

SCHEDULES

SCHEDULE 1

Sections 10, 14, 16, 18, 106, 108,
Schedule 23 para. 5.

PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

PART I

ORDERS

- 1 Where the Minister proposes to make an order under any of the following provisions of this Act, that is to say, section 10, section 18, section 106 or section 108(1), or an order relating to a trunk road under section 14 of this Act, he shall prepare a draft of the order and shall publish in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the order relates is situated, and in the London Gazette, a notice—
 - (a) stating the general effect of the proposed order ;
 - (b) naming a place in the said area where a copy of the draft order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 6 weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.
- 2 Where an order under section 18 or section 108(1) of this Act, or an order relating to a classified road under section 14 of this Act, is submitted to the Minister by a local highway authority, that authority shall publish, in the manner specified in paragraph 1 above, the notice there referred to, and that paragraph shall have effect in relation to a notice published by any such authority as if, for the references to the draft order and the making of the order, there were substituted references to the order as submitted to the Minister and the confirmation of the order respectively.
- 3 Not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve on each person specified in such head or heads of the Table set out at the end of this paragraph as apply in the case of the order in question—
 - (a) a copy of the said notice;
 - (b) a copy of the draft order or of the order, as the case may be; and
 - (c) a copy of any map or plan referred to in the draft order or the order relating to a matter which, in the opinion of the Minister or of the local highway authority, as the case may be, is likely to affect the said person.

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TABLE

PERSONS TO BE SERVED WITH COPIES OF THE DOCUMENTS SPECIFIED IN PARAGRAPH 3 OF THIS SCHEDULE

(i) In the case of every order proposed to be made under section 10 or section 106 of this Act, and every order relating to a trunk road proposed to be made under section 14 of this Act—

Every council in whose area any highway or proposed highway to which the proposed order relates is situated.

(ii) In the case of an order proposed to be made under section 10, 14, 18 or 108(1) of this Act which provides for the construction of a bridge over or tunnel under navigable waters or for the diversion of a navigable watercourse, and in the case of every order proposed to be made under section 106 of this Act—

Every navigation authority and water authority concerned with or having jurisdiction over the waters affected or the area comprising those waters or that watercourse and, if the waters or watercourse affected are or is within the London excluded area as defined in section 116(1) of the Land Drainage Act 1976, the Greater London Council.

(iii) In the case of an order proposed to be made under section 18 of this Act or an order relating to a classified road, proposed to be made under section 14 of this Act, which (in either case) authorises the carrying out of any works—

Every council in whose area any works authorised by the proposed order are to be carried out.

(iv) In the case of an order under section 18 of this Act, or an order relating to a classified road under section 14 of this Act, which (in either case) provides for transferring any highway from one highway authority to another—

The highway authorities to and from whom the highway is to be transferred.

(v) In the case of an order proposed to be made under section 14 or 18 of this Act which authorises the stopping up of any private means of access to any premises—

The owner (within the meaning of section 21 of this Act) and the occupier of those premises.

In the case of an order proposed to be made under section 14 or 18 of this Act which authorises the stopping up or diversion of any highway—

The council or, in the case of a parish not having a separate council, the parish meeting, of every parish in which the highway is situated and the council of every community in which the highway is situated.

Any public utility undertakers having apparatus under, in, upon, over, along or across the highway.

4 Where the proposed order authorises the stopping up or diversion of a highway, the Minister or the local highway authority, as the case may be, shall, not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, cause a copy of it to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

5 At any time, whether before or after the expiration of the period specified in the notice in pursuance of paragraph 1(b) above, the Minister or the local highway

authority, as the case may be, by whom the notice was published may, by a subsequent notice published in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the proposed order relates is situated, and in the London Gazette, substitute for the period specified in the first notice such longer period as may be specified in the subsequent notice.

- 6 Where the period specified in a notice published by the Minister or a local highway authority under paragraph 1 above is extended by a notice published under paragraph 5 above, paragraph 3 above shall apply as if the notice under paragraph 5 were a notice under paragraph 1, but the foregoing provision shall not be taken as requiring a copy of the proposed order or of any map or plan referred to in that order to be served on a person on whom it was previously served.

- 7 (1) If any objection to the proposed order is received by the Minister—
- (a) from any person on whom a copy of the notice is required to be served under paragraph 3 above within the period specified in the notice in pursuance of paragraph 1(b) above or, if that period has been extended by a subsequent notice under paragraph 5 above, within the period specified in the subsequent notice, or
 - (b) from any other person appearing to him to be affected within the period specified in the notice or the subsequent notice, as the case may be,

and the objection is not withdrawn, then—

- (i) in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly, or
- (ii) in the case of an order made by a local highway authority and submitted to the Minister, the Minister,

shall, subject to sub-paragraph (2) below, cause a local inquiry to be held.

- (2) Except where the objection is made by a person entitled to receive a copy of the notice relating to the order in question by virtue of paragraph 3 above and such one or more of the following heads of the Table set out at the end of that paragraph, that is to say, heads (i), (ii), (iii) and (iv), as apply in the case of that order, the Minister and the Secretary of State acting jointly or, as the case may be, the Minister may, if satisfied that in the circumstances of the case the holding of an inquiry under this paragraph is unnecessary, dispense with such an inquiry.
- 8 (1) After any objections to the proposed order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry have been considered—
- (a) in the case of an order proposed to be made by the Minister, by the Minister and the Secretary of State acting jointly, or
 - (b) in the case of an order made by a local highway authority and submitted to the Minister, by the Minister,

the Minister may make or confirm the order either without modification or subject to such modifications as he thinks fit.

- (2) The power under this paragraph to make or confirm the order includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Minister thinks fit) while deferring consideration of the remaining part; and where the Minister makes or confirms part of the order, that part and the remaining part are each to be deemed for the purposes of this Act to be a separate order.

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- (3) Where the Minister proposes to exercise the power to make or confirm the order subject to modifications, and the modifications will in his opinion make a substantial change in the order—
- (a) he shall notify any person who appears to him to be likely to be affected by the proposed modifications;
 - (b) he shall give that person an opportunity of making representations to him with respect to the modifications within such reasonable period as he may specify; and
 - (c) before he exercises the power, the Minister or, in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly shall consider any representations made to the Minister with respect to the proposed modifications within that period.
- 9 In this Part of this Schedule references to a proposed order or an order proposed to be made include references to an order made by a local highway authority and submitted to the Minister.

PART II

SCHEMES UNDER SECTIONS 16 AND 106(3)

- 10 Where the Minister proposes to make a scheme under section 16 of this Act, or where a scheme under that section or section 106(3) of this Act is submitted to the Minister by a local highway authority, the Minister or that authority, as the case may be, shall publish in a least one local newspaper circulating in the area in which the special road, or, as the case may be, the site of the bridge or tunnel, to which the scheme relates is situated, and in the London Gazette, a notice—
- (a) stating the general effect of the proposed scheme;
 - (b) naming a place in the said area where a copy of a draft of the scheme or of the scheme as submitted to the Minister, as the case may be, and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 6 weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making or confirmation of the scheme.
- 11 Not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve a copy of it (together with a copy of the draft scheme or of the scheme, as the case may be, and of any map or plan referred to in it)—
- (a) on every council in whose area any part of the route of the special road or, as the case may be, the site of the bridge or tunnel is situated ; and
 - (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on every navigation authority and water authority concerned with or having jurisdiction over the waters affected or the area comprising those waters.
- 12 At any time, whether before or after the expiration of the period specified in the notice in pursuance of paragraph 10(b) above, the Minister or, as the case may be, the local highway authority by whom the notice was published may, by a subsequent notice published in at least one local newspaper circulating in the area in which the

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- special road, or, as the case may be, the site of the bridge or tunnel, to which the proposed scheme relates is situated, and in the London Gazette, substitute for the period specified in the first notice such longer period as may be specified in the subsequent notice.
- 13 Where the period specified in a notice published by the Minister or a local highway authority under paragraph 10 above is extended by a notice published under paragraph 12 above, paragraph 11 above, with the omission of the reference to a copy of the draft scheme or of the scheme and of any map or plan referred to in it, shall apply as if the notice under paragraph 12 were a notice under paragraph 10.
- 14 (1) If any objection to the proposed scheme is received by the Minister—
- (a) from any council or authority on whom a copy of the notice is required to be served under paragraph 11 above within the period specified in the notice in pursuance of paragraph 10(b) above or, if that period has been extended by a subsequent notice under paragraph 12 above, within the period specified in the subsequent notice, or
 - (b) from any other person appearing to him to be affected within the period specified in the notice or the subsequent notice, as the case may be,
- and the objection is not withdrawn, then—
- (i) in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly, or
 - (ii) in the case of a scheme made by a local highway authority and submitted to the Minister, the Minister,
- shall, subject to sub-paragraph (2) below, cause a local inquiry to be held.
- (2) Except where the objection is made by any such council or authority as aforesaid, the Minister and the Secretary of State acting jointly or, as the case may be, the Minister may, if satisfied that in the circumstances of the case the holding of an inquiry under this paragraph is unnecessary, dispense with such an inquiry.
- 15 (1) After any objections to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry have been considered—
- (a) in the case of a scheme proposed to be made by the Minister, by the Minister and the Secretary of State acting jointly, or
 - (b) in the case of a scheme made by a local highway authority and submitted to the Minister, by the Minister,
- the Minister may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.
- (2) The power under this paragraph to make or confirm the scheme includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Minister thinks fit) while deferring consideration of the remaining part; and where the Minister makes or confirms part of the scheme, that part and the remaining part are each to be deemed for the purposes of this Act to be a separate scheme.
- (3) Where the Minister proposes to exercise the power to make or confirm the scheme subject to modifications, and the modifications will in his opinion make a substantial change in the scheme.—
- (a) he shall notify any person who appears to him to be likely to be affected by the proposed modifications;

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- (b) he shall give that person an opportunity of making representation to him with respect to the modifications within such reasonable period as he may specify; and
- (c) before the Minister exercises the power, the Minister or, in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly shall consider any representations made to the Minister with respect to the proposed modifications within that period.

16 In this Part of this Schedule "proposed scheme" includes a scheme made by a local highway authority and submitted to the Minister.

PART III

GENERAL

17 If, on or after publishing a notice required by Part I or Part II of this Schedule to be published in connection with the making or confirmation of an order or scheme, it appears to the Minister or a local highway authority desirable to do so, he or they shall take such steps, in addition to those required by the said Part I or Part II to be taken, as will in his or their opinion secure that additional publicity is given in the area affected by the order or scheme to the proposals contained in it.

18 (1) Any person who objects to the making or confirmation of an order or scheme pursuant to this Schedule shall include in the notice of objection a statement of the grounds of objection.

(2) If any notice of objection to the making or confirmation of an order or scheme pursuant to this Schedule does not state the grounds of objection the Minister or, in the case of an order or scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may disregard the objection.

19 (1) Where objections to the making or confirmation of an order or scheme pursuant to this Schedule are to be the subject of a local inquiry, the Minister or, in the case of an order or scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may, by notice served on the persons making such objections or by the notice announcing the holding of the inquiry, direct that any person who intends at the inquiry to submit—

- (a) that any highway or proposed highway to which the order or scheme in question relates should follow an alternative route, or
- (b) that, instead of improving, diverting or altering a highway in accordance with the order in question, a new highway should be constructed on a particular route,

shall send to the Minister within such period as may be specified in the notice, being a period not less than 14 days and ending not less than 14 days before the date fixed for the holding of the inquiry, sufficient information about the alternative route or the route of the new highway, as the case may be, to enable it to be identified.

(2) Where the Minister or the Minister and the Secretary of State acting jointly have given a direction under sub-paragraph (1) above in relation to an inquiry, the person holding the inquiry and the Minister or, as the case may be, those Ministers may disregard so much of any objection as consists of a submission to which the direction applies unless the person making the objection has complied with the direction.

20 Proceedings required by this Schedule to be taken for the purposes of an order relating to a trunk road under section 14 of this Act or for the purposes of an order relating to a special road under section 18 of this Act may be taken concurrently (so far as practicable) with proceedings required by this Schedule to be taken for the purposes of an order under section 10 of this Act or, as the case may be, for the purposes of a scheme under section 16 of this Act, relating to that road.

21 Where—

- (a) proceedings required to be taken for the purposes of an order relating to a trunk road under section 14 of this Act are taken after the making by the Minister of an order relating to that road under section 10 of this Act, or
- (b) proceedings required to be taken for the purposes of an order relating to a special road under section 18 of this Act are taken after the making or confirmation by the Minister of a scheme relating to that road under section 16 of this Act,

the Minister or, in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may disregard any objection to the order under section 14 or 18 which in his or their opinion amounts in substance to an objection to the order under section 10 or, as the case may be, to the scheme under section 16.

SCHEDULE 2

Sections 10, 14, 16, 18, 106, 108, 124,
Schedule 23, paras. 4, 5.

VALIDITY AND DATE OF OPERATION OF CERTAIN SCHEMES AND ORDERS

- 1 (1) Subject to sub-paragraph (2) below, as soon as may be after a scheme or order to which this Schedule applies has been made or confirmed by the Minister, he shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the scheme or order has been made or confirmed, and naming a place where a copy of it may be inspected free of charge at all reasonable hours.
- (2) There is no requirement under sub-paragraph (1) above to publish a notice in the London Gazette of the making or confirmation of an order under section 124 of this Act; and if an order under that section is one that has been confirmed by a local highway authority the notice relating to it required to be published under sub-paragraph (1) above (otherwise than in the London Gazette) shall be published by that authority.
- 2 If a person aggrieved by a scheme or order to which this Schedule applies desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers of this Act or on the ground that any requirement of this Act or of regulations made under this Act has not been complied with in relation to the scheme or order, he may, within 6 weeks from the date on which the notice required by paragraph 1 above is first published, make an application for the purpose to the High Court
- 3 On any such application, the Court—
- (a) may by interim order suspend the operation of the scheme or order, or of any provision contained in it, either generally or in so far as it affects any

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property of the applicant, until the final determination of the proceedings ;
and

- (b) if satisfied that the scheme or order, or any provision contained in it, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the scheme or order or any provision contained in it, either generally or in so far as it affects any property of the applicant

4 Subject to paragraph 3 above, a scheme or order to which this Schedule applies shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 above is first published, or on such later date, if any, as may be specified in the scheme or order.

5 In relation to any scheme or order to which this Schedule applies that is subject to special parliamentary procedure, the foregoing provisions of this Schedule have effect subject to the following modifications:—

- (a) if the scheme or order is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, paragraphs 2 to 4 do not apply; and
- (b) in any other case, paragraph 2 has effect as if, for the reference in it to the date on which the notice required by paragraph 1 is first published, there were substituted a reference to the date on which the scheme or order becomes operative under the said Act of 1945, and paragraph 4 has effect as if the words from " and shall become operative " to the end of the paragraph were omitted.

