



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART IX

HIGHWAYS

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preceding subsection, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the said Minister shall cause a local inquiry to be held:

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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- (4) After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister of Transport (subject to the next following subsection) may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 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.