

SCHEDULES

SCHEDULE 5

Section 21.

MODIFICATIONS OF CERTAIN PROVISIONS OF [F1THE TOWN AND  
COUNTRY PLANNING ACT 1990] AS APPLIED BY SECTION 21

Textual Amendments

- F1 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4 Sch. 2 para. 45(19)(a)

PART I

MODIFICATIONS IN RELATION TO LAND REFERRED  
TO IN PARAGRAPH (A) OR (B) OF SECTION 21(2)

- 1 For references in [F2sections 271, 272, 274, 279(2) to (4), 280 and 282 of the Town and Country Planning Act 1990 (referred to in this Schedule as “the 1990 Act”)] to the acquiring or appropriating authority substitute references to the special road authority.

Textual Amendments

- F2 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4 Sch. 2 para. 45(19)(b)

- [F32 In subsection (2) of section 271 and of section 272 for the words from “any development” to “appropriated” substitute “any works in pursuance of the scheme or order, or as the case may be, for the purpose of ensuring that the highway can be safely used as a special road”].

Textual Amendments

- F3 Sch. 5 Pt. I para. 2 substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4 Sch. 2 para. 45(19)(c)

- 3 The references in [F4subsection (5) of the said section 271 and of the said section 272 and subsections (2) and (3) of the said section 274] to a local authority or statutory undertakers include references to the special road authority, when[F5a strategic highways company or] a local highway authority.

*Changes to legislation: Highways Act 1980, SCHEDULE 5 is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

#### Textual Amendments

- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(d\)](#)
- F5** Words in Sch. 5 Pt. 1 para. 3 inserted (5.3.2015) by Infrastructure Act, Sch. 1 para. 65(2)

- 4 In paragraph (b) of [<sup>F6</sup>section 273(1) of the 1990 Act] for the words “development to be carried out on the land is” substitute “the works to be executed by the special road authority or, as the case may be, that the effect of the conversion of the highway into a special road, will be”.

#### Textual Amendments

- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(e\)](#)

- 5 For subsection (2) of the said [<sup>F7</sup>section 273] substitute the following:—
- “(2) No notice under this section shall be served later than 21 days after the date of the commencement of the works or as the case may be, the date of the coming into operation of the order by means of which the highway is appropriated by or transferred to the special road authority.”.

#### Textual Amendments

- F7** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(f\)](#)

- 6 For references in subsections (3) and (6) of the said [<sup>F8</sup>section 273] to the authority or the acquiring or appropriating authority substitute references to the special road authority.

#### Textual Amendments

- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(f\)](#)

## PART II

### MODIFICATIONS IN RELATION TO LAND REFERRED TO IN PARAGRAPH (C) OF SECTION 21(2)

- 1 For references in [<sup>F9</sup>sections 271, 272, 274, 279(2) to (4), 280 and 282 of the 1990 Act] to the acquiring or appropriating authority substitute references to the Minister, [<sup>F10</sup>the strategic highways company,] the special road authority or the local highway authority, as the case may be, by whom the order in question was made.

**Changes to legislation:** Highways Act 1980, SCHEDULE 5 is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### Textual Amendments

- F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(g\)](#)
- F10** Words in Sch. 5 Pt. 2 para. 1 inserted (5.3.2015) by Infrastructure Act, Sch. 1 para. 65(3)(a)

[<sup>F112</sup> In subsection (2) of section 271 and of section 272 for the words from “is necessary” to “appropriated” substitute “is made necessary by the works in connection with which the stopping up or diversion of the highways is or was authorised”.]

#### Textual Amendments

- F11** Sch. 5 Pt. II para. 2 substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(h\)](#)

3 The references in [<sup>F12</sup>subsection (5) of the said section 271 and of the said section 272 and subsections (2) and (3) of the said section 274] to a local authority or statutory undertakers include references to [<sup>F13</sup>a strategic highways company or ] a local highway authority.

#### Textual Amendments

- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(i\)](#)
- F13** Words in Sch. 5 Pt. 2 para. 3 inserted (5.3.2015) by Infrastructure Act, Sch. 1 para. 65(3)(b)

4 For subsections (1) and (2) of [<sup>F14</sup>section 273 of the 1990 Act] substitute the following:—

“(1) Subject to the provisions of this section, where the stopping up or diversion of a highway is or was authorised by an order under section 14 or section 18 of the Highways Act 1980, and—

- (a) there is on, under or over the land over which that highway subsists or subsisted any apparatus vested in or belonging to statutory undertakers; and
- (b) the undertakers claim that the works in connection with which the stopping up or diversion of the highway is or was authorised are such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of their apparatus,

the undertakers may serve on the Minister, [<sup>F15</sup>the strategic highways company, ] the special road authority or the local highway authority, as the case may be, by whom the order was made a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.

(2) No notice under this section shall be served later than twenty-one days after the later of the following dates, that is to say, the date of the coming into operation of the order in question and the date of the commencement of the works in connection with which the stopping up or diversion of the highway is or was authorised.”.

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#### Textual Amendments

- F14** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(j\)](#)
- F15** Words in Sch. 5 Pt. 2 para. 4 inserted (5.3.2015) by Infrastructure Act, Sch. 1 para. 65(3)(c)

- 5 For references in subsections (3) and (6) of [<sup>F16</sup>the said section 273] to the authority or to the acquiring or appropriating authority substitute references to the Minister, [<sup>F17</sup>the strategic highways company,] the special road authority or the local highway authority as the case may be, by whom the order in question was made.

#### Textual Amendments

- F16** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 45\(19\)\(k\)](#)
- F17** Words in Sch. 5 Pt. 2 para. 5 inserted (5.3.2015) by Infrastructure Act, Sch. 1 para. 65(3)(d)

**Changes to legislation:**

Highways Act 1980, SCHEDULE 5 is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 115E(5) inserted by [2023 c. 55 Sch. 22 para. 11\(3\)](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)