SCHEDULE 3

Section 11.

PROVISIONS OF THIS ACT REFERRED TO IN SECTION 11

PART I

PROVISIONS CONFERRING FUNCTIONS EXERCISABLE IN RELATION TO TRUNK ROADS BY THE MINISTER EXCLUSIVELY

- 1 Provisions contained in Part IV. Section 38(1) and section 57(2).
- 2 Provisions contained in Part V. Section 73.
- 3 Provisions contained in Part IX. Section 133, section 171(1) and sections 176 and 178.
- 4 Provisions contained in Part XII. Sections 241 and 271.

PART II

PROVISIONS CONFERRING FUNCTIONS EXERCISABLE IN RELATION TO TRUNK ROADS BY THE MINISTER AS WELL AS BY OTHER AUTHORITIES

- 5 Provisions contained in Part IX. Sections 151 and 152, section 154(1), 154(4) so far as relating to a notice under 154(1), and sections 163 and 164.

PART III

PROVISIONS CONFERRING FUNCTIONS EXERCISABLE IN RELATION TO TRUNK ROADS BY THE MINISTER AND BY OTHER AUTHORITIES WITH THE CONSENT OF THE MINISTER

- 6 Provisions contained in Part V. Section 66(2) and section 96(4).
7 Provisions contained in Part IX. Section 185.

SCHEDULE 4

Section 17.

CLASSES OF TRAFFIC FOR PURPOSES OF SPECIAL ROADS

CLASS I:

Heavy and light locomotives, motor tractors, heavy motor cars, motor cars and motor cycles whereof the cylinder capacity of the engine is not less than 50 cubic centimetres, and trailers drawn thereby, which comply with general regulations as to construction and use made, or having effect as if made, under section 40 of the Road Traffic Act 1972 and in the case of which the following conditions are satisfied:—

- (i) that the whole weight of the vehicle is transmitted to the road surface by means of wheels ;
- (ii) that all wheels of the vehicle are equipped with pneumatic tyres ;
- (iii) that the vehicle is not controlled by a pedestrian ;
- (iv) that the vehicle is not a vehicle chargeable with duty under paragraph 2 of Part I of Schedule 3 to the Vehicles (Excise) Act 1971; and
- (v) in the case of a motor vehicle, that it is so constructed as to be capable of attaining a speed of 25 miles per hour on the level under its own power, when unladen and not drawing a trailer.

CLASS II:

Motor vehicles and trailers the use of which for or in connection with the conveyance of abnormal indivisible loads is authorised by order made, or having effect as if made, by the Minister under section 42(1) of the Road Traffic Act 1972.

Motor vehicles and trailers constructed for naval, military, air force or other defence purposes, the use of which is authorised by order made, or having effect as if made, by the Minister under section 42(1) of the Road Traffic Act 1972.

Motor vehicles and trailers, to which any of the following Articles of the Motor Vehicles (Authorisation of Special Types) General Order 1973 namely, Article 16 (which relates to vehicles for moving excavated material), Article 17 (which relates inter alia to vehicles constructed for use outside the United Kingdom) and Article 21 (which relates to engineering plant) relate and which are authorised to be used by any of those Articles of the said order or by any other order under section 42(1) of the Road Traffic Act 1972, the said motor vehicles being vehicles in respect of which the following condition is satisfied, that is to say, that the vehicle is so constructed as to be capable of attaining a speed of 25 miles per hour on the level under its own power, when unladen and not drawing a trailer.

CLASS III:

Motor vehicles controlled by pedestrians.

CLASS IV:

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All motor vehicles (other than invalid carriages and motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres) not comprised in Class I, Class II or Class III.

CLASS V:

Vehicles drawn by animals.

CLASS VI:

Vehicles (other than pedal cycles, perambulators, push-chairs and other forms of baby carriages) drawn or propelled by pedestriains.

CLASS VII:

Pedal cycles.

CLASS VIII:

Animals ridden, led or driven.

CLASS IX:

Pedestrians, perambulators, push-chairs and other forms of baby carriages and dogs held on a lead.

CLASS X:

Motor cycles whereof the cylinder capacity of the engine is less than 50 cubic centimetres.

CLASS XI:

Invalid carriages.

In this Schedule any expression defined for the purposes of the Road Traffic Act 1972 has the same meaning as in that Act and the expression " abnormal indivisible load " has the same meaning as in the Motor Vehicles (Authorisation of Special Types) General Order 1973.

SCHEDULE 5

Section 21.

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’

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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.

PART II

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

1 For references in sections 230, 231, 237(2) and (3), 238 and 240 of the 1971 Act to the acquiring or appropriating authority substitute references to the Minister, the special road authority or the local highway authority, as the case may be, by whom the order in question was made.

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 Minister, the special road authority or the local highway authority, as the case may be, unless he or they is or are satisfied that the extinguishment of the statutory undertakers' right, or as the case may be, the removal of their apparatus, is made necessary by the works in connection with which the stopping up or diversion of the highway is or was authorised.”.

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 a local highway authority.

4 For subsections (1) and (2) of section 232 of the 1971 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

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- (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, 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.”.
- 5 For references in subsections (3) and (6) of the said section 232 to the authority or to the acquiring or appropriating authority substitute references to the Minister, the special road authority or the local highway authority as the case may be, by whom the order in question was made.

SCHEDULE 6

Sections 26, 118, 119.

PROVISIONS AS TO MAKING, CONFIRMATION, VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

PART I

PROCEDURE FOR MAKING AND CONFIRMING CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

- 1 (1) Before a public path creation order, a public path extinguishment order or a public path diversion order is submitted to the Secretary of State for confirmation or confirmed as an unopposed order, the authority by whom the order was made shall give notice in the prescribed form—
- (a) stating the general effect of the order and that it has been made and is about to be submitted for confirmation or to be confirmed as an unopposed order,
 - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order and of the map referred to therein may be inspected free of charge at all reasonable hours, and
 - (c) specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Before the Secretary of State makes a public path creation order, a public path extinguishment order or a public path diversion order, he shall prepare a draft of the order and shall give notice—
- (a) stating that he proposes to make the order and the general effect of it,

- (b) naming a place in the area in which the land to which the draft order relates is situated where a copy of the draft order and of the map referred to in it may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the draft order may be made.
- (3) The notices to be given under sub-paragraph (1) or (2) above shall be given—
- (a) in the case of a public path creation order, by publication in the London Gazette and in at least one local newspaper circulating in the area in which the land to which the order relates is situated, and by serving a like notice on every owner, occupier and lessee (except tenants for a month or any period less than a month and statutory tenants within the meaning of the Rent (Agriculture) Act 1976 and the Rent Act 1977) of any of that land, so however that—
- (i) except in the case of an owner, occupier or lessee being a local authority or statutory undertakers, the Secretary of State may in any particular case direct that it shall not be necessary to serve notice as aforesaid, but
- (ii) if the Secretary of State so directs in the case of any land, then in addition to publication the notice shall be addressed to " the owners and any occupiers " of the land (describing it) and a copy or copies of it shall be affixed to some conspicuous object or objects on the land;
- (b) in the case of a public path extinguishment order or a public path diversion order, by publication and the service of notices as mentioned in head (a) of this sub-paragraph and also—
- (i) by serving such a notice as is therein mentioned on every council, the council of every parish or community, and the parish meeting of every parish not having a separate parish council, being a council, parish or community whose area includes any of the land to which the order relates, and
- (ii) by causing a copy of the notice to be displayed in a prominent position at the ends of so much of any footpath or bridleway as is to be stopped up or diverted by virtue of the order.
- (4) Where under this paragraph a notice is required to be served on an owner of land and the land belongs to an ecclesiastical benefice, a like notice shall be served on the Church Commissioners.
- 2 (1) If no representations or objections are duly made, or if any so made are withdrawn, then—
- (a) the Secretary of State may, if he thinks fit, confirm or make the order, as the case may be, with or without modifications ;
- (b) the authority by whom the order was made (where not the Secretary of State) may, instead of submitting the order to the Secretary of State, themselves confirm the order (but without any modification).
- (2) If any representation or objection duly made is not withdrawn, the Secretary of State shall, before confirming or making the order, as the case may be, if the objection is made by a local authority cause a local inquiry to be held, and in any other case either—
- (a) cause a local inquiry to be held, or

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- (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose,

and, after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may, subject as provided below, confirm or make the order, as the case may be, with or without modifications.

In the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order provides for the creation of a public right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order is subject to special parliamentary procedure.

- (3) Notwithstanding anything in the foregoing provisions of this paragraph, the Secretary of State shall not confirm or make an order so as to affect land not affected by the order as submitted to him or the draft order prepared by him, as the case may be, except after—

- (a) giving such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made,
- (b) holding a local inquiry or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose, and
- (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be,

and, in the case of a public path creation order or a public path diversion order, if objection is made by statutory undertakers on the ground that the order as modified would provide for the creation of a public right of way over land covered by works used for the purposes of their undertaking or the curtilage of such land, and the objection is not withdrawn, the order is subject to special parliamentary procedure.

- 3 (1) The Secretary of State may, subject to the provisions of this Part of this Schedule, by regulations make such provision as to the procedure on the making, submission and confirmation of orders to which this Schedule applies as appears to him to be expedient.
- (2) Provision may be made by regulations of the Secretary of State for enabling proceedings preliminary to the confirmation of a public path extinguishment order to be taken concurrently with proceedings preliminary to the confirmation of a public path creation order or a public path diversion order.
- (3) In this Part of this Schedule—
- (a) " local authority " means any council and any other authority who are a local authority within the meaning of the Local Loans Act 1875 and includes any drainage authority and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid ;
- (b) " prescribed " means prescribed by regulations made by the Secretary of State;

and for the purposes of this Schedule the Civil Aviation Authority and the Post Office are to be deemed to be statutory undertakers and their undertakings statutory undertakings.

PART II

VALIDITY AND DATE OF OPERATION OF CERTAIN ORDERS RELATING TO FOOTPATHS AND BRIDLEWAYS

- 4 As soon as may be after an order to which this Schedule applies has been confirmed or made by the Secretary of State or confirmed as an unopposed order, the authority by whom the order was made or, in the case of an order made by the Secretary of State, the Secretary of State, shall publish, in the manner required in relation to the class of order in question by paragraph 1(3) above, a notice in the prescribed form describing the general effect of the order, stating that it has been confirmed or made, and naming a place where a copy of it as confirmed or made may be inspected free of charge at all reasonable hours, and—
- (a) where under paragraph 1(3) above notice was required to be served, shall serve a like notice and a copy of the order as confirmed or made on any persons on whom notices were required to be served under the said paragraph 1(3) or under paragraph 1(4) above; and
 - (b) where under paragraph 1(3) above a notice was required to be displayed, shall cause a like notice to be displayed in the like manner as the notice required to be displayed under the said paragraph 1(3);
- but no such notice or copy need be served on a person unless he has sent to the authority or the Secretary of State (according as the notice or copy would require to be served by an authority or by the Secretary of State) a request in that behalf specifying an address for service.
- 5 Schedule 2 to this Act (except paragraph 1 thereof) applies in relation to an order to which this Schedule applies as it applies in relation to a scheme or order to which that Schedule applies, but with the following modifications:—
- (a) for references to a scheme or order to which that Schedule applies substitute references to an order to which this Schedule applies;
 - (b) for the references in paragraphs 2, 4 and 5 thereof to the date on which the notice required by paragraph 1 thereof is first published substitute references to the date on which the notice required by paragraph 4 above is first published ; and
 - (c) paragraph 4 of that Schedule has effect as if the words " or on such later date, if any, as may be specified in the scheme or order " were omitted.
- 6 In this Part of this Schedule "prescribed" means prescribed by regulations made by the Secretary of State.

SCHEDULE 7

Sections 42, 50, 230.

MAINTENANCE OF CERTAIN HIGHWAYS BY DISTRICT COUNCILS

PART I

REGULATIONS GOVERNING EXERCISE OF POWERS

- 1 Before exercising the relevant powers in relation to any highway in respect of which those powers are exercisable, the council of a district shall give notice of

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their intention to do so to the county council who are the local highway authority, specifying the highway or highways concerned.

In this Schedule " the relevant powers" means the powers of a district council under sections 42, 50(2) and 230(7) of this Act.

- 2 If the county council are of the opinion that any highway specified in a notice under paragraph 1 above does not fall within the relevant powers, they may, at any time within the period of 6 weeks beginning with the date on which they receive the notice, serve a counter-notice on the district council disputing the right of the district council to exercise in relation to the highway concerned any of the relevant powers; and if the dispute is not resolved by the county council and the district council within 6 weeks after the receipt of the counter-notice by the district council the dispute shall be referred to the Minister for his decision.

- 3 (1) The relevant powers with respect to a highway specified in a notice under paragraph 1 above become exercisable—
- (a) where no counter-notice is served in respect of the highway under paragraph 2 above, at the expiry of the period of 6 weeks first specified in that paragraph; and
 - (b) where such a counter-notice is served, when the dispute is resolved in favour of the district council by the councils concerned or, as the case may be, when the Minister's decision on the dispute in favour of the district council is received by the district council;

but if a dispute resulting from the service of a counter-notice under paragraph 2 above is resolved or decided by the Minister against the district council, the relevant powers are not exercisable by the district council in respect of the highway concerned and no further notice under paragraph 1 above may be given by the district council in respect of that highway unless its status is changed or there is such a change in the character of the road as to give reasonable ground for believing that it has become an urban road.

- (2) In the event that a highway in respect of which the relevant powers have become exercisable in accordance with sub-paragraph (1) above or paragraph 4(2) below becomes a trunk road or classified road, the relevant powers thereupon cease with respect to that highway.
- 4 (1) Without prejudice to paragraph 3(2) above, the relevant powers cease to be exercisable with respect to any highway—
- (a) on such day as may be agreed between the district council and the county council who are the local highway authority for the highway ; or
 - (b) 6 months after the receipt by that county council of a notice from the district council stating the intention of the district council to cease to exercise those powers;

and any such agreement or notice may relate either to such highway or highways as may be specified in the agreement or notice or to all the highways in respect of which the relevant powers are exercisable at the time the agreement is made, or as the case may be, the notice is served.

