



Town and Country Planning Act 1962

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PART IX

HIGHWAYS

153 Stopping up and diversion of highways

- (1) The Minister of Transport may by order authorise the stopping up or diversion of any highway, if he is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act, or to be carried out by a government department.
- (2) Any order made under this section may make such provision as appears to the Minister of Transport to be necessary or expedient for the provision or improvement of any other highway, and may direct—
 - (a) that any highway so provided or improved shall for the purposes of the Highways Act, 1959, be a highway maintainable at the public expense ;
 - (b) that the said Minister, or any local authority specified in that behalf in the order, shall be the highway authority for that highway;
 - (c) in the case of a highway for which the said Minister is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Highways Act, 1959.
- (3) Any order made under this section may contain such incidental and consequential provisions as appear to the Minister of Transport to be necessary or expedient, including in particular provision for authorising that Minister, or requiring any other authority or person specified in the order.—
 - (a) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work, or
 - (b) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, in relation to any highway stopped up or diverted under the order.

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- (4) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any 'highway which is temporarily stopped up or diverted under any other enactment.
- (5) The provisions of this section shall have effect without prejudice to—
 - (a) any power conferred on the Minister of Transport by any other enactment to authorise the stopping up or diversion of a highway, or
 - (b) the provisions of section three of the Acquisition of Land (Authorisation Procedure) Act, 1946, or
 - (c) the provisions of section one hundred and fifty-five of this Act.

154 Procedure in relation to orders under s.153

- (1) Before making an order under the last preceding section, the Minister of Transport shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—
 - (a) stating the general effect of the order ;
 - (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice ; and
 - (c) stating that, within that period, any person may by notice to that Minister object to the making of the order.
- (2) Not later than the date on which that notice is so published, the Minister of Transport—
 - (a) shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on every local authority in whose area any highway to which the order relates is situated, and on any water, hydraulic power, gas or electricity undertakers having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted under the order, and
 - (b) shall cause a copy of the notice 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.
- (3) If before the end of the said period of three months an objection is received by the Minister of Transport from any local authority or undertakers on whom a notice is required to be served under the last preceding subsection, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the said Minister shall cause a local inquiry to be held:

Provided that, if the objection is made by a person other than such a local authority or undertakers, the said Minister may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.
- (4) After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister of Transport (subject to the next following subsection) may make the order either without modification or subject to such modifications as he thinks fit.
- (5) Where the order contains a provision requiring any such payment, repayment or contribution as is mentioned in paragraph (a) or paragraph (b) of subsection (3) of the last preceding section, and objection to that provision is duly made, in accordance

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with subsection (3) of this section, by an authority or person who would be required thereby to make such a payment, repayment or contribution, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

- (6) Immediately after the order has been made, the Minister of Transport shall publish, in the manner specified in subsection (1) of this section, a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours; and the provisions of subsection (2) of this section shall have effect in relation to any such notice as they have effect in relation to a notice under subsection (1) of this section.
- (7) In this section “the relevant area ”, in relation to an order, means the area in which any highway to which the order relates is situated, and “local authority ” means the council of a county, county borough, county district or parish, or of a borough included in a rural district, and the parish meeting of a rural parish not having a separate parish council.

155 Extinguishment of public rights of way over land held for planning purposes

- (1) Where any land has been acquired or appropriated for planning purposes, and is for the time being held by a local authority for the purposes for which it was acquired or appropriated, the Minister may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.
- (2) The provisions of the last preceding section (except subsection (5) thereof) shall have effect in relation to orders under this section as they have effect in relation to orders under section one hundred and fifty-three of this Act, with the substitution, for references to the Minister of Transport, of references to the Minister.
- (3) In this section any reference to the acquisition or appropriation of land for planning purposes shall be construed in accordance with subsection (1) of section eighty-seven of this Act as if this section were in Part V of this Act.

156 Compulsory acquisition of land in connection with highways

- (1) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily—
 - (a) for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under section one hundred and fifty-three of this Act, or for any other purpose for which land is required in connection with such an order, or
 - (b) for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under the last preceding section.
- (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the acquisition of land under this section, and accordingly shall have effect—
 - (a) as if this section had been in force immediately before the commencement of that Act, and
 - (b) as if this section were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act.

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157 Concurrent proceedings in connection with highways

- (1) In relation to orders under section one hundred and fifty-three of this Act, regulations made under this Act by the Minister of Transport may make provision for securing that any proceedings required to be taken for the purposes of the acquisition of land under the last preceding section (as mentioned in paragraph (a) of subsection (1) of the last preceding section) may be taken concurrently with any proceedings required to be taken for the purposes of the order.
- (2) In relation to orders under section one hundred and fifty-five of this Act, regulations made under this Act may make provision for securing—
 - (a) that any proceedings required to be taken for the purposes of such an order may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or
 - (b) that any proceedings required to be taken for the purposes of the acquisition of any other land under the last preceding section (as mentioned in paragraph (b) of subsection (1) of the last preceding section) may be taken concurrently with either or both of the proceedings referred to in the preceding paragraph.

158 Provisions as to telegraphic lines

- (1) Where in pursuance of an order under section one hundred and fifty-three of this Act a highway is stopped up or diverted, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Postmaster-General, the Postmaster-General shall have the same powers in respect of that line as if the order had not become operative:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

- (2) Where any such order provides for the improvement of a highway, other than a trunk road, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Postmaster-General, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section seven shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority:

Provided that those paragraphs shall not apply by virtue of this subsection to the alteration of a telegraphic line for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act, 1950.

- (3) Where an order under section one hundred and fifty-five of this Act extinguishing a public right of way is made on the application of a local authority, and at the time of the publication of the notice required by subsection (1) of section one hundred and fifty-four of this Act (as applied by the said section one hundred and fifty-five) there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Postmaster-General—

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- (a) the power of the Postmaster-General to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Postmaster-General has given notice to the local authority of his intention to remove the line or that part thereof, as the case may be ;
 - (b) the Postmaster-General may by notice given in that behalf to the local authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof;
 - (c) subject to the last preceding paragraph, the Postmaster-General shall be deemed at the end of that period to have abandoned any part of the line which he has then neither removed nor given notice of his intention to remove;
 - (d) the Postmaster-General shall be entitled to recover from the local authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require;
 - (e) where under the preceding provisions of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local authority, and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to the line or that part thereof with respect to anything done or omitted after the abandonment thereof.
- (4) In this section “telegraphic line ” and “alter ” have the same meanings as in the Telegraph Act, 1878.