



Highways Act 1980

1980 CHAPTER 66

PART XII

ACQUISITION, VESTING AND TRANSFER OF LAND ETC.

Transfer of property and liabilities on change of status of highway etc.

271 Provisions with respect to transfer of toll highways to highway authorities

- (1) Where a person has by virtue of a charter or special Act the right to charge tolls in respect of the use of a highway, then, an appropriate authority—
- (a) may agree with that person that he shall, on such terms as may be agreed, or
 - (b) subject to the provisions of this section, may by a notice to treat require that person to,

transfer that right to the appropriate authority, together with the property in the highway and all his other property, rights and obligations under the charter or special Act (being property, rights and obligations connected with the highway), or such of them as may be specified in the agreement or, as the case may be, the notice to treat.

For the purposes of this section the following are appropriate authorities:—

- (i) in the case of a trunk road, the Minister;
 - (ii) in the case of any other highway, except a highway in a London borough of the City, the council of the county in which the highway is situated;
 - (iii) in the case of a highway in a London borough or the City, other than a trunk road, the council of the borough or the Common Council, as the case may be, and also the Greater London Council.
- (2) Upon the making of the transfer under subsection (1) above the right to charge tolls and any other property, rights or obligations transferred vest in and are exercisable by and imposed upon the appropriate authority.
- (3) The consideration to be paid to any person for a compulsory transfer under this section shall, in default of agreement, be determined by the Lands Tribunal, and the rules in

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section 5 of the Land Compensation Act 1961 apply to the calculation of any such consideration.

- (4) Subject to any agreement with respect to the date of transfer, the person on whom a notice to treat is served under this section shall, on payment to him of the consideration determined as provided by subsection (3) above, transfer to the appropriate authority all such property, rights and obligations vested in or imposed upon him as are required by the notice to treat to be so transferred.
- (5) A council in whose area part only of the highway is situated have in relation to that highway the same powers as they would have under subsection (1) above if the highway were wholly situated within their area, but shall not exercise those powers except in pursuance of an agreement made under subsection (6) below.
- (6) Any two or more councils having under either subsection (1) or subsection (5) above powers in relation to a highway may enter into agreements with respect to the exercise of those powers by one council on behalf of the other or others of them and with respect to the making of contributions by any of them towards the expenses of any action so taken; and where those powers are exercised in pursuance of any such agreement the transfer of the highway and any other property, rights and obligations to be transferred shall be made to such council or councils as may be provided by the agreement.
- (7) The provisions of this section with respect to compulsory transfers shall not apply in relation to—
 - (a) a highway vested in dock undertakers as such,
 - (b) a highway vested in harbour undertakers as such, or
 - (c) the property in a bridge vested in railway undertakers.