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SCHEDULES

SCHEDULE 3

HIGHWAYS

Stopping up: non-level crossings

- 2 (1) Subject to the provisions of this paragraph, the nominated undertaker may, in connection with the construction of the works authorised by this Part of this Act, stop up any bridleway or footpath, or part of a bridleway or footpath, which is—
- (a) within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, and
 - (b) not specified in columns (1) and (2) of the table in paragraph 1 above.
- (2) The power conferred by sub-paragraph (1) above shall not be exercised unless the proposed stopping up has been confirmed by the [^{F1}appropriate Ministers] upon application by the nominated undertaker.
- (3) The [^{F2}appropriate Ministers] shall grant an application under sub-paragraph (2) above if, but only if, [^{F3}they are] satisfied—
- (a) that an alternative bridleway or footpath has been provided,
 - (b) that an alternative bridleway or footpath will be provided before the proposed stopping up takes place, or
 - (c) that the provision of an alternative bridleway or footpath is not required.
- (4) Where the [^{F4}appropriate Ministers grant] an application under sub-paragraph (2) above, [^{F5}they] shall notify the nominated undertaker of the basis on which the application is granted.
- (5) Where the basis on which an application under sub-paragraph (2) above is granted is that an alternative bridleway or footpath will be provided, the proposed stopping up shall not take place until the alternative has been provided.
- (6) Before making an application under sub-paragraph (2) above, the nominated undertaker shall publish in at least one local newspaper circulating in the relevant area a notice—
- (a) specifying—
 - (i) the bridleway or footpath, or part, proposed to be stopped up,
 - (ii) what, if any, alternative bridleway or footpath is proposed, and
 - (iii) if no alternative is proposed, the reasons why,
 - (b) specifying a place in the relevant area where a map or plan illustrating the proposals may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of publication of the notice (“the publication date”),

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- (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) above of the proposed stopping up, and
- (d) specifying the manner in which such representations may be made.
- (7) Not later than the publication date, the nominated undertaker shall—
- (a) serve a copy of the notice, together with any map or plan to which it refers, on every local authority whose area includes any of the land on which the bridleway or footpath, or part, proposed to be stopped up is situated, and
- (b) cause a copy of the notice to be displayed in a prominent position at the ends of the bridleway or footpath, or part, proposed to be stopped up.
- (8) Before granting an application under sub-paragraph (2) above, the [^{F6}appropriate Ministers] shall consider any representations made to [^{F7}them] in accordance with the nominated undertaker’s notice which have not been withdrawn.
- (9) Unless [^{F8}they direct]otherwise, [^{F9}the Secretary of State’s functions] in relation to an application under sub-paragraph (2) above shall, instead of being carried out by [^{F10}them], be carried out by a person appointed by [^{F11}them] for the purpose.
- (10) In sub-paragraph (6) above, references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.
- (11) In sub-paragraph (7)(a) above, “local authority” means the council of a county, district, parish or London borough, a joint authority established by Part IV of the ^{M1}Local Government Act 1985, [^{F12}the London Fire and Emergency Planning Authority,] a housing action trust established under Part III of the ^{M2}Housing Act 1988 and the parish meeting of a rural parish not having a separate parish council.
- [^{F13}(12) In this paragraph references to the appropriate Ministers are to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport, Local Government and the Regions and, in relation to the carrying out of any functions, are to those Ministers acting jointly.]

Textual Amendments

- F1** Words in Sch. 3 para. 2(2) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(a)
- F2** Words in Sch. 3 para. 2(3) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(b)
- F3** Words in Sch. 3 para. 2(3) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(b)
- F4** Words in Sch. 3 para. 2(4) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(c)
- F5** Words in Sch. 3 para. 2(4) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(c)
- F6** Words in Sch. 3 para. 2(8) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(d)
- F7** Words in Sch. 3 para. 2(8) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(d)
- F8** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(e)
- F9** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(e)
- F10** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(e)
- F11** Words in Sch. 3 para. 2(9) substituted (13.8.2001) by S.I. 2001/2568, art. 16, Sch. para. 15(4)(e)
- F12** Words in Sch. 3 para. 2(11) inserted (3.7.2000) by 1999 c. 29, s. 328(8), Sch. 29 Pt. 1 para. 61 (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(h)
- F13** Sch. 3 para. 2(12) inserted (13.8.2001) by S.I. 2001/2568, Sch. para. 15(4)(f)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 2 transfer of functions (13.8.2001) by S.I. 2001/2568, art. 5

Status: Point in time view as at 07/07/2010.

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Marginal Citations

M1 1985 c. 51.

M2 1988 c. 50.

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