



# Land Powers (Defence) Act 1958

1958 CHAPTER 30 6 and 7 Eliz 2

*Stopping up and diversion of highways*

## **9 Supplementary provisions with respect to stopping up and diversion of highways.**

(1) The powers to make orders conferred on the Minister of Transport and Civil Aviation—

- (a) by section fifteen of the <sup>M1</sup>Requisitioned Land and War Works Act, 1945, with respect to the permanent stopping up or diversion of a highway which has been stopped up or diverted in the exercise of emergency powers or as respects which a Minister has certified as mentioned in subsection (1) of section three of the <sup>M2</sup>Requisitioned Land and War Works Act, 1948; and
- (b) by section sixteen of the said Act of 1945 with respect to the use and maintenance until other provision is made by or under any Act of certain works placed along, across, over or under a highway in the exercise of emergency powers or for war purposes,

shall include power to vary or revoke any previous order made under the section in question; and subsection (1) of section twenty of the said Act of 1945 (which restricts the period during which orders may be made under the said section fifteen or sixteen) shall not apply to any order so far as it is made by virtue of this subsection.

(2) Where on the thirty-first day of December, nineteen hundred and sixty—

- (a) an order under the said section fifteen provides for the permanent stopping up or diversion of a highway conditionally upon the completion of the diversion or of the provision or improvement of another highway in substitution for the original highway; and
- (b) that condition has not been satisfied; and
- (c) by virtue of the foregoing subsection, proposals for the variation of that order have been published in accordance with the provisions of Part III of the said Act of 1945,

the prevention of the exercise of the right to use that highway may be continued pending the coming into operation of an order made in pursuance of the said proposals

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*Changes to legislation: There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Section 9. (See end of Document for details)*

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or, if those proposals are abandoned, whether by reason of an adverse report of the War Works Commission or otherwise, until six months after the abandonment.

- (3) Any person authorised in that behalf by the Minister of Transport and Civil Aviation or a local authority may enter on any land for the purpose of surveying it in connection with, or with proposals for, the diversion, provision or improvement of any highway by virtue of an order under the said section fifteen, and the provisions of the Fourth Schedule to this Act shall have effect in relation to the powers conferred by this subsection.

In this subsection and in the said Fourth Schedule the expression “local authority” means the council of a county, borough or urban district or, in relation to Scotland, a county or town council.

[<sup>F1</sup>(4) In the following provisions, in their application to Scotland, that is to say—

- (a) this and the last foregoing section;
- (b) sections fifteen and sixteen of the said Act of 1945;
- (c) section twenty-eight of the <sup>M3</sup>Civil Aviation Act, 1949;
- (d) section two of the <sup>M4</sup>Supplies and Services (Defence Purposes) Act, 1951; and
- (e) section thirty-two of the <sup>M5</sup>Mineral Workings Act, 1951,

and in section forty-six of the <sup>M6</sup>Town and Country Planning (Scotland) Act, 1947 (all of which provisions relate to the stopping up of highways) the expression “highway” shall be deemed to include any public right of way:]

[<sup>F1</sup>(4) In section 8 of this Act and this section, in their application to Scotland, “highway” means a road within the meaning of the Roads (Scotland) Act 1984:]

Provided that nothing in this subsection shall authorise the imposition upon any person of responsibility for the provision, maintenance or management of any highway over which there is not a right of way for vehicles and for the repair and maintenance of which that person has not previously been under any liability.

- (5) In the application of this section to Scotland or to Northern Ireland, for references to the Minister of Transport and Civil Aviation there shall be substituted references to the Secretary of State.

#### Textual Amendments

- F1** [S. 9\(4\)](#) commencing “In section 8 of this Act” substituted (S.) for s. 9(4) commencing “In the following provisions” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **Sch. 9 para. 47**

#### Modifications etc. (not altering text)

- C1** Functions of Minister of Transport and Civil Aviation under s. 9 now exercisable by Secretary of State: [S.I. 1959/1768](#) (1959 I, p. 1793) and 1970/1681
- C2** War Works Commission dissolved on 1st October 1964: [S.I. 1964/1578](#)

#### Marginal Citations

- M1** [1945 c. 43.](#)
- M2** [1948 c. 17.](#)
- M3** [1949 c. 67.](#)
- M4** [1951 c. 25.](#)
- M5** [1951 c. 60.](#)
- M6** [1947 c. 53.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Powers (Defence) Act 1958, Section 9.