



# Highways Act 1980

## 1980 CHAPTER 66

### PART VIII

#### STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

##### *Stopping up of means of access to highways*

#### **125 Further powers to stop up private access to premises.**

- (1) Subject to subsection (2) below an order under section 14 or 18 above (orders for certain purposes connected with trunk, classified or special roads) and an order under [<sup>F1</sup>section 248 of the Town and Country Planning Act 1990] (order by Minister [<sup>F2</sup>or London Borough] to stop up or divert highway that crosses etc. a main highway) may authorise the appropriate authority—
  - (a) to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the relevant road, or forming the site of any works authorised by the order or by any previous order made under the same enactment;
  - (b) to provide a new means of access to any such premises.
- (2) For the purposes of subsection (1) above—
  - (a) the appropriate authority in the case of an order under [<sup>F3</sup>section 248 of the Town and Country Planning Act 1990] is the highway authority for the main highway, and in any other case is the authority by whom the order is made; and
  - (b) the relevant road is the trunk road, classified road, special road or, as the case may be, main highway to which the order relates.
- (3) No order authorising the stopping up of a means of access to premises shall be made or confirmed by the Minister by virtue of subsection (1)(a) above unless he is satisfied—
  - (a) that no access to the premises is reasonably required, or

*Status: Point in time view as at 26/04/2007.*

*Changes to legislation: Highways Act 1980, Section 125 is up to date with all changes known to be in force on or before 13 September 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of subsection (1)(b) above or otherwise.
- (4) [<sup>F4</sup>Section 252 of the Town and Country Planning Act 1990] (procedure for making certain orders) in its application to an order under [<sup>F4</sup>section 248 of that Act] which by virtue of subsection (1)(a) above authorises the stopping up of a private means of access to premises has effect as if the persons on whom the Minister [<sup>F5</sup>or, as the case may be, the council of a London borough] is required by [<sup>F4</sup>section 252(2), (3), (10) and (11)] to serve certain documents relating to the order included the owner and the occupier of those premises.

In this subsection “owner” in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term of which exceeds 3 years.

#### Textual Amendments

- F1** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s.4, **Sch. 2 para. 45(8)(a)**
- F2** Words in s. 125(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 1(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F3** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 45(8)(a)**
- F4** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 45(8)(b)**
- F5** Words in s. 125(4) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 1(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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

- C1** S. 125 modified (18.12.1996) by 1996 c. 61, s. 44, **Sch. 12 Pt. III para. 10(1)**.

**Status:**

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**Changes to legislation:**

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