



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART XI

#### STATUTORY UNDERTAKERS

##### *Extinguishment of rights of statutory undertakers, etc.*

#### **271 Extinguishment of rights of statutory undertakers: preliminary notices.**

- (1) This section applies where any land has been acquired by a Minister, a local authority or statutory undertakers under Part IX of this Act or Chapter V of Part I of the <sup>M1</sup>Planning (Listed Buildings and Conservation Areas) Act 1990 or compulsorily under any other enactment or has been appropriated by a local authority for planning purposes, and—
  - (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land; or
  - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.
- (2) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the statutory undertakers a notice—
  - (a) stating that at the end of the relevant period the right will be extinguished; or
  - (b) requiring that before the end of that period the apparatus shall be removed.
- (3) The statutory undertakers on whom a notice is served under subsection (2) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—
  - (a) stating that they object to all or any of the provisions of the notice; and
  - (b) specifying the grounds of their objection.

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- (4) If no counter-notice is served under subsection (3)—
- (a) any right to which the notice relates shall be extinguished at the end of the relevant period; and
  - (b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (5) If a counter-notice is served under subsection (3) on a local authority or on statutory undertakers, the authority or undertakers may either—
- (a) withdraw the notice (without prejudice to the service of a further notice); or
  - (b) apply to the Secretary of State and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification.
- (6) If a counter-notice is served under subsection (3) on a Minister—
- (a) he may withdraw the notice (without prejudice to the service of a further notice); or
  - (b) he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.
- (7) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.
- (8) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

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

- C1** Ss. 271-274 applied (with modifications) (19.12.2007) by [The Felixstowe Dock and Railway Company \(Land Acquisition\) Order 2007 \(S.I. 2007/3345\)](#), art. 10, **Sch. 2 Pt. 1**
- C2** Ss. 271-274 applied (with modifications) (23.8.2007) by [The Docklands Light Railway \(Capacity Enhancement and 2012 Games Preparation\) Order 2007 \(S.I. 2007/2297\)](#), art. 33, **Sch. 8 para. 1** (with arts. 3(6), 12(3))
- C3** Ss. 271-274 applied (19.3.2007) by [The Ouseburn Barrage Order 2007 \(S.I. 2007/608\)](#), art. 45, **Sch. 5 para. 1**
- C4** S. 271 extended (19.9.1995) by [1995 c. 25](#), ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- Ss. 271-274 applied (with modifications) (7.3.1995) by [S.I. 1995/519](#), art. 28(5), **Sch. 5**
- Ss. 271-273 applied (with modifications) (18.12.1996) by [1996 c. 61](#), s. 8(1)-(3)
- Ss. 271-274 applied (with modifications) (11.11.1996) by [S.I. 1996/2714](#), art. 48, **Sch. 9 para. 1**
- Ss. 271-274 applied (with modifications) (10.2.1997) by [S.I. 1997/264](#), art. 28, **Sch. 9 para. 1**
- Ss. 271-274 applied (with modifications) (21.5.1997) by [S.I. 1997/1266](#), art. 36, **Sch. 10 para. 1**
- Ss. 271-274 applied (with modifications) (27.8.1998) by [S.I. 1998/1936](#), art. 41, **Sch. 10 para. 1**
- Ss. 271-274 applied (with modifications) (3.6.1999) by [S.I. 1999/1555](#), art. 11, **Sch. 2 paras. 1-5**
- Ss. 271-274 applied (with modifications) (21.7.1999) by [S.I. 1999/2129](#), art. 20, **Sch. 3 paras. 1-5**
- Ss. 271-274 applied (with modifications) (20.8.1999) by [S.I. 1999/2336](#), art. 25, **Sch. 6 para. 1**
- Ss. 271-274 applied (with modifications) (23.8.1999) by [S.I. 1999/2981](#), arts. 28(2), 29, **Sch. 10 Pt. I para. 2(6)**, **Sch. 11 para. 1**
- Ss. 271-274 applied (24.12.1999) by [S.I. 2000/428](#), art. 26, **Sch. 4** (with art. 27, **Sch. 5**)

