



Highways Act 1980

1980 CHAPTER 66

PART XIV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Savings etc.

[^{F1}334

(1) Subject to the provisions of this section, nothing in this Act or in any scheme or order made under it affects any rights conferred by or in accordance with the [^{F2}electronic communications code] on the operator of [^{F3}an electronic communications code network] or any duty of any such operator under that code or applies to any [^{F4}electronic communications apparatus] kept installed for the purposes of any such [^{F5}network]; ^{F6} . . .

(2) Where—

- (a) land is conveyed by a highway authority in pursuance of section 256 above, or
- (b) a highway is stopped up or diverted in pursuance of an order to which this paragraph applies,

and immediately before the conveyance or, as the case may be, at the beginning of the day on which the order comes into force there is under, in, upon, over, along or across the land conveyed or, as the case may be, the highway stopped up or diverted any [^{F4}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network], then the provisions of subsection (3) below have effect.

Paragraph (b) above applies to the following orders, namely an order made or confirmed by the Minister under section 14 or 18 above, a public path extinguishment order [^{F7}, a special extinguishment order, a public path diversion order, a special diversion order and an SSSI diversion order].

(3) In the circumstances mentioned in subsection (2) above, the operator of [^{F8}the electronic communications code network] has the same power in respect of the [^{F4}electronic communications apparatus] as if the conveyance had not been made or,

Changes to legislation: Highways Act 1980, Section 334 is up to date with all changes known to be in force on or before 24 May 2024. 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) View outstanding changes

as the case may be, the order had not come into force; but the transferee of the land or, as the case may be, any person entitled to land over which the stopped up or diverted highway subsisted shall be entitled to require the alteration of the apparatus.

- (4) Where in pursuance of an order made by a magistrates' court under section 116 above a highway is stopped up or diverted, the following provisions of this subsection have effect in relation to so much of any [^{F4}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network] as is under, in, upon, over, along or across land which by reason of the stopping up or diversion ceases to be a highway (“the affected apparatus”)—
- (a) the power of the operator of the [^{F5}network] to remove the affected apparatus is exercisable notwithstanding the making of the order, so however that the said power is not exercisable, as respects the whole or any part of the affected apparatus, after the expiration of a period of 3 months from the date of the sending of the notice referred to in subsection (5) below unless before the expiration of that period the operator of the [^{F5}network] has given notice to the authority on whose application the order was made of his intention to remove the affected apparatus or that part of it, as the case may be;
 - (b) the operator of the [^{F5}network] may by notice in that behalf to the said authority abandon the affected apparatus or any part of it, and is to be deemed, as respects the affected apparatus or any part of it, to have abandoned it at the expiration of the said period of 3 months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
 - (c) the operator of the [^{F5}network] is entitled to recover from the said authority the expense of providing, in substitution for the affected apparatus and any [^{F4}electronic communications apparatus] connected with it which is rendered useless in consequence of the removal or abandonment of the affected apparatus, any [^{F4}electronic communications apparatus] in such other place as he may require;
 - (d) where under paragraph (b) above the operator of the [^{F5}network] has abandoned the whole or any part of the affected apparatus, it vests in the authority there referred to and shall be deemed, with its abandonment, to cease to be kept installed for the purposes of [^{F3}an electronic communications code network].
- (5) As soon as practicable after the making of an order under section 116 above in circumstances in which subsection (4) above applies in relation to the operator of [^{F3}an electronic communications code network] the authority on whose application the order was made shall by notice to the operator inform him of the making of the order.
- (6) Where an order under section 14 or 18 above provides for the alteration of a highway and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any [^{F4}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network], the highway authority shall be entitled to require the alteration of the apparatus.

This subsection does not have effect so far as it relates to the alteration of any [^{F4}electronic communications apparatus] for the purposes of [^{F9}major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991].

- (7) Where in pursuance of an order under section 14 or 18 above a highway is stopped up or diverted, or an order under either of those sections provides for the alteration of a

Changes to legislation: Highways Act 1980, Section 334 is up to date with all changes known to be in force on or before 24 May 2024. 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) View outstanding changes

highway, and, immediately before the date on which the order comes into force, there is under, in, upon, over, along or across the highway any [^{F4}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network] then, without prejudice to subsections (2), (3) and (6) above, the provisions of subsection (8) below have effect.

