



Town and Country Planning Act 1971

1971 CHAPTER 78

PART X

HIGHWAYS

Supplementary provisions

218 Compulsory acquisition of land in connection with highways

- (1) The Secretary of State 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 209, 211 or 212 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 214(1)(a) of this Act.
- (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 section 1(1)(b) of that Act

219 Concurrent proceedings in connection with highways

- (1) In relation to orders under sections 209, 211 and 212 of this Act, regulations made under this Act may make provision for securing that any proceedings required to be taken for the purposes of the acquisition of land under section 218 of this Act (as mentioned in subsection (1)(a) of that section) may be taken concurrently with any proceedings required to be taken for the purposes of the order.

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- (2) In relation to orders under section 214(1)(a) 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 section 218 of this Act (as mentioned in subsection (1) (b) of that section) may be taken concurrently with either or both of the proceedings referred to in the preceding paragraph.

220 Provisions as to telegraphic lines

- (1) Where in pursuance of an order under section 209, 211 or 212 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 Post Office, the Post Office 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 7 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 Post Office, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section 7 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 the authority's works as defined in Part II of the Public Utilities Street Works Act 1950.

- (3) Where an order under section 214(1)(a) 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 section 215(1) of this Act 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 Post Office—
- (a) the power of the Post Office 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 Post Office has given notice to the local authority of its intention to remove the line or that part thereof, as the case may be;
 - (b) the Post Office 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;

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- (c) subject to paragraph (b) of this subsection, the Post Office shall be deemed at the end of that period to have abandoned any part of the line which it has then neither removed nor given notice of its intention to remove;
 - (d) the Post Office 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 Post Office may require ;
 - (e) where under the preceding provisions of this subsection the Post Office 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 1916 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after the abandonment thereof.
- (4) As soon as practicable after the making of an order under section 214(1)(a) of this Act extinguishing a public right of way in circumstances in which subsection (3) of this section applies, the Secretary of State shall give notice to the Post Office of the making of the order.
- (5) In this section " telegraphic line " and " alter " have the same meanings as in the Telegraph Act 1878.

221 Application of s.32 of Mineral Workings Act 1951 to orders under Part X

- (1) In subsections (1) and (2) of section 32 of the Mineral Workings Act 1951 (power of Ministers to make temporary order for stopping up or diversion of highway in connection with working of surface minerals)—
- (a) references to section 209 of this Act (except the reference to subsection (3) of that section) shall include references to section 210 of this Act;
 - (b) the reference to the said subsection (3) shall include a reference to subsection (2) of the said section 210; and
 - (c) references to the Secretary of State shall include references to a competent authority for the purposes of the said section 210.
- (2) In subsection (3) of the said section 32 (rights of statutory undertakers in respect of their apparatus where order is made under section 209 of this Act) the reference to section 209 of this Act shall include a reference to section 211 of this Act.
- (3) This section has effect in lieu of the amendments of the said section 32 made by sections 91(4) and 94(5) of the Act of 1968.