



# **Appendix K: Highway Enforcement Legislation**

**Streetscape Design Guide 2025**

**Worcestershire County Council**

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## Introduction

This is a general high-level summary of Highway Authority powers. It is not intended to be exhaustive, and the powers often have detailed provisions and qualifications. Advice should be sought in any individual case. The relevant Sections of the [Highways Act \(1980\)](#) and other relevant legislation are listed below:

Legislation	Brief Description
Highways Act 1980 (“HA 1980”)	This act forms the basis of the Division’s work, and many issues are dealt with under this legislation
Section 130 (duty) HA 1980	Places a duty on a Highway Authority to assert and protect the rights of the public to the use and enjoyment of any highway in its area, i.e., against obstruction
Section 131 (damage to highway) HA 1980	Makes it an offence without lawful authority or excuse to damage, deposit on or damage a sign on a highway
Section 132 (unauthorised marks) HA 1980	Makes it an offence without the appropriate consent or reasonable excuse to mark or place advertisements upon either the highway or street furniture
Section 133 (damage to footway by adjacent works) HA 1980	Allows the authority to recover from persons who excavate adjacent to footway costs of any repairs needed. Worcestershire County Council would carry out an investigation to identify those responsible.
Section 137 (obstruction) HA 1980	The section of the act allows a Highway Authority or Police to prosecute for willful obstruction of the highway; a police constable may arrest in the case of willful obstruction.
Section 138 (erection in highway) HA 1980	Makes it an offence to place or erect anything on a highway comprising of a carriageway (Footway/ carriageway/Verge
Section 139 (builders’ skips) HA 1980	Gives a Highway Authority the power to license builders’ skips placed upon the highway and to define conditions. It is an offence under this section to have a skip on the highway without a license. It is also an

	offence to have a skip which is not lit or covered at night.
Section 140 (removal of skips)	Allows the Highway Authority and police officers to require the removal of skips irrespective of whether they are licensed. An offence occurs if the person required to move it fails to comply. Skips can be removed by Worcestershire County Council, and the cost recovered from those responsible.
Section 141 (unauthorised planting of trees) HA 1980	The Highway Authority can require by serving notice for unauthorised trees in or near a carriageway to be removed; an offence occurs if order not complied with.
Section 143 (removal of structures) HA 1980	The Highway Authority can by serving notice require structures to be removed within a given time.
Section 148 (depositing without authority) HA 1980	Makes it an offence to deposit anything i.e. land dressing material (dung, compost, or any rubbish) without lawful authority or excuse, on any highway
Section 149 (removal of things deposited) HA 1980	This gives the Highway Authority the power to order the removal of things deposited on the highway as to constitute a nuisance. This can be immediate if it is believed there is a danger, including obstructing a line of sight. Also allows Worcestershire County Council to recover costs.
Section 151 (soil washed onto streets) HA 1980	Makes it an offence to allow soil or refuse to flow onto a street, including restricting flow to or in a sewer or gully. It can be enforced by notice, but an offence is committed if the notice is not complied with.
Section 152 (projections from buildings) HA 1980	Makes it an offence for projections from a building (e.g., porch, window, sign) which is an obstruction to safe passage along a highway. It can be enforced by notice, but an offence is committed if the notice is not complied with.

Section 153 (doors opening onto street) HA 1980	Requires that doors (gate or bar) abutting the highway open inwards, enforced by notice. An offence occurs if notice is not complied with.
Section 154 (Overhanging vegetation) HA 1980	Allows an authority including the Highway Authority to serve a notice requiring overhanging vegetation (hedge/ tree/ shrub) that endangers highway users or obstructs the view of drivers or light from streetlamps to be removed. If the notice is not complied with the relevant authority can carry out work and recover the costs.
Section 162 (ropes across the highway) HA 1980	It makes it an offence to place a rope or wire or other apparatus across a highway to cause a danger.
Section 163 (prevention of water flowing onto highway) HA 1980	Allows a Highway Authority to serve notice requiring that water from a building or land does not flow onto persons or footways. An offence occurs if failure to comply with notice.
Section 164 (barbed wire) HA 1980	Where it is a nuisance to the highway, i.e. likely to be injurious to people or animals, the Highway Authority can require land fenced with barbed wire, or boundary treatment which includes barbed wire, to be removed. Carried out by serving notice and work can be undertaken by the highway Authority if notice is not complied with and costs recovered.
Section 165 (dangerous land) HA 1980	Power can only be used in default of the District Council exercising its powers. Allows the Highway Authority to require by notice that land abutting the highway, which is not enclosed, e.g., fenced, or is insufficiently enclosed, is altered or repaired to no longer cause a danger to those using the street. Failure to comply with the notice allows the authority to carry out the works and recover costs.
Section 168 (building operations and their safety)	Makes it an offence if an accident which gives rise to the risk of serious injury, occurs

