway of a street in contravention of subsection (1) above, or
 - (ii) fails to comply with a requirement made to him under that subsection, is guilty of an offence and, without prejudice to any other liability to which he may be subject, liable to a fine not exceeding £25 ;
 - (b) a person who—
 - (i) carries out any works in contravention of subsection (2) above, or
 - (ii) fails to comply with a requirement made to him under that subsection, is guilty of an offence and, without prejudice to any other liability to which he may be subject, liable to a fine not exceeding £5.
- (5) As soon as may be after an authority give consent under either subsection (1) or subsection (2) above they shall give notice thereof to any public utility undertakers having any apparatus under the street.

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

- (6) The following, namely—
- (a) every vault, arch and cellar under a street,
 - (b) every opening in the surface of any street into any such vault, arch or cellar,
 - (c) every door or covering to any such opening,
 - (d) every cellar-head, grating, light and coal hole in the surface of a street, and
 - (e) all landings, flags or stones of the street by which any of the above are supported,
- shall be kept in good condition and repair by the owner or occupier of the vault, arch or cellar, or of the premises to which it belongs.
- (7) If default is made in complying with subsection (6) above, the appropriate authority may, after the expiration of 24 hours from the service of a notice of their intention to do so on any person in default, cause any thing as respects which there has been such a default to be repaired or put into good condition, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier thereof or of the premises to which it belongs.

181 Provisions relating to placing, etc. of certain apparatus in or under a highway

- (1) If a person, without lawful authority or excuse, places any apparatus in or under a highway or breaks open a highway for the purpose of placing, maintaining, repairing or reinstating any apparatus in or under it, he is guilty of an offence and liable to a fine not exceeding £20 or, in the case of a second or subsequent offence, to a fine not exceeding £50.
- (2) The highway authority for a highway may by a licence granted under this section permit any person to place and leave, or to retain, and thereafter (in either case) to maintain, repair and reinstate, apparatus in or under the highway and to break open and to have access to the highway for those purposes.
- (3) The highway authority may, as they think fit—
- (a) grant a licence under this section to any person and insert in the licence a provision prohibiting assignment of the licence ; or
 - (b) grant a licence to any person and insert in the licence a provision permitting assignment of the licence; or
 - (c) grant such a licence to the owner of any premises ad joining the highway and his successors in title, the licence, unless and until withdrawn or surrendered, to be annexed to those premises;
- and references in this section and section 182 below to the licensee are references to the person who is for the time being entitled by virtue of such a licence to do anything permitted by it to be done.
- (4) No fine, rent or other sum of money is payable in respect of such a licence except—
- (a) a reasonable sum in respect of legal or other expenses incurred in connection with the grant of the licence; and
 - (b) an annual charge of a reasonable amount for administering the licence;
- and any such sum is recoverable from the licensee.
- (5) Before granting a licence under this section a highway authority shall give not less than 14 days' notice of their intention so to do to any statutory undertakers or sewerage

authority whose apparatus or plans for the installation of apparatus are likely to be affected by the works to be authorised by the licence.

- (6) The licensee is not for the purposes of section 17 of the Schedule to the Electric Lighting (Clauses) Act 1899 (power to alter apparatus under streets, etc.) a person in whom powers in relation to a street or place are vested nor are any works carried out by the licensee in pursuance of a licence under this section undertakers' works within the meaning of section 1 of the Public Utilities Street Works Act 1950.
- (7) A licence under this section shall not authorise any interference with the apparatus or works of any statutory undertakers or sewerage authority without the consent of those undertakers or that authority, as the case may be, nor shall such a licence authorise the installation of any apparatus for the installation or use of which the licence of the Secretary of State or the Post Office, or of both the Secretary of State and the Post Office, is required by virtue of any enactment unless and until that licence has been granted.
- (8) This section does not apply to the apparatus of statutory undertakers or sewerage authorities.
- (9) In this section and section 182 below references to statutory undertakers include references to the Post Office.
- (10) Where the land on which a highway is situated is owned by the highway authority for the highway, nothing in subsection (4) above is to be taken as affecting the rights of that authority as the owner of that land to grant any person, for such consideration as they think fit, the right to place any thing in or under that land.