- (2) Where the relevant powers have ceased to be exercisable with respect to a highway by virtue of an agreement or notice under sub-paragraph (1) above, those powers shall not, except with the consent of the county council who are the highway authority for that highway, again become exercisable with respect to that highway at any time within the period of 10 years beginning with the day on which the powers cease

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to be so exercisable; but if, at any time after the expiry of that period or, with the consent of the county council, before the expiry, the district council intend again to exercise those powers with respect to that highway, paragraphs 2 and 3(1) above do not apply and those powers become exercisable at the expiry of the period of 6 weeks beginning with the date on which the county council who are the highway authority receive notice of the district council's intention under paragraph 1 above.

- (3) If, by virtue of paragraph 3(2) or sub-paragraph (1) above, the relevant powers cease to be exercisable with respect to any highway, the cessation does not affect the continued existence, on and after the day on which the powers cease to be so exercisable, of any rights or liabilities of the district council in respect of the highway which are in existence immediately before that day.
- 5 (1) Every district council shall prepare and keep up to date a list of the highways in respect of which the relevant powers are for the time being exercisable by them, and the council shall make the list available for public inspection free of charge at all reasonable hours at the offices of the council.
- (2) A copy of any list of highways prepared by a district council under sub-paragraph (1) above and of all amendments for the time being made thereto shall be furnished by the district council to the county council who are the highway authority for the highways concerned.
- (3) Except in so far as the relevant powers with respect to a highway cease to be exercisable by a district council in accordance with paragraph 3(2) or paragraph 4(1) above, an entry in the list kept under this paragraph is conclusive evidence that the highway specified in the entry is one in respect of which the relevant powers are exercisable by the district council.
- 6 A statement by or on behalf of the Minister that a highway is or is not a classified road is conclusive for the purposes of sections 42 and 230(7) of this Act and of this Schedule.
- 7 A district council shall indemnify a county council in respect of any claim made against the county council, as highway authority,—
- (a) in respect of a failure to maintain a highway at a time when the relevant powers were exercisable by the district council with respect to the highway, or
- (b) arising out of any works of maintenance on a highway carried out by the district council in exercise of those powers.

PART II

REIMBURSEMENT BY HIGHWAY AUTHORITIES OF CERTAIN EXPENSES OF DISTRICT COUNCILS

- 8 The provisions of this Part of this Schedule apply where a district council are exercising the power under section 42 of this Act in relation to any highways within their district, and references in the following provisions of this Part of this Schedule to a district council and to their maintenance power are to be construed accordingly.
- 9 On or before 15th December in each year the district council shall submit to the county council for their approval a detailed estimate of the cost for the ensuing financial year of the maintenance of every highway in respect of which their maintenance power is exercisable, and on any such estimate being approved by the

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county council, either with or without modifications, the amount to be paid by the county council under section 42(3) of this Act is, subject to paragraph 10 below, the amount of that estimate, or of that estimate as amended by any supplementary estimate submitted to and approved by the county council, or such less sum as may have been actually expended by the district council on the highways in question during that financial year.

- 10 The county council are not liable to make a payment towards the cost of the maintenance of any highway until they are satisfied, by a report of such one of their officers or such other person as they may appoint for the purpose, that the works of maintenance are being or have been properly executed.
- 11 The district council may at any time, and from time to time, submit to the county council for their approval a detailed supplementary estimate.
- 12 A county council shall not unreasonably withhold approval of an estimate submitted to them under this Part of this Schedule, and any question whether their approval has been unreasonably withheld, or whether any works of maintenance are being or have been properly executed, or as to the liability of a county council to make a payment under section 42(3) of this Act, shall be determined by the Minister.

SCHEDULE 8

Sections 67, 287.

CONSENTS REQUIRED FOR EXECUTION OF CERTAIN WORKS IN STREETS

- 1 In this Schedule " the authority " means the highway authority or local authority (within the meaning of section 67 or section 287 of this Act) having power to carry out the works to which this Schedule applies.
- 2 The authority shall not carry out any works to which this Schedule applies in any such situation or position as is described in the first column of the following Table except with the consent of the person described in relation thereto in the second column of that Table.

TABLE

In any street which is a highway for which there is a highway authority other than the authority carrying out the works.	The highway authority.
In any street belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
On any bridge not vested in the authority carrying out the works or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
On any bridge carrying a street over any railway, canal or inland navigation, or	The railway, canal or inland navigation undertakers concerned.

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on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a street.

In the case of works under section 67 of this Act, in a position obstructing or interfering with any existing access to any land or premises abutting upon a street.

The owner and the occupier of the land or premises.

- 3 A consent required by this Schedule in respect of any works shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove the works either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.
- 4 Where the consent of the Minister is required under this Schedule, any dispute between the Minister whose consent is required and the authority as to whether the Minister's consent is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of anything to the provision of which the consent relates in accordance with any condition of the consent is reasonably required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

SCHEDULE 9

Sections 73, 74.

IMPROVEMENT LINES AND BUILDING LINES

- 1 Before a line is prescribed by the Minister he shall consult the councils of the county and district, or in Greater London the local authority, in whose area is situated the street or highway in relation to which the line is to be prescribed.
- 2 Before a line is prescribed by a county council, as highway authority, they shall consult the council of the district in which is situated the street or highway in relation to which the line is to be prescribed.
- 3 Before a line is prescribed by the Greater London Council, they shall consult the council of the London borough in which is situated the street or highway in relation to which the line is to be prescribed or, if that street or highway is in the City, they shall consult the Common Council.
- 4 A line which a highway authority propose to prescribe shall be shown on a plan to be signed, if the authority are a council, by the proper officer of the council.
- 5 The plan shall be deposited at the offices of the authority or, if the Minister is the authority, at such place as he may direct, and may be inspected by any person free of charge at all reasonable hours during a period of one month from the day on which it is so deposited.
- 6 As soon as the plan has been so deposited the authority shall give notice of the proposal to prescribe the line and of the times and place at which the plan may be inspected, and of the effect of section 73 of this Act or, as the case may require, section 74 of this Act and of paragraph 7 below to every owner, lessee and occupier of land affected.

- 7 The authority shall consider any objection to the proposed line made within 6 weeks from the date on which the notices aforesaid were given and may then prescribe the line.
- 8 Not later than 6 weeks after the date on which the authority prescribe the line they shall prepare a plan, duly sealed and authenticated, on which the line shall be shown and shall give notice of the prescribing of the line and of the time and place at which the said plan may be inspected to every owner, lessee and occupier of land affected.
- 9 If the authority revoke the line, they shall—
- (a) give notice of the revocation to every owner, lessee or occupier of land affected and to the council keeping the local land charges register for the area within which the land to which the line relates is situated ; and
 - (b) indicate on the plan prepared in accordance with paragraph 8 above the extent to which the line has been revoked.
- 10 Where a local highway authority prescribe a line or revoke a line or any part thereof they shall do so by resolution.

SCHEDULE 10

Sections 82, 86.

PROCEDURE FOR DETERMINATION BY HIGHWAY AUTHORITY OF CERTAIN QUESTIONS ARISING IN CONNECTION WITH PROVISION OF CATTLE-GRID OR BY-PASS

- 1 (1) Before determining, under section 82 or 86 of this Act, the question—
- (a) whether it is expedient to place any part of a cattle-grid in, or provide a by-pass on, any such land not forming part of a highway and not belonging to the highway authority therefor as is mentioned in section 82(4), or
 - (b) whether it is expedient to provide a by-pass along any part of a highway, or
 - (c) whether the purpose for which a right to install gates is exercisable will be adequately achieved by the provision of a cattle-grid,
- a highway authority shall comply with the requirements specified in sub-paragraph (2) below.
- (2) The requirements referred to in sub-paragraph (1) above are as follows, namely, that the authority shall—
- (a) publish in 2 successive weeks in one or more local newspapers circulating in the area where the cattle-grid is to be, or has been, provided a notice—
 - (i) stating generally the question for determination,
 - (ii) naming a place within the said area where a copy may be inspected free of charge at all reasonable hours of such plans or other descriptive matter as appear to the highway authority to be requisite for enabling the nature of the question to be understood, and
 - (iii) specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which and the manner in which representations may be made to the highway authority, and
 - (b) display a like notice in a prominent position at the place where the cattle-grid is to be or has been provided.

- 2 If no representation is duly made under paragraph 1 above, or if every representation so made is withdrawn, the highway authority may proceed to determine the question.
- 3 (1) Where a representation is duly made as aforesaid and not withdrawn, the following provisions have effect.
- (2) Where the highway authority is not the Minister, the authority shall forward the representation to the Minister, together with their observations thereon and their proposals, in the light of the representations, for determining the question.
- (3) The Minister shall consider any representations received by him (and, where the highway authority is not the Minister, the authority's observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the highway authority is not the Minister, to that authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.
- (4) After the Minister has considered the report of the person who held the inquiry under sub-paragraph (3) above, or the person appointed under that sub-paragraph, as the case may be,—
- (a) the Minister may, where he is the highway authority, proceed to determine the question ;
- (b) where he is not the highway authority, the authority may determine the question in the affirmative if the Minister consents, but not otherwise, and subject to compliance with any conditions subject to which his consent is given.
- (5) Notwithstanding anything in sub-paragraph (3) above, except where a representation is made by a highway authority other than the Minister, the Minister may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Minister is unnecessary, proceed without compliance in this respect with the provisions of the said sub-paragraph (3).
- (6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Minister to any person by whom a representation has been made under the foregoing provisions of this Schedule.
- 4 For the purpose of displaying a notice as required by paragraph 1 above, a highway authority may, on the highway or on adjoining land (whether or not belonging to the authority), erect and maintain posts or boards or affix a notice to any building or structure; but the powers conferred by this paragraph shall not be exercised on land off the highway which is occupied, except with the consent of the occupier.
- 5 In relation to the exercise by a council of functions of the Minister as highway authority delegated to the council under section 89 of this Act, the foregoing provisions of this Schedule apply as if the council, and not the Minister, were the highway authority.

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SCHEDULE 11

Section 93.

PROVISIONS AS TO ORDERS UNDER SECTION 93 OF THIS ACT

Limitations on matters to be dealt with by orders

- 1 The Minister shall not by an order under section 93 of this Act (hereafter in this Schedule referred to as " an order ") direct that a swing bridge crossing a canal is to be operated otherwise than by the owners of the canal unless he is satisfied, after considering any representations made to him by the owners of the canal, that the facilities for traffic on the canal will not be prejudiced thereby.
- 2 The Minister shall not by an order with respect to a swing bridge modify any statutory provisions relating to precedence of traffic.
- 3 The Minister shall not by an order with respect to a bridge crossing a railway or a canal modify any statutory provisions relating to the headway of the bridge or the width of the canal without the consent of the owners of the railway or canal.
- 4 An order made with respect to—
- (a) a bridge owned by railway undertakers which carries a highway over a railway of the undertakers, or carries both a highway and such a railway, or
 - (b) a bridge owned by dock undertakers or harbour undertakers, or
 - (c) a bridge, other than one falling within sub-paragraph (a) above, owned by the British Waterways Board and forming part of so much of the undertaking of that Board as corresponds to the undertaking of the Weaver Navigation Trustees prior to the vesting of that undertaking in the British Transport Commission (the predecessors of the British Waterways Board) under the Transport Act 1947,
- shall not, without the consent of the owners of the bridge, either—
- (i) require works for the reconstruction or improvement of the bridge to be carried out otherwise than by the owners, or
 - (ii) direct the bridge to be maintained otherwise than by the owners, or
 - (iii) transfer the property in the bridge to a highway authority, or
 - (iv) in the case of a swing bridge, direct the bridge to be operated otherwise than by the owners.
- 5 Nothing in an order made with respect to—
- (a) a bridge owned by railway undertakers and crossing a rail way of the undertakers, or
 - (b) a bridge owned by canal undertakers and crossing a canal of the undertakers, or
 - (c) a bridge owned by dock undertakers, or by harbour undertakers, crossing a railway, lock, passage or other work of the undertakers,
- shall, without the consent of the owners of the bridge, require the bridge to be altered or reconstructed in such a manner as to necessitate an alteration in the level, or reduction in the width, of the railway, canal, lock, passage or work, or to reduce the headway of the bridge as existing at the date of the order.
- 6 An order requiring the reconstruction of a bridge crossing a canal, or of the approaches to such a bridge, shall, unless the owners of the bridge agree to the contrary, direct the bridge, the highway carried by the bridge, and the approaches to the bridge to be maintained by a highway authority.

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Procedure for making orders

- 7 (1) An order to which this paragraph applies shall be prepared in draft and made by the Minister in accordance with this paragraph and paragraphs 8 to 10 below.
- (2) The order shall describe by reference to a map the land on which the works to which the order relates are proposed to be executed or constructed.
- (3) Subject as aforesaid, the form of the order shall be such as the Minister may determine.
- (4) This paragraph applies to an order which requires or authorises the owners of a bridge or a highway authority to execute or construct any works.
- 8 Before making an order to which paragraph 7 above applies the Minister shall in 2 successive weeks publish in one or more local newspapers circulating in the area in which the proposed works are to be executed or constructed a notice—
- (a) stating the general effect of the proposed order,
- (b) naming a place in the said area where a copy of the draft order, the map referred to in it, and plans and sections of the proposed works, may be inspected free of charge at all reasonable hours, and
- (c) specifying the time (which shall not be less than 21 days from the date of the first publication of the notice) within which and the manner in which objections to the draft order may be made,
- and shall serve on all statutory undertakers appearing to him to be affected by the proposed works a notice stating the general effect of the order and that it is proposed to be made, and specifying the time (which shall not be less than 21 days from the date of service of the notice) within which and the manner in which objections to the draft order may be made.
- 9 (1) If no objection is duly made by any person who will be affected by the proposed works, or if all objections so made are withdrawn, the Minister, on being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.
- (2) If an objection duly made as aforesaid is not withdrawn, the Minister shall, before making the order, either cause a local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may make the order either with or without modifications.
- (3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the local highway authority, or to the owners of a bridge, by whom the proposed works are to be executed or constructed, and to any other person to whom it appears to him expedient to afford it, an opportunity of being heard on the same occasion.
- (4) Notwithstanding anything in sub-paragraphs (2) and (3) above, the Minister may require any person who has made an objection to state in writing the grounds of it
- 10 As soon as may be after the order has been made the Minister shall publish in one or more local newspapers circulating in the area in which the proposed works are to be executed or constructed a notice describing the proposed works, stating that the order has been made and naming the place where a copy of the order and of the map

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referred to therein, and a copy of plans and sections of the proposed works, may be inspected free of charge at all reasonable hours, and shall serve a like notice and a copy of the order on any statutory undertakers on whom a notice was required to be served under paragraph 8 above.

- 11 Subject to paragraphs 7 to 10 above, the Minister of Transport may make regulations for prescribing the procedure to be followed in connection with the making of orders.

