



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART X

STATUTORY UNDERTAKERS

General provisions

169 Objections to orders under ss.166 and 168

- (1) For the purposes of sections one hundred and sixty-six and one hundred and sixty-eight of this Act, an objection to the making of an order thereunder shall not be treated as duly made unless—
- the objection is made within the time and in the manner specified in the notice required by the section under which the order is proposed to be made, and
 - a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

- (2) Where an objection to the making of such an order is duly made in accordance with the preceding subsection and is not withdrawn, the following provisions of this section shall have effect in relation thereto:

Provided that, in the application of those provisions to an order under section one hundred and sixty-six of this Act, any reference to the appropriate Minister shall be construed as a reference to the Minister and the appropriate Minister.

- (3) Unless the appropriate Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the appropriate Minister, before making a final decision, shall consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.
- (4) In so far as the appropriate Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of

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compensation, the appropriate Minister may treat the objection as irrelevant for the purpose of making a final decision.

- (5) If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the appropriate Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the appropriate Minister may make a final decision without further investigation as to those matters.
- (6) Subject to subsections (4) and (5) of this section, the appropriate Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the appropriate Minister; and if the objector avails himself of that opportunity, the appropriate Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, local authority or Minister on whose representation the order is proposed to be made, and to any other persons to whom it appears to the appropriate Minister to be expedient to afford such an opportunity.
- (7) Notwithstanding anything in the preceding provisions of this section, if it appears to the appropriate Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held ; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.
- (8) In this section any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification (if any) ought to be made.