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- Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**
- Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
- Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
- Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
- C5** Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1**, Sch. 6 Pt. II para. 2(4) (with art. 38)
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 paras. 1-6**
- Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**
- Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**
- Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
- Ss. 271-274 applied (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
- Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
- S. 271 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
- Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**
- Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)
- C6** Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**
- Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66, Sch. 12 para. 2)
- Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)
- Ss. 271-274 applied (with modifications) (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), art. 26, **Sch. 7 para. 1(1)** (with art. 30)
- Ss. 271-274 applied (with modifications) (22.7.2005) by The Midland Metro (Birmingham City Centre Extension, etc.) Order 2005 (S.I. 2005/1794), art. 45, **Sch. 7 para. 1(1)** (with art. 47)
- Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)
- Ss. 271-274 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 para. 21, 29)
- Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))
- Ss. 271-274 applied (with modifications) (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), arts. 8, 10, 32, 50, 51, **Sch. 10 para. 1**, Sch. 11 para. 20 (with art. 52)
- Ss. 271-274 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), arts. 7, 8, 44, **Sch. 8 para. 1** (with art. 40, Sch. 7 para. 12)

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- Ss. 271-274 applied (with modifications) (22.11.2006) by [The Docklands Light Railway \(Stratford International Extension\) Order 2006 \(S.I. 2006/2905\)](#), arts. 10, 31, 36, 40, **Sch. 11 para. 1**, Sch. 15 para. 2 (with art. 43)
- Ss. 271-274 applied (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))
- Ss. 271-274 applied (with modifications) (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), art. 46, **Sch. 10 para. 1(1)**
- C7** S. 271 applied (with modifications) (14.3.2002) by [The Chester Guided Busway Order 2002 \(S.I. 2002/412\)](#), art. 36, **Sch. 6 Pt. II para. 2(4)** (with art. 38)
- C8** Ss. 271-273 applied (with modifications) (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. **9(1)-(3)**
- C9** Ss. 271-274 applied (with modifications) (21.5.2008) by [The Teesport \(Land Acquisition\) Order 2008 \(S.I. 2008/1238\)](#), art. 10, **Sch. 2**
- C10** Ss. 271-274 applied (16.5.2008) by [The London Gateway Port Harbour Empowerment Order 2008 \(S.I. 2008/1261\)](#), art. 64, **Sch. 11 para. 1**
- C11** Ss. 271-274 applied (with modifications) (14.10.2008) by [The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 \(S.I. 2008/2512\)](#), art. 45, **Sch. 9 para. 1** (with art. 36(3))
- C12** Ss. 271-274 applied (with modifications) (9.6.2009) by [The Nottingham Express Transit System Order 2009 \(S.I. 2009/1300\)](#), arts. 11, 41, 67, **Sch. 11 para. 1** (with Sch. 12 para. 2)
- C13** Ss. 271-274 applied (with modifications) (18.9.2009) by [The London Underground \(Victoria Station Upgrade\) Order 2009 \(S.I. 2009/2364\)](#), arts. 8, 29, 31, **Sch. 8 para. 1**
- C14** Ss. 271-274 applied (with modifications) (28.10.2009) by [The Network Rail \(Reading\) \(Land Acquisition\) Order 2009 \(S.I. 2009/2728\)](#), art. 18, **Sch. 6**
- C15** Ss. 271-274 applied (with modifications) (20.7.2010) by [The Network Rail \(Nuneaton North Chord\) Order 2010 \(S.I. 2010/1721\)](#), art. 30, **Sch. 8 para. 1**

#### Marginal Citations

**M1** 1990 c. 9.

## 272 Extinguishment of rights of telecommunications code system operators: preliminary notices.

- (1) This section applies where any land has been acquired by a Minister, a local authority or statutory undertakers under Part IX of this Act or under Chapter V of Part I of the <sup>M2</sup>Planning (Listed Buildings and Conservation Areas) Act 1990 or compulsorily under any other enactment or has been appropriated by a local authority for planning purposes, and—
- (a) there subsists over that land a right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land; or
  - (b) there is on, under or over the land telecommunication apparatus kept installed for the purposes of any such system.
- (2) If the acquiring or appropriating authority is satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus is necessary for the purpose of carrying out any development with a view to which the land was acquired or appropriated, they may serve on the operator of the telecommunications code system a notice—
- (a) stating that at the end of the relevant period the right will be extinguished; or
  - (b) requiring that before the end of that period the apparatus shall be removed.