Power to postpone commencement of orders

- 12 The Minister may postpone the date of the coming into operation of an order in a case where it appears to him that, owing to the number or nature of the orders and applications affecting the same highway authority or affecting bridges belonging to the same owners, the making of an order which would be immediately operative would work hardship to that authority or to those owners.

Provisions as to public utility undertakers

- 13 (1) Before making an order for the reconstruction or improvement of a bridge, the Minister shall take into consideration the desirability of the provision of special facilities or accommodation for carrying across the bridge the mains, pipes, cables or wires of public utility undertakers; but in a case where the provision of facilities or accommodation greater than those available in the bridge before reconstruction or improvement would increase the cost of the reconstruction or improvement, he shall have regard to the amount of any contribution towards the cost of the reconstruction or improvement which any public utility undertakers may be willing to make.

- (2) In this paragraph, and in paragraph 14 below, " public utility undertakers " includes persons authorised by any enactment to carry on an undertaking for the operation of a light railway, a tramway, or trolley vehicles (that is to say, mechanically propelled vehicles adapted for use upon highways without rails and moved by power transmitted thereto from some external source).

- 14 (1) Where an order provides for the transfer to a highway authority—
- (a) of the property in a bridge, or in the highway carried by a bridge, or in the approaches to a bridge, or
 - (b) of the responsibility for the maintenance of a bridge, or of any such highway or approaches, or
 - (c) of rights or obligations attaching to a bridge or to any such highway or approaches,

any statutory provisions in force in relation thereto for the protection or benefit of any public utility undertakers shall, except so far as may be otherwise expressly provided by the order for giving effect to an agreement made between the parties concerned, remain in force notwithstanding the transfer.

- (2) In relation to property, responsibilities, rights or obligations transferred by an order which provides as aforesaid, any such statutory provisions shall apply to the highway authority, and to the exercise by them of any powers under the order, in like manner as they applied, before the transfer, to the owners of the bridge, highway or approaches, and to the exercise of powers by the owners thereof.

Apportionment of expenses

- 15 (1) Subject to sub-paragraph (2) below, where an order has been made with respect to a bridge other than a trunk road bridge—
- (a) requiring the reconstruction or improvement of the bridge, or of the highway carried by the bridge, or of the approaches to the bridge, or
 - (b) relating to the maintenance of the bridge, or of any such highway or approaches, or
 - (c) relating to the operation of the bridge, being a swing bridge,
- the expense of such reconstruction, improvement, maintenance or operation shall be defrayed either by the owners of the bridge or by one or more of the highway authorities entitled to make application with respect thereto by virtue of section 95 of this Act, or partly by the owners of the bridge and partly by one or more of those highway authorities, as, in default of agreement, may be determined by arbitration.
- (2) Sub-paragraph (1) above is subject to the following, namely that, unless otherwise agreed,—
- (a) where the bridge is a bridge crossing a railway of railway undertakers, or a canal of canal undertakers, or a railway, lock, passage or other work of dock undertakers or of harbour undertakers, any additional expense incurred by the owners of that railway, canal, lock, passage or work by reason of any alteration thereof due to the provisions of the order (other than provisions applied for by the undertakers for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities;
 - (b) where the bridge is a swing bridge, any additional expense incurred by the owners in relation to the operation of the bridge due to the provisions of the order (other than provisions applied for by the owners for the improvement of their undertaking) shall be defrayed by one or more of the highway authorities; and
 - (c) except so far as any additional expense is due to works executed at the instance of the owners of the bridge for the improvement of their undertaking, the owners' share of the expense of the reconstruction, improvement, maintenance or operation shall be an amount equivalent to what would have been the amount of the owners' liability if no such order had been made.
- 16 Where the reconstruction or improvement of a bridge crossing—
- (a) a railway of railway undertakers, or
 - (b) a canal of canal undertakers, or
 - (c) a railway, lock, passage or other work of dock undertakers or of harbour undertakers,
- effected in pursuance of an order made otherwise than upon the application of the owners of the bridge, has caused the width between the parapets of the bridge, or the width of the approaches to it, to be increased, any additional expense thereafter incurred in consequence of the increase by the owners of that railway, canal, lock, passage or work in connection with the widening or alteration thereof under the bridge or the approaches to it shall be defrayed by one or more of the highway authorities referred to in paragraph 15 above, and any question whether any such additional expense has been so incurred or as to the amount thereof shall, in default of agreement, be determined by arbitration.
- 17 Where an order providing for a matter referred to in any of sub-paragraphs (a), (b) and (c) of paragraph 15(1) above relates to a trunk road bridge the provisions

of paragraphs 15 and 16 above have effect as if, for references to the highway authorities entitled to make application with respect to a bridge by virtue of section 95 of this Act, there were substituted references to the Minister.

- 18 Where it is determined by agreement or an award that the whole or part of the expenses of reconstruction, improvement, maintenance or operation is to be borne by two or more highway authorities, the expenses or part thereof shall be apportioned between them in such manner as, in default of agreement, may be determined by arbitration.
- 19 Where it is determined by agreement or an award that the owners of a bridge are to contribute to the expense of a highway authority, the contribution shall, at the option of the owners of the bridge, be paid—
- (a) as a lump sum, or
 - (b) by annual payments of such amount, and continuing for such number of years, as may be agreed between the owners and the authority or, in default of agreement, as may be determined by arbitration, or
 - (c) by perpetual annual payments of such amount as may be so agreed or determined.

Arbitration

- 20 Where a question is by any provision of this Schedule, or of an order, to be determined by arbitration, the arbitrator shall be a single arbitrator appointed, in default of agreement between the parties concerned, by the President of the Institution of Civil Engineers.

SCHEDULE 12

Sections 116, 256.

PROVISIONS AS TO ORDERS UNDER SECTION 116 AND CONVEYANCES UNDER SECTION 256

PART I

NOTICES TO BE GIVEN BY APPLICANT FOR ORDER UNDER SECTION 116

- 1 At least 28 days before the day on which an application for an order under section 116 of this Act is made in relation to a highway the applicant authority shall give notice of their intention to apply for the order, specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing what will be the effect thereof)—
- (a) to the owners and occupiers of all lands adjoining the highway ;
 - (b) to any statutory undertakers having apparatus under, in, upon, over, along or across the highway;
 - (c) if the highway is a classified road, to the Minister ;
 - (d) if the highway is a classified road, to the district council and, if the highway is in, or partly in, a parish or community which has a separate parish council or community council, to the parish or community council, as the case may require or, in the case of a parish which does not have a separate parish council, to the chairman of the parish meeting.

- 2 Not later than 28 days before the day on which the application is made the applicant authority shall cause a copy of the said notice to be displayed in a prominent position at the ends of the highway.
- 3 At least 28 days before the day on which the application is made the applicant authority shall publish in the London Gazette and in at least one local newspaper circulating in the area in which the highway is situated a notice containing the particulars specified in paragraph 1 above, except that there may be substituted for the plan a statement of a place in the said area where the plan may be inspected free of charge at all reasonable hours.

PART II

APPARATUS OF STATUTORY UNDERTAKERS

- 4 Where this Part of this Schedule applies in relation to a highway, the statutory undertakers whose apparatus is under, in, upon, over, along or across the highway have the same powers and rights in respect of that apparatus, subject to the provisions of this Schedule, as if the order authorising the highway to be stopped up or diverted had not been made or, as the case may be, as if the conveyance of land pursuant to section 256 of this Act had not been made.
- 5 Where a highway is stopped up or diverted in pursuance of an order under section 116 or land is conveyed pursuant to section 256, the statutory undertakers whose apparatus is under, in, upon over, along or across the highway may, and, if reasonably requested so to do by the authority on whose application the order was made, or who conveyed the land, as the case may be, shall—
- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as they may reasonably determine and have power to place it; or
 - (b) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid.

Any works executed under this paragraph (including the provision of apparatus thereunder) are hereafter in this Part of this Schedule referred to as "undertakers' works".

- 6 Subject to the following provisions of this Part of this Schedule, the authority on whose application an order under section 116 stopping up or diverting a highway was made or, as the case may be, the authority who conveyed the land pursuant to section 256, shall pay to any statutory undertakers an amount equal to the cost reasonably incurred by them in or in connection with—
- (a) the execution of undertakers' works required in consequence of the stopping up or diversion of that highway or, as the case may be, the conveyance of the land, and
 - (b) the doing of any other work or thing rendered necessary by the execution of undertakers' works.
- 7 If in the course of the execution of undertakers' works under paragraph 5 above—
- (a) apparatus of better type, of greater dimensions or of greater capacity is placed in substitution for existing apparatus of worse type, of smaller dimensions or of smaller capacity, or

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- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type, dimensions or capacity or the placing of apparatus at that depth, as the case may be, is not agreed by the authority concerned, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the undertakers' works exceeding that which would have been involved if the apparatus placed had been of the existing type, dimensions or capacity, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the undertakers by virtue of paragraph 6 above shall be reduced by the amount of that excess.

8 For the purposes of paragraph 7 above—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus;
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

9 An amount which apart from this paragraph would be payable to undertakers in respect of works of theirs by virtue of paragraph 6 above (and having regard, where relevant, to paragraph 7 above) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 ½ years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

10 Any question arising under this Part of this Schedule shall, in default of agreement between the parties concerned, be determined by arbitration.

SCHEDULE 13

Sections 152, 153, 212, 237, 305.

DEDUCTIONS FROM RENTS

1 An occupier of premises by whom any sum in relation to which this Schedule applies is paid under this Act shall be entitled to deduct from the rent payable by him in respect of the premises—

- (a) if he holds the premises at a rent not less than the rack rent, an amount equal to three-quarters of the said sum, or
- (b) if he holds the premises at a rent less than the rack rent, such proportion of an amount equal to three-quarters of the said sum as the rent at which he holds the premises bears to the rack rent.

2 Where a deduction from rent payable to a landlord is made under this Schedule, and the landlord himself holds the premises under a lease for a term of which less than 20 years is unexpired, the landlord is entitled to deduct from any rent payable by him under the lease such proportion of the amount deducted from the rent payable to him as the rent so payable by him bears to the rent payable to him, and so on in succession with respect to every landlord holding the premises for a term of which

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less than 20 years remains unexpired and who is both receiving and liable to pay rent in respect thereof.

- 3 Nothing in paragraph 2 above entitles a person to deduct from the rent payable by him more than the whole amount deducted from the rent payable to him.

SCHEDULE 14

Section 184.

PROVISIONS WITH RESPECT TO NOTICES UNDER SECTION 184

- 1 A person on whom a notice under section 184(1) or (3) of this Act is served may within 28 days from the date of his being served therewith object to the notice on any of the following grounds which are appropriate in the circumstances of the particular case:—
- (a) that the notice is not justified by the terms of section 184(1) or (3);
 - (b) that there has been some defect or error in, or in connection with, the notice;
 - (c) that the proposed works are unreasonable in character or extent, or are unnecessary;
 - (d) that the conditions imposed by the notice are unreasonable;
 - (e) that some other person having an interest in the premises also habitually takes or permits to be taken a mechanically propelled vehicle across the footway or verge and should be required to defray part of the expenses of executing the proposed works;
 - (f) that the authority are not entitled to serve the notice by reason of section 184(2);
 - (g) that a person carrying out or proposing to carry out such a development as is referred to in section 184(3) offers to execute the works himself.
- 2 An objection under paragraph 1 above shall be made by notice to the highway authority, and the notice shall state the grounds of objection.
- 3 Where objection is made to a notice given by a local highway authority under section 184(1) or (3), that authority shall send a copy of the notice and of the notice of objection to the Minister.
- 4 If objection is made to such a notice and (he objection is not withdrawn the notice does not become effective until it has been confirmed by the Minister, and the Minister after considering the objection may confirm the notice without modification or subject to such modifications as he thinks fit.
- 5 Subject to paragraph 4 above, such a notice becomes effective at the expiration of the period during which the person served therewith may object to it.

SCHEDULE 15

Section 204.

APPLICATION OF ADVANCE PAYMENTS CODE

- 1 Where the advance payments code does not apply in a parish or community or any part of a parish or community, the council of the county in which the parish or community is situated may, subject to the provisions of this Schedule, by resolution adopt that code for the parish or community or, as the case may be, for that part at

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- a meeting of which not less than one month's notice has been duly given to all the members of the council specifying the intention to propose the resolution.
- 2 The resolution shall come into operation at such time, not being less than one month from the date of the first publication of an advertisement under paragraph 3(a) below, as the council may by the resolution fix, and upon its coming into operation the advance payments code shall apply in the parish or community, or part of the parish or community specified in the resolution.
- 3 When it has been passed, the resolution shall be published—
- (a) by advertisement in at least one local newspaper circulating in the parish or community concerned or, as the case may be, the part of the parish or community concerned, and
 - (b) by notice thereof fixed to the principal doors of every church and chapel in the parish or community concerned or, as the case may be, the part of the parish or community concerned, in the place to which notices are usually fixed, and
 - (c) otherwise in such manner as the council think sufficient for giving notice thereof to all persons interested,
- and a copy of the resolution shall be sent to the Minister.
- 4 A copy of the advertisement of the resolution published under paragraph 3(a) above is sufficient evidence of the passing of the resolution unless the contrary is shown, and, on the expiration of 3 months from the date of the first publication of that advertisement, an objection to the resolution on the ground—
- (a) that notice to propose it was not duly given, or
 - (b) that the resolution was not sufficiently published,
- is of no effect.
- 5 For the purposes of this Schedule a notice is to be deemed to have been duly given to a member of a council if—
- (a) it is given in the mode in which notices to attend meetings of the council are usually given, or
 - (b) where there is no such mode, it is signed by the proper officer of the council and delivered to the member or left at his usual or last known place of abode in England or Wales, or sent by post in a prepaid registered letter, or letter sent by the recorded delivery service, addressed to the member at his usual or last-known place of abode in England or Wales.

SCHEDULE 16

Sections 205, 210.

PARTICULARS TO BE STATED IN SPECIFICATIONS, NOTICES, ETC., UNDER THE PRIVATE STREET WORKS CODE

- 1 The specification shall describe generally the works and things to be done, and, in the case of structural works, shall specify so far as may be practicable the foundation, form, material and dimensions thereof.
- 2 The plans and sections shall show the constructional character of the works, the connections (if any) with existing streets, sewers or other works, and the lines and levels of the works, subject to such limits of deviation (if any) as may be indicated on the plans and sections respectively.

