



Town and Country Planning Act 1990

1990 CHAPTER 8

PART XI

STATUTORY UNDERTAKERS

Extinguishment of rights of statutory undertakers, etc.

274 Orders under ss. 271 and 272.

- (1) Where a Minister and the appropriate Minister propose to make an order under section 271(6) or 272(6), they shall prepare a draft of the order.
- (2) Before making an order under subsection (5) or (6) of section 271, or under subsection (5) or (6) of section 272, the Ministers proposing to make the order shall give the statutory undertakers or, as the case may be, the operator of the [F1the electronic communications code network] on whom notice was served under subsection (2) of section 271 or, as the case may be, under subsection (2) of section 272 an opportunity of objecting to the application for, or proposal to make, the order.
- (3) If any such objection is made, before making the order the Ministers shall consider the objection and give those statutory undertakers or, as the case may be, that operator (and, in a case falling within subsection (5) of either of those sections, the local authority or statutory undertakers on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State and the appropriate Minister.
- (4) After complying with subsections (2) and (3) the Ministers may, if they think fit, make the order in accordance with the application or, as the case may be, in accordance with the draft order, either with or without modification.
- (5) Where an order is made under section 271 or 272—
 - (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been

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complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.

- (6) In this section references to the appropriate Minister shall in the case of an order under section 272 be taken as references to the Secretary of State for Trade and Industry.

Textual Amendments

- F1** Words in s. 274(2) substituted (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411, [Sch. 17 para. 103\(1\)\(g\)\(2\)\(d\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)

Modifications etc. (not altering text)

- C1** Ss. 271-274 applied (with modifications) (19.12.2007) by [The Felixstowe Dock and Railway Company \(Land Acquisition\) Order 2007 \(S.I. 2007/3345\)](#), art. 10, [Sch. 2 Pt. 1](#)
- C2** Ss. 271-274 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), art. 33, [Sch. 8 para. 1](#) (with arts. 3(6), 12(3))
- C3** Ss. 271-274 applied (19.3.2007) by [The Ouseburn Barrage Order \(S.I. 2007/608\)](#), art. 45, Sch. 5 para. 1
- C4** Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), [Sch. 5](#)
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, [Sch. 9 para. 1](#)
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, [Sch. 9 para. 1](#)
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, [Sch. 10 para. 1](#)
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, [Sch. 10 para. 1](#)
S. 274 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), [Sch. 8 para. 2\(3\)\(a\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, [Sch. 2 paras. 1-5](#)
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, [Sch. 3 paras. 1-5](#)
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, [Sch. 6 para. 1](#)
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, [Sch. 11 para. 1](#)
S. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, [Sch. 4](#) (with art. 27, Sch. 5)
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, [Sch. 9 para. 1](#)
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, [Sch. 4](#)
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, [Sch. 12 para. 5\(3\)](#)
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, [Sch. 9 para. 1](#)
- C5** Ss. 271-274 applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), art. 35, [Sch. 5 para. 1](#) (with art. 38)
Ss. 271-274 applied (with modifications) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), art. 28, [Sch. 3 para. 1](#)
Ss. 271-274 applied (with modifications) (30.4.2002) by [The Piccadilly Line \(Heathrow T5 Extension\) Order 2002 \(S.I. 2002/1065\)](#), art. 24, [Sch. 6 para. 1-6](#)
Ss. 271-274 applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\)](#), arts. 9, 10, 31, 36, [Sch. 10 para. 1](#)
Ss. 271-274 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), arts. 9, 10, 26, 29, [Sch. 5 para. 1](#)
Ss. 271-274 applied (with modifications) (28.4.2003) by [The Network Rail \(West Coast Main Line\) Order 2003 \(S.I. 2003/1075\)](#), art. 41, [Sch. 12 para. 1](#) (with art. 40)
Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 118, 411, [Sch. 4 para. 3\(5\)\(6\)\(c\)](#) (with transitional provisions in [Sch. 18](#)); S.I. 2003/1900, arts. 1(2), [2\(1\)](#), Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), [3\(2\)](#) (with art. 11)