182 Supplementary provisions as to licences under section 181

- (1) A highway authority may attach to any licence granted under section 181 above such conditions as they consider necessary to protect the apparatus of statutory undertakers and sewerage authorities, to ensure the safety and convenience of passengers in the highway and to prevent traffic therein being delayed, and it shall be a condition of every such licence that—
 - (a) before executing any works for the purpose of placing apparatus in or under the highway or for the purpose of the maintenance, repair or reinstatement thereof (except works for the purpose of carrying out emergency repairs), the licensee is to give not less than 7 days' notice in writing, stating the nature and place of the works proposed, to the highway authority and to any statutory undertakers or sewerage authority whose apparatus is likely to be affected, and is to satisfy their requirements as to the method of executing the works and as to the supervision thereof by them;
 - (b) as soon as reasonably practicable after executing works for the purpose of carrying out emergency repairs to any apparatus placed and left in or under the highway the licensee is to inform any statutory undertakers or sewerage authority whose apparatus may have been affected;
 - (c) any apparatus is, wherever practicable, to be laid by thrust boring;
 - (d) while executing any works in or under the highway the licensee is to cause the works to be properly fenced and guarded and to be properly lighted during the hours of darkness;

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

- (e) as soon as reasonably practicable after executing any such works as are mentioned in paragraph (a) or (b) above, the licensee is to make good any damage to the highway occasioned by those works ;
 - (f) the licensee is to give the authority not less than 6 weeks' notice of his intention to cease using or abandon the apparatus or, if the licence is one the assignment of which is prohibited, of his intention to part with his interest in the apparatus.
- (2) A highway authority may attach to a licence granted by them by virtue of section 181(3)(b) above a condition that before assigning the licence to any other person the licensee is to obtain the consent of the authority to the assignment; and it shall be a condition of every licence granted by virtue of section 181(3)(c) above that within one month after any change in the ownership of the premises in question takes place the licensee is to inform the highway authority of it.
- (3) A highway authority may by notice served on the licensee withdraw a licence granted by them under section 181 above—
- (a) on the expiration of such period as may be specified in the notice, being a period of not less than 7 days beginning with the date of service of the notice on the licensee, if any condition of the licence is contravened by the licensee, or if the highway authority become aware of the fact that the licensee intends to cease using or abandon the apparatus or (if the licence is one the assignment of which is prohibited) that the licensee intends to part with his interest in the apparatus;
 - (b) on the expiration of such period as may be so specified, being a period of not less than 3 months beginning with the said date, if the authority consider the withdrawal of the licence is necessary for the purpose of the exercise of their functions as a highway authority.
- (4) Where a licence under section 181 above expires or is withdrawn or surrendered, the highway authority by whom it was granted—
- (a) may remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate the highway and may recover the expenses reasonably incurred by them in so doing from the last licensee ; or
 - (b) if satisfied that the last licensee can, within such reasonable time as they may specify, remove such apparatus or alter it in such manner as they may require and reinstate the highway, may authorise him to do so at his own expense.

In this subsection and subsection (5) below " the last licensee " means the person who immediately before the expiration, withdrawal or surrender of the licence in question was the licensee or, if that person has died, his personal representatives.

- (5) Before executing any works under subsection (4) above a highway authority or the last licensee, as the case may be, shall give not less than 7 days' notice to any statutory undertakers or sewerage authority whose apparatus is likely to be affected and shall satisfy their requirements as to the method of executing the works and as to the supervision thereof by them.
- (6) The licensee and the person who immediately before the expiration, withdrawal or surrender of a licence under this section was the licensee or, if that person has died, his personal representatives shall indemnify the highway authority against any claim in respect of injury, damage or loss arising out of—
- (a) the placing or presence in or under a highway of apparatus to which the licence relates, or

- (b) the execution by any person of any works authorised by the licence or by the highway authority under subsection (4) above, or
- (c) the execution by or on behalf of the highway authority of any works under that subsection;

but the foregoing provision is not to be taken as requiring any person to indemnify the highway authority against any claim in respect of injury, damage or loss which is attributable to the negligence of that authority.

