

*Status: Point in time view as at 20/04/2006.*

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## SCHEDULES

### SCHEDULE 1

Section 5.

#### MATTERS WITHIN SECTIONS 1 AND 3

##### Commencement Information

**I1** Sch. 1 wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 1 The construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems within section 1(1) of this Act, waterways, roads, watercourses, buildings and other structures.

##### Commencement Information

**I2** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 2 The carrying out of any other civil engineering or other works.

##### Commencement Information

**I3** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 3 The acquisition of land, whether compulsorily or by agreement.

##### Commencement Information

**I4** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 4 The creation and extinguishment of rights over land (including rights of navigation over water), whether compulsorily or by agreement.

##### Commencement Information

**I5** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 5 The abrogation and modification of agreements relating to land.

##### Commencement Information

**I6** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

- 6 The conferring on persons providing transport services of rights to use systems belonging to others.

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**Commencement Information**

**I7** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

7 The protection of the property or interests of any person.

**Commencement Information**

**I8** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

8 The imposition and exclusion of obligations or of liability in respect of any acts or omissions.

**Commencement Information**

**I9** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

9 The making of agreements to secure the provision of police services.

**Commencement Information**

**I10** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

10 The carrying out of surveys and the taking of soil samples.

**Commencement Information**

**I11** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

11 The payment of compensation.

**Commencement Information**

**I12** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

12 The charging of tolls, fares (including penalty fares) and other charges, and the creation of summary offences in connection with non-payment (or in connection with a person's failure to give his name or address in accordance with provisions relating to penalty fares).

**Commencement Information**

**I13** [Sch. 1](#) wholly in force at 1.1.1993 see [s. 70](#) and [S.I. 1992/2784](#), art. 2(a), [Sch. 1](#)

13 The making of byelaws by any person and their enforcement, including the creation of summary offences.

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**Commencement Information**

**I14** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

14 The payment of rates.

**Commencement Information**

**I15** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

15 The transfer, leasing, discontinuance and revival of undertakings.

**Commencement Information**

**I16** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

16 The submission of disputes to arbitration.

**Commencement Information**

**I17** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

17 The imposition of requirements to obtain the consent of the Secretary of State.

**Commencement Information**

**I18** Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), Sch. 1

SCHEDULE 2

Section 47.

STOPPING UP AND DIVERSION OF RAIL CROSSINGS

**Commencement Information**

**I19** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22.12.1992 and wholly in force at 31.1.1993 by S.I. 1992/3144, arts. 2, 3, Sch.

1 The <sup>M1</sup>Highways Act 1980 shall be amended as follows.

**Commencement Information**

**I20** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

**Marginal Citations**

**M1** 1980 c. 66.

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- 2 (1) Section 118 (stopping up of footpaths and bridleways) shall be amended as follows.
- (2) In subsection (5), for—
- (a) the words “or public path diversion order made under section 119 below”, and
  - (b) the words “or the public path diversion order”,
- there shall be substituted the words “, public path diversion order or rail crossing diversion order”.
- (3) In subsection (7), for “119” there shall be substituted “ 118A ”.

#### Commencement Information

**I21** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

- 3 After section 118 there shall be inserted—

#### “118A Stopping up of footpaths and bridleways crossing railways.

- (1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.
- (2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way—
  - (a) on the crossing itself, and
  - (b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).
- (3) An order under this section is referred to in this Act as a “rail crossing extinguishment order”.
- (4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—
  - (a) whether it is reasonably practicable to make the crossing safe for use by the public, and
  - (b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.
- (5) Before determining to make a rail crossing extinguishment order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any expenses which the council may incur in connection with the erection or maintenance of barriers and signs.

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- (6) A rail crossing extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.
- (7) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing extinguishment orders.
- (8) In this section—
  - “operator”, in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;
  - “railway” includes tramway but does not include any part of a system where rails are laid along a carriageway.”

#### Commencement Information

**I22** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

4 After section 119 (diversion of footpaths and bridleways) there shall be inserted—

#### “119A Diversion of footpaths and bridleways crossing railways.

- (1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be diverted (whether on to land of the same or of another owner, lessee or occupier).
- (2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order—
  - (a) create, as from such date as may be specified in the order, any such new path or way as appears to the council requisite for effecting the diversion, and
  - (b) extinguish, as from such date as may be so specified, the public right of way over the crossing and over so much of the path or way of which the crossing forms part as appears to the council requisite as aforesaid.
- (3) An order under this section is referred to in this Act as a “rail crossing diversion order”.
- (4) The Secretary of State shall not confirm a rail crossing diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—
  - (a) whether it is reasonably practicable to make the crossing safe for use by the public, and
  - (b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

