

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 2

INTERFERENCE WITH HIGHWAYS

Stopping-up

- 4 (1) On a highway or part of a highway being stopped up under paragraph 2 or 3—
- (a) all rights of way over or along it are extinguished, and
 - (b) the Secretary of State may appropriate and use, without making any payment, so much of the site of it as is bounded on both sides by land owned by the Secretary of State.
- (2) The nominated undertaker must compensate any person who suffers loss by the extinction under this paragraph of a private right of way.
- (3) Any dispute as to a person's entitlement to compensation under sub-paragraph (2), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (4) The Secretary of State is not entitled to any mines or minerals under land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b), with the exception of minerals necessarily extracted or used in the construction of the undertaking which the nominated undertaker is authorised to carry on by this Act.
- (5) Part 3 of Schedule 2 to the Acquisition of Land Act 1981 (regulation of the working of mines or minerals underlying an authorised undertaking) has effect in relation to the working of any mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) as if—
- (a) references to the undertaking were to the undertaking which the nominated undertaker is authorised to carry on by this Act,
 - (b) in paragraphs 3 to 5 and 7 to 9, references to the acquiring authority were to the nominated undertaker, and
 - (c) in paragraph 6, the first reference to the acquiring authority were to the nominated undertaker.