

FORM 2

HIGHWAYS ACT 1980, SECTION 130A(6)(a)

NOTICE BY A LOCAL HIGHWAY AUTHORITY TO PERSONS WHO MAY BE RESPONSIBLE FOR AN OBSTRUCTION

OBSTRUCTION AT
[description and location of obstruction]

To:
.....
.....
[insert name(s) and address(es) of those named in Form 1 as being persons who may be responsible for the obstruction and also insert the names of all other persons who appear to the authority to be responsible]

Notice has been served on this authority under section 130A(1) of the Highways Act 1980 to secure the removal of an obstruction from a highway. It appears that you may be for the time being responsible for the obstruction *[note 1]*.

The status and location of the highway, the location of the obstruction and a description of the obstruction are set out below :

.....
[complete as necessary]

This authority propose to take the following action in relation to the obstruction:

.....
.....
[describe the action the authority propose to take and to what timetable. Give reasons if no action is proposed.]

Your attention is drawn to the notes below which include, at note 2, the action you should consider on receipt of this form.

Signed Date

On behalf of *[local highway authority]*
..... *[address]*
[insert details of contact name, address and telephone number]

NOTES

General:

This form gives notice to those, who appear to be for the time being responsible for an obstruction, that notice has been given to the local highway authority to enforce their duty to remove the obstruction. It also gives notice of the action that the authority propose to take to secure the removal of the obstruction.

The guidance booklet "Removal of obstructions from highways: enforcement of local authorities' duty to prevent obstructions on rights of way" PB9193, obtainable from Defra Publications, Admail 6000, London SW1A 2XX, sets out the relevant legislation relating to this notice (sections 130A to 130D of the Highways Act 1980).

1. The persons for the time being responsible for an obstruction include -

(a) the owner; and

(b) any other person who for the time being has possession or control of it, or who may be required to remove it (section 130A(7) of the Highways Act 1980).

2. On receipt of this form:

- if you are the person responsible for the obstruction, you should remove it and inform the local highway authority; or*
- if you consider that you should not have been served with this form (e.g. because you are not responsible, or the obstruction has been removed or you think that this legislation does not otherwise apply) you should write to, or contact, the local highway authority. You may consider that you should seek advice.*