
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

FIRST SCHEDULE

Sections 1, 3, 14, 16, 22.

PROVISIONS AS TO SCHEMES AND ORDERS

PART I

SCHEMES UNDER SECTION ONE

- 1 Where the Minister proposes to make a scheme under section one of this Act, or where a scheme under that section is submitted to the Minister by a local highway authority, the Minister or that authority, as the case may be, shall publish in at least one newspaper circulating in the area in which the road to which the scheme relates is situated, and in the London Gazette or the Edinburgh Gazette, or in both those Gazettes, according as the scheme affects England or Scotland or both, a notice—
 - (a) stating the general effect of the proposed scheme ;
 - (b) specifying a place in the said area where copies of a draft of the scheme, or of the scheme as submitted to the Minister, as the case may be, 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 the said period, any person may by notice to the Minister object to the making or confirmation of the scheme.
- 2 Not later than the date on which the said notice is published as aforesaid, the Minister or the local highway authority, as the case may be, shall serve a copy thereof (together with a copy of the draft scheme or of the scheme, as the case may be, and of any relevant map or plan)—
 - (a) on the council of every county, county borough and county district or, in Scotland, on the council of every county, burgh and district, in which any part of the route of the special road 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, catchment board or river board concerned with or having jurisdiction over the waters affected or the area comprising those waters.
- 3 If before the expiration of the said period of three months an objection is received by the Minister from any council, authority or board on whom a copy of the notice is required to be served under paragraph 2 of this Schedule, or from any other person affected by the proposed scheme, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held :

Provided that except where the objection is made by any such council, authority or board as aforesaid, the Minister may dispense with such an inquiry if he is satisfied that in the circumstances of the case the holding of such an inquiry is unnecessary.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- 4 In relation to any inquiry held in England under the last foregoing paragraph the provisions of subsections (2), (3), (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply as they apply in relation to local inquiries held under that section with the substitution for references to a department of references to the Minister.
- 5 In relation to any inquiry held in Scotland under paragraph 3 of this Schedule, the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply as they apply in relation to local inquiries under that section, but without prejudice to the provisions of paragraph 12 of this Schedule.
- 6 After considering 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, the Minister may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.

PART II

ORDERS UNDER SECTION THREE

- 7 Where the Minister proposes to make an order under section three of this Act, or where an order is submitted to the Minister under that section by a local highway authority, the Minister or that authority, as the case may be, shall publish in at least one newspaper circulating in the area in which any road to which the order relates is situated, and in the London Gazette or the Edinburgh Gazette; or in both those Gazettes, according as the order affects England or Scotland or both, a notice—
- (a) stating the general effect of the proposed order ;
 - (b) specifying a place in the said area where copies of a draft of the order, or of the order as submitted to the Minister, as the case may be, 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 the said period, any person may by notice to the Minister object to the making or confirmation of the order.
- 8 Not later than the date on which the said notice is published as aforesaid, the Minister or the local highway authority, as the case may be, shall serve a copy thereof (together with a copy of the draft order or of the order, as the case may be, and of any relevant map or plan)—
- (a) on any highway authority to or from whom any road is to be transferred by the proposed order;
 - (b) on the council of every county, county borough and county district or, in Scotland, on the council of every county, burgh and district, in which any works authorised by the proposed order are to be carried out;
 - (c) where the proposed order authorises the stopping up of any private means of access to any premises, on the owner and occupier of those premises ;
 - (d) where the proposed order provides for entry by the special road authority on any land, on the occupier of that land.
- 9 Where the proposed order authorises the stopping up or diversion of any road, the Minister or the local highway authority, as the case may be, shall, not later than the date on which the notice is published as aforesaid, cause a copy thereof to be

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

displayed in a prominent position on that part of the road which is proposed to be so stopped up or diverted, and shall serve a copy of the notice on the parish council (or, in the case of a rural parish not having a separate parish council, on the parish meeting) of any parish in which that part of the road is situated.

