

## SCHEDULES

### SCHEDULE 22

#### STOPPING UP ORDERS BY LONDON COUNCILS

##### *Procedure for making of orders*

- 7 (1) Section 252 shall be amended as follows.
- (2) In subsection (1) (requirement to publicise proposals in certain newspapers)—
- (a) after “Secretary of State” in the first place where it occurs there shall be inserted “or, as the case may be, the council of a London borough”, and
  - (b) after “Secretary of State” in the second place where it occurs there shall be inserted “or, as the case may be, the council of the London borough”.
- (3) In subsection (2) (requirement to serve details of proposals on certain local and other authorities) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (4) In subsection (3) (requirement to display details of proposals at highway concerned) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (5) In subsection (4) (requirement to hold local inquiry if objection made)—
- (a) after “Secretary of State” in the first place where it occurs there shall be inserted “or, as the case may be, the council of the London borough,”
  - (b) for “him” there shall be substituted “to the Secretary of State or, as the case may be, the council
  - (c) for “unless subsection (5) applies the Secretary of State shall cause a local inquiry to be held” there shall be substituted—
    - “(a) in a case where the Secretary of State is proposing to make an order, he shall cause a local inquiry to be held unless subsection (5) applies, or
    - (b) in a case where the council of a London borough is proposing to make an order, it shall notify the Mayor of London of the objections and shall cause a local inquiry to be held unless subsection (5A) applies.”
- (6) In subsection (5) (power to dispense with local inquiry in certain circumstances) after “where” there shall be inserted “the Secretary of State is proposing to make an order and”.
- (7) After subsection (5) there shall be inserted—
- “(5A) In a case where—
- (a) the council of a London borough is proposing to make the order,
  - (b) the council has under subsection (4)(b) notified the Mayor of London of the objections, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) none of the objections notified is made by such a local authority or undertakers or transporter as are mentioned in that subsection, the Mayor of London shall decide whether, in the special circumstances of the case, the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.”
- (8) In subsection (6) (application of other statutory provisions to local inquiry held under section 252) after “Secretary of State” there shall be inserted “or the council of a London borough”.
- (9) After subsection (6) there shall be inserted—
- “(6A) In their application to an inquiry caused to be held by the council of a London borough—
- (a) subsection (4) of section 250 of the Local Government Act 1972 shall be treated as if—
- (i) for the reference to a Minister there were substituted a reference to the council of a London borough,
- (ii) for the reference to him there were substituted a reference to the council,
- (iii) for the reference to he there were substituted a reference to the council acting with the consent of the Mayor of London, and
- (iv) for the references to the Minister there were substituted references to the council of the London borough, and
- (b) subsection (5) of that section shall be treated as if—
- (i) for the reference to the Minister there were substituted a reference to the council of a London borough, and
- (ii) the power to make an order as to the costs of parties were subject to a requirement to act with the consent of the Mayor of London.”
- (10) In subsection (8) (making of order) before “After” there shall be inserted “Where the Secretary of State is proposing to make an order,”.
- (11) After subsection (8) there shall be inserted—
- “(8A) Where the council of a London borough is proposing to make an order, after—
- (a) considering any objections to the order which are not withdrawn, and
- (b) where a local inquiry is held—
- (i) considering the report of the person who held the inquiry, and
- (ii) obtaining the consent of the Mayor of London to the making of the order,
- the council may, subject to subsection (9), make the order either without modification or subject to such modification as it thinks fit.”

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- (12) In subsection (10) (requirement to publicise making of order) after “Secretary of State” there shall be inserted “or, as the case may be, the council of the London borough”.
- (13) After subsection (10) there shall be inserted—
- “(10A) Nothing in subsection (2) shall require the council of a London borough to serve anything on itself.”