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- (3) The operator of the telecommunications code system on whom a notice is served under subsection (2) may, before the end of the period of 28 days from the date of service of the notice, serve a counter-notice on the acquiring or appropriating authority—
  - (a) stating that he objects to all or any of the provisions of the notice; and
  - (b) specifying the grounds of his objection.
- (4) If no counter-notice is served under subsection (3)—
  - (a) any right to which the notice relates shall be extinguished at the end of the relevant period; and
  - (b) if at the end of that period any requirement of the notice as to the removal of any apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (5) If a counter-notice is served under subsection (3) on a local authority or on statutory undertakers, the authority or undertakers may either—
  - (a) withdraw the notice (without prejudice to the service of a further notice); or
  - (b) apply to the Secretary of State and the Secretary of State for Trade and Industry for an order under this section embodying the provisions of the notice, with or without modification.
- (6) If a counter-notice is served under subsection (3) on a Minister—
  - (a) he may withdraw the notice (without prejudice to the service of a further notice); or
  - (b) he and the Secretary of State for Trade and Industry may make an order under this section embodying the provisions of the notice, with or without modification.
- (7) In this section any reference to the appropriation of land for planning purposes shall be construed in accordance with section 246(1) as if this section were in Part IX.
- (8) For the purposes of this section the relevant period, in relation to a notice served in respect of any right or apparatus, is the period of 28 days from the date of service of the notice or such longer period as may be specified in it in relation to that right or apparatus.

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

- C16** Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**  
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Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**  
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**  
S. 272 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
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- Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**
- Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**
- Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
- C17** Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1**, Sch. 6 Pt. II para. 2(4) (with art. 38)
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- Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)
- Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)
- Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**
- S. 272 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)
- Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2
- Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)
- Ss. 271-274 applied (with modifications) (28.1.2005) by The East Midlands Parkway Station (Land Acquisition) Order 2005 (S.I. 2005/8), art. 13, **Sch. 2**
- Ss. 271-274 applied (with modifications) (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), arts. 11, 40, 64, **Sch. 11 para. 1** (with arts. 65, 66)
- Ss. 271-274 applied (with modifications) (22.3.2005) by The Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (S.I. 2005/927), art. 49, **Sch. 10 para. 1** (with art. 51)
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- Ss. 271-274 applied (with modifications) (3.8.2005) by The Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918), arts. 8, 9, 30, 48, **Sch. 10 para. 1** (with art. 50)
- Ss. 271-274 applied (with modifications) (26.8.2005) by The River Tyne (Tunnels) Order 2005 (S.I. 2005/2222), arts. 5, 7, 47, **Sch. 11 para. 1** (with arts. 45(1), 48, Sch. 10 paras. 21, 29)
- Ss. 271-274 applied (with modifications) (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), arts. 39, 40, 44, **Sch. 9 para. 1**, Sch. 10 para. 3(2), Sch. 14 para. 3(5) (with arts. 3(5), 15(3))
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Ss. 271-274 applied (with modifications) (13.12.2006) by [The Network Rail \(Thameslink 2000\) Order 2006 \(S.I. 2006/3117\)](#), art. 46, **Sch. 9 para. 1(1)** (with arts. 34, 35(2))

Ss. 271-274 applied (with modifications) (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), art. 46, **Sch. 10 para. 1(1)**

#### Marginal Citations

M2 1990 c. 9.

### 273 Notice for same purposes as ss. 271 and 272 but given by undertakers to developing authority.

- (1) Subject to the provisions of this section, where land has been acquired or appropriated as mentioned in section 271(1), and—
  - (a) there is on, under or over the land any apparatus vested in or belonging to statutory undertakers; and
  - (b) the undertakers claim that development to be carried out on the land is such as to require, on technical or other grounds connected with the carrying on of their undertaking, the removal or re-siting of the apparatus affected by the development,the undertakers may serve on the acquiring or appropriating authority a notice claiming the right to enter on the land and carry out such works for the removal or re-siting of the apparatus or any part of it as may be specified in the notice.
- (2) No notice under this section shall be served later than 21 days after the beginning of the development of land which has been acquired or appropriated as mentioned in section 271(1).
- (3) Where a notice is served under this section, the authority on whom it is served may, before the end of the period of 28 days from the date of service, serve on the statutory undertakers a counter-notice—
  - (b) specifying the grounds of their objection.
- (4) If no counter-notice is served under subsection (3), the statutory undertakers shall, after the end of that period, have the rights claimed in their notice.
- (5) If a counter-notice is served under subsection (3), the statutory undertakers who served the notice under this section may either withdraw it or may apply to the Secretary of State and the appropriate Minister for an order under this section conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it expedient to confer on them.
- (6) Where, by virtue of this section or of an order of Ministers under it, statutory undertakers have the right to execute works for the removal or re-siting of apparatus, they may arrange with the acquiring or appropriating authority for the works to be carried out by that authority, under the superintendence of the undertakers, instead of by the undertakers themselves.
- (7) In subsection (1)(a), the reference to apparatus vested in or belonging to statutory undertakers shall include a reference to telecommunication apparatus kept installed for the purposes of a telecommunications code system.

