

## SCHEDULES

### SCHEDULE 5

#### MODIFICATIONS OF CERTAIN PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1971 AS APPLIED BY SECTION 21

##### PART I

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

- 1 For references in sections 230, 231, 237(2) and (3), 238 and 240 of the Town and Country Planning Act 1971 (referred to in this Schedule as "the 1971 Act") to the acquiring or appropriating authority substitute references to the special road authority.
- 2 In subsection (1) of the said section 230 omit the words from " if satisfied " to " appropriated " and after that subsection insert the following:—

“(1A) A notice under this section shall not be served by the special road authority unless they are satisfied that the extinguishment of the statutory undertakers' right or, as the case may be, the removal of their apparatus, is necessary for the purpose of carrying out 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.”.
- 3 The references in subsection (4) of the said section 230 and in subsection (2) of the said section 231 to a local authority or statutory undertakers include references to the special road authority, when a local highway authority.
- 4 In paragraph (b) of section 232(1) of the 1971 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 ".
- 5 For subsection (2) of the said section 232 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.”.
- 6 For references in subsections (3) and (6) of the said section 232 to the authority or the acquiring or appropriating authority substitute references to the special road authority.