

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 3

MAIN POWERS IN RELATION TO ^[F1]LAND ACQUIRED BY THE HCA

Textual Amendments

- F1** Words in Sch. 3 title substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 32(3), 57(5)(e)** (with [s. 32\(11\)\(12\)](#))

Modifications etc. (not altering text)

- C1** Sch. 3 applied by 1999 c. 29, s. 333ZB(1) (as substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 19 para. 12(2)**; S.I. 2016/733, reg. 3(m) (with reg. 10))
- C1** Sch. 3 applied by 2011 c. 20, s. 208(1) (as substituted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 19 para. 17**; S.I. 2016/733, reg. 3(m))
- C1** Schs. 2-4 applied (with modifications) (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), 9(3), **Sch. 3 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, 14(5), **Sch. 3** (with art. 28)
- C1** Schs. 2-4 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 10(5), **Sch. 2 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(5), Sch. 2 Pts. 1, 2**
- C1** Sch. 3 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 9(5), **Sch. 2 Pt. 2**
- C1** Schs. 2-4 applied (with modifications) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), 10(5), **Sch. 2 Pt. 2**

PART 2

POWERS TO EXTINGUISH PUBLIC RIGHTS OF WAY

Powers of Secretary of State to extinguish public rights of way by order

- 3 The Secretary of State may by order extinguish any public right of way over land of the HCA if the Secretary of State is satisfied that—
- (a) an alternative right of way has been, or will be, provided, or
 - (b) the provision of an alternative right of way is not required.

Commencement Information

- I1** Sch. 3 para. 3 in force at 1.12.2008 by [S.I. 2008/3068](#), **art. 2(1)(f)** (with arts. 6-13)

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Notification of proposal to make order

- 4 (1) This paragraph applies if the Secretary of State is proposing to make an order under paragraph 3.
- (2) The Secretary of State must—
- (a) publish a notice stating—
 - (i) the effect of the order,
 - (ii) the time (not less than 28 days starting with the date of publication of the notice) within which objections to the proposal may be made, and
 - (iii) the manner in which objections to the proposal may be made, and
 - (b) serve a copy of the notice on—
 - (i) the local planning authority in whose area the land is situated, and
 - (ii) the relevant highway authority.
- (3) In sub-paragraph (2) “the relevant highway authority” means any authority which is a highway authority in relation to the right of way which is proposed to be extinguished by the order.
- (4) Publication under sub-paragraph (2) must be in such manner as the Secretary of State considers appropriate.

Commencement Information

I2 Sch. 3 para. 4 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Duty to consider objections

- 5 (1) The Secretary of State must proceed under paragraph 6 if—
- (a) an objection to a proposal to make an order is properly made and not withdrawn, and
 - (b) the matter is not otherwise dealt with.
- (2) For the purposes of sub-paragraph (1) an objection is properly made if (and only if)—
- (a) it is made—
 - (i) within the time, and
 - (ii) in the manner,
 stated in the notice under paragraph 4, and
 - (b) a written statement of the grounds of the objection is comprised in, or submitted with, the objection.
- (3) For the purposes of sub-paragraph (1) the matter is otherwise dealt with if (and only if) the Secretary of State—
- (a) decides, irrespective of the objection, not to make the order, or
 - (b) decides to make a modification to the proposal which is agreed to by the objector as meeting the objection.

Commencement Information

I3 Sch. 3 para. 5 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 6 (1) The Secretary of State must, before making a final decision, consider the grounds of the objection as set out in the statement comprised in, or submitted with, the objection.
- (2) The Secretary of State may require the objector to submit within a particular period a further written statement as to any of the matters to which the objection relates.

Commencement Information

I4 Sch. 3 para. 6 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Duty to give opportunity to appear

- 7 (1) The Secretary of State must, before making a final decision, give the objector an opportunity to appear before, and be heard by, a person appointed for the purpose by the Secretary of State.
- (2) Sub-paragraph (3) applies if the objector takes advantage of this opportunity.
- (3) The Secretary of State must give an opportunity of appearing and being heard on the same occasion as the objector to—
- (a) the HCA, and
 - (b) any other persons whom the Secretary of State considers ought to be given the opportunity.
- (4) Sub-paragraphs (1) to (3) do not apply so far as the Secretary of State has the power to proceed under paragraph 8 or 9.

Commencement Information

I5 Sch. 3 para. 7 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Power to treat objection as irrelevant

- 8 The Secretary of State may treat the objection as irrelevant for the purpose of making a final decision—
- (a) if the Secretary of State has considered the grounds of the objection as set out in the original statement and in any further statement, and
 - (b) so far as the Secretary of State is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation.