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- 3 The estimate shall show the particulars of the probable cost of the whole works, including any additional charge in respect of surveys, superintendence and notices.
- 4 The provisional apportionment shall state the amounts charged on the respective premises and the names of the respective owners, or reputed owners, and shall also state whether the apportionment is made according to the frontage of the respective premises or not, and the measurements of the frontages, and the other considerations (if any) on which the apportionment is based.
- 5 The notice under section 205 of this Act shall contain the following particulars:—
- (a) a statement that the street works authority have resolved to execute street works in the private street in question ;
 - (b) the address of the offices of the authority at which a copy of the resolution of approval, and the approved documents or copies of them certified by the proper officer, may be inspected, and the times at which, and the period during which, they may be inspected ; and
 - (c) a statement that an owner of premises liable to be charged with any part of the expenses of executing the street works may object to the proposal to execute the works, giving the period during which such objection may be made.
- 6 The notice under section 210 of this Act shall contain the following particulars:—
- (a) a statement that the street works authority propose to amend the estimate so as to increase the amount of it, specifying the former amount and the amount to which it is to be increased;
 - (b) the address of the offices of the authority at which a document certified by the proper officer giving details of the proposed amendment and of the proposed consequential amendment of the provisional apportionment may be inspected, and the times at which, and the period during which, it may be inspected ; and
 - (c) a statement that an owner of premises liable to be charged with any part of the expenses of executing the street works may object to the proposed amendments, giving the period during which such objection may be made.

SCHEDULE 17

Section 248.

PURPOSES FOR WHICH ADDITIONAL LAND MAY BE TAKEN IN ADVANCE OF REQUIREMENTS

<i>Provision authorising acquisition</i>	<i>Initial stage</i>	<i>Subsequent stage</i>
Section 239(1)	The construction of a highway.	The improvement of that highway.
Section 239(2)(a)	The carrying out of works authorised by an order relating to a trunk road under section 14 of this Act.	The improvement or alteration of a highway or proposed highway to which the order relates.
Section 239(2)(b)	The provision of a maintenance compound for a trunk road.	The extension of the maintenance compound.

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<i>Provision authorising acquisition</i>	<i>Initial stage</i>	<i>Subsequent stage</i>
Section 239(3)	The improvement of a highway.	The further improvement of that highway.
Section 239(4)(a)	The improvement of a highway included in the route of a special road.	The further improvement of the highway.
Section 239(4)(b)	The purposes of an order made in relation to a special road under section 18 of this Act.	The improvement or alteration of a highway or proposed highway to which the order relates.
Section 239(4)(c)	The provision of a service area or maintenance compound for a special road.	The extension of the service area or maintenance compound.
Section 240(1)	The carrying out of works authorised by an order relating to a classified road under section 14 of this Act.	The improvement or alteration of a highway or proposed highway to which the order relates.
Section 240(3)	The provision of a trunk road picnic area.	The extension of the trunk road picnic area.
Section 240(5)	The provision of a lorry area.	The extension of the lorry area.

SCHEDULE 18

Section 249.

DISTANCE LIMITS FROM HIGHWAY APPLICABLE TO COMPULSORY ACQUISITION

PART I

TABLE OF LIMITS

<i>Acquisition provision</i>	<i>Distance limit</i>
1. Section 239(1) or 239(3)	220 yards from the middle of the highway or proposed highway.
2. Section 239(2)(a) or 239(4)(a) or (b)	220 yards from the middle of the trunk road or of the special road, as the case may be, or, where the land is required for the improvement, alteration or construction of any other highway, from the middle of that other highway or proposed highway.
3. Section 239(2)(b) or 239(4)(c)	880 yards from the middle of the trunk road or special road, as the case may be.

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<i>Acquisition provision</i>	<i>Distance limit</i>
4. Section 240(1) so far as it relates to works authorised by an order relating to a classified road under section 14 of this Act	220 yards from the middle of the classified road to which the order relates or, where the land is required for the improvement, alteration or construction of any other highway, from the middle of that other highway or proposed highway.
5. Section 240(1) so far as it relates to works authorised by section 129 of this Act.	880 yards from the middle of the highway or proposed highway from which new means of access to premises are to be provided.
6. Section 240(3)(a)	880 yards from the middle of the trunk road in connection with which a trunk road picnic area is to be provided.
7. Section 240(3)(b) or 240(4)	220 yards from the middle of the highway or proposed highway on land adjoining, or in the vicinity of which, public sanitary conveniences are to be provided.
8. Section 240(5)	880 yards from the middle of the highway or proposed highway on land adjoining, or in the vicinity of which, a lorry area is to be provided

PART II

FURTHER PROVISION WITH RESPECT TO THE LIMITS UNDER PART I

- 1 In the entries numbered 2 and 4 in Part I of this Schedule the distance limit specified in column 2 shall, in relation to land required for the provision of new means of access to premises from a highway or proposed highway, have effect with the substitution for the distance there mentioned of a distance of 880 yards from the middle of that highway or proposed highway.
- 2 Where the boundaries of any highway will be altered in consequence of any improvement proposed to be made under this Act in relation to the highway, then, for the purposes of Part I of this Schedule the middle of that highway shall be the middle of it as proposed to be improved.

SCHEDULE 19

Section 250.

COMPULSORY ACQUISITION OF RIGHTS : MODIFICATION OF 1946 AND 1965 ACTS

PART I

ADAPTATION OF 1946 ACT, SCHEDULE 1, PART III

- 1 In paragraphs 2 to 4 below, " the Schedule " means Schedule 1 to the Act of 1946; and in relation to compulsory acquisition of rights by virtue of section 250 of this Act that Schedule applies with the modifications made by those paragraphs.
- 2 In paragraph 9 of the Schedule (compulsory purchase order to be subject to special parliamentary procedure in certain cases) for references to compulsory purchase of land substitute references to compulsory acquisition of rights over land.
- 3 In paragraph 10 of the Schedule (land of statutory undertakers)—
- (a) for " land comprised in the order" substitute " land over which a right is to be acquired by virtue of the order ";
 - (b) for " purchase of " substitute " acquisition of a right over ";
 - (c) for " it can be purchased and not replaced " substitute " the right can be acquired "; and
 - (d) for sub-paragraph (ii) substitute the following—
 - “(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to, or available for acquisition by, them”.
- 4 (1) in paragraph 11 of the Schedule (common land, open spaces, etc.) substitute the following for sub-paragraph (1)—
- “(1) In so far as a compulsory purchase order authorises the acquisition of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—
- (a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and to the persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or
 - (b) that there has been or will be given in exchange for the right additional land which will as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights of common or other rights over that land, and the public, be adequate to compensate them for the disadvantages which result from the acquisition of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or
 - (c) that the land affected by the right to be acquired does not exceed 250 square yards in extent or the right is required in connection with the widening or drainage of an existing highway or in

connection partly with the widening and partly with the drainage of such a highway, and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.”.

- (2) In the said paragraph 11, in sub-paragraph (3), substitute the following for the words from " and for discharging " to the end—

“and for discharging the land over which any right is to be acquired from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of that right”.

PART II

ADAPTATION OF 1965 ACT, PART I

- 5 In relation to a compulsory acquisition of a right by virtue of section 250 of this Act, the Act of 1965 applies with the modifications made by paragraphs 6 to 11 below.

- 6 For section 7 of the Act (measure of compensation) substitute the following:—

“7 In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired is depreciated by the acquisition of the right but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of his, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

- 7 For section 8(1) of the Act (protection for vendor against severance of house, garden, etc.) substitute the following—

“(1) No person shall be required to grant any right over part only—

(a) of any house, building or manufactory; or

(b) of a park or garden belonging to a house,

if he is willing to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that—

(i) in the case of a house, building or manufactory, the part over which the right is proposed to be acquired can be made subject to that right without material detriment to the house, building or manufactory; or

(ii) in the case of a park or garden, the part over which the right is proposed to be acquired can be made subject to that right without seriously affecting the amenity or convenience of the house ;

and if the Lands Tribunal so determine, the Tribunal shall award compensation in respect of any loss due to the acquisition of the right, in addition to its value; and thereupon the party interested shall be required to grant to the acquiring authority that right over that part of the house, building, manufactory, park or garden.

- (1A) In considering the extent of any material detriment to a house, building or manufactory, or any extent to which the amenity or convenience of a house is affected, the Lands Tribunal shall have regard not only to the right which

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- is to be acquired over the land, but also to any adjoining or adjacent land belonging to the same owner and subject to compulsory purchase.”.
- 8 The following provisions of the Act (being provisions stating the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land)—
- section 9(4) (refusal by owners to convey);
 - Schedule 1, paragraph 10(3) (owners under incapacity);
 - Schedule 2, paragraph 2(3) (absent and unbraced owners); and
 - Schedule 4, paragraphs 2(3) and 7(2) (common land),
- are so modified as to secure that, as against persons with interests in tire land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired is vested absolutely in the acquiring authority.
- 9 Section 11 of the Act (powers of entry) is so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) are modified correspondingly.
- 10 Section 20 of the Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right in question.
- 11 Section 22 of the Act (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 20

Sections 257, 258.

ACQUISITION OF LAND OR RIGHTS : RELATED SCHEMES AND ORDERS

<i>Purposes for which acquisition of land or rights is required</i>	<i>Related schemes and orders</i>
Purposes connected with a trunk road, not being a special road,	An order under section 10 of this Act relating to the trunk road. An order under section 14 of this Act relating to the trunk road.
Purposes connected with a special road.	A scheme under section 16 of this Act relating to the special road. An order under section 18 of this Act relating to the special road.

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<i>Purposes for which acquisition of land or rights is required</i>	<i>Related schemes and orders</i>
The construction, in pursuance of an order under section 106(1) of this Act, as part of a trunk road of a bridge over or a tunnel under navigable waters.	The order under the said section 106(1).
The construction, in pursuance of a scheme under section 106(3) of this Act, as part of a highway or proposed highway of a bridge over or a tunnel under navigable waters.	The scheme under the said section 106(3).
Purposes connected with a classified road, not being a special road.	An order under section 14 of this Act relating to the classified road.
The provision of a new means of access to any premises from a highway or proposed highway.	An order under section 124 of this Act stopping up a means of access to those premises from that or any other highway.
The diversion, in pursuance of an order under section 108(1) of this Act, of a navigable watercourse.	The order under the said section 108(1).

SCHEDULE 21

Section 265.

TRANSITIONAL MATTERS ARISING WHERE A HIGHWAY BECOMES A TRUNK ROAD OR A TRUNK ROAD CEASES TO BE A TRUNK ROAD

- 1 All orders and regulations made, all directions, consents and notices given, and all building lines and improvement lines prescribed, with respect to a highway which becomes a trunk road, either by the former highway authority for the purposes of their functions with respect to that highway or by a council under any enactment to which section 265 of this Act applies, if they were in force immediately before the highway became a trunk road, have effect with respect thereto as if made, given or prescribed by the Minister; but nothing in this paragraph is to be taken as transferring to the Minister any liability not transferred to him by or under the said section 265.
- 2 Any order, byelaw, regulation or other instrument made by a council with respect to a highway which becomes a trunk road, which would, if it had been made after the highway became a trunk road, have required the consent or approval of the Minister, may be revoked or varied by an order made by the Minister in like manner and subject to the like conditions as the original instrument, so, however, that no appeal lies to the Crown Court or to a magistrates' court against any order made by the Minister under this paragraph.
- 3 All contracts, deeds, bonds or agreements entered into or made by the, former highway authority for a highway which becomes a trunk road, or by a council for the purposes of functions in relation to the highway under any enactment to which section 265 of this Act applies, and subsisting on the day on which the highway became a trunk road, have effect, in so far as they relate to the property and nabilities transferred to the Minister in respect of that highway, with the substitution of the

- Minister for the authority or council and may be enforced by or against the Minister accordingly.
- 4 Where any such contract as aforesaid provides for the execution of works or the rendering of services by a person other than the authority or council in connection with the construction, maintenance or improvement of, or other dealing with, the highway, then—
- (a) if the works or services have been completed before the day on which the highway becomes a trunk road but the price or payment, or any part thereof, has not accrued due before that day, the Minister may recover from the authority or council the price or payment, or part thereof, as the case may be; and
 - (b) if the works or services have not been completed before the said day, the value of any works executed, or services rendered, before that day, shall be ascertained, regard being had to the terms of the contract, and the Minister may recover from the authority or council the amount of the said value less any sum paid by the authority or council in pursuance of the contract, and if the authority or council have paid in pursuance of the contract a sum greater than the amount of the said value, the Minister shall repay the excess to the authority or council.
- 5 Where, before the day on which a highway becomes a trunk road, the former highway authority or any council having functions in relation to the highway under any enactment to which section 265 of this Act applies have been themselves executing works in connection with the construction, maintenance or improvement of, or other dealing with, the highway, but have not completed the works before that day, the Minister shall, if required to do so by the authority or council, purchase all unused materials necessarily acquired by the authority or council for the purpose of the works and hire from the authority or council all plant so acquired which is still necessary for the purpose of the works.
- 6 In calculating—
- (a) the amount of any sum to be recovered or paid by the Minister under paragraph 4 above, or
 - (b) the price of the materials to be purchased, or the hire of plant to be hired, by the Minister under paragraph 5 above,
- account shall be taken of any grant paid or payable by the Minister to the authority or council for the purpose of the works or services.
- 7 If any dispute arises under paragraph 4, 5 or 6 above as to the materials to be purchased, or the plant to be hired, by the Minister from any authority or council, or as to the sums to be paid by any authority or council to the Minister, or by the Minister to any authority or council, it shall be determined by arbitration.
- 8 All proceedings, legal or other, begun before the day on which a highway becomes a trunk road and relating to any property or liabilities transferred to the Minister in respect of that highway, may be carried on with the substitution of the Minister as party to the proceedings, in lieu of the authority or council from whom the property or liabilities was or were transferred, and any such proceedings may be amended in such manner as may be necessary for that purpose.
- 9 The provisions of this Schedule, except paragraph 2, apply in a case where a trunk road ceases to be a trunk road in like manner as they apply where a highway becomes a trunk road, with the substitution, for the references to the former highway authority and to a council, of references to the Minister, and, for references to the

Minister, of references to the council who become the highway authority for the road or, as far as relates to functions under any enactment to which section 265 of this Act applies and to property and nabilities vested in or incurred by the Minister for the purposes of those functions, to the council who are to exercise those functions in relation to the road.

SCHEDULE 22

Sections 288, 294, 312, 338, 339, 341.

