Dear Sir

HIGHWAYS ACT 1971: SECTION 40
VEHICLE CROSSINGS OVER FOOTWAYS AND VERGES

Circular Roads 12/78 consolidated advice on the operation of Section 40 of the Highways Act 1971 previously contained in Circular Roads 5/72 and 23/72. The Department has since given consideration to the requirement in paragraph 6 of the Circular that local highway authorities should send to Regional Controllers (Roads and Transportation) copies of all notices served under Section 40 regardless of whether objection has been made thereto and has decided that Regional Controllers need to see copies of only those notices to which objection has been registered and not withdrawn. The passage set out at the foot of this circular should accordingly be substituted for the present paragraph 6 in Circular Roads 12/78.

Yours faithfully

T E RADICE
Assistant Secretary

Any enquiry on this circular should be made to HS Division 01-212 7104 or 7105. Distribution enquiries on this circular should be made to HPL Division 01-212 4944.

6. Each notice served under S40 should advise the person on whom it is served how and when and on what grounds he may lodge formal objection. Notices (except those under S40(1)(b)) must also state the effect of S40(7). A copy of every notice issued by a local highway authority to which objection has been lodged and not withdrawn should be sent to the office of the Regional Controller (Roads and Transportation) together with a copy of every such objection received. Before deciding whether or not to confirm a notice which is subject to an objection which has not been withdrawn the Secretary of State may wish his representative to inspect the site in the presence of representatives of the local highway authority and of the objector.