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- (5) A rail crossing diversion order shall not alter a point of termination of a path or way diverted under the order—
  - (a) if that point is not on a highway over which there subsists a like right of way (whether or not other rights of way also subsist over it), or
  - (b) (where it is on such a highway) otherwise than to another point which is on the same highway, or another such highway connected with it.
- (6) A rail crossing diversion order may make provision requiring the operator of the railway to maintain all or part of the footpath or bridleway created by the order.
- (7) Where it appears to the council that work requires to be done to provide necessary facilities for the convenient exercise of any such new right of way as is mentioned in subsection (2)(a) above, the date specified under subsection (2)(b) shall be later than the date specified under subsection (2)(a) by such time as appears to the council requisite for enabling the work to be carried out.
- (8) Before determining to make a rail crossing diversion order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—
  - (a) any compensation which may become payable under section 28 above as applied by section 121(2) below;
  - (b) any expenses which the council may incur in connection with the erection or maintenance of barriers and signs;
  - (c) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use by the public;
  - (d) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (11) below.
- (9) A rail crossing diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed—
  - (a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,
  - (b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath or bridleway, and
  - (c) where some part of the new site is already so comprised, defining that part.
- (10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing diversion orders.
- (11) Section 27 above (making up of new footpaths and bridleways) applies to a footpath or bridleway created by a rail crossing diversion order with the substitution, for references to a public path creation order, of references to

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a rail crossing diversion order and, for references to section 26(2) above, of references to section 120(3) below.

(12) In this section and in section 120 below—

“operator”, in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

“railway” includes tramway but does not include any part of a system where rails are laid along a carriageway.”

#### Commencement Information

**I23** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

- 5 (1) Section 120 (exercise of powers of making public path extinguishment and diversion orders) shall be amended as follows.
- (2) In subsection (1), for the words “and 119” there shall be substituted the words “ to 119A ”.
- (3) In subsection (2), for the words from “public path extinguishment” to “and 119” there shall be substituted the words “ orders under sections 118 to 119A ”.
- (4) In subsection (3)—
- (a) after “118(1)” there shall be inserted “ or 118A(1) or 119A(1) ”;
  - (b) after the words “stopped up” there shall be inserted the words “ or diverted ”;
  - (c) after the words “extinguishment order” there shall be added the words “ , a rail crossing extinguishment order, a rail crossing diversion order ”;
  - (d) for the words “and 119” there shall be substituted the words “ to 119A ”;
  - (e) after the word “consultation” there shall be inserted the words “ (subject to subsection (3A) below) ”.
- (5) After subsection (3) there shall be inserted—
- “(3A) Where—
- (a) the operator of a railway makes a request to a council to make an order under section 118A or 119A above in respect of a crossing over the railway,
  - (b) the request is in such form and gives such particulars as are prescribed by regulations made by the Secretary of State, and
  - (c) the council have neither confirmed the order nor submitted it to the Secretary of State within 6 months of receiving the request,
- the power conferred on the Secretary of State by subsection (3) above may be exercised without consultation with the council.”
- (6) In subsection (4), after the words “public path diversion order” there shall be inserted the words “ or a rail crossing diversion order ”.
- (7) In subsection (5)—
- (a) for the words “he may require the owner, lessee or occupier” there shall be substituted the words “ or, on the representations of the operator of the railway concerned, a rail crossing diversion order, he may require the person ”;

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- (b) for the words “for the owner, lessee or occupier” there shall be substituted the words “ for that person ”;
- (c) after “119(5)” there shall be inserted the words “ , or as the case may be 119A(8), ”.

**Commencement Information**

**I24** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

- 6 (1) Section 121 (supplementary provisions) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “or a public path diversion order” there shall be substituted the words “ , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ”;
  - (b) after the words “and a public path diversion order” there shall be added the words “ or a rail crossing diversion order ”.
- (3) In subsection (2), for the words “and to public path diversion orders” there shall be substituted the words “ , rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ”.
- (4) In subsection (3), for the words “and public path diversion orders” there shall be substituted the words “ , rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ”.
- (5) In subsection (4), for the words “or a public path diversion order” there shall be substituted the words “ , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ”.

**Commencement Information**

**I25** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

- 7 In section 293 (powers of entry for purposes connected with certain orders relating to footpaths and bridleways) in subsection (1) for the words “or a public path diversion order” there shall be substituted the words “ , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ”.

**Commencement Information**

**I26** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

- 8 In section 325 (provisions as to regulations, schemes and orders) in subsection (2) (a), after the word “section”, there shall be inserted the words “ 120(3A) or ”.