PROVISIONS OF THIS ACT TO WHICH SECTIONS 288,
294, 312, 338, 339 AND 341 OF THIS ACT APPLY*1 Provisions contained in Part IV*

1 Section 36(6) and (7) and section 38.

2 Provisions contained in Part V

2 Section 66(2) to (8), sections 73 and 77 and section 96(4) and (5).

3 Provisions contained in Part IX

3 Sections 133, and 151 to 153, section 154(1), and 154(4) so far as relating to a notice under 154(1), sections 163 and 165, sections 171 to 174, 176, 178 and 179, section 180 other than subsection (2) and subsection (4) so far as relating to subsection (2), and section 185.

4 Provisions contained in Part X

4 Sections 186 to 188, 190 to 197, 200 and 201.

5 Provisions contained in Part XI

5 The private street works code, sections 226 and 228, section 230(1) to (6), and sections 231, 233, 236 and 237.

6 Provisions contained in Part XII

6 Section 239(6) and section 241.

7 Provisions contained in Part XIV

7 Sections 286, 295, 297, 303, 304, and 305.

Status: This is the original version (as it was originally enacted).

SCHEDULE 23

Section 343(1).

TRANSITIONAL PROVISIONS

Delegation of functions

- 1 Section 6(1) and section 7(1) of this Act shall have effect in relation to land acquired by a Minister in connection with a trunk road or, as the case may be, acquired by the Greater London Council in connection with a metropolitan road, under subsection (5) or (6) of section 214 of the Highways Act 1959 (or, in the case of a Minister, under so much of section 13 of the Restriction of Ribbon Development Act 1935 as is re-enacted in those subsections) as they have in relation to land so acquired under section 246 of this Act (or, by virtue of paragraph 17 below, under section 22 of the Land Compensation Act 1973).

Trunk roads and related roads

- 2 Section 11(1) of this Act applies to a highway which at the commencement of this Act is a trunk road as it applies to a highway which becomes a trunk road after the said commencement.
- 3 (1) The provisions of this Act (except section 19) and of paragraph 5 of Schedule 5 to the Town and Country Planning Act 1971 apply in relation to the trunk roads described in sub-paragraph (2) below, which are trunk roads by virtue of orders made under section 1 of the Trunk Roads Act 1946, as if they were special roads provided by the Minister in pursuance of schemes made under section 16 of this Act for the use of traffic of the classes specified in the third column of the table in sub-paragraph (2) below.
- (2) The trunk roads referred to in sub-paragraph (1) above are the trunk roads for which provision was made by the orders specified in the first column of the following table (referred to below as "the original orders"), as those roads are now constituted, having regard to any orders or schemes varying the original orders:

Original Order	Description of Road	Class of Traffic (as described in Schedule 4)
S.R. & O. 1947, No. 2248.	Stevenage By-Pass, part of A1(M) motorway.	Classes I and II.
S.R. & O. 1947, No. 1562.	Severn Bridge and adjoining sections of M4 motorway.	For main carriageways: Classes I and II. For cycle track on Severn Bridge: Classes VII, X and XI. For footway on Severn Bridge: Class IX.
S.I. 1948, No. 924.	Haysgate to Crick, part of M4 motorway.	Classes I and II.
S.I. 1948, No. 62.	Newport By-Pass, part of M4 motorway.	Classes I and II.

Status: This is the original version (as it was originally enacted).

Original Order	Description of Road	Class of Traffic (as described in Schedule 4)
S.I. 1949, No. 2360.	Twynning to Lydiate Ash, part of M5 motorway.	Classes I and II.
S.I. 1949, No. 2459.	Port Talbot By-Pass, part of M4 motorway.	Classes I and II.

- (3) Without prejudice to the generality of sub-paragraph (1) above, the power (under section 14 of the Interpretation Act 1978) to revoke or amend schemes under section 16 of this Act includes power to revoke or amend any of the original orders and to amend the provisions of the third column of the table in sub-paragraph (2) above.
- 4 (1) Any order under section 1(3) of the Trunk Roads Act 1936 (power to provide that a road superseding part of a trunk road should itself become a trunk road) continued in force by paragraph 29 of Schedule 24 to the Highways Act 1959, and still in force (whether or not varied under that paragraph) immediately before the commencement of this Act, continues in force and may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.
- (2) Schedule 2 to this Act has effect as to the validity and date of operation of an order made under this paragraph.
- (3) If an order under the said section 1(3) continued in force by sub-paragraph (1) above provides that on a date specified therein a route described therein is to become a trunk road and the order is revoked or varied by an order under this paragraph at any time before the route is opened for the purposes of through traffic, the revoking or varying order is not to be deemed for the purposes of section 2 of this Act to be an order directing that a trunk road is to cease to be a trunk road.
- 5 (1) Any order under section 4 of the Trunk Roads Act 1946 (certain powers relating to side roads connected with trunk roads) continued in force by paragraph 30 of Schedule 24 to the Highways Act 1959 and still in force (whether or not varied under that paragraph) immediately before the commencement of this Act, continues in force and the provisions of subsections (1) to (3) of the said section 4 continue to apply to them as if that section had not been repealed.
- (2) Subject to sub-paragraph (3) below, an order under the said section 4 continued in force by sub-paragraph (1) above may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.
- (3) Parts I and III of Schedule 1 to this Act have, effect as to the making of an order under this paragraph as they have effect as to the making of an order in relation to a trunk road under section 14 of this Act; and Schedule 2 to this Act has effect as to the validity and date of operation of an order under this paragraph.
- (4) Section 265 of this Act applies in relation to a highway for which any council become the highway authority by virtue of an order under the said section 4 or this paragraph as if it had previously been a trunk road.

Status: This is the original version (as it was originally enacted).

Special roads

- 6 (1) In schemes under section 11 of the Highways Act 1959 made before 30th June 1961 references to traffic in Class VII set out in Schedule 4 to that Act are to be construed as including references to traffic in Classes X and XI set out in Schedule 4 to this Act.
- (2) Sub-paragraph (1) above is without prejudice to the operation of sections 17(2)(a) and 23(3) of the Interpretation Act 1978 as respects the construction of references generally in such schemes as are referred to in that sub-paragraph, and without prejudice to the powers under section 14 of that Act and section 17(3) of this Act to amend such schemes and to amend Schedule 4 to this Act.

Vehicle crossings

- 7 (1) If a person knowingly uses a grass verge or a footway as a crossing as mentioned in subsection (1) of section 155 of the Highways Act 1959 (carriage crossings across grass verges or kerbed footways) in contravention of any condition imposed under paragraph (c) of the said subsection (1) and in force immediately before the commencement of this Act, or knowingly permits it to be so used, he is (notwithstanding the repeal of the said section 155 by the Highways Act 1971) guilty of an offence and liable to a fine not exceeding £20.
- (2) As respects any expenses recoverable by a council under subsection (3) of the said section 155 and outstanding at the commencement of this Act, section 305 of this Act has effect as though they were incurred under a provision of this Act to which that section applies.

Maintenance of highways

- 8 Any question of liability for non-repair of a highway in respect of damage resulting from an event which occurred before 3rd August 1964 shall be determined in accordance with the former rule of law (abrogated by section 1 of the Highways (Miscellaneous Provisions) Act 1961) which exempted the inhabitants at large and any other persons as their successors from liability for non-repair of highways; and section 58 of this Act does not apply in relation to any such damage.

Cattle-grids etc.

- 9 (1) Without prejudice to the application of this Act to any cattle-grid, works or by-pass provided, or deemed to have been provided, under the Highways Act 1959, sub-paragraphs (2) and (3) below have effect as respects—
- (a) any cattle-grid provided for a highway which consists of or comprises a carriageway,
 - (b) any gate or other works on such a highway for use in connection with such a cattle-grid,
 - (c) any by-pass for use in connection with such a cattle-grid, and
 - (d) any gate or other works for the proper control of traffic passing over such a by-pass,
- being a cattle-grid, works or by-pass provided before 28th July 1950, where application is made to the Minister for his approval thereof by the highway authority for the highway.
- (2) If, where such an application is made—

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- (a) the Minister approves the cattle-grid, works or by-pass unconditionally, or
- (b) he gives his approval subject to conditions as to the carrying out of works, the conclusion of an agreement under section 88 of this Act or any other matter, and those conditions have been complied with,

then, as from the giving of the Minister's approval unconditionally or, as the case may be, compliance with all conditions subject to which he gives his approval, the cattle-grid, works or by-pass are to be deemed to have been provided under this Act by the highway authority for whom the application for approval was made.

- (3) Where the Minister gives his approval of the cattle-grid, works or by-pass subject to conditions, the highway authority by whom the application for approval was made may carry out any work, or do any other thing, which is requisite for complying with the conditions ; and in particular (but without prejudice to the foregoing provisions of this sub-paragraph) sections 85, 87 and 243 of this Act apply in relation to the exercise of the powers conferred by the foregoing provisions of this sub-paragraph as they apply in relation to the corresponding powers conferred by this Act.

New streets

- 10 (1) Without prejudice to paragraphs 17 to 19 below section 189 of this Act applies, in relation to any council, as respects—
 - (a) an order made by the council under section 159 of the Highways Act 1959, or
 - (b) an order, so far as it relates to the council's area, made by an earlier authority under that section,as it applies to an order made by the council under section 188 of this Act (which replaces the said section 159).
- (2) Any order under section 30 of the Public Health Act 1925 which had effect immediately before the commencement of this Act (by virtue of paragraph 22 of Schedule 24 to the Highways Act 1959) shall, subject to sub-paragraph (3) below, continue to have effect as if that section had not been repealed.
- (3) Section 189 of this Act applies, in relation to any council, as respects an order having effect by virtue of sub-paragraph (2) above, so far as it relates to the council's area, as it applies to an order made by the council under section 188 of this Act.
- (4) While any order under the said section 30 has effect in relation to a highway no order under section 188 of this Act shall be made in relation to that highway.

- 11 The repeal by this Act of the Highways Act 1959 does not affect the operation of any order under section 312(6) of that Act (orders extending period of operation of byelaws made under an enactment corresponding to section 157 of that Act) and any such order in force at the commencement of this Act may be varied or revoked by the Secretary of State.

Private Street Works Code

- 12 (1) Sub-paragraph (2) below has effect where—
 - (a) before 1st January 1960 street works were executed under any of the relevant street works enactments with respect to part only of a private street, being a part consisting of the whole or part of a footway on one side only of the street, and those works were executed only by, or at the expense only of,

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the owners or occupiers of the premises fronting the footway or part of the footway, as the case may be ; and

- (b) the street works authority resolve under section 205(1) of this Act to execute street works with respect to any part of the street constituting or comprising the whole or a part of the footway on the side of the street other than that in which street works were executed as mentioned in paragraph (a) above.

In this paragraph " the relevant street works enactments " means section 150 of the Public Health Act 1875, the Private Street Works Act 1892 and any local Act making provision corresponding to the provisions of that section or of the said Act of 1892.

- (2) In the circumstances mentioned in sub-paragraph (1) above, the expenses incurred by the authority in executing the works mentioned in sub-paragraph (1)(b) above with respect to the footway or part of the footway there mentioned shall (notwithstanding anything in section 205(1) or (2) of this Act but subject to the other provisions of the private street works code) be apportioned only between the premises fronting that footway or part, as the case may be, and references in Part XI of this Act to the premises liable to be charged with the expenses of street works under the private street works code are to be construed in accordance with this sub-paragraph.
 - (3) References in this paragraph to a footway include references to any roadside waste, and to any channel by the side of a footway.
- 13 (1) Subject to sub-paragraph (3) below, where a highway in existence on 16th December 1949 (the date of the coming into force of the National Parks and Access to the Countryside Act 1949, referred to below as " the 1949 Act ")—
- (a) was immediately before 1st January 1960 a highway repairable by the inhabitants at large by virtue only of section 47(1) of the 1949 Act (which extended to all public paths the then rule of law whereby a highway was repairable by the inhabitants at large), and
 - (b) would, if the said section 47 had not been enacted, be a private street for the purposes of the private street works code,

the fact that the highway is a highway maintainable at the public expense by virtue of section 36(1) of this Act shall not prevent its being treated for the purposes of the private street works code as a private street.

This sub-paragraph does not apply to a highway in Greater London other than the outer London boroughs.

- (2) Subject to sub-paragraph (3) below, where a highway in existence on 3rd August 1968 (the date of the coming into force of the Countryside Act 1968) would, if paragraph 9(2)(a) of Schedule 3 to that Act (which provides that as from the date of publication of the definitive map and statement in a review carried out by an authority under Part III of that Schedule certain ways shown on the map are to be highways maintainable at the public expense) had not been enacted, be a private street, the fact that the highway is a highway so maintainable by virtue of the said paragraph 9(2) shall not prevent its being treated for the purposes of the private street works code as a private street.
- (3) Where the street works authority exercise the powers exercisable by them by virtue of sub-paragraph (1) or (2) above in relation to a highway or part of it, the sub-paragraph in question shall not thereafter apply to that highway or to that part, as the case may be, so as to enable the authority to exercise those powers in relation to it on any subsequent occasion.

Likewise, where before the commencement of this Act the street works authority exercised the powers exercisable by them by virtue of—

- (a) paragraph 24 of Schedule 24 to the Highways Act 1959 (from which sub-paragraph (1) above is derived) or section 50 of the 1949 Act (from which the said paragraph 24 was derived), or
- (b) section 76(1) of the Highways Act 1971 (from which sub-paragraph (2) above is derived),

in relation to a highway or part of it, sub-paragraph (1) or, as the case may be, (2) above shall not apply to that highway or part, as the case may be, so as to enable the authority to exercise the powers exercisable by virtue of sub-paragraph (1) or (2) above in relation to it.

Acquisition of land

- 14 (1) Notwithstanding anything in section 1(2) of the Act of 1946 or in paragraph 9 of Schedule 1 to that Act, neither—
- (a) an order authorising a highway authority to acquire a right compulsorily as mentioned in section 242(3) of this Act, nor
 - (b) an order made as mentioned in section 254(1) of this Act, or so made and confirmed,

is, where notice of the making or preparation in draft of the order was first published before the 6th April 1976, subject to special parliamentary procedure by reason only of its authorising the acquisition of any such right as is mentioned in the said section 242(3) or, as the case may be, the said section 254(1).

- (2) Sub-paragraph (1) above is without prejudice to the operation of section 120 of the Local Government, Planning and Land Act 1980 (which re-enacts with modifications section 41 of the Community Land Act 1975) in relation to any such order as is mentioned in that sub-paragraph where notice of the making or preparation in draft of the order was or is first published on or after 6th April 1976.

National Freight Corporation

- 15 Until the appointed day within the meaning of Part II of the Transport Act 1980—
- (a) subsection (4) of section 219 of this Act has effect as if the National Freight Corporation were included amongst the bodies mentioned in paragraph (i) of that subsection,
 - (b) subsection (4) of section 329 of this Act has effect as if the National Freight Corporation were included amongst the bodies mentioned in that subsection.