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- (8) For the purposes of subsection (7), in this section—
- (a) references (except in subsection (1)(a)) to statutory undertakers shall have effect as references to the operator of any such system; and
  - (b) references to the appropriate Minister shall have effect as references to the Secretary of State for Trade and Industry.

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

- C18** Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**  
Ss. 271-273 applied (with modifications) (18.12.1996) by 1996 c. 61, s. 8(1)-(3)  
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**  
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**  
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**  
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**  
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**  
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**  
Ss. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)  
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**  
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**  
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
- C19** Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1** (with art. 38)  
Ss. 271-274 applied (with modifications) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 28, **Sch. 3 para. 1**  
Ss. 271-274 applied (with modifications) (30.4.2002) by The Piccadilly Line (Heathrow T5 Extension) Order 2002 (S.I. 2002/1065), art. 24, **Sch. 6 para. 1-6**  
Ss. 271-274 applied (with modifications) (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), arts. 9, 10, 31, 36, **Sch. 10 para. 1**  
Ss. 271-274 applied (with modifications) (31.5.2002) by The Greater Manchester (Light Rapid Transit System) (Trafford Depot) Order 2002 (S.I. 2002/1327), arts. 9, 10, 26, 29, **Sch. 5 para. 1**  
Ss. 271-274 applied (with modifications) (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), art. 41, **Sch. 12 para. 1** (with art. 40)  
Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by Communications Act 2003 (c. 21), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)  
Ss. 271-274 applied (12.1.2004) by The Alconbury Airfield (Rail Facilities and Connection to East Coast Main Line) Order 2003 (S.I. 2003/3364), arts. 7, 8, 25, **Sch. 6 para. 1**  
S. 273 applied (with modifications) (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)  
Ss. 271-274 applied (with modifications) (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2  
Ss. 271-274 applied (with modifications) (19.11.2004) by The Scarweather Sands Offshore Wind Farm Order 2004 (S.I. 2004/3054), art. 30, **Sch. 4 para. 1** (with art. 38)



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## 274 Orders under ss. 271 and 272.

- (1) Where a Minister and the appropriate Minister propose to make an order under section 271(6) or 272(6), they shall prepare a draft of the order.
- (2) Before making an order under subsection (5) or (6) of section 271, or under subsection (5) or (6) of section 272, the Ministers proposing to make the order shall give the statutory undertakers or, as the case may be, the operator of the telecommunications code system on whom notice was served under subsection (2) of section 271 or, as the case may be, under subsection (2) of section 272 an opportunity of objecting to the application for, or proposal to make, the order.
- (3) If any such objection is made, before making the order the Ministers shall consider the objection and give those statutory undertakers or, as the case may be, that operator (and, in a case falling within subsection (5) of either of those sections, the local authority or statutory undertakers on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Secretary of State and the appropriate Minister.
- (4) After complying with subsections (2) and (3) the Ministers may, if they think fit, make the order in accordance with the application or, as the case may be, in accordance with the draft order, either with or without modification.
- (5) Where an order is made under section 271 or 272—
  - (a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order; and
  - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring or appropriating authority may remove the apparatus and dispose of it in any way the authority may think fit.
- (6) In this section references to the appropriate Minister shall in the case of an order under section 272 be taken as references to the Secretary of State for Trade and Industry.

