



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART X

STATUTORY UNDERTAKERS

General provisions

164 Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers

- (1) Where any land has been acquired by a Minister, a local authority or statutory undertakers under Part V of this Act, or has been appropriated by a local authority for planning purposes, and—

(a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, or

(b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,

the acquiring or appropriating authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.

- (2) The statutory undertakers on whom a notice is served under the preceding subsection may, before the end of the period of twenty-eight days from the service of the notice, serve a counter-notice on the acquiring or appropriating authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.

- (3) If no counter-notice is served under the last preceding subsection—

(a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and

Status: This is the original version (as it was originally enacted).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

- (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the acquiring or appropriating-authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (4) If a counter-notice is served under subsection (2) of this section on a local authority or on statutory undertakers, the authority or undertakers may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Minister and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification.
- (5) If a counter-notice is served under subsection (2) of this section on a Minister, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.
- (6) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with subsection (1) of section eighty-seven of this Act as if this section were in Part V of this Act.