- (8) [^{F10}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [^{F4}electronic communications apparatus]) shall apply, for the purposes of the construction or improvement of the trunk road, special road or classified road, as the case may be, to which the order relates and of any works authorised by the order, to the Minister or other highway authority by whom the order in question was made.
- (9) Without prejudice to [^{F11}the provisions of Part III of the New Roads and Street Works Act 1991 relating to major highway works, major bridge works or major transport works][^{F12}Part 10 of the electronic communications code] shall apply for the purposes of—
- (a) any work authorised or required by an order under section 93 above to be done by a highway authority or the owners of a bridge,
 - (b) any work which a highway authority is authorised to carry out under section 96 above, and
 - (c) any work authorised or required by a licence under section 176 above to be done by the person to whom the licence is granted,
- to the authority or person authorised or required to carry out the work.
- (10) Where, in pursuance of any order or scheme made or confirmed under this Act, a navigable watercourse is diverted and, immediately before the date on which the order or scheme comes into force, there is under, in, upon, over, along or across the watercourse, or any towing path or other way adjacent to it, any [^{F4}electronic communications apparatus] kept installed for the purposes of [^{F3}an electronic communications code network], the operator of that [^{F5}network] has the same powers in respect of that apparatus as if the order or scheme had not come into force; but—
- (a) the highway authority by whom the order or scheme was made, or
 - (b) any person entitled to land on which so much of the watercourse, towing path or way as is diverted in pursuance of the order or scheme was previously situated,
- shall be entitled to require the alteration of the apparatus.
- (11) [^{F13}Paragraph 68] of the [^{F2}electronic communications code] (offence) shall be deemed to be omitted for the purposes of the application by this section of [^{F14}Part 10 of the code] to the Minister.
- (12) Paragraph [^{F15}108(2)] of the [^{F2}electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of that code.
- (13) [^{F16}Part 6 of the electronic communications code (rights to require removal of electronic communications apparatus)] shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any

Changes to legislation: Highways Act 1980, Section 334 is up to date with all changes known to be in force on or before 24 May 2024. 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) View outstanding changes

[^{F4}electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.]

Textual Amendments

- F1** S. 334 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 76\(14\)\(15\)](#), [Sch. 5 para. 45](#)
- F2** Words in s. 334 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(g\)\(2\)\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F3** Words in s. 334 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(g\)\(2\)\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F4** Words in s. 334 substituted (25.7.2003 for specified purposes, 29.12.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(g\)\(2\)\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F5** Word in s. 334 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(g\)\(2\)\(e\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F6** Words in s. 334(1) repealed (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(2), [Sch. 9](#); [S.I. 1992/2984](#), [art. 2\(2\)](#), [Sch. 2](#)
- F7** Words in s. 334(2) substituted (12.2.2003 for E. for specified purposes and 21.5.2007 in so far as it is not already in force, 15.7.2005 for W. for specified purposes and otherwise prosp.) by [2000 c. 37](#), ss. 57, 103(3), [Sch. 6 Pt. I para. 21](#); [S.I. 2003/272](#), [art. 2\(a\)\(o\)](#); [S.I. 2005/1314](#), [art. 3\(d\)\(vii\)](#); [S.I. 2007/1493](#), [art. 2](#)
- F8** Words in s. 334 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406(1)(6), 408, 411, [Sch. 17 para. 56\(1\)\(g\)\(2\)\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with [art. 3\(2\)](#) (as amended (8.12.2003) by [S.I. 2003/3142](#), [art. 1\(3\)](#))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))
- F9** Words in s. 334(6) 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. 16\(2\)](#); [S.I. 1992/2984](#), [art. 2\(2\)](#), [Sch. 2](#)
- F10** Words in s. 334(8) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(2\)](#); [S.I. 2017/1286](#), [reg. 2\(d\)](#)
- F11** Words in s. 334(9) 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. 16\(3\)](#); [S.I. 1992/2984](#), [art. 2\(2\)](#), [Sch. 2](#)
- F12** Words in s. 334(9) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(3\)](#); [S.I. 2017/1286](#), [reg. 2\(d\)](#)
- F13** Words in s. 334(11) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(4\)\(a\)](#); [S.I. 2017/1286](#), [reg. 2\(d\)](#)
- F14** Words in s. 334(11) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(4\)\(b\)](#); [S.I. 2017/1286](#), [reg. 2\(d\)](#)
- F15** Word in s. 334(12) substituted (28.12.2017 immediately after [Digital Economy Act 2017 \(c. 30\)](#), [Sch. 3](#) comes into force) by [The Communications Act 2003 and the Digital Economy Act 2017 \(Consequential Amendments to Primary Legislation\) Regulations 2017 \(S.I. 2017/1285\)](#), [reg. 1\(1\)\(2\)](#), [Sch. 1 para. 3\(2\)](#)
- F16** Words in s. 334(13) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), [Sch. 3 para. 12\(6\)](#); [S.I. 2017/1286](#), [reg. 2\(d\)](#)

Changes to legislation:

Highways Act 1980, Section 334 is up to date with all changes known to be in force on or before 24 May 2024. 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.

[View outstanding changes](#)

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\(6\)](#)