

Highways Act 1980 (Amendment) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

TO

Amend section 58 of the Highways Act 1980 to restrict the defences available to highway authorities; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of Highways Act 1980

(1) Section 58 (special defence in action against a highway authority for damages for non-repair of highway) of the Highways Act 1980 is amended as follows.

(2) In subsection (1), omit “such care as in all the circumstances was reasonably required” and insert “all possible steps”. 5

(3) For subsection (2), substitute—

“(2) For the purposes of a defence under subsection (1) above, the court shall in particular have regard to—

(a) whether the highway authority had, within the previous six months, carried out a full survey of the condition of the highway to which the action relates; 10

(b) the date on which that section of the highway was last repaired;

(c) the date on which that section of the highway was last subject to surface dressing.”

(4) After subsection (2), insert— 15

“(2A) A highway authority seeking to use the special defence set out in subsection (1) above must provide to a claimant within 28 days of the receipt of any claim all the documentary and other evidence upon which the highway authority seeks to rely in its defence.”

2 Extent, commencement and citation 20

(1) This Act extends to England and Wales.

(2) This Act comes into force on the day on which it is passed.

(3) This Act may be cited as the Highways Act 1980 (Amendment) Act 2024.

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*Presented by Sir Christopher Chope
supported by Sir Edward Leigh.*

Ordered, by The House of Commons, to be
Printed, 11th December 2023.

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