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## SCHEDULES

### SCHEDULE 3

#### HIGHWAYS

##### *Stopping-up*

- 1 (1) The nominated undertaker may, in connection with the construction of the works authorised by this Act, stop up each of the highways or parts of highways specified in the following table.
- (2) No highway or part of a highway specified in columns (1) and (2) of Part 1 of the following table shall be stopped up under this paragraph unless all the land which abuts on it falls within one or more of the following categories, namely—
- (a) land to which there is no right of access directly from the highway or part to be stopped up,
  - (b) land to which there is reasonably convenient access otherwise than directly from the highway or part to be stopped up,
  - (c) land the owners and occupiers of which have agreed to the stopping up of the highway or part, and
  - (d) land which is in the possession of the Secretary of State.
- (3) No highway or part of a highway specified in columns (1) and (2) of Part 2 of the following table shall be stopped up under this paragraph if a new highway is specified in relation to it in column (3) of that Part of the table, by reference to the letters and numbers shown on the deposited plans or by reference to scheduled works, until—
- (a) where the new highway is provided in exercise of the powers conferred by this Act, the later of the date of practical completion and the date on which it is first open for public use, and
  - (b) where it is not, the date on which it is first open for public use.
- (4) Where a new highway specified in column (3) of Part 2 of the following table is provided in exercise of the powers conferred by this Act, the date of practical completion of the highway, or the date on which it is first open for public use, shall be taken for the purposes of sub-paragraph (3) to be what it is taken to be for the purposes of paragraph 11(2).

#### Part 1

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>
City of Westminster	Footpath within Westbourne Green Sports Complex between points P5, P6 and P7

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	North-eastern side of Eastbourne Terrace within extent of narrowing shown on the deposited plans Falconberg Court
London Borough of Camden	Andrew Borde Street
London Borough of Islington	Cowcross Street between points P1 and P2
City of London	Hayne Street between points P3 and P4 Fore Street Avenue between points P1 and P2 Moorfields between points P2 and P3
London Borough of Tower Hamlets	Fulbourne Street between points P1 and P2 Court Street between points P3 and P4 Wood's Buildings between points P5 and P6 South-eastern side of Durward Street within the extent of narrowing shown on the deposited plans between points P2 and P7 Garden Street between points P5 and P6 Eleanor Street between points P1 and P2
London Borough of Greenwich	Bostall Manorway between points P3 and P4 Abbey Terrace between points P5 and P6
London Borough of Havering	Footpath (FP 123) between Beechfield Gardens and Nursery Walk

Part 2

<i>(1)</i> <b>Area</b>	<i>(2)</i> <b>Highway or part to be stopped up</b>	<i>(3)</i> <b>New highway to be substituted for it</b>
City of Westminster	Westbourne Park Passage within the limits of deviation of Work No. 1/9C	Work No. 1/9C
	Westbourne Park Passage within the limits of deviation of Work No. 1/9D	Work No. 1/9D
London Borough of Tower Hamlets	Footpath between Stepney Way and Stepney Green between points P1,	New footpath between points P1, P4, P5 and P6

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	P2 and P3 and between points P2 and P4	
London Borough of Newham	Footpaths between the Excel Centre and Victoria Dock Road between points P1, P2, P3, P4, P5, P6, P7, P8 and P9 and between points P6 and P11	New footpath through intended station, part of Work No. 1/5 between points P10 and P11
	Footpath between Albert Road and Factory Road between points P1 and P2	Work No. 1/32D
	Barbers Road between points P1 and P2	Works Nos. 2/6A, 2/6B and 2/7
	Pudding Mill Lane between points P3 and P4	Works Nos. 2/6A, 2/6B and 2/7
	Marshgate Lane within the relevant limits	Works Nos. 2/6A and 2/6B
	Footpath (Greenway) between points P6, P7, P8, P9, P10, P11, P12 and P13 and between points P9 and P11	New footpath between points P5, P14 and P13
London Borough of Greenwich	Footpath on eastern side of Church Manor Way between points P1 and P2	Work No. 1/34
	Footpath between Mottisfont Road and Bostall Manor Way between points P1 and P2	Work No. 1/36
London Boroughs of Greenwich and Bexley	Footpaths over Abbey Wood Station between points P7, P8, P9, P10 and P11 and between points P11 and P12	New footpath through intended station, part of Work No. 1/7
	Felixstowe Road within the relevant limits	Work No. 1/37B
London Borough of Bexley	Gayton Road	Work No. 1/37C
London Borough of Barking & Dagenham	Footpath on eastern side of Whalebone Lane South between points P1 and P3	New footpath between points P1, P2 and P3
London Borough of Havering	Footpath adjacent to bus stand, Atlanta Boulevard	Work No. 2/15D
County of Berkshire, Borough of Slough	Hollow Hill Lane between points P1 and P2	Work No. 3/9D

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County of Buckinghamshire, District of South Bucks, Parish of Iver	Thorney Lane South between points P1 and P2	Works Nos. 3/9B and 3/9C
London Borough of Hillingdon	Footpath and cycleway (Kingston Lane) between points P1 and P2	Work No. 3/10F
	Old Stockley Road between points P1 and P2	Footpath and cycleway between points P1 and P2 (Work No. 3/14)

**Modifications etc. (not altering text)**

- C1** Sch. 3 para. 1 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, **Sch. 6 paras. 1-3**
- C2** Sch. 3 para. 1(2)(d) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, **8(2)** (with art. 13)

