

SCHEDULE 2

FUNCTIONS OF THE SECRETARY OF STATE EXERCISABLE JOINTLY WITH THE PLANNING MINISTER

Functions relating to the compulsory acquisition of land for highway purposes

4. In Part II of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946, in paragraph 7 sub-paragraph (4) shall be omitted, and after that paragraph there shall be inserted the following paragraphs:—

“7A. Paragraph 3 of this Schedule shall have effect in relation to the order with the substitution, for references to the confirming authority and to the acquiring authority, of references to the Minister, and, for references to an order submitted and to the confirmation of an order, of references to an order as prepared in draft and to the making of an order, so however that the publication and service or affixing of notices required by that paragraph shall be effected as soon as may be after the draft of the order has been prepared, and the provisions of that paragraph as to the notice thereby required shall apply subject to such modifications of the form of the notice as appear to the Minister to be requisite.

7B.—(1) If no objection is duly made by any such owner, lessee or occupier as is mentioned in paragraph 3 or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order with or without modifications.

(2) If any objection made as aforesaid is not withdrawn, then, before the Minister makes the order,—

- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, the Minister and the planning Minister acting jointly;
- (b) in any other case, the Minister,

shall either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by them or him for the purpose.

(3) After the objection and the report of the person who held the inquiry or the person appointed as aforesaid have been considered—

- (a) in the case of an order proposed to be made in the exercise of highway land acquisition powers, by the Minister and the planning Minister acting jointly;
- (b) in any other case, by the Minister,

the Minister may make the order either with or without modifications.

(4) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister and the planning Minister acting jointly or, as the case may be, the Minister shall afford to any persons to whom it appears to them or him expedient to afford it an opportunity of being heard on the same occasion.

(5) Notwithstanding anything in sub-paragraphs (2) and (4) above, the Minister and the planning Minister acting jointly or, as the case may be, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may, if satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by which the compensation is assessed, disregard the objection for the purposes of this paragraph.

(6) In this paragraph “highway land acquisition powers” has the same meaning as in the Highways Act 1971 and “the planning Minister” means the Secretary of State for the time being

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having general responsibility in planning matters in relation to England or Wales, as the case may be.

(7) This paragraph shall have effect as if references to the Minister and the planning Minister acting jointly—

- (a) were references to the Minister and the planning Minister acting jointly, if the planning Minister is not the one concerned as the Minister; or
- (b) were references to the one concerned as the Minister acting alone, if he is also the planning Minister.

7C. Paragraphs 5 and 6 of this Schedule shall have effect in relation to the order with the substitution, for references to the confirming authority and to the acquiring authority, of references to the Minister, and, for references to an order submitted and to the confirmation of an order, of references to an order as prepared in draft and to the making of an order.”

5.—(1) In subsection (1) of section 54 of the Highways Act 1971 after the words “Secretary of State”, in the second place where they occur, there shall be inserted the words “or, in the case of a compulsory purchase order proposed to be made by the Secretary of State, the Secretary of State and the planning Minister acting jointly” and for the words “his opinion” there shall be substituted the words “his or their opinion”.

(2) In subsection (2) of the said section 54 for the words “the Secretary of State”, in the second place where they occur, there shall be substituted the words “or by the Secretary of State and the planning Minister acting jointly, the Secretary of State or, as the case may be, those Ministers”.

(3) In subsection (3) of the said section 54 for the word “has”, in the first place where it occurs, there shall be substituted the words “or the Secretary of State and the planning Minister acting jointly have” and after the words “Secretary of State”, in the second place where they occur, there shall be inserted the words “or, as the case may be, those Ministers”.

(4) At the end of the said section 54 there shall be inserted the following subsection—

“(4) In this section ‘the planning Minister’ has the same meaning as in paragraph 7B of Schedule 1 to the Act of 1946 and references to the Secretary of State and the planning Minister acting jointly shall be construed as if they were references to the Minister and the planning Minister acting jointly and were contained in that paragraph.”

6. In section 55(2) of the Highways Act 1971 for the words “paragraph 7(4)” there shall be substituted the words “paragraph 7C”.