

## 英國大眾捷運法介紹

歐洲地區之英國、法國及德國在興建地下鐵路時，均係引用鐵路及有關法令，並未另訂獨立的地下鐵路特別法或大眾運輸法。早在十九世紀英國便有鐵路相關法規，包括：

Railway Regulation Act 1842.  
Regulation of Railways Act 1868.  
Tramways Act 1870.  
Regulation of Railways Act 1871.  
Regulation of Railways Act 1889.  
Road and Rail Traffic Act 1933.  
Transport Act 1962.  
Transport Act 1968.  
Transport Act 1972.  
Transport Act 1980.  
Highways Act 1980.  
Transport Act 1985.  
Highways Act 1986.  
Rights of Way Act 1990.

### HIGHWAYS ACT 1980（條文要旨）

#### Part I

#### Highway Authorities and Agreements between Authorities

- 1 Highway authorities: general provision.
- 2 Highway authority for road which ceases to be a trunk road.
- 3 Highway authority for approaches to and parts of certain bridges.
- 4 Agreement for exercise by Minister of certain functions of local highway authority as respects highway affected by construction etc of trunk road.
- 5 Agreement for local highway authority to maintain and improve certain highways constructed or to be constructed by Minister.
- 6 Delegation etc of functions with respect to trunk roads.

- 8 Agreements between local highway authorities for doing of certain works.
- 9 Seconding of staff etc.

## Part II

### Trunk Roads, Classified Roads, Metropolitan Roads, Special Roads.

- 10 General provision as to trunk roads.
- 11 Local and private Act functions With respect to trunk roads.
- 12 General provision as to principal and classified roads.
- 13 Power to change designation of principal roads.
- 14 Powers as respects roads that cross or join trunk or classified roads.
- 16 General provision as to special roads.
- 17 Classification of traffic for purposes of special roads.
- 18 Supplementary orders relating to special roads.
- 19 Certain special roads and other highways to become trunk roads.
- 20 Restriction on laying of apparatus etc in special roads.
- 21 Extinguishment of rights of statutory undertakers as to apparatus etc in connection with orders under section 14 or 18 and schemes under section 16.
- 22 Application of section 21 to sewers and sewage disposal works of sewerage authorities.
- 23 Compensation in respect of certain works executed in pursuance of orders under section 14 or 18.

## Part III

### Creation of Highways

- 24 Construction of new highways and provision of road-ferries.
- 25 Creation of footpath or bridleway by agreement.
- 26 Compulsory powers for creation of footpaths and bridleways.
- 27 Making up of new footpaths and bridleways.
- 28 Compensation for loss caused by public path creation order.
- 29 Protection for agriculture and forestry.
- 30 Dedication of highway by agreement with parish or community council.
- 31 Dedication of way as highway presumed after public use for 20 years.

- 32 Evidence of dedication of way as highway.
- 33 Protection of rights of reversioners.
- 34 Conversion of private street into highway.
- 35 Creation of walkways by agreement.

