

Appendix A

Sections 97 and 98 of the Highways Act 1980

The 1966 Act has now been repealed by section 343(3) of the Highways Act 1980, and replaced with section 97 and 98 of the Highways Act 1980, which clearly states the following.

Highway Authorities may provide lighting for the purposes of any Highway or proposed Highway for which they are or will be the Highway Authority.

Highway Authorities may agree with a Lighting Authority for delegation to the Lighting Authority of any function of the Highway Authority with respect to the lighting of any highway or part of a highway within their parish.

The Lighting Authority shall in the discharge of any function delegated to them act as agents to the Highway Authority and it shall be condition of the delegation that: -

- a) The works to be executed or expenditure incurred by the Lighting Authority in the discharge of the delegated function are to be subject to the approval of the Highway Authority.
- b) The Lighting Authority are to comply with any requirement of the Highway Authority as to the manner in which any such works are to be carried out, and with any directions of the Highway Authority as to the terms of contract to be entered into for the purposes of the discharge of the delegated functions; and
- c) Any such works are to be completed to the satisfaction of the Highway Authority.

If at any time the Highway Authority are satisfied that a system in respect of which functions of that authority are delegated under this section is not in proper repair or condition, they may give notice to the Lighting Authority requiring them to place it in proper repair or condition. And if the notice is not complied with within a reasonable time may themselves do anything which seems to them necessary to place the system in proper repair or condition.

It should also be noted that such delegation of function can be terminated upon the Highway Authority giving notice. The ability to do so is subject to certain limitations concerning when such notice can be given.

Note: *CCBC are the Highway Authority and take the function of the Lighting Authority within its remit*