
Changes to legislation: Housing Act 1988, Cross Heading: Extinguishment of rights over land is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

HOUSING ACTION TRUSTS: LAND

PART II

LAND: SUPPLEMENTARY

Extinguishment of rights over land

- 4 (1) Subject to this paragraph, on an order under section 76 of this Act coming into force or the completion by a housing action trust of a compulsory acquisition of land under Part III of this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the trust.
- (2) Sub-paragraph (1) above does not apply—
- (a) to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of carrying on their undertaking; or
 - (b) to any right conferred by or in accordance with [^{F1}the electronic communications code] on the operator of [^{F2}an electronic communications code network] system or to any [^{F3}electronic communications apparatus] kept installed for the purposes of any [^{F4}such network] .
- (3) In respect of any right or apparatus not falling within sub-paragraph (2) above, sub-paragraph (1) above shall have effect subject—
- (a) to any direction given by the Secretary of State before the coming into force of the order (or, as the case may be, by the trust before the completion of the acquisition) that sub-paragraph (1) above shall not apply to any right or apparatus specified in the direction, and
 - (b) to any agreement which may be made (whether before or after the coming into force of the order or completion of the acquisition) between the Secretary of State (or trust) and the person in or to whom the right or apparatus in question is vested or belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this paragraph shall be entitled to compensation from the trust.
- (5) Any compensation payable under this paragraph shall be determined in accordance with the ^{M1}Land Compensation Act 1961.

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Textual Amendments

- F1** Words in Sch. 10 Pt. 2 para. 4 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 94\(2\)\(a\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), art. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F2** Words in Sch. 10 Pt. 2 para. 4 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 94\(2\)\(b\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), art. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F3** Words in Sch. 10 Pt. 2 para. 4 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 94\(2\)\(c\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), art. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)
- F4** Words in Sch. 10 Pt. 2 para. 4 substituted (25.7.2003 for specified purposes, 29.12.2003 for further specified purposes) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 94\(2\)\(d\)](#) (with transitional provisions in [Sch. 18](#)); [S.I. 2003/1900](#), art. 1(2), [2\(1\)](#), 3(1), [Sch. 1](#) (with art. 3(2) (as amended (8.12.2003) by [S.I. 2003/3142](#), art. 1(3))); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with art. 11)

Marginal Citations

- M1** [1961 c. 33](#).

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)