
STATUTORY INSTRUMENTS

1971 No. 1707

HIGHWAYS, ENGLAND AND WALES

**The Stopping Up of Accesses To
Premises (Procedure) Regulations 1971**

<i>Made</i>	- - - -	<i>19th October 1971</i>
<i>Laid before Parliament</i>		<i>27th October 1971</i>
<i>Coming into Operation</i>		<i>1st November 1971</i>

The Secretary of State for the Environment (as respects England excluding Monmouthshire) and the Secretary of State for Wales (as respect Wales including Monmouthshire) make these Regulations in exercise of their powers under section 2 of the Highways Act 1971 and of all other enabling powers:—

Commencement, citation, interpretation

1.—(1) These Regulations shall come into operation on the 1st November 1971, and may be cited as the Stopping up of Accesses to Premises (Procedure) Regulations 1971.

(2) In these Regulations, unless the context otherwise requires—

“order” means an order to which these Regulations apply;

“owner”, in relation to any premises, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple in the premises, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the premises under a lease the unexpired term whereof exceeds three years;

“the premises” means the premises to which a private means of access is to be stopped up pursuant to an order, or, where the order relates to means of access to two or more premises, both or all of those premises.

(3) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Application of Regulations

2. These Regulations apply to orders under section 2 of the Highways Act 1971 and have effect for prescribing the procedure to be followed in connection with the making of such orders by the Secretary of State and with the making of such orders by a local highway authority and their confirmation by that authority or by the Secretary of State.

Publication and contents of notice

3. When the Secretary of State proposes to make an order, or when a local highway authority have made an order, the Secretary of State or, as the case may be, the local highway authority, shall publish in at least one local newspaper circulating in the area in which the premises are situated a notice which shall—

- (a) state the general effect of the order proposed by the Secretary of State or made by the local highway authority;
- (b) name a place in the said area where a copy of the said order, as proposed or made, and of any map or plan referred to therein may be inspected free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 28 days from the date of publication of the notice;
- (c) state that, within the said period, objections to the said order may be made in writing (the ground of each objection being stated) addressed, in the case of an order proposed to be made by the Secretary of State, to the Secretary of State, and in the case of an order made by a local highway authority, to that authority, at the address specified in the notice.

Persons to be served with notice

4.—(1) Not later than the day on which the notice under Regulation 3 above is first published, the highway authority publishing the notice shall serve on the owner and the occupier of each of the premises affected by the order—

- (a) a copy of the said notice;
- (b) a copy of the order as proposed or made, as the case may be;
- (c) subject to paragraph (2) below, a copy of any map or plan referred to in the order; and
- (d) a statement of the authority's reasons for proposing to make, or for having made, the order so far as it affects the premises of such owner and occupier.

(2) If the order provides for the stopping up of means of access to two or more premises, it shall be sufficient for the highway authority to serve on each owner and occupier a copy of that part of the map or plan referred to in the order which relates to the premises of which he is the owner or occupier.

New means of access to be shown on map or plan

5. If it appears to a highway authority, when preparing an order, that a new means of access to any premises is likely to have to be provided by that authority to take the place of a means of access to be stopped up under the order, then that authority shall indicate in the map or plan referred to in the order the proposed route of that new means of access, and shall serve on the owner and occupier of the land which will be required for the provision of that new means of access (if different from the owner and occupier of the premises) a copy of the notice and the other documents referred to in Regulation 4 above.

Submission of local highway authority's order for confirmation

6.—(1) If any objection to an order made by a local highway authority is received by that authority within the period specified in Regulation 3 above and that objection is not withdrawn, the local highway authority, before proceeding further with the order, shall forward the following documents to the Secretary of State—

- (a) the original order as made together with two copies thereof;
- (b) three copies of each statement of objections and of any correspondence which the authority have had with any objector since the receipt by them of his objection;

(c) in a case where the authority desire modifications to be made to the order, three copies of a statement of those modifications and of the authority's reasons therefor; and shall at the same time notify each objector in writing of the action taken by them under this Regulation.

(2) If in a case where there are no unwithdrawn objections to an order made by a local highway authority the authority desire the order to be confirmed with modifications they shall forward to the Secretary of State the order as made, together with two copies thereof and three copies of a statement of the modifications which the authority desire and of their reasons therefor.

Consideration of objections by Secretary of State

7. Before the Secretary of State makes an order or confirms an order made by a local highway authority, he shall, in the case of his own order, consider any objections received by him within the period specified in Regulation 3 above, and in the case of an order made by a local highway authority, consider any objections transmitted to him by that authority under Regulation 6 above and also any proposals of that authority for modifying the order, and shall in either case, if he has caused a local inquiry to be held in connection with the order, consider the report of the person who held the inquiry.

Modifications

8. The Secretary of State may make or confirm an order with modifications, whether in consequence of objections or otherwise, but where the modifications will in his opinion make a substantial change in the order as proposed or made, then, before making or confirming the order, he shall take such steps as appear to him to be appropriate for informing any person who appears to him to be likely to be affected by the proposed modifications and for giving such person an opportunity of making representations to him with respect thereto, and shall consider any representations made to him by such person.

Service of notice of making by Secretary of State or confirmation of order

9. The Secretary of State or local highway authority, as the case may be, by whom the notice referred to in paragraph 1 of Schedule 2 to the Highways Act 1959 (as applied by section 16 of the Highways Act 1971) is required to be published, shall serve a copy of that notice and of the order, as made or confirmed, upon the owner and occupier of each of the premises to which the order relates and also upon the owner and occupier of any other land affected by the route of any new means of access to premises shown upon the map or plan referred to in the order in accordance with Regulation 5 above.

19th October 1971

Peter Walker
Secretary of State for the Environment

19th October 1971

Peter Thomas
Secretary of State for Wales

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EXPLANATORY NOTE

These Regulations prescribe the procedure to be followed in connection with the making and confirmation of orders under section 2 of the Highways Act 1971 for the stopping up of private means of access to premises from a highway where the means of access are likely to cause danger to, or to interfere unreasonably with, traffic on the highway.

Regulation 3 requires the publication in a local newspaper of notice of the Secretary of State's proposal to make such an order or of the making of such an order by a local highway authority, and Regulation 4 requires the service of a copy of such notice on the owner and occupier of the premises affected. Where the stopping up of a means of access to premises is likely to involve the provision of a new means of access to those premises by the highway authority, Regulation 5 makes it necessary for the route of the new means of access to be shown on the order plan and for the owner and occupier of the land across which that route will run (if different from the owner and occupier who will be served under Regulation 4) to be served with a copy of the notice.

Regulation 6 prescribes the documents which must be submitted to the Secretary of State by a local highway authority in a case where an order made by such an authority requires confirmation by him, Regulation 7 deals with the consideration of objections by the Secretary of State and Regulation 8 provides for modifications to orders published in draft by the Secretary of State or submitted to him by a local highway authority for confirmation.

Regulation 9 requires copies of the notice of the making of an order by the Secretary of State or of the confirmation of an order made by a local highway authority to be served upon the owner and occupier of the premises or other land affected.