

## Response to Request for Information

Reference      FOI 002002  
Date            28 February 2018

### *Temporary Pavement Art*

#### **Request:**

Please can you provide a copy of the Council's policy in relation to temporary pavement art?

In response to your request, we can confirm the permission is within section 132 of the Highways Act 1980, see below, and permission to apply stencils has been refused by the Council.

UK Parliament Acts/H/HH-HN/Highways Act 1980 (1980 c 66)/Part IX Lawful and Unlawful Interference with Highways and Streets (ss 130-185)/132 Unauthorised marks on highways

#### **132 Unauthorised marks on highways**

- (1) A person who, without either the consent of the highway authority for the highway in question or an authorisation given by or under an enactment or a reasonable excuse, paints or otherwise inscribes or affixes any picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway is guilty of an offence and liable to a fine not exceeding [level 4 on the standard scale].
- (2) The highway authority for a highway may, without prejudice to their powers apart from this subsection and whether or not proceedings in respect of the matter have been taken in pursuance of subsection (1) above, remove any picture, letter, sign or other mark which has, without either the consent of the authority or an authorisation given by or under an enactment, been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway.

#### **NOTES**

##### **Derivation**

This section derived from the Local Government (Miscellaneous Provisions) Act 1976, s 5.

##### **Initial Commencement**

*Specified date*

Specified date: 1 January 1981: see s 345(2).

**Extent**

This section does not extend to Scotland: see s 345(3).

**Amendment**

Sub-s (1): enhanced penalty on a subsequent conviction abolished, maximum fine on any conviction increased and converted to a level on the standard scale by the Criminal Justice Act 1982, ss 35, 37, 38, 46.

<b>Document information</b>
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Highways Act 1980

**Date made**

13/11/1980