183 Appeal against certain decisions of local highway authority under section 181

- (1) Where the apparatus in respect of which an application for a licence under section 181 above is made to a local highway authority is to be placed or retained along a line crossing a highway, other than a special road, and not along the line of that highway, any person aggrieved—
 - (a) by the refusal of that authority to grant him the licence, or
 - (b) by their refusal to grant him a licence on the application other than a licence containing such a provision as is mentioned in section 181(3(a) above, or
 - (c) where the application is granted, by any term or condition of the licence granted to him, other than a compulsory condition,may appeal to the Minister.
- (2) Before determining an appeal under this section the Minister may consult any person whose interests are in the opinion of the Minister liable to be affected by anything done in pursuance of the licence to which the appeal relates and shall consider any representations made by the local highway authority.
- (3) Where on an appeal under this section the Minister reverses or varies any decision of a local highway authority, it shall be the duty of that authority to give effect to the decision of the Minister.
- (4) In this section " compulsory condition " means a condition specified in any paragraph of section 182(1) above and, in the case of a licence granted by virtue of section 181(3) (c) above, the condition which section 182(2) above provides shall be a condition of every such licence.

184 Vehicle crossings over footways and verges

- (1) Where the occupier of any premises adjoining or having access to a highway maintainable at the public expense habitually takes or permits to be taken a mechanically propelled vehicle across a kerbed footway or a verge in the highway to or from those premises, the highway authority for the highway may, subject to subsection (2) below, serve a notice on the owner and the occupier of the premises—
 - (a) stating that they propose to execute such works for the construction of a vehicle crossing over the footway or verge as may be specified in the notice; or
 - (b) imposing such reasonable conditions on the use of the footway or verge as a crossing as may be so specified.
- (2) A highway authority is not entitled by virtue of subsection (1) above to construct a vehicle crossing on, or on any part of, the site of a made-up vehicle crossing which has been constructed either under this section or under section 40 of the Highways Act 1971 (which this section replaces) or before the commencement of the said section 40, or to impose conditions on the use of such a crossing.

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

- (3) Where any land is being, or is to be, developed in accordance with a planning permission granted, or deemed to have been granted, under the Town and Country Planning Act 1971, and it appears to the highway authority for a highway maintainable at the public expense that the development makes it necessary—
- (a) to construct a crossing over a kerbed footway or a verge in the highway so as to provide an access for mechanically propelled vehicles to or from the carriageway of the highway from or to premises adjoining or having access to the highway ; or
 - (b) to improve or otherwise alter a made-up vehicle crossing that provides such an access as is mentioned in paragraph (a) above (whenever constructed),
- that authority may serve on the owner and the occupier of the premises a notice stating that they propose to execute such works for the construction or, as the case may be, alteration of the crossing as may be specified in the notice.
- (4) Unless the development giving rise to a notice under subsection (3) above consists solely of the provision of a new means of access to or from a highway from or to premises, there may be specified in a notice under that subsection works for the construction as part of the vehicle crossing proposed to be constructed or altered, as the case may be, of acceleration and deceleration lanes.
- (5) In determining whether to exercise their powers under subsection (1) or (3) above, a highway authority shall have regard to the need to prevent damage to a footway or verge, and in determining the works to be specified in a notice under subsection (1)(a) or (3) an authority shall have regard to that and the following other matters, namely—
- (a) the need to ensure, so far as practicable, safe access to and egress from premises; and
 - (b) the need to facilitate, so far as practicable, the passage of vehicular traffic in highways.
- (6) Schedule 14 to this Act has effect with respect to the making of objections to a notice under subsection (1) or (3) above and to the date on which such a notice becomes effective.
- (7) Where a notice under subsection (1)(a) or (3) above has become effective, the highway authority by whom the notice was served may execute such works as are specified in the notice, subject to such modifications (if any) as may have been made by the Minister, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.
- (8) A notice under subsection (1) or (3) above shall inform the person on whom it is served of his right to object to the notice and (except in the case of a notice under subsection (1)(b)) shall state the effect of subsection (7) above.
- (9) Where a person who is carrying out, or proposes to carry out, such a development as is referred to in subsection (3) above offers to execute the works specified in a notice under that subsection, the highway authority by whom the notice was served may authorise him to execute those works in accordance with plans approved by them.