Continuing offences

- 16 Where an offence for the continuance of which a penalty was provided has been committed under any enactment repealed by this Act proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the like manner as if the offence had been committed under the corresponding provision of this Act.

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General

17 Any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of, or by reference to any provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to the corresponding enactment repealed by this Act.

18 Without prejudice to paragraph 17 above, any reference in this Act (whether express or implied) to a thing done by a highway authority or other authority under a provision of this Act includes, except where the context otherwise requires, a reference to the corresponding thing done, or having effect as if done, by a predecessor authority under the corresponding enactment repealed by this Act.

In this paragraph " predecessor authority " means—

- (a) in relation to the Secretary of State, the Minister of Transport or other Minister exercising the relevant function before the transfer of the function to the Secretary of State;
- (b) in relation to the Minister of Transport, the Secretary of State or other Minister exercising the relevant function before the transfer of the function to the Minister of Transport;
- (c) in relation to a council, the authority exercising the relevant function before the function vested in the council under the Local Government Act 1972 or, as the case may be, the London Government Act 1963.

19 Without prejudice to paragraph 17 or 18 above, any power which was exercisable by a highway authority or other authority immediately before the commencement of this Act, under an enactment repealed by this Act, by reference (whether express or implied) to anything done before the said commencement may be exercised by that authority under the corresponding provision of this Act.

20 Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act has effect as if the corresponding provision of this Act had been in force when that period began to run.

21 For the purposes of the operation in relation to this Act of section 32(1) of the Public Utilities Street Works Act 1950 (provision as to payments falling to be made under enactments passed before the passing of that Act and instruments made under or confirmed by such enactments), any provision of this Act derived from the Highways Act 1959 is to be deemed to have been passed on the date of its antecedent enactment.

In this paragraph " antecedent enactment" means the enactment from which the relevant provision of the said Act of 1959 was derived (whether or not modified by the 1959 Act).

22 Any enactment or other document of any kind referring to a highway repairable by the inhabitants at large or a highway maintainable by the inhabitants at large is to be construed as referring to a highway which for the purposes of this Act is a highway maintainable at the public expense.

23 Any enactment or other document of any kind referring to a surveyor of highways or a highway board is to be construed as referring to a highway authority.

Status: This is the original version (as it was originally enacted).

References to Magistrates' Courts Act 1980

- 24 Until the day appointed for the coming into force of the Magistrates' Courts Act 1980—
- (a) the references in sections 292(4) and 297(3) of this Act to sections 32(9) and 143(1) of the Magistrates' Courts Act 1980 shall be construed respectively as references to sections 28(7) and 61(1) of the Criminal Law Act 1977 ;
 - (b) the reference in section 329(1) of this Act in the definition of " petty sessions area " to the Magistrates' Courts Act 1980 shall be construed as a reference to the Magistrates' Courts Act 1952.

SCHEDULE 24

Section 343(2).

CONSEQUENTIAL AMENDMENTS

Military Lands Act 1892

- 1 In the Military Lands Act 1892—
- (a) in section 13, for " the Highways Act 1959 " substitute " the Highways Act 1980 ", for " section one hundred and eight " substitute (in both places) " section 116 " and for " section two hundred and seventy-five of the said Act of 1959 " substitute " section 317 of the said Act of 1980 " ;
 - (b) in section 16(2), for " the Highways Act 1959 " substitute " the Highways Act 1980 " .

Settled Land Act 1925

- 2 In section 56(3) of the Settled Land Act 1925, for " the Highways Act 1959 " substitute (in paragraph (a) and paragraph (b)) " the Highways Act 1980 " .

Universities and College Estates Act 1925

- 3 In section 16(3) of the Universities and College Estates Act 1925, for " the Highways Act 1959 " substitute (in paragraph (a) and paragraph (b)) " the Highways Act 1980 " .

Public Health Act 1936

- 4 In the Public Health Act 1936—
- (a) in section 20(1)(b), for " Part IX of the Highways Act 1959 " substitute " Part XI of the Highways Act 1980 " ;
 - (b) in section 21, for subsection (4) substitute—

“(4) Nothing in this section shall be construed as limiting the rights of a county council under section 264 of the Highways Act 1980.”.

Public Utilities Street Works Act 1950

- 5 In section 39(1) of the Public Utilities Street Works Act 1950—

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- (a) in the definition of "highway authority" and "local highway authority", for "the Highways Act 1959" substitute "the Highways Act 1980";
- (b) in the definition of "road purposes", for "subsection (1) of section two hundred and ninety-five of the Highways Act 1959 as amended by the Highways Act 1971" substitute "section 329(1) of the Highways Act 1980".

Agriculture (Improvement of Roads) Act 1955

- 6 In section 5(1) of the Agriculture (Improvement of Roads) Act 1955, in the definition of "unclassified road", for "under the Ministry of Transport Act 1919" substitute "within the meaning of the Highways Act 1980".

Parish Councils Act 1957

- 7 In section 3(10) of the Parish Councils Act 1957—
- (a) for "the Highways Act 1959" substitute "the Highways Act 1980";
 - (b) for "section eleven of the said Act of 1959" substitute "section 16 of the said Act of 1980".

Land Compensation Act 1961

- 8 In section 8(7) of the Land Compensation Act 1961 for paragraph (c) substitute—
“(c) section 261(1) of the Highways Act 1980 (or its predecessor, section 222(6) of the Highways Act 1959);”.

Public Health Act 1961

- 9 In section 51(2), (4) and (11) of the Public Health Act 1961, for "section one hundred and fifty-six of the Highways Act 1959" substitute "section 185 of the Highways Act 1980".

Pipelines Act 1962

- 10 In the Pipelines Act 1962—
- (a) in section 15(10), in the definition of "special road", after "Highways Act 1959", insert "or section 16 of the Highways Act 1980", for "section nineteen of" substitute "paragraph 3 of Schedule 23 to", and for "section eleven thereof" substitute "section 16 thereof";
 - (b) in section 18(1) for "section one hundred and thirty-seven of the Highways Act 1959" substitute "section 157 of the Highways Act 1980 (or its predecessor, section 137 of the Highways Act 1959)", and for "section eighteen of the Road Traffic and Roads Improvement Act 1960" substitute "section 158 of the Highways Act 1980 (or its predecessor section 18 of the Road Traffic and Roads Improvement Act 1960)";
 - (c) in section 66(1), in the definition of "carriageway" for "subsection (1) of section two hundred and ninety-five of the Highways Act 1959" substitute "section 329(1) of the Highways Act 1980".

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London Government Act 1963

- 11 In Schedule 9 to the London Government Act 1963, in Part II, in paragraph 5, omit the words from " and " to the end.

Licensing Act 1964

- 12 In section 9(4) of the Licensing Act 1964—
- (a) in paragraph (a), for " the Highways Act 1959 " substitute " the Highways Act 1980 " and for section 19 of that Act" substitute " paragraph 3 of Schedule 23 to that Act " ;
 - (b) in paragraph (b), for " section 12" substitute " section 17 ".

New Forest Act 1964

- 13 In section 3 of the New Forest Act 1964—
- (a) in subsection (2), subsection (3) and subsection (4), for " the Highways Act 1959 " substitute " the Highways Act 1980 ";
 - (b) in subsection (6), for " section 144 of the Highways Act 1959 " substitute " section 165 of the Highways Act 1980 ".

Severn Bridge Tolls Act 1965

- 14 In the Severn Bridge Tolls Act 1965—
- (a) in section 1(4), for " the Highways Act 1959 ", in the second place where it occurs, substitute " the Highways Act 1980 ";
 - (b) in section 2(4), for " the Highways Act 1959 " substitute " the Highways Act 1980 " ;
 - (c) in section 15(3), for " the Highways Act 1959 " substitute " the Highways Act 1980 " ;
 - (d) in section 16(1), for "section 11 or section 13 of the Highways Act 1959 " substitute " section 16 or 18 of the Highways Act 1980 ";
 - (e) in section 16(2), for " the Highways Act 1959 (other than sections 11 and 13 thereof)" substitute " the Highways Act 1980 (other than sections 16 and 18 thereof) ", for "section 13 of that Act" substitute " section 18 of that Act " and for " section 215 " substitute " section 239(2) and (4) ";
 - (f) in section 22(1), in the definition of " carriageway " and in the definition of "verge", for "the Highways Act 1959" substitute " the Highways Act 1980 ";
 - (g) in section 22(2), for " the Highways Act 1959 " substitute " the Highways Act 1980 ", omit " (whether before or after the passing of this Act) " and for " section 12(3)" substitute " section 17(3) ".

New Towns Act 1965

- 15 In the New Towns Act 1965—
- (a) in section 25, for " the Highways Act 1959 " substitute " the Highways Act 1980 ";
 - (b) in Schedule 3, in paragraph 7(2)(b), for " section 7 or 9 of the Highways Act 1959 " substitute " section 10 or, so far as it relates to trunk roads, section 14 of the Highways Act 1980 ", and for the words from "section 1(3)"

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onwards substitute " section 7 or 9 of the Highways Act 1959 (to which, respectively, the said section 10 and, so far as it relates to trunk roads, the said section 14 correspond) and the enactments to which the said sections 7 and 9 corresponded (namely, section 1(3) of the Trunk Roads Act 1936, sections 1 and 4 of the Trunk Roads Act 1946 and section 14(1) of the Special Roads Act 1949) ".

Road Traffic Regulation Act 1967

- 16 In the Road Traffic Regulation Act 1967—
- (a) in section 13(1), after " the Highways Act 1959 " insert " or section 16 of the Highways Act 1980 ", for "section 19 thereof" substitute " paragraph 3 of Schedule 23 to that Act ", and for "that section" substitute " that paragraph ";
 - (b) in section 13(2)(a), for " the said section 19" substitute " the said paragraph 3 ";
 - (c) in section 14(1), for " section 7 of the Highways Act 1959 " substitute " section 10 of the Highways Act 1980 ", and for " the said section 7 " substitute " the said section 10 ";
 - (d) in section 44(3)(d), for " the Highways Act 1959" substitute " the Highways Act 1980 ";
 - (e) in section 50, in the definition of "road", for "section 11 of the Highways Act 1959 " substitute " section 16 of the Highways Act 1980 ";
 - (f) in section 72(6)(a) for the words from " classified " to " or as " substitute " by virtue of section 12 of the Highways Act 1980 (whether as falling within subsection (1) or as being so classified under subsection (3)) a principal road, or ";
 - (g) in section 84B(8) for paragraph (a) substitute—
 - “(a) by virtue of section 12 of the Highways Act 1980 (whether as falling within subsection (1) or as being so classified under subsection (3)); or ;”
 - (h) in section 104(1), in the definition of " special road ", after " Highways Act 1959 " insert " or section 16 of the Highways Act 1980 ", for " section 19 of " substitute " paragraph 3 of Schedule 23 to " and for " section 11 thereof" substitute " section 16 thereof ";
 - (i) in section 108(3) for " the Highways Act 1959 " substitute " the Highways Act 1980 ";
 - (j) in Schedule 5, in paragraph 24, for " section 249 of the Highways Act 1959 " substitute " section 283 of the Highways Act 1980 ".

Countryside Act 1968

- 17 In the Countryside Act 1968—
- (a) in section 27(6), for the words from the beginning to " traffic sign)" substitute " Section 131(2) of the Highways Act 1980 (destruction or defacement of a traffic sign) ";
 - (b) in section 49(2), in the definition of " bridleway " and " foot path", for "section 295(1) of the Highways Act 1959" substitute " section 329(1) of the Highways Act 1980 ".

Status: This is the original version (as it was originally enacted).

- (c) in Schedule 3, in Part I, in paragraph 2(d) of the entry relating to the Acquisition of Land (Authorisation Procedure) Act 1946, for " Schedule 7 to the Highways Act 1959, as amended below," substitute " Schedule 6 to the Highways Act 1980 ".

Transport Act 1968

- 18 In the Transport Act 1968—
- (a) in section 119(1), for "section 229 of the Highways Act 1959 " substitute " section 266 of the Highways Act 1980 ", for "section 230 of the said Act of 1959" substitute " section 267 of the said Act of 1980 ", for " section 58(2) of the said Act of 1959 " substitute " section 55(2) of the said Act of 1980 " and for " section 229(3) or 230(2) of the said Act of 1959 " substitute " section 266(5) or 267(2) of the said Act of 1980 ";
 - (b) in section 121(6), for " the Highways Act 1959 " substitute " the Highways Act 1980 " and for " paragraph (iii) of the proviso to " substitute " subparagraph (2)(c) of ";
 - (c) in section 121(7), for " the Highways Act 1959 " substitute " the Highways Act 1980 " and for "paragraph (iii) of the proviso to " substitute " subparagraph (2)(c) of " ;
 - (d) in section 159(1), in paragraph (a) of the definition of "highway authority", for "the Highways Act 1959" substitute " the Highways Act 1980 ".

Chronically Sick and Disabled Persons Act 1970

- 19 In section 20(2) of the Chronically Sick and Disabled Persons Act 1970, in the definition of " footway ", for " the Highways Act 1959 " substitute " the Highways Act 1980 ".

Town and Country Planning Act 1971

- 20 In the Town and Country Planning Act 1971—
- (a) in section 16—
 - (i) for the words from " section 7 " onwards in paragraph (a) substitute " section 10, 14, 16, 18, 106(1), 106(3) or 108(1) of the Highways Act 1980 (trunk road orders, special road schemes, orders or schemes for bridges over or tunnels under navigable waters, orders for diversion of navigable waters, and supplementary orders relating to trunk roads, classified roads or special roads) ";
 - (ii) for paragraph (b) substitute—
 - “(b) an order or scheme under any provision replaced by the provisions of the Highways Act 1980 mentioned in paragraph (a) above (namely, an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959, section 3 of the Highways (Miscellaneous Provisions) Act 1961 or section 1 or 10 of the Highways Act 1971);”;
 - (iii) omit paragraph (c).
 - (b) in section 20(1), for " the Highways Act 1959 " substitute " the Highways Act 1980 ";

Status: This is the original version (as it was originally enacted).