Commencement Information

I6 Sch. 3 para. 8 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Power to curtail decision-making process

- 9 The Secretary of State may make a final decision without further investigation as to the matters to which the objection relates if—
- (a) the Secretary of State—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (i) has considered the grounds of the objection as set out in the original statement and in any further statement, and
 - (ii) is satisfied that, for the purpose of making a final decision, sufficient information is available as to the matters to which the objection relates, or
- (b) a further statement has been required under paragraph 6(2) but is not submitted within the required period.

Commencement Information

I7 Sch. 3 para. 9 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Power to hold public local inquiry

- 10 (1) The Secretary of State must cause a public local inquiry to be held in relation to an objection to a proposal to make an order under paragraph 3 if the Secretary of State considers that the matters to which the objection relates are such as to require investigation by such an inquiry before the Secretary of State makes a final decision.
- (2) The duty in sub-paragraph (1) is effective despite any other provisions of paragraphs 4 to 9.
- (3) The other provisions of those paragraphs are to be ignored if no effect has been given to them when the Secretary of State decides to cause an inquiry to be held.

Commencement Information

I8 Sch. 3 para. 10 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

*Orders relating to electronic communications
apparatus: removal or abandonment of apparatus*

- 11 Paragraphs 12 and 13 apply if—
- (a) an order under paragraph 3 extinguishing a public right of way is made, and
 - (b) at the time of the publication of the notice required by paragraph 4 any electronic communications apparatus was kept installed for the purposes of an electronic communications code network under, in, on, over, along or across the land over which the right of way subsisted.

Commencement Information

I9 Sch. 3 para. 11 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

- 12 (1) The power of the operator of the network to remove the apparatus is exercisable, despite the order, at any time not later than the end of the period of 3 months beginning with the day on which the right of way is extinguished.
- (2) The power of the operator of the network to remove the whole or any part of the apparatus is exercisable after the end of that period if, before the end of the period, the operator has served notice on the HCA of the operator's intention to remove the apparatus or (as the case may be) part.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

I10 Sch. 3 para. 12 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

- 13 (1) The operator of the network may abandon the electronic communications apparatus, or any part of it, by serving notice to that effect on the HCA not later than the end of the period of 3 months beginning with the day on which the right of way is extinguished.
- (2) In the absence of such a notice, the operator of the network is to be treated at the end of the period of 3 months as having abandoned any part of the apparatus which, at that time, the operator has neither—
- (a) removed, nor
 - (b) served notice of intention to remove.

Commencement Information

I11 Sch. 3 para. 13 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

- 14 (1) The operator of the network may recover from the HCA the expense of providing any substitute electronic communications apparatus in such other place as the operator may require.
- (2) In sub-paragraph (1) “substitute electronic communications apparatus” means electronic communications apparatus in substitution for—
- (a) the electronic communications apparatus removed or abandoned, and
 - (b) any other electronic communications apparatus connected with the removed or abandoned apparatus which is made useless in consequence of the removal or abandonment.

Commencement Information

I12 Sch. 3 para. 14 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

- 15 Electronic communications apparatus, or any part of it, abandoned by the operator of an electronic communications code network under paragraph 13—
- (a) vests in the HCA, and
 - (b) is deemed, with its abandonment, to cease to be kept installed for the purposes of an electronic communications code network.

Commencement Information

I13 Sch. 3 para. 15 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Orders relating to electronic communications apparatus: notice requirements

- 16 (1) The Secretary of State must serve notice on the operator of an electronic communications code network of the making of an order under paragraph 3 if the order extinguishes a public right of way in circumstances in which paragraphs 12 and 13 apply in relation to the operator.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(2) The notice must be served as soon as practicable after the making of the order.

Commencement Information

I14 Sch. 3 para. 16 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Supplementary: Part 2

- 17 The power of the Secretary of State to make orders under paragraph 3 includes power to—
- (a) vary or revoke such orders, and
 - (b) make supplementary, incidental, consequential, transitional, transitory or saving provision.

Commencement Information

I15 Sch. 3 para. 17 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

- 18 In this Part of this Schedule, in relation to an order, any reference to making a final decision is a reference to deciding whether to make the order or what modification (if any) ought to be made.

Commencement Information

I16 Sch. 3 para. 18 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(f\)](#) (with [arts. 6-13](#))

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Housing and Regeneration Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 2-4 applied (with modifications) by S.I. 2024/402 art. 36(4)Sch. 4

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications) by S.I. 2023/1311 reg. 9
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A-199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)

- s. 255(1)(c) and word inserted by [2023 c. 36 Sch. 3 para. 12\(b\)](#)
- s. 259(3A) inserted by [2023 c. 36 Sch. 3 para. 15\(d\)](#)
- s. 266(9) inserted by [2023 c. 36 Sch. 3 para. 17\(b\)](#)
- s. 269(1)(ba)(bb) inserted by [2023 c. 36 Sch. 3 para. 18\(c\)](#)
- s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)