

## SCHEDULE

Article 5

### MODIFICATIONS TO LEGISLATION

#### PART 1

##### *Provisions of the 1990 Act to have effect as modified*

1.—(1) Section 139 of the 1990 Act (action by council on whom purchase notice is served) shall be modified as follows.

(2) Subsection (1)(b) shall have effect as if, after the words “response notice”, there were inserted “or the Urban Regeneration Agency”.

(3) Subsection (1)(c) shall have effect as if for the words “have not found any other local authority or statutory undertakers who will agree” there were substituted “no other local authority or statutory undertakers, nor the Urban Regeneration Agency, have agreed”.

(4) Subsection (3) shall have effect as if after the word “undertakers”, there were inserted “or the Urban Regeneration Agency”.

2. Section 140(2)(d)(1) of that Act (procedure on reference of purchase notice to Secretary of State) shall have effect as if after the word “undertakers” there were inserted “or the Urban Regeneration Agency”.

3. Section 141(4) of that Act (action by Secretary of State in relation to purchase notice) shall have effect as if after the word “undertakers” there were inserted “or the Urban Regeneration Agency”.

4. Section 143(1)(b) of that Act (effect of Secretary of State’s action in relation to purchase notice) shall have effect as if—

(a) after the word “undertakers” in the first place where it occurs, there were inserted “or the Urban Regeneration Agency”; and

(b) after that word, in the second place where it occurs, there were inserted “or that Agency”.

5. The definition of “relevant provisions” in section 148 of that Act (interpretation of Chapter 1) shall have effect as if after the word “undertaking” there were added “or, in the case of the Urban Regeneration Agency, section 162 of the Leasehold Reform, Housing and Urban Development Act 1993”.

6. Section 249(2) of that Act (order extinguishing right to use vehicles on highway) shall have effect as if—

(a) in subsection (1) after the word “applies” there were inserted “subject to subsection (1A)”; and

(b) the following subsection were inserted after that subsection—

“(1A) Any reference in this section and in section 250 to a local planning authority is to be construed as including a reference to the Urban Regeneration Agency.”.

7. Section 251 of that Act (extinguishment of public rights of way over land held for planning purposes) shall have effect as if after subsection (1), there were inserted the following subsection—

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(1) Section 140 was amended by the Local Government (Wales) Act 1994 (1994 c. 19), section 10(4) and Schedule 6, paragraph 24.

(2) Section 249 was amended by the Greater London Authority Act 1999 (1999 c. 29), Schedule 22, paragraph 5.

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“(1A) Where any land has been acquired by the Urban Regeneration Agency or has vested in that Agency and is for the time being held by it for the purpose of securing the development of it or any other land, the Secretary of State may by order extinguish any public right of way over the land, if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.”.

**8.** Section 258 of that Act (extinguishment of public rights of way over land held for planning purposes) shall have effect as if after subsection (1), there were inserted the following subsection—

“(1A) Where any land has been acquired by the Urban Regeneration Agency or has vested in that Agency and is for the time being held by it for the purpose of securing the development of it or any other land, then, subject to section 259, the Urban Regeneration Agency may by order extinguish any public right of way over the land being a footpath or bridleway, if it is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required.”.

**9.** Section 330(3) of that Act (power to require information as to interests in land) shall have effect as if—

- (a) after the words “local authority”, in the first place where they occur, in subsection (1) there were inserted “or the Urban Regeneration Agency”; and
- (b) after those words, in the second place where they occur in subsection (1), and in subsection (3), there were inserted “or the Agency”.

## PART 2

### *Provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have effect as modified*

**10.—(1)** Section 33 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (action by council on whom listed building purchase notice served) shall be modified as follows.

(2) Subsection (1)(b) shall have effect as if, after the words “this subsection”, there were inserted “or the Urban Regeneration Agency”.

(3) Subsection (1)(c) shall have effect as if for the words “have not found any other local authority or statutory undertakers who will agree” there were substituted “no other local authority or statutory undertakers, nor the Urban Regeneration Agency have agreed”.

(4) Subsection (3) shall have effect as if after the word “undertakers”, there were inserted “or the Urban Regeneration Agency”.

**11.** Section 34(2)(d)(4) of that Act (procedure on reference of listed building purchase notice to Secretary of State) shall have effect as if after the word “undertakers” there were inserted “or the Urban Regeneration Agency”.

**12.** Section 35(6) of that Act (action by Secretary of State in relation to listed building purchase notice) shall have effect as if after the word “undertakers” there were inserted “or the Urban Regeneration Agency”.

**13.** Section 36(4) of that Act (effect of Secretary of State’s action in relation to listed building purchase notice) shall have effect as if after the word “undertakers” in the first place where it occurs there were inserted “or the Urban Regeneration Agency” and in the second place where it occurs there were inserted “or that Agency”.

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(3) Section 330 was amended by the Environment Act 1995 (1995 c. 25), Schedule 10, paragraph 32(11) and the Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I.2003/956), article 5.

(4) Section 34 was amended by the Local Government (Wales) Act 1994 (1994 c. 19), section 20(4) and Schedule 6, paragraph 25.

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14. Section 91 of that Act<sup>(5)</sup> (interpretation) shall have effect as if there were inserted at the end—
- “(8) In this Act, “Urban Regeneration Agency” has the same meaning as in Part 3 of the Leasehold Reform, Housing and Urban Development Act 1993.”.

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(5) Section 91 was amended by the Planning and Compensation Act 1991 (1991 c. 34), Schedule 6, paragraph 48; the Gas Act 1995 (1995 c. 45) Schedule 4, paragraph 2; the Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), Schedule 1, paragraph 84; and the Town and Country Planning (Electronic Communications) (England) Order (S.I. 2003/956) article 9.