In relation to works executed under this subsection, Part II of the Public Utilities Street Works Act 1950 (code which has effect where undertakers' apparatus is affected by certain works) applies as if the works were executed for road purposes and were mentioned in section 21(1)(a) of that Act and as if the person executing them were the promoting authority within the meaning of the said Part II.

- (10) If a person authorised under subsection (9) above to execute any works fails to execute them to the satisfaction of the highway authority before the development is completed, the authority may execute the works or alter the works executed by that person and recover the expenses reasonably incurred by them in so doing from him.
- (11) Any person may request the highway authority for a highway maintainable at the public expense to execute such works as are specified in the request for constructing a vehicle crossing over a footway or verge in the highway, and the authority may approve the request with or without modification, or may propose alternative works or reject the request; and in determining how to exercise their powers under this subsection an authority shall have regard to the matters mentioned in subsection (5) above.
- (12) An authority to whom a request under subsection (11) above is made shall notify the person making the request of their decision and if they approve, with or without modification, the works proposed in the request or propose alternative works, they shall supply him with a quotation of the cost of the works as approved or proposed by them, and he may, on depositing with them the amount quoted, require them to execute those works.
- (13) As soon as practicable after such a deposit has been made with an authority the authority shall execute the works as approved or proposed by them.
- (14) If apart from this subsection Part II of the Public Utilities Street Works Act 1950 would not apply in relation to works executed by a highway authority under any provision of this section, the said Part II shall apply as if the works were executed for road purposes and were mentioned in section 21(1)(a) of that Act.
- (15) The expenses recoverable under subsection (7) or (10) above and the cost of the works for the purposes of subsection (12) above include the cost of any works which are required by the said Act of 1950 to be executed in consequence of the construction of the crossing.
- (16) Nothing in this section imposes on any person other than a highway authority any obligation to maintain a vehicle crossing.
- (17) If a person knowingly uses a footway or verge as a crossing in contravention of any condition imposed under subsection (1)(b) above, or knowingly permits it to be so used, he is guilty of an offence and liable to a fine not exceeding £20 or, in the case of a second or subsequent offence, to a fine not exceeding £50.

185 Power to install refuse or storage bins in streets

- (1) Subject to the provisions of this section, a competent authority may provide and maintain in or under a street orderly bins or other receptacles, of such dimensions and in such positions as the authority may determine, for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, grit or other materials.

For the purposes of this section the following are competent authorities—

- (a) in relation to a street that is a highway, the highway authority for the highway and also the local authority in whose area it is situated acting with the consent of the highway authority;
- (b) in relation to any other street, the local authority in whose area the street is situated.

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

- (2) An authority does not have power by virtue of this section to place a bin or other receptacle on a bridge over a railway, or under a bridge carrying a railway over a street, or within 10 feet of the abutments of a bridge carrying a railway over a street, except with the consent of the railway undertakers concerned.
- (3) An authority shall not exercise the power conferred by this section so as to obstruct or render less convenient the access to or exit from—
 - (a) a station or goods yard belonging to railway undertakers ; or
 - (b) premises belonging to canal, inland navigation, dock, harbour, tramway, electricity, gas or water undertakers, or to persons authorised by any enactment to carry on any other public undertaking, and used by those undertakers or persons for the purposes of their undertaking.
- (4) Nothing in this section is to be taken as empowering an authority to hinder the reasonable use of a street by the public or any person entitled to use it or as empowering an authority to create a nuisance to the owner or occupier of premises adjacent to a street.