- 10 Paragraphs 3 to 6 of this Schedule shall apply in relation to an order under section three of this Act as if for any reference therein to the scheme there were substituted a reference to the order and as if, in the said paragraph 3, for the reference to paragraph 2 of this Schedule there were substituted a reference to paragraph 8 of this Schedule.

PART III

APPLICATION OF STATUTORY ORDERS (SPECIAL PROCEDURE) ACT, 1945

- 11 If objection to a scheme under section one of this Act is duly made in accordance with paragraph 3 of this Schedule—
- (a) by the highway authority for any road comprised in the route of the special road authorised by the scheme ;
 - (b) by any navigation authority, catchment board or river board on whom notice is required to be served under paragraph 2 of this Schedule, on the ground that any bridge or tunnel over or under navigable waters for which provision is made by the scheme is likely to obstruct or impede the performance of their functions under any enactment or to interfere with the reasonable requirements of navigation over the waters affected by the scheme,
- and is not withdrawn, the scheme shall be subject to special parliamentary procedure.
- 12 (1) Any inquiry required by paragraph 3 of this Schedule in connection with a scheme affecting Scotland only shall, if the Minister so directs, be held by commissioners under the Private Legislation Procedure (Scotland) Act, 1936 ; and any directions so given shall be deemed to have been given under section two as read with section ten of the Statutory Orders (Special Procedure) Act, 1945.
- (2) Where any such directions are given, paragraph 5 of this Schedule shall not apply, and paragraph 6 of this Schedule shall have effect as if for references to a local inquiry and to the person who held the inquiry there were substituted references to an inquiry by the commissioners and to the commissioners.
- (3) The publication of a notice in accordance with the provisions of paragraph 1 of this Schedule in connection with any such scheme as aforesaid shall be deemed to be sufficient compliance with the requirements of the Statutory Orders (Special Procedure) Act, 1945, with regard to the giving of notice by advertisement.

PART IV

VALIDITY AND DATE OF OPERATION OF SCHEMES AND ORDERS

- 13 After a scheme or order to which this Part of this Schedule applies has been made or confirmed by the Minister, the Minister shall publish in the London Gazette or the Edinburgh Gazette, or in both those Gazettes, according as the scheme or order affects England or Scotland or both, and in such other manner as he thinks best

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- 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 thereof may be seen at all reasonable hours.
- 14 If any person aggrieved by the scheme or order desires to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of this Act or on the ground that any requirement of this Act or of regulations made thereunder have not been complied with in relation thereto, he may, within six weeks from the date on which the notice required by the last foregoing paragraph is first published, make an application for the purpose to the High Court or the Court of Session, as the case may be.
- 15 On any such application as aforesaid, the court—
- (a) may by interim order suspend the operation of the scheme or order or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
 - (b) if satisfied that the scheme or order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the scheme or order or any provision contained therein, either generally or in so far as it affects any property of the applicant.
- 16 Subject to the provisions of the last foregoing paragraph, a scheme or order to which this Part of 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 13 of this Schedule is first published, or on such later date, if any, as may be specified in the scheme or order.
- 17 In relation to a scheme under this Act which is subject to special parliamentary procedure, the foregoing provisions of this Part of this Schedule shall have effect subject to the following modifications—
- (a) if the scheme is confirmed by Act of Parliament, under section six of the Statutory Orders (Special Procedure) Act, 1945, or under subsection (4) of section two, as read with section ten, of that Act, paragraphs 14 to 16 shall not apply; and
 - (b) in any other case, paragraph 14 shall have effect as if for the reference therein to the date on which the notice required by paragraph 13 is first published, there were substituted a reference to the date on which the scheme becomes operative under the said Act of 1945, and paragraph 16 shall have effect as if the words from " and shall become operative " to the end of the paragraph were omitted.
- 18 In relation to any order to which this Part of this Schedule applies by virtue of subsection (4) of section fourteen of this Act, paragraphs 14 and 15 of this Schedule shall have effect as if for references therein to this Act there were substituted references to the enactment under which the order is made.