



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART X

#### HIGHWAYS

##### *Procedure for making and confirming orders*

#### **215 Procedure for making of orders by Secretary of State**

- (1) Before making an order under section 209, 211, 212 or 214(1)(a) of this Act the Secretary of State shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—
  - (a) stating the general effect of the order;
  - (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the publication of the notice; and
  - (c) stating that, within that period, any person may by notice to the Secretary of State object to the making of the order.
- (2) Not later than the date on which that notice is so published, the Secretary of State—
  - (a) shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan, on every local authority in whose area any highway or, as the case may be, any land to which the order relates is situated, and on any water, hydraulic power, gas or electricity undertakers having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted or, as the case may be, any land over which a right of way is to be extinguished, under the order; and
  - (b) shall cause a copy of the notice to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted or, as the case may be, of the right of way proposed to be extinguished under the order.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (3) If before the end of the said period of twenty-eight days an objection is received by the Secretary of State from any local authority or undertakers on whom a notice is required to be served under subsection (2) of this section, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the Secretary of State shall cause a local inquiry to be held:

Provided that, if the objection is made by a person other than such a local authority or undertakers, the Secretary of State may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

- (4) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (evidence and costs at local inquiries) shall apply in relation to an inquiry caused to be held by the Secretary of State under subsection (3) of this section as they apply in relation to an inquiry caused to be held by a department under subsection (1) of the said section 290, with the substitution for the references to a department of references to the Secretary of State.
- (5) After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State (subject to subsection (6) of this section) may make the order either without modification or subject to such modifications as he thinks fit.
- (6) Where the order contains a provision requiring any such payment, repayment or contribution as is mentioned in section 209(3)(a) of this Act, and objection to that provision is duly made, in accordance with subsection (3) of this section, by an authority or person who would be required thereby to make such a payment, repayment or contribution, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- (7) Immediately after the order has been made, the Secretary of State shall publish, in the manner specified in subsection (1) of this section, a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours; and the provisions of subsection (2) of this section shall have effect in relation to any such notice as they have effect in relation to a notice under subsection (1) of this section.
- (8) In this section "the relevant area", in relation to an order, means the area in which any highway or land to which the order relates is situated, and "local authority" means the council of a county, county borough, county district or parish, or of a borough included in a rural district, the Greater London Council, the council of a London borough, and the parish meeting of a rural parish not having a separate parish council.