



# Highways Act 1980

## 1980 c. 66 Part IX

### Obstruction of highways and streets Section 154

#### **154 Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths.**

(1) Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp, or overhangs a highway so as to endanger or obstruct the passage of horse-riders, a competent authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is growing, require him within 14 days from the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.

For the purposes of this section the following are competent authorities—

- (a) in relation to a highway for which the Minister is the highway authority and which is in a district or London borough, the Minister and also the council of the district or, as the case may be, borough;
- (b) in relation to a highway for which a local highway authority are the highway authority, that authority and also, if the highway is situated in a non-metropolitan district, the council of that district;
- (c) in relation to a road or footpath that is not a highway, the local authority in whose area the road or footpath is situated;

and “hedge, tree or shrub” includes vegetation of any description.

(1A) In subsection (1)(a) above, any reference to a district includes a reference to a Welsh county or county borough.

(2) Where it appears to a competent authority for any highway, or for any other road or footpath to which the public has access—

- (a) that any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted, and
- (b) that by reason of its condition it, or part of it, is likely to cause danger by falling on the highway, road or footpath, the authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is situated, require him within 14 days from the date of service of the notice so to cut or fell it as to remove the likelihood of danger.

(3) A person aggrieved by a requirement under subsection (1) or (2) above may appeal to a magistrates' court.

(4) Subject to any order made on appeal, if a person on whom a notice is served under subsection (1) or (2) above fails to comply with it within the period specified in those subsections, the authority who served the notice may carry out the work required by the notice and recover the expenses reasonably incurred by them in so doing from the person in default.