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## SCHEDULES

### FOURTH SCHEDULE

Sections 4, 12.

#### MODIFICATIONS OF THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935

- 1 References to a highway authority in sections one to twelve of the Restriction of Ribbon Development Act, 1935, shall be construed in relation to trunk roads as references to the authority by whom the functions of the highway authority under section one and section two of the said Act are exercisable (hereafter in this Schedule referred to as "the authority") :

Provided that in the proviso to subsection (1) of section nine thereof for the words "the highway authority" (where those words occur for the third time) there shall be substituted the words "the Minister or the authority" and for the words "the highway authority" (where those words occur for the fourth time) there shall be substituted the words "the Minister or the authority, as the case may be" ; and in subsection (3) of the said section nine references to a highway authority shall be construed as references to the Minister.

- 2 Subsection (4) of section one of the said Act (which empowers the Minister, in default of the authority, to adopt or alter a standard width) shall not apply in relation to a trunk road, but the Minister may, if after consultation with the authority it appears to him to be expedient, make an order—

- (a) in the case of a trunk road in respect of which no standard width has been adopted by the authority, adopting a standard width;
- (b) in a case where a standard width has been adopted, altering the standard width;

and the order shall be deemed to be a resolution passed by the authority and approved by him :

Provided that,—

- (i) before making any such order, the Minister shall cause to be advertised in two or more newspapers circulating in the locality in which the road is situated and to be sent to any person whose name and address are for the time being entered on the register kept by the authority in accordance with the provisions of the said Act, notice of his intention to make the order, specifying the places and times at which plans may be inspected, showing the standard width proposed to be prescribed thereby and the time within which and the manner in which objection can be made to the making of the order; and, before making the order, the Minister shall consider any objections duly made within the time aforesaid and shall, unless he considers it unnecessary so to do, hold a local inquiry; and
- (ii) paragraph (i) of subsection (1) of section three of the said Act shall accordingly have effect as if for the reference to the date on which notice of the passing of the resolution adopting a standard width was first advertised in accordance with the provisions of the said Act there were substituted a reference to the date on which notice of the Minister's intention to make an

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order prescribing a standard width was first advertised in accordance with the provisions of this paragraph.

3 The notices required to be advertised and sent in accordance with the provisions of the last foregoing paragraph and, in the case of an order made by the Minister under the last foregoing paragraph, the notices required to be advertised and sent in accordance with the provisions of paragraph (1) of the (Second Schedule to the said Act, shall be advertised and sent by him, or by agreement with the authority, by the authority on his behalf.

4 Any conditions attached to a consent in pursuance of the requirements of the Minister shall be enforceable by the Minister as well as by the authority, and subsection (3) of section seven of the said Act shall have effect accordingly.

5 The power under section four of the said Act of fencing roads subject to restrictions in force under section one or section two of that Act, and the power under subsection (1) of section eleven of that Act of demolishing buildings, filling up excavations, closing up means of access, or removing works, in relation to which a contravention of any such restrictions as aforesaid has been committed, and the power to recover expenses incurred in so doing, shall be exercisable by the Minister as well as by the authority :

Provided that so much of the proviso to the said subsection (1) as provides for an appeal to a court of summary jurisdiction by any person aggrieved by the decision of the authority, and for an appeal to quarter sessions by that person or by the authority from the order of the court of summary jurisdiction, shall not apply to a decision by the Minister.

6 Sections thirteen to fifteen of the said Act shall, in their application to the acquisition of land by the Minister, have effect subject to the following modifications :—

- (a) in section thirteen the expression " improvement " shall have the same meaning as in this Act, and in subsection (1) of the said section, the words " or of preventing " the erection of buildings detrimental to the view from " the road " and the words " by them and confirmed " shall be omitted;
- (b) in sections one hundred and sixty-one and one hundred and sixty-two of the Local Government Act, 1933, as applied by the said section thirteen, for the references to a local authority there shall be substituted references to the Minister, for the references to an order made by a local authority and confirmed by the Minister there shall be substituted references to an order made by the Minister, for the references to the making of an order there shall be substituted references to the preparing of a draft order, and for the references to the submitting of an order to, or the confirming of an order by, the Minister, there shall be substituted references to the making of an order by him.
- (c) subsection (2) and paragraphs (b) and (c) of subsection (3) of the said section thirteen and subsection (3) of section seven of the Bridges Act, 1929, as applied by subsection (2) of the said section fourteen shall not apply.

7 The said sections thirteen to fifteen of the said Act shall, as they apply to the acquisition of land by the authority, have effect as if there were substituted for the references to a highway authority references to the authority, and as if in subsection (1) of the said section thirteen the words " of the construction or improvement of the road or " were omitted.

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- 8      Section twenty-four of the said Act shall have effect as if in the definition of the expression " middle of the road " for the words " prepared by the highway authority with the approval of the Minister " there were substituted the words " made or approved by the Minister, " and the definition of the expression " proposed road " shall include any proposed road as defined by this Act.