### Modifications etc. (not altering text)

- C20** Ss. 271-274 applied (with modifications) (7.3.1995) by S.I. 1995/519, art. 28(5), **Sch. 5**  
Ss. 271-274 applied (with modifications) (11.11.1996) by S.I. 1996/2714, art. 48, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (10.2.1997) by S.I. 1997/264, art. 28, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (21.5.1997) by S.I. 1997/1266, art. 36, **Sch. 10 para. 1**  
Ss. 271-274 applied (with modifications) (27.8.1998) by S.I. 1998/1936, art. 41, **Sch. 10 para. 1**  
S. 274 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 2(3)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
Ss. 271-274 applied (with modifications) (3.6.1999) by S.I. 1999/1555, art. 11, **Sch. 2 paras. 1-5**  
Ss. 271-274 applied (with modifications) (21.7.1999) by S.I. 1999/2129, art. 20, **Sch. 3 paras. 1-5**  
Ss. 271-274 applied (with modifications) (20.8.1999) by S.I. 1999/2336, art. 25, **Sch. 6 para. 1**  
Ss. 271-274 applied (with modifications) (23.8.1999) by S.I. 1999/2981, art. 29, **Sch. 11 para. 1**  
S. 271-274 applied (24.12.1999) by S.I. 2000/428, art. 26, **Sch. 4** (with art. 27, Sch. 5)  
Ss. 271-274 applied (with modifications) (29.3.2001) by S.I. 2001/1347, art. 35, **Sch. 9 para. 1**  
Ss. 271-274 applied (with modifications) (18.7.2001) by S.I. 2001/2870, art. 25, **Sch. 4**  
Ss. 271-274 applied (24.7.2001) by S.I. 2001/3627, arts. 63, 64, Sch. 11 paras. 1, 2, **Sch. 12 para. 5(3)**  
Ss. 271-274 applied (with modifications) (9.11.2001) by S.I. 2001/3682, art. 33, **Sch. 9 para. 1**
- C21** Ss. 271-274 applied (with modifications) (14.3.2002) by The Chester Guided Busway Order 2002 (S.I. 2002/412), art. 35, **Sch. 5 para. 1** (with art. 38)

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Ss. 271-274 applied (with modifications) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), art. 28, **Sch. 3 para. 1**

Ss. 271-274 applied (with modifications) (30.4.2002) by [The Piccadilly Line \(Heathrow T5 Extension\) Order 2002 \(S.I. 2002/1065\)](#), art. 24, **Sch. 6 para. 1-6**

Ss. 271-274 applied (with modifications) (30.4.2002) by [The Docklands Light Railway \(Silvertown and London City Airport Extension\) Order 2002 \(S.I. 2002/1066\)](#), arts. 9, 10, 31, 36, **Sch. 10 para. 1**

Ss. 271-274 applied (with modifications) (31.5.2002) by [The Greater Manchester \(Light Rapid Transit System\) \(Trafford Depot\) Order 2002 \(S.I. 2002/1327\)](#), arts. 9, 10, 26, 29, **Sch. 5 para. 1**

Ss. 271-274 applied (with modifications) (28.4.2003) by [The Network Rail \(West Coast Main Line\) Order 2003 \(S.I. 2003/1075\)](#), art. 41, **Sch. 12 para. 1** (with art. 40)

Ss. 271-274 applied (25.7.2003 for specified purposes and 29.12.2003 otherwise) by [Communications Act 2003 \(c. 21\)](#), ss. 118, 411, **Sch. 4 para. 3(5)(6)(c)** (with transitional provisions in Sch. 18); S.I. 2003/1900, arts. 1(2), **2(1)**, Sch. 1 (with transitional provisions in arts. 3-6); S.I. 2003/3142, arts. 1(2), **3(2)** (with art. 11)

Ss. 271-274 applied (12.1.2004) by [The Alconbury Airfield \(Rail Facilities and Connection to East Coast Main Line\) Order 2003 \(S.I. 2003/3364\)](#), arts. 7, 8, 25, **Sch. 6 para. 1**

S. 274 applied (with modifications) (4.3.2004) by [The Network Rail \(West Coast Main Line\) Order 2004 \(S.I. 2004/389\)](#), art. 39, **Sch. 12 para. 1**, Sch. 13 para. 42 (with art. 38)

Ss. 271-274 applied (with modifications) (2.4.2004) by [The Docklands Light Railway \(Woolwich Arsenal Extension\) Order 2004 \(S.I. 2004/757\)](#), arts. 10, 35, 41, **Sch. 12 para. 1**, Sch. 16 para. 2

Ss. 271-274 applied (with modifications) (19.11.2004) by [The Scarweather Sands Offshore Wind Farm Order 2004 \(S.I. 2004/3054\)](#), art. 30, **Sch. 4 para. 1** (with art. 38)

**C22** S. 274(3) modified (18.12.1996) by 1996 c. 61, s. **8(5)(a)**

**C23** S. 274(5) modified (18.12.1996) by 1996 c. 61, s. **8(5)(b)**

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