

SCHEDULES

THIRD SCHEDULE

Section 8.

STOPPING UP AND DIVERSION OF HIGHWAYS IN NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Functions of Ministry of Commerce for Northern Ireland now exercisable by the Department of the Environment for Northern Ireland: SR & O 1963/77, art. 2; 1965/13, art. 3; 1973/504, art. 7; [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 40, [Sch. 5 para. 8](#) and [S.I. 1976/424](#), (N.I. 6), art. 3

- 1 ^[F1]The powers in Article 68 of the Roads (Northern Ireland) Order 1993 (stopping-up or abandonment of roads) shall also be exercisable where—
- (a) land is, or is to be, used by a Secretary of State, . . . ^{F2} for the purposes of an installation provided or to be provided for defence purposes, or is used by a manufacturer of aircraft as an airfield wholly or mainly in connection with the manufacture of aircraft for defence purposes; and
 - (b) the Ministry of Commerce for Northern Ireland is satisfied that, for the land to be so used efficiently without danger to the public, it is necessary that a highway should be stopped up or abandoned.

Textual Amendments

- F1** Words in [Sch. 3 para. 1](#) substituted (17.2.1994) by [S.I. 1993/3160](#) (NI 15), art. 134(2), Sch.10.
F2 Words repealed with saving by [S.I. 1964/488](#) and 1971/719

- 2 Where, in the circumstances specified in sub-paragraphs (a) and (b) of the foregoing paragraph, it appears to the Ministry of Commerce for Northern Ireland that it is not necessary that the road should be stopped up for more than a limited period, the powers conferred by ^[F3]the said Article 68 shall be exercisable so as to provide for the stopping up of the road during such period as may be prescribed by or under an order made under ^[F3]that article] and for the restoration of the road at the end of that period.

Textual Amendments

- F3** Words in [Sch. 3 para. 2](#) substituted (17.2.1994) by virtue of [S.I. 1993/3160](#) (NI 15), art. 134(2), Sch.10.

- 3 Any order made in accordance with the last foregoing paragraph which provides for the provision of another road in substitution for a road stopped up by the order may also contain such provisions as appear to the Ministry of Commerce for Northern Ireland to be expedient for the stopping up, at the expiration of the period prescribed by or under the order, of that other road and for the original road to be reconstructed at the expense of such of the Ministers referred to in sub-paragraph (a) of paragraph 1 of this Schedule as may be specified in the order and thereafter maintained by

Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, THIRD SCHEDULE. (See end of Document for details)

any person who would for the time being have been liable for its maintenance if it had never been stopped up.

4 The powers conferred on the Ministry of Commerce for Northern Ireland by virtue of this Schedule shall be exercisable for the purpose of authorising in the circumstances specified in sub-paragraphs (a) and (b) of paragraph 1 of this Schedule the stopping up or abandonment of a road which is temporarily stopped up or diverted under any enactment of the Parliament of the United Kingdom or which is temporarily stopped up under an order made by virtue of paragraph 2 of this Schedule.

5 Where, in the circumstances specified in the said sub-paragraphs (a) and (b), it is agreed between the Ministry of Commerce for Northern Ireland and such of the Ministers referred to in the said sub-paragraph (a) as is concerned that another road ought to be provided or improved in substitution for the road to be stopped up or abandoned, the powers conferred upon the said Ministry by [^{F4}Article 110 of the Roads (Northern Ireland) Order 1993] shall be exercisable for the purpose of acquiring any land required in connection with the provision or improvement of that other road, and any expenditure incurred by any person in acquiring such land and carrying out such works as may be agreed as aforesaid to be necessary for the provision or improvement of that other road shall be defrayed by the Minister aforesaid.

Textual Amendments

F4 Words in [Sch. 3 para. 5](#) substituted (17.2.1994) by virtue of [S.I. 1993/3160](#) (NI 15), art. 134(2), Sch.10.

Changes to legislation:

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