	because of a building operation on or near a street.
Section 169 (control of scaffolding) HA 1980	Empowers a Highway Authority to license any scaffolding which is on or over the highway and to impose such conditions as it sees fit. It is an offence to erect any scaffolding which is not licensed or not in compliance with conditions.
Section 170 (mixing of cement etc.) HA 1980	Makes it an offence to mix mortar, cement or other substance, which is likely to solidify on the highway or to allow it to flow into and solidify in a drain or sewer.
Section 171 (control of building materials and making excavations) HA 1980	This section authorises a Highway Authority to permit, define conditions and license builders' materials deposited upon or temporary excavation in the highway. It is a requirement of this section that any materials or excavation be signed and guarded (fenced) as required by Worcestershire County Council. It is an offence to contravene these or any other conditions.
Section 172 (hoarding for building works adjacent to street) HA 1980	Requires a person carrying out building works or demolition adjacent to street to put up hoardings to separate the works from the street. It is an offence not to comply with this requirement.
Section 173 (secure erection of hoarding) HA 1980	Requires that any hoarding be erected securely; it is an offence not to be erected securely, and the offence continues daily after conviction.
Section 174 (precautions whilst working in street) HA 1980	Places a duty on a person who carries out works on the highway; this includes the erection of barriers, traffic signs, guarding of such works and illumination at night. It is an offence not to comply with this section. It is aimed at statutory undertakers and the like. It is also a serious offence under this section for people to interfere with any precautions taken.

Section 178 (placing of beams or pipes over highway) HA 1980	It makes it an offence to fix or place an unauthorised cable, rail, beam, pipe etc. over a carriageway without consent from a Highway Authority.
Section 179 (construction of vault or cellar) HA 1980	Requires consent to be granted by a Highway Authority before a cellar, cellar lights or vault are constructed. It is an offence to start construction without permission.
Section 180 (control of openings into streets) HA 1980	Requires consent before cellar doors or cellar lights are constructed. Places a duty on owner to maintain any such constructions including cellar lights and coal plates. A Highway Authority 24 hours after serving notice requiring repairs to be carried out, may carry out the work and recover costs from the owner or occupier.
Section 303 (obstruction of persons carry out act) HA 1980	Makes it an offence to obstruct an officer in the execution of his/her duty, the most common threat of use of this section is for failing to give a name and address.
Section 310 (definition of all offences) HA 1980	Offences under HA 1980 are summary only offences (except as provided by sub-sections 292(4) and 297(3)) which means they can only be tried in the magistrates' courts. Defines all offences under the Highways Act 1980 as summary, this means that the offences are dealt with initially by a magistrates' court, are initiated by way of summons and must be dealt with within 6 months of the date of offence.
Section 311 (continuing offences) HA 1980	Makes provision for offences to become "continuing" after conviction. This means that after conviction if offences continue, the offender can be the subject of a daily fine.
Section 312 (limitation of issue of proceedings) HA 1980	Limits the enforcement and issue of summons to an aggrieved person or the highway authority or council.

<p>Section 314 (offences by body corporate) HA 1980</p>	<p>Makes negligent directors, managers, company secretaries or similar people individually liable in addition to the company itself.</p>
<p>Section 315 (appeals against orders etc.) HA 1980</p>	<p>Qualifies the right of appeal to the relevant court against any order made by the council.</p>
<p>Section 316 (appeal to magistrates) HA 1980</p>	<p>Defines that an appeal to the magistrates' court must be made within 21 days from the date of the decision notice served by the council.</p>
<p>Section 319 (qualification of judges/magistrates) HA 1980</p>	<p>Confirms that a judge or JP is not disqualified if they are a ratepayer to the council concerned or if he or she is in receipt of any expenses etc. from that council.</p>
<p>The Police &amp; Criminal Evidence Act 1984 (PACE)</p>	<p>This legislation gives guidance as to the conduct of interviews, the rights of suspects, and their treatment. Whilst the act and code of conduct contained in it were drafted with police forces in mind, all interviews conducted by council officers which may result in prosecution are subject to the codes.</p> <p>The code requires that any suspects be cautioned at the appropriate time and are advised of their rights. It is essential that defined procedures are followed, and all officers receive training in this legislation.</p>
<p>Criminal Procedure &amp; Investigations Act 1996</p>	<p>This legislation gives guidance on what information must be given or made available to the defence in any trial.</p> <p>The legislation was introduced with more serious crimes in mind than the council envisages dealing with and in response to alleged miscarriages of justice.</p> <p>It is, however, essential that officers comply with the requirements of the act.</p>