- 2 (1) The nominated undertaker may, in connection with the construction of the works authorised by this Act, stop up any bridleway or footpath, or part of a bridleway or footpath, which is—
- (a) within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, and
  - (b) not specified in columns (1) and (2) of the table in paragraph 1.
- (2) The power conferred by sub-paragraph (1) shall not be exercised unless the proposed stopping up has been confirmed by the appropriate Ministers upon application by the nominated undertaker.
- (3) The appropriate Ministers shall grant an application under sub-paragraph (2) if, but only if, they are satisfied—
- (a) that an alternative bridleway or footpath has been provided,
  - (b) that an alternative bridleway or footpath will be provided before the proposed stopping up takes place, or
  - (c) that the provision of an alternative bridleway or footpath is not required.
- (4) Where the appropriate Ministers grant an application under sub-paragraph (2), they shall notify the nominated undertaker of the basis on which the application is granted.
- (5) Where the basis on which an application under sub-paragraph (2) is granted is that an alternative bridleway or footpath will be provided, the proposed stopping up shall not take place until the alternative has been provided.
- (6) Before making an application under sub-paragraph (2), the nominated undertaker shall publish in at least one local newspaper circulating in the relevant area a notice—
- (a) specifying—
    - (i) the bridleway or footpath, or part, proposed to be stopped up,
    - (ii) what, if any, alternative bridleway or footpath is proposed, and
    - (iii) if no alternative is proposed, the reasons why,
  - (b) specifying a place in the relevant area where a map or plan illustrating the proposals may be inspected by any person free of charge at all reasonable

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- hours during a period of 28 days from the date of publication of the notice (“the publication date”),
- (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) of the proposed stopping up, and
- (d) specifying the manner in which such representations may be made.
- (7) Not later than the publication date, the nominated undertaker shall—
- (a) serve a copy of the notice, together with any map or plan to which it refers, on every local authority whose area includes any of the land on which the bridleway or footpath, or part, proposed to be stopped up is situated, and
- (b) cause a copy of the notice to be displayed in a prominent position at the ends of the bridleway or footpath, or part, proposed to be stopped up.
- (8) Before granting an application under sub-paragraph (2), the appropriate Ministers shall consider any representations made to them in accordance with the nominated undertaker's notice which have not been withdrawn.
- (9) Unless they direct otherwise, the appropriate Ministers' functions in relation to an application under sub-paragraph (2) shall, instead of being carried out by them, be carried out by a person appointed by them for the purpose.
- (10) In sub-paragraph (6), references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.
- (11) In sub-paragraph (7)(a), “local authority” means—
- (a) the council of a county, district, parish or London borough,
- (b) the Common Council of the City of London,
- [<sup>F1</sup>(c) the London Fire Commissioner,]
- (d) a joint authority established by Part 4 of the Local Government Act 1985 (c. 51),
- (e) a housing action trust established under Part 3 of the Housing Act 1988 (c. 50), and
- (f) the parish meeting of a rural parish not having a separate parish council.
- (12) In this paragraph, references to the appropriate Ministers are to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport and, in relation to the carrying out of any functions, are to those Ministers acting jointly.

#### Textual Amendments

- F1** Sch. 3 para. 2(11)(c) substituted (E.W.) (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 115](#); S.I. 2018/227, [reg. 4\(c\)](#)

#### Modifications etc. (not altering text)

- C3** Sch. 3 para. 2 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, [Sch. 6 paras. 1-3](#)

- 3 (1) On a highway or part of a highway being stopped up under paragraph 1 or 2—
- (a) all rights of way over or along it shall be extinguished, and

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- (b) the Secretary of State may appropriate and use, without making any payment, so much of the site of it as is bounded on both sides by land which he owns.
- (2) The nominated undertaker shall compensate any person who suffers loss by the extinguishment under this paragraph of a private right of way.
- (3) Any dispute as to a person's entitlement to compensation under sub-paragraph (2), or as to the amount of such compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).
- (4) The Secretary of State shall not be entitled to any mines or minerals under land which he is entitled to appropriate and use under sub-paragraph (1)(b), with the exception of minerals necessarily extracted or used in the construction of the undertaking which the nominated undertaker is authorised to carry on by this Act.
- (5) Part 3 of Schedule 2 to the Acquisition of Land Act 1981 (c. 67) (regulation of the working of mines or minerals underlying an authorised undertaking) shall apply in relation to the working of any mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) with the following modifications—
- (a) references to the undertaking shall be construed as references to the undertaking which the nominated undertaker is authorised to carry on by this Act,
  - (b) in paragraphs 3 to 5 and 7 to 9, references to the acquiring authority shall be construed as references to the nominated undertaker, and
  - (c) in paragraph 6, the first of the references to the acquiring authority shall be construed as a reference to the nominated undertaker.

**Modifications etc. (not altering text)**

- C4** Sch. 3 para. 3 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, **Sch. 6 paras. 1-3**
- C5** Sch. 3 para. 3(1)(b) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, **8(3)** (with art. 13)
- C6** Sch. 3 para. 3(4)(5) modified (21.4.2010) by [The Crossrail \(Devolution of Functions\) Order 2010 \(S.I. 2010/988\)](#), arts. 1, **8(4)** (with art. 13)

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