- (c) in section 24(8)(b) for " the Highways Act 1959 " substitute " the Highways Act 1980 " and after " being an enactment" insert " (derived from the Highways Act 1959) ";
- (d) in section 192(1)(d) for the words from " the Highways Act 1959" to "the said Act of 1971)" substitute " the Highways Act 1980 relating to trunk roads, special roads or classified roads (or under the corresponding provisions of Part II of the Highways Act 1959 or section 1 of the Highways Act 1971) being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part XII of the said Act of 1980 (including a power compulsorily to acquire any right by virtue of section 250) ";
- (e) in section 206(4)—
 - (i) in paragraph (a), before " under" insert " made, or having effect as if made ", and for " the Highways Act 1959 " substitute " the Highways Act 1980 ";
 - (ii) in paragraph (b), before " under" insert " made or having effect as if made ";
 - (iii) in paragraph (c), for the words from "under" onwards substitute " made, or having effect as if made, under section 106(3) of the said Act ";
 - (iv) in paragraph (d), for the words from "under" onwards substitute " relating to a classified road made, or having effect as if made, under section 14 of the said Act ";
- (f) in section 209(2), for " the Highways Act 1959 " substitute (in paragraph (a) and paragraph (c)) " the Highways Act 1980 ";
- (g) in section 255(1), for the words from " section 238(1) and (3) " to "highways)" substitute " section 274 of the Highways Act 1980 (contributions by local authorities towards expenses of highway authorities) ";
- (h) in section 290(1), in the definitions of "bridleway", " footpath" and " highway", for " the Highways Act 1959 ", in each case, substitute " the Highways Act 1980 ", and in the definition of " improvement" for " the Highways Act 1959 as amended by the Highways Act 1971" substitute " the Highways Act 1980 ";
- (i) in Schedule 5—
 - (i) in paragraph 5(1)(a) for " section 7 of the Highways Act 1959 " substitute " section 10 of the Highways Act 1980 (or has made an order under section 7 of the Highways Act 1959) ";
 - (ii) for paragraph 5(1)(b) substitute—
 - “(b) makes an order relating to a trunk road under section 14 of the Highways Act 1980 (or has made an order under section 9 of the Highways Act 1959) or makes or confirms a scheme or order under section 16 or 18 of the Highways Act 1980 (or has made or confirmed a scheme or order under section 11 or 13 of the Highways Act 1959)”;
- (j) in Schedule 7, in paragraph 2, for " the Highways Act 1959 " substitute " the Highways Act 1980 ";
- (k) in Schedule 22, for paragraph 2 substitute—

Status: This is the original version (as it was originally enacted).

- “2 The following provisions of the Highways Act 1980:—
section 73(1) to (3), (6) and (9) to (11).
section 74 except subsection (6).
sections 188, 193 and 196.
section 200(2) and (4).
section 241.
section 261(5) and, so far as it relates to (5), (6).
section 307(5) and (7).
Schedule 9.”;
- (l) in Schedule 22. for paragraph 3 substitute—
- “3 The following further provisions of the Highways Act 1980:—
(a) sections 187 and 200(1) so far as applicable for the purposes of section 188 of that Act;
(b) section 247(6) so far as applicable for the purposes of section 241 of that Act;
(c) in section 307—
(i) subsections (1) to (3) so far as applicable for the purposes of section 73 of that Act;
(ii) subsections (1), (3) and (6) so far as applicable for the purposes of section 74 of that Act;
(iii) subsections (1) and (3) so far as applicable for the purposes of sections 193 and 200(2) of that Act;
(d) section 311 so far as applicable for the purposes of section 74 of that Act.”;
- (m) in Schedule 22, for paragraph 4 substitute—
- “4 Section 279 of the Highways Act 1980 so far as the purposes in question are the purposes of the exercise—
(a) by a county council in relation to roads maintained by that council; or
(b) by the Greater London Council in relation to any road that is for the time being a metropolitan road within the meaning of that Act,
of their powers under section 73(1) to (3), (6) and (9) to (11) or section 241 of that Act.”.

Road Traffic Act 1972

- 21 In the Road Traffic Act 1972, in section 36A(4) and in section 36B(8) for " the Highways Act 1959 " substitute " the Highways Act 1980 ".

Local Government Act 1972

- 22 In Schedule 16 to the Local Government Act 1972, in paragraph 17(a), after " under " insert " section 12(3) of the Highways Act 1980 or ".

Status: This is the original version (as it was originally enacted).

Land Compensation Act 1973

- 23 In the Land Compensation Act 1973—
- (a) in section 19(1), in the definition of " highway ", for " section 295(1) of the Highways Act 1959" substitute " section 329(1) of the Highways Act 1980 ";
 - (b) in section 44(2), for " paragraph 7 of Schedule 6 to the High ways Act 1971 " substitute " paragraph 6 of Schedule 19 to the Highways Act 1980 ";
 - (c) in section 58(2)(a), for " paragraph 8 of Schedule 6 to the Highways Act 1971 " substitute " paragraph 7 of Schedule 19 to the Highways Act 1980 ";
 - (d) in section 69, for subsection (1) substitute—
 - “(1) In section 192(1)(d) of the Act of 1971 (land on or adjacent to line of highway proposed to be constructed etc. as indicated in an order or scheme which has come into operation under the provisions of Part II of the Highways Act 1980 relating to trunk roads, special roads or classified roads, or under the corresponding provisions of Part II of the Highways Act 1959 or section 1 of the Highways Act 1971) the reference to an order or scheme which has come into operation as aforesaid shall include a reference to—
 - (a) an order or scheme which has been submitted for confirmation to, or prepared in draft by, the Minister of Transport or the Secretary of State under the provisions of Part II of the said Act of 1980 relating to trunk roads, special roads or classified roads and in respect of which a notice has been published under paragraph 1, 2 or 10 of Schedule 1 to that Act;
 - (b) an order or scheme under Part II of the Highways Act 1959 or section 1 of the Highways Act 1971, being an order or scheme which corresponds to any such order or scheme as is mentioned in paragraph (a) above and which has been submitted for confirmation to, or been prepared in draft by, the Minister of Transport or the Secretary of State and in respect of which a notice has been published under paragraph 1, 2 or 7 of Schedule 1 to the said Act of 1959.”;
 - (e) in section 74(1) omit paragraph (a) and in paragraph (b) for " the said section 22(1) " substitute " section 246(1) of the Highways Act 1980 ";
 - (f) in section 74(2), for " the said section 22(1)" substitute " the said section 246(1) ";
 - (g) in section 76(1)(a)(i), for " section 159 of the Highways Act 1959 " substitute " section 188 of the Highways Act 1980 (or its predecessor, section 159 of the Highways Act 1959) ";
 - (h) in section 76(3), for " section 214(8) of the said Act of 1959 " substitute " section 239(6) of the said Act of 1980 ";
 - (i) in section 87, omit subsection (3).

Control of Pollution Act 1974

- 24 In the Control of Pollution Act 1974—

Status: This is the original version (as it was originally enacted).

- (a) in section 22(4), in the definitions of " highway ". " special road " and " trunk road " for " the Highways Act 1959 " substitute, in each case, " the Highways Act 1980 ";
- (b) in section 32(1)(c), for " section 103 of the Highways Act 1959 " substitute " section 100 of the Highways Act 1980 ".

Road Traffic Act 1974

- 25 In section 17 of the Road Traffic Act 1974—
- (a) in subsection (1) for "the Highways Act 1959 " substitute " the Highways Act 1980 " ;
 - (b) in subsection (4) for "section 279 of the Highways Act 1959 " substitute " section 302 of the Highways Act 1980 ".

Local Land Charges Act 1975

- 26 In section 1(1)(a) of the Local Land Charges Act 1975 omit " the Highways Act 1959 " and for "the Highways Act 1971 " substitute " the Highways Act 1980 (or any Act repealed by that Act) ".

Local Government (Miscellaneous Provisions) Act 1976

- 27 In the Local Government (Miscellaneous Provisions) Act 1976—
- (a) in section 13(4), for " section 47 of the Highways Act 1971 " substitute " section 250 of the Highways Act 1980 ";
 - (b) in section 15(9), for " section 64(1) of the Highways Act 1971 " substitute " section 289(1) of the Highways Act 1980 ";
 - (c) in section 44(1)—
 - (i) in the definition of " highway " for " the Highways Act 1959 " substitute " the Highways Act 1980 " ,
 - (ii) in the definition of " statutory undertakers" for "the Highways Act 1959, the Post Office," substitute " the Highways Act 1980, the Post Office and " ; and omit the words from " and, except " to " highways) " ;
 - (d) in section 44(2), for " section 282 of the Highways Act 1959" substitute " section 322 of the Highways Act 1980 " and for the words from " any provision of sections 1 to 7" onwards substitute " section 7 of this Act as if that section were a provision of that Act ".

Development of Rural Wales Act 1976

- 28 In Schedule 3 to the Development of Rural Wales Act 1976—
- (a) in paragraph 9(2)(b) after " purposes of" insert " section 10 or 14 of the Highways Act 1980 or of ";
 - (b) in paragraph 40 for " the Highways Act 1959 " substitute " the Highways Act 1980' . "

Status: This is the original version (as it was originally enacted).

Rent Act 1977

- 29 In both section 34(1)(a) and section 50(1)(a) of the Rent Act 1977. for the words from " (certain " onwards substitute " or section 205 of the Highways Act 1980 (execution of street works under private street works code), or

Refuse Disposal (Amenity) Act 1978

- 30 In section 3(3) of the Refuse Disposal (Amenity) Act 1978 for " the Highways Act 1959 " substitute " the Highways Act 1980 ".

SCHEDULE 25

Section 343(3).

REPEALS

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 25.	Highways Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 53.	Town and Country Planning Act 1959.	Sections 48 and 49.
8 & 9 Eliz. 2. c. 63.	Road Traffic and Roads Improvement Act 1960.	Sections 18 to 20. Section 23(1).
9 & 10 Eliz. 2. c. 4.	Private Street Works Act 1961.	The whole Act.
9 & 10 Eliz. 2. c. 63.	Highways (Miscellaneous Provisions) Act 1961.	The whole Act.
9 & 10 Eliz. 2. c. 4.	Public Health Act 1961.	Sections 43 and 44. Sections 46 to 50. In Schedule 1, in Part III, the entries relating to the Highways Act 1959.
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In Schedule 2, in Part I, the entries relating to the Highways Act 1959.
10 & 11 Eliz. 2. c. 58.	Pipelines Act 1962.	Section 19.
1963 c. 33.	London Government Act 1963.	Section 14(1) to (4). Sections 16 to 18. In Schedule 5, in Part II, paragraphs 6 to 8. Schedule 6. In Schedule 9, in Part II, in paragraph 5, the words from " and " to the end.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1965 c. 24.	Severn Bridge Tolls Act 1965.	In Schedule 11, in Part I, paragraph 37. In section 22(2) the words " (whether before or after the passing of this Act) ".
1965 c. 30.	Highways (Amendment) Act 1965.	The whole Act.
1965 c. 56.	Compulsory Purchase Act 1965.	In Schedule 6, the entry relating to the Highways Act 1959.
1965 c. 59.	New Towns Act 1965.	Section 48(3).
1966 c. 42.	Local Government Act 1966.	Part III.
1967 c. 76.	Road Traffic Regulation Act 1967.	In Schedule 6, the entry relating to section 14(2) of the London Government Act 1963.
1967 c. 80.	Criminal Justice Act 1967.	In Schedule 3, the entries relating to the Highways Act 1959.
1968 c. 13.	National Loans Act 1968.	In section 6(1), the words " section 198(2) of the Highways Act 1959 ".
1968 c. 41.	Countryside Act 1968.	Sections 28 and 29. Section 47(5). In Schedule 3, in Part I, the entries relating to the Highways Act 1959.
1968 c. 72.	Town and Country Planning Act 1968.	In Schedule 9, paragraph 9.
1968 c. 73.	Transport Act 1968.	Section 130(6)(e). In section 139(1), in paragraph (a), the words " section 215 (2)(c) of the Highways Act 1959 or", in paragraph (b), the words " section 180, 188 or 189 of the Town and Country Planning Act 1971 or " and " 215(2) (c) or and in paragraph (c) the words " section 193 of the said Act of 1971 or" and "section 196 of the said Act of 1971 or, as the case may be," and " 215 (2)(c) or".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		In section 139(2), in the definition of "relevant planning permission", the words "section 15 or 16 of the Land Compensation Act 1961 or", in the definition of " service area development" the words "the said section 215(2)(c) or", and (in the concluding part of the subsection) the words " 1961 or " and " as respects England and Wales, as in the said Act of 1961 and,".
		Section 140.
1969 c 35.	Transport (London) Act 1969.	In Schedule 16, paragraph 7(2)(f).
		Sections 29 and 31.
		Section 34(1).
1969 c 48.	Post Office Act 1969.	In Schedule 4, paragraphs 65 and 69 and paragraph 93(1) (xv).
1971 c 23.	Courts Act 1971.	In Schedule 8, in Part II, paragraph 36.
		In Schedule 9, in Parts I and II, the entries relating to the Highways Act 1959.
1971 c. 41.	Highways Act 1971.	The whole Act.
1971 c. 75.	Civil Aviation Act 1971.	In Schedule 5, paragraph 5(m) and (ee).
1971 c. 78.	Town and Country Planning Act 1971.	In section 16, paragraph (c).
		In Schedule 23, in Part II, the entries relating to the Highways Act 1959, the Highways Act 1971 and section 139(1) of the Transport Act 1968.
1972 c. 60.	Gas Act 1972.	In Schedule 4, in paragraph 1(6) the words " section 15 of the Highways Act 1959 and".
1972 c. 70.	Local Government Act 1972.	Section 187(1)(2)(3)(b) and (4) to (8).
		Section 188.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1973 c. 26.	Land Compensation Act 1973.	Schedule 20. In Schedule 21, Part I and, in Part II, paragraphs 99 and 100. Section 20(10). Sections 22 to 25. Section 74(1)(a). Section 78(5). Section 87(3).
1973 c. 37.	Water Act 1973.	In Schedule 8, paragraphs 70 and 71.
1974 c. 7.	Local Government Act 1974.	In section 6(8) the words "the Highways Act 1959 and". Section 40. In Schedule 1, in Part II, in paragraph 6, paragraph (a) and the words "paragraph (a),". In Schedule 6, entry number 12. In Schedule 7, paragraph 2.
1975 c. 76.	Local Land Charges Act 1975.	In Schedule 1, the entries relating to the Highways Act 1959 and the Highways Act 1971.
1976 c. 37.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 1 to 6. In section 44(1) in the definition of "statutory undertakers" the words from "and except" to "highways". In Schedule 2, the entries relating to the Highways Act 1959 and the Highways (Miscellaneous Provisions) Act 1961.
1976 c. 70.	Land Drainage Act 1976.	In Schedule 7, paragraphs 2 and 7.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 6, the entry relating to the Highways Act 1959.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 29.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In Schedule 7, paragraphs 1(2), 2(1), (2)(b), (3) and (4), 3(1), (3) and 5.