
STATUTORY INSTRUMENTS

1973 No. 686

The Walkways Regulations 1973

Apparatus of statutory undertakers etc. in stopped up walkway

7.—(1) Where a walkway is stopped up under Regulation 6 above, or the public right to use a walkway is terminated under a provision of the walkway agreement, and there is in, under, over, along or across the walkway apparatus of a statutory undertaker, sewerage authority or the Post Office, then, subject to paragraphs (2) to (5) of this Regulation, that undertaker or authority or the Post Office, as the case may be, shall have the same rights in respect of that apparatus as if the walkway had been stopped up pursuant to section 209 of the Town and Country Planning Act 1971 (which provides for the stopping up of highways in order to enable development to be carried out) and as if, in the case of apparatus of a statutory undertaker or sewerage authority, the order under that section authorising the stopping up had provided for the preservation of those rights, and the provisions of paragraphs (2) and (3) of this Regulation shall have effect with a view to regulating the continuance or removal of that apparatus in circumstances and under conditions similar to those which would be applicable if the walkway had been stopped up pursuant to the said section 209.

(2) Where any such apparatus as is referred to in paragraph (1) of this Regulation is apparatus of a statutory undertaker or a sewerage authority—

- (a) sections 230 and 231 of the Town and Country Planning Act 1971 (power to extinguish rights of statutory undertakers over land acquired under certain enactments or appropriated by a local authority for planning purposes).
- (b) section 232 of that Act (power of statutory undertakers to remove or resite apparatus affected by development), and
- (c) sections 237(2) and (3), 238 and 240 of that Act (compensation), so far as applicable for the purposes of the said sections 230, 231 and 232,

shall apply in relation to such apparatus and to the site of the walkway as they apply in relation to apparatus of statutory undertakers and in relation to land acquired by a Minister, a local authority or statutory undertakers under Part VI of the said Act of 1971, or compulsorily under any other enactment, or appropriated by a local authority for planning purposes, subject however to the modifications set out in Schedule 4 to these Regulations (being modifications similar to those having effect by virtue of section 32(3) of the Mineral Workings Act 1951 in relation to highways stopped up pursuant to section 209 of the said Act of 1971).

(3) Where any such apparatus as is referred to in paragraph (1) of this Regulation is apparatus of the Post Office, section 220(1) of the said Act of 1971 (provisions as to telegraphic lines) shall apply in relation to the apparatus and to the site of the walkway as if the walkway had been stopped up pursuant to section 209 of the said Act.

(4) Paragraphs (1), (2) and (3) of this Regulation shall, in relation to apparatus in, under, over, along or across a supported walkway, have effect subject to the terms of any arrangement under which the consent to place the apparatus was given:

(5) Paragraphs (1), (2) and (3) of this Regulation shall not apply in relation to apparatus placed and maintained in a supported walkway by statutory undertakers, sewerage authorities or the Post Office in exercise of rights to place and maintain apparatus in, under, over, along or across land which does not form part of a highway, or in exercise of rights created under a power to acquire such

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rights, but the stopping up of, or the termination of the public right to use, the walkway shall not prejudice the continuation of, or the taking of action pursuant to, those rights (if still subsisting), or the termination of those rights, in accordance with the relevant statutory provisions or the relevant instruments conferring or creating those rights.