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- Ss. 271-274 applied (12.1.2004) by [The Alconbury Airfield \(Rail Facilities and Connection to East Coast Main Line\) Order 2003 \(S.I. 2003/3364\)](#), arts. 7, 8, 25, **Sch. 6 para. 1**
- S. 274 applied (with modifications) (4.3.2004) by [The Network Rail \(West Coast Main Line\) Order 2004 \(S.I. 2004/389\)](#), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
- Ss. 271-274 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2
- Ss. 271-274 applied (with modifications) (19.11.2004) by [The Scarweather Sands Offshore Wind Farm Order 2004 \(S.I. 2004/3054\)](#), art. 30, **Sch. 4 para. 1** (with art. 38)
- C6** Ss. 271-274 applied (with modifications) (28.1.2005) by [The East Midlands Parkway Station \(Land Acquisition\) Order 2005 \(S.I. 2005/8\)](#), art. 13, **Sch. 2**
- Ss. 271-274 applied (with modifications) (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\)](#), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)
- Ss. 271-274 applied (with modifications) (22.3.2005) by [The Midland Metro \(Wednesbury to Brierley Hill and Miscellaneous Amendments\) Order 2005 \(S.I. 2005/927\)](#), art. 49, **Sch. 10 para. 1** (with art. 51)
- Ss. 271-274 applied (with modifications) (4.5.2005) by [The Telford Railfreight Terminal \(Donnington\) Order 2005 \(S.I. 2005/1163\)](#), art. 26, **Sch. 7 para. 1(1)** (with art. 30)
- Ss. 271-274 applied (with modifications) (22.7.2005) by [The Midland Metro \(Birmingham City Centre Extension, etc.\) Order 2005 \(S.I. 2005/1794\)](#), art. 45, **Sch. 7 para. 1(1)** (with art. 47)
- Ss. 271-274 applied (with modifications) (3.8.2005) by [The Greater Manchester \(Leigh Busway\) Order 2005 \(S.I. 2005/1918\)](#), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)
- Ss. 271-274 applied (with modifications) (26.8.2005) by [The River Tyne \(Tunnels\) Order 2005 \(S.I. 2005/2222\)](#), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 para. 21, 29)
- Ss. 271-274 applied (with modifications) (25.11.2005) by [The Docklands Light Railway \(Capacity Enhancement\) Order 2005 \(S.I. 2005/3105\)](#), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))
- Ss. 271-274 applied (with modifications) (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20(4) (with art. 52)
- Ss. 271-274 applied (with modifications) (14.9.2006) by [The Borough of Poole \(Poole Harbour Opening Bridges\) Order 2006 \(S.I. 2006/2310\)](#), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)
- Ss. 271-274 applied (with modifications) (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, **Sch. 15 para. 2** (with art. 43)
- Ss. 271-274 applied (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))
- Ss. 271-274 applied (with modifications) (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), art. 46, **Sch. 10 para. 1**
- C7** Ss. 271-274 applied (with modifications) (21.5.2008) by [The Teesport \(Land Acquisition\) Order 2008 \(S.I. 2008/1238\)](#), art. 10, **Sch. 2**
- C8** Ss. 271-274 applied (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), art. 64, **Sch. 11 para. 1**
- C9** Ss. 271-274 applied (with modifications) (14.10.2008) by [The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), art. 45, **Sch. 9 para. 1** (with art. 36(3))
- C10** Ss. 271-274 applied (with modifications) (9.6.2009) by [The Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)
- C11** Ss. 271-274 applied (with modifications) (18.9.2009) by [The London Underground \(Victoria Station Upgrade\) Order 2009 \(S.I. 2009/2364\)](#), arts. 8, 29, 31, **Sch. 8 para. 1**
- C12** Ss. 271-274 applied (with modifications) (28.10.2009) by [The Network Rail \(Reading\) \(Land Acquisition\) Order 2009 \(S.I. 2009/2728\)](#), art. 18, **Sch. 6**
- C13** Ss. 271-274 applied (with modifications) (20.7.2010) by [The Network Rail \(Nuneaton North Chord\) Order 2010 \(S.I. 2010/1721\)](#), art. 30, **Sch. 8 para. 1**

