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SCHEDULES

SCHEDULE 16

ORDERS CREATING, EXTINGUISHING OR DIVERTING FOOTPATHS OR BRIDLEWAYS

The Town and Country Planning Act 1971

- 1 (1) In sub-paragraph (1)(b) of paragraph 1 of Schedule 20 to the Town and Country Planning Act 1971 (procedure in connection with orders relating to footpaths and bridleways) after the word " charge" there shall be inserted the words " and copies thereof may be obtained at a reasonable charge ".
- (2) In sub-paragraph (2) of that paragraph—
- (a) in head (a) the words " in the London Gazette and " shall be omitted;
 - (b) at the end of head (b) there shall be inserted the words—
 - “(iv) every person on whom notice is required to be served in pursuance of sub-paragraph (2A) of this paragraph ; and
 - (v) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate ; and”;
 - (c) for head (c) there shall be substituted the following head—
 - “(c) by causing a copy of the notice to be displayed in a prominent position—
 - (i) at the ends of so much of any footpath or bridle way as is to be stopped up, diverted or extinguished by the order;
 - (ii) at council offices in the locality of the land to which the order relates ; and
 - (iii) at such other places as the authority may consider appropriate”.
- (3) After that sub-paragraph there shall be inserted the following sub-paragraph—
- “(2A) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders under section 210 or 214(1)(b) of this Act as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area ; and in this sub-paragraph ' specified ' means specified in the requirement.”
- (4) At the end of sub-paragraph (3) of that paragraph there shall be inserted the words " and ' council offices' means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council " .

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- (5) After sub-paragraph (4) of that paragraph there shall be inserted the following sub-paragraphs—
- “(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) of this paragraph shall be complied with not less than 28 days before the expiration of the time specified in the notice.
- (6) A notice required to be served by sub-paragraph (2)(a)(i), (ii), (iii) or (v) of this paragraph shall be accompanied by a copy of the order.
- (7) A notice required to be displayed by sub-paragraph (2)(c)(i) of this paragraph at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.”
- 2 After paragraph 3 of that Schedule there shall be inserted the following paragraph—
- “3A (1) A decision of the Secretary of State under paragraph 3 of this Schedule shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.
- (2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) of this paragraph and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State ; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.
- (3) Where the Secretary of State has appointed a person to make a decision under paragraph 3 of this Schedule the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.
- (4) Where by virtue of sub-paragraph (2) or (3) of this paragraph a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.
- (5) Regulations under this Act may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.”
- 3 (1) In paragraph 6 of that Schedule—
- (a) for the words " a copy thereof" there shall be substituted the words " a copy of the order ";
- (b) after the words " free of charge " there shall be inserted the words " and copies thereof may be obtained at a reasonable charge " ; and
- (c) for heads (a) and (b) there shall be substituted the following heads—

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- “(a) serve a like notice on any persons on whom notices were required to be served under paragraph 1(2)(b) or (4) of this Schedule ; and
- (b) cause like notices to be displayed in the like manner as the notices required to be displayed under paragraph 1(2)(c) of this Schedule:”.

(2) That paragraph as so amended shall be renumbered as paragraph 6(1) of that Schedule and after that provision as so renumbered there shall be inserted the following sub-paragraphs—

“(2) A notice required to be served by sub-paragraph (1)(a) of this paragraph on—

- (a) a person on whom notice was required to be served by paragraph 1(2)(b)(i), (ii) or (iii) of this Schedule ; or
- (b) in the case of an order which has been confirmed with modifications, a person on whom notice was required to be served by paragraph 1(2)(b)(v) of this Schedule,

shall be accompanied by a copy of the order as confirmed.

(3) As soon as may be after a decision not to confirm an order under the said section 210 or 214(1)(b), the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(2)(b) or (4) of this Schedule.”

4 After that paragraph there shall be inserted the following paragraph—

“7 As soon as may be after an order under section 210 or 214(1)(b) of this Act has come into operation otherwise than—

- (a) on the date on which it was confirmed by the Secretary of State or confirmed as an unopposed order; or
- (b) at the expiration of a specified period beginning with that date,

the authority by whom the order was made shall give notice of its coming into operation by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.”