



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

256 Telecommunication apparatus: orders by Secretary of State.

(1) Where—

- (a) in pursuance of an order under section 247, 248 or 249 a highway is stopped up or diverted or, as the case may be, any right to use vehicles on that highway is extinguished; and
- (b) immediately before the date on which the order came into force there was under, in, on, over, along or across the highway any [^{F1}electronic communications apparatus] kept installed for the purposes of [^{F2}an electronic communications code network] ,

the operator of that [^{F3}network] shall have the same powers in respect of the apparatus as if the order had not come into force.

(2) Notwithstanding subsection (1), any person entitled to land over which the highway subsisted shall be entitled to require the alteration of the apparatus.

(3) Where—

- (a) any such order provides for the improvement of a [^{F4}highway for which the Secretary of State is not the highway authority], and
- (b) immediately before the date on which the order came into force there was under, in, on, over, along or across the highway any [^{F1}electronic communications apparatus] kept installed for the purposes of [^{F2}an electronic communications code network] ,the local highway authority shall be entitled to require the alteration of the apparatus.

Status: Point in time view as at 01/11/2007. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 256 is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Subsection (3) does not have effect so far as it relates to the alteration of any apparatus for the purpose of [^{F5}major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991].
- (5) Paragraph 1(2) of the [^{F6}electronic communications code](alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of this section as it applies for the purposes of that code.
- (6) Paragraph 21 of the [^{F6}electronic communications code](restriction on removal of [^{F1}electronic communications apparatus]) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [^{F1}electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.

Textual Amendments

- F1** Words in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(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)
- F2** Words in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(b)** (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)
- F3** Word in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(e)** (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)
- F4** Words in s. 256(3) substituted (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 126(1)(2)**; S.I. 1991/2288, art. 3, **Sch.**
- F5** Words in s. 256(4) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 126(1)(3)**; S.I. 1992/2984, art. 2(2), **Sch. 2**
- F6** Words in s. 256 substituted (25.7.2003 and 29.12.2003 in accordance with the commencing S.I.s) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 103(1)(c)(2)(a)** (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)

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