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- C14** Ss. 271-274 applied (with modifications) (1.2.2011) by *The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41)*, art. 1, **Sch. 9 para. 1** (with art. 51, Sch. 9 para. 54(3), Sch. 10 paras. 68, 85)
- C15** Ss. 271-274 applied (with modifications) (21.4.2011) by *The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072)*, art. 1, **Sch. 11 para. 1**
- C16** Ss. 271-274 applied (with modifications) (7.8.2012) by *The Ipswich Barrier Order 2012 (S.I. 2012/1867)*, art. 1, **Sch. 6 para. 1** (with arts. 46-48, Sch. 8 para. 18)
- C17** Ss. 271-274 applied (12.8.2012) by *The Hinkley Point (Temporary Jetty) (Land Acquisition) Order 2012 (S.I. 2012/1924)*, art. 1, **Sch. 2**
- C18** Ss. 271-274 applied (with modifications) (13.11.2012) by *The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679)*, art. 1, **Sch. 13 para. 1** (with art. 42(2))
- C19** Ss. 271-274 applied (with modifications) (28.3.2013) by *The Network Rail (Seaham Level Crossing) Order 2013 (S.I. 2013/533)*, art. 1, **Sch. para. 1**
- C20** Ss. 271-274 applied (9.4.2013) by *The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648)*, arts. 1, **35** (with arts. 48, 68, 79)
- C21** Ss. 271-274 applied (with modifications) (16.4.2013) by *The Network Rail (Pont Briwet) (Land Acquisition) Order 2013 (S.I. 2013/767)*, art. 1, **Sch. 4 para. 1** (with arts. 20, 21, Sch. 4 para. 6)
- C22** Ss. 271-274 applied (with modifications) (21.8.2013) by *The Croxley Rail Link Order 2013 (S.I. 2013/1967)*, art. 1, **Sch. 8 para. 1** (with Sch. 8 para. 1)
- C23** Ss. 271-274 applied (with modifications) (22.8.2013) by *The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933)*, art. 1, **Sch. 12 para. 1** (with Sch. 13 para. 1)
- C24** Ss. 271-274 applied (with modifications) (9.1.2014) by *The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244)*, art. 1, **Sch. 9 para. 1** (with arts. 57, 58, Sch. 11 para. 19)
- C25** Ss. 271-274 applied (19.8.2014) by *The Network Rail (Huyton) Order 2014 (S.I. 2014/2027)*, art. 1, **Sch. 7 para. 1** (with art. 31(2), Sch. 7 para. 5)
- C26** Ss. 271-274 applied (with modifications) (15.12.2014) by *The London Underground (Northern Line Extension) Order 2014 (S.I. 2014/3102)*, art. 1, **Sch. 7** (with Sch. 8 paras. 42(2), 45)
- C27** S. 274 applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 1 (as amended (5.3.2015) by *Infrastructure Act 2015 (c. 7)*, s. 57(1), **Sch. 1 para. 65(3)(a)**; S.I. 2015/481, reg. 2(a))
- C28** Ss. 271-274 modified (30.9.2015) by *The Network Rail (Blackthorn and Piddington) (Land Acquisition) Order 2015 (S.I. 2015/1684)*, art. 1, **Sch. 3 para. 1**
- C29** Ss. 271-274 applied (with modifications) (16.12.2015) by *The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876)*, art. 1, **Sch. 7 paras. 2-5**
- C30** Ss. 271-274 applied (with modifications) (12.1.2016) by *The London Underground (Bank Station Capacity Upgrade) Order 2015 (S.I. 2015/2044)*, art. 1, **Sch. 10 para. 1**
- C31** Ss. 271-274 applied (14.6.2016) by *The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545)*, art. 1, **Sch. 4 para. 1** (with art. 39, Sch. 6 para. 3(4))
- C32** Ss. 271-274 applied (with modifications) (2.8.2016) by *The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684)*, art. 1, **Sch. 8 para. 1** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C33** Ss. 271-274 applied (with modifications) (24.9.2014) by *The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384)*, arts. 1, 42(4)(5)
- C34** Ss. 271-274 restricted (24.9.2014) by *The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384)*, arts. 1, **Sch. 16 Pt. 5 para. 4(3)**
- C35** S. 274(2)(3) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 1 para. 3 (as amended (5.3.2015) by *Infrastructure Act 2015 (c. 7)*, s. 57(1), **Sch. 1 para. 65(2)**; S.I. 2015/481, reg. 2(a))
- C36** S. 274(2)(3) applied (with modifications) by 1980 c. 66, Sch. 5 Pt. 2 para. 3 (as amended (5.3.2015) by *Infrastructure Act 2015 (c. 7)*, s. 57(1), **Sch. 1 para. 65(3)(b)**; S.I. 2015/481, reg. 2(a))
- C37** S. 274(3) modified (18.12.1996) by 1996 c. 61, s. **8(5)(a)**
- C38** S. 274(3) modified (22.7.2008) by *Crossrail Act 2008 (c. 18)*, s. **9(4)(5)(a)**
- C39** S. 274(5) modified (18.12.1996) by 1996 c. 61, s. **8(5)(b)**
- C40** S. 274(5) modified (22.7.2008) by *Crossrail Act 2008 (c. 18)*, s. **9(4)(5)(b)**

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C41 S. 274(6): transfer of functions (13.4.2011) by [Transfer of Functions \(Media and Telecommunications etc.\) Order 2011 \(S.I. 2011/741\)](#), arts. 1(2), 3, **Sch. 1** (with art. 5)

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