#### Part IV Maintenance of Highways

- 36 Highways maintainable at public expense.
- 37 Provisions Whereby highway created by dedication may become maintainable at public expense.
- 38 Power of highway authorities to adopt by agreement.
- 39 Adoption of certain highways in livestock rearing areas.
- 40 Adoption of private streets.
- 41 Duty to maintain highways maintainable at public expense.
- 42 Power of district councils to maintain certain highways.
- 43 Power of parish and community councils to maintain footpaths and  
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- 45 Power to get materials for repair of publicly maintainable highways.
- 46 Supplemental provisions with respect to the getting of materials  
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- 47 Power of magistrates' court to declare unnecessary highway to be not  
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- 48 Power of magistrates' court to order a highway to be again  
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- 49 Maintenance of approaches to certain privately maintainable bridges.
- 50 Maintenance of privately maintainable footpaths and bridleways.
- 51 No liability to maintain by reason of enclosure if highway fenced  
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- 52 Power to get Materials for repair of privately maintainable highways.
- 53 Power of magistrates' court to extinguish liability to maintain  
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- 54 Extinguishment of liability to maintain privately maintainable  
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- 55 Extinguishment of liability to maintain or improve bridges comprised in trunk roads or special roads.
- 56 Proceedings for an order to repair highway.
- 57 Default powers of highway authorities in respect of non-repair of privately maintainable highways.
- 58 Special defence in action against a highway authority for damages for non-repair of highway.
- 59 Recovery of expenses due to extraordinary traffic.
- 60 Liability of certain persons for cost of use of alternative route where highway closed by reason of their works.
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- 67 Guard-rails etc in private streets.
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- 69 Subways.
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- 71 Margins for horses and livestock.
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- 73 Power to prescribe improvement line for widening street.
- 74 Power to prescribe a building line.
- 75 Variation of widths of carriageways and footways.
- 76 Levelling of highways.
- 77 Alteration of levels.
- 78 Cutting off of corners.
- 79 Prevention of obstruction to view at corners.
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- 81 Provision of highway boundary posts.
- 82 Provision of cattle-grids and by-passes.
- 83 Removal of cattle-grids and discontinuance of by-passes.
- 84 Maintenance of cattle-grids and by-passes.

- 85 Exercise of powers by agreement between neighbouring authorities.
- 86 Supersession of gates by cattle-grids.
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- 88 Contributions towards expenditure of highway authorities.
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- 90 Protection of bridges and railways.
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- 90B Additional powers of the Secretary of State.
- 90C Consultation and local inquiries.
- 90D Regulations concerning construction and maintenance of road humps.
- 90E Status of road humps.
- 90F Meaning of "road hump" and interpretation of sections 90A to 90E.
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- 94 Powers of highway authorities and bridge owners to enter into agreements.
- 95 Supplemental provisions as to orders and agreements under sections 93 and 94.
- 96 Powers of highway and local authorities to plant trees, lay out grass verges etc.
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- 99 Metalling of highways.
- 100 Drainage of highways.
- 101 Power to fill in roadside ditches etc.
- 102 Provision of works for protecting highways against hazards of nature.
- 103 Provision of posts to indicate depth of flood water.
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- 113 Exercise by council of functions of Minister with respect to management or provision of picnic sites etc.
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- 115 Provision of areas for parking heavy goods vehicles etc.

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- 115C Provision of recreation and refreshment facilities by councils.
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- 117 Application for order under section 116 on behalf of another person.
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- 119 Diversion of footpaths and bridleways.
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- 121 Supplementary provisions as to public path extinguishment and diversion orders.
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- 125 Further powers to stop up private access to premises.
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- 131 Penalty for damaging highway etc.
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- 134 Ploughing of footpath or bridleway.
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- 138 Penalty for erecting building etc in highway.
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- 140 Removal of builders' skips
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- 143 Power to remove structures from highways
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- 180 Control of openings into cellars etc under streets, and pavement lights and ventilators
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340 Preservation of amendments  
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343 Transitional provisions, amendments and repeals  
344 Application to Isles of Scilly  
345 Short title, commencement and extent

## Highways Act 1986

該法乃修正1980年之Highways Act，修改原法第161條。

161A Danger or annoyance caused by fires lit otherwise than on highways

### Rights of Way Act 1990 (條文要旨)

1 Amendment of Part IX of Highways Act 1980  
2 Amendment of s329(1) of Highways Act 1980  
3 Amendment of s333 of Highways Act 1980  
4 Insertion of new Schedule 12A to Highways Act 1980  
5 Expenses  
6 Short title, commencement, consequential repeals and extent

**參考書目：**

- |                                 |                 |
|---------------------------------|-----------------|
| 1. 大眾捷運法草案參考資料                  | 557.18023/0030  |
| 2. 大眾捷運法制定案參考資料                 | 557.18023/0030  |
| 3. 大眾捷運法要義                      | 557.81023/4614  |
| 4. Kitchin's Road Transport Law | 344.1039405/K62 |
| 5. Highway Law                  | 343.42094/S262  |
| 6. The Modern Law of Highways   | 343.0942/H221   |