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#### Commencement Information

**I27** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

9 In section 329(1) (interpretation) after the definition of “rack rent” there shall be inserted—

““rail crossing diversion order” means an order under section 119A above;

“rail crossing extinguishment order” means an order under section 118A above;”

#### Commencement Information

**I28** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

10 (1) Schedule 6 shall be amended as follows.

(2) In paragraph 1—

- (a) in sub-paragraphs (1) and (2) for the words “or a public path diversion order” there shall be substituted the words “, a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ”;
- (b) in sub-paragraph (3A) for the words “and public path diversion orders” there shall be substituted the words “, rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ”;
- (c) in sub-paragraph (3B) for the words “and draft public path diversion orders” there shall be substituted the words “, draft rail crossing extinguishment orders, draft public path diversion orders and draft rail crossing diversion orders ”.

(3) In paragraph 2A(1), after the words “shall, except in” there shall be inserted the words “ the case of a rail crossing extinguishment order, the case of a rail crossing diversion order and ”.

(4) In paragraph 3(2)—

- (a) after the words “public path extinguishment order” there shall be inserted the words “ or a rail crossing extinguishment order ”;
- (b) for the words “or a public path diversion order” there shall be substituted the words “, a public path diversion order or a rail crossing diversion order ”.

#### Commencement Information

**I29** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, Sch.

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## SCHEDULE 3

Section 63.

### M2 AMENDMENT OF HARBOURS ACT 1964

#### Commencement Information

**I30** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

#### Marginal Citations

**M2** 1964 c. 40.

- 1 (1) Section 14 (harbour revision orders) shall be amended as follows.
  - (2) In subsection (2)(b) at the end there shall be added the words “ or in the interests of the recreational use of sea-going ships ”.
  - (3) After subsection (2A) there shall be inserted—
    - “(2B) Nothing in subsection (2)(b) of this section shall prevent the making of an order for facilitating—
      - (a) the closing of part of the harbour,
      - (b) a reduction in the facilities available in the harbour, or
      - (c) the disposal of property not required for the purposes of the harbour,
 if the appropriate Minister is satisfied that the making of the order is desirable on grounds other than those specified in that subsection.”
  - (4) In subsection (3)—
    - (a) for the words from “a provision” to “said objects” there shall be substituted the words “ any other provision of the order ”;
    - (b) after the words “for the purposes of” there shall be inserted the words “ , or in connection with, ”;
    - (c) for the words “repealing and amending” there shall be substituted the words “excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) and for repealing ”.
  - (5) After subsection (4) there shall be inserted—
    - “(4A) Where two or more harbours are being improved, maintained or managed by the same harbour authority or by harbour authorities which are members of the same group, a harbour revision order may relate to more than one of the harbours; and for this purpose two authorities are members of the same group if one is a subsidiary (within the meaning of the Companies Act 1985) of the other or both are subsidiaries of another company (within the meaning of that Act).”
  - (6) In subsection (5), for the words “large-scale map” there shall be substituted the words “ map of a scale not less than 1:2500 ”.
  - (7) After subsection (5) there shall be inserted—
    - “(5A) Where a harbour revision order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path

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or way concerned, and in the case of a diversion the new path or way, are plainly delineated.”

#### Commencement Information

**I31** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 2
- (1) Section 16 (harbour empowerment orders) shall be amended as follows.
  - (2) At the end of subsection (5) there shall be added the words “ or in the interests of the recreational use of sea-going ships ”.
  - (3) In subsection (6), after the words “any other enactment” there shall be inserted the words “ and provisions for excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) ”.
  - (4) In subsection (7), for the words “large-scale map” there shall be substituted the words “ map of a scale not less than 1:2500 ”.
  - (5) After subsection (7) there shall be inserted—
    - “(7A) Where a harbour empowerment order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated.”

#### Commencement Information

**I32** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 3
- In section 17 (procedure for making harbour revision and empowerment orders) after subsection (2) there shall be inserted—
- “(2A) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for extinguishing a public right of way over a footpath or bridleway unless he is satisfied—
    - (a) that an alternative right of way has been or will be provided, or
    - (b) that the provision of an alternative right of way is not required.
  - (2B) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for diverting a public right of way over a footpath or bridleway unless he is satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion.”

#### Commencement Information

**I33** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 4
- In section 18 (harbour reorganisation schemes) in subsection (3), for the words “large-scale map” there shall be substituted the words “ map of a scale not less than 1:2500 ”.

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**Commencement Information**

**I34** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 5 (1) Section 47 (provisions as to inquiries and hearings) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) The power to make an order as to costs under section 250(5) of the Local Government Act 1972 as applied by subsection (1) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.”
- (3) After subsection (2) there shall be inserted—
- “(2A) The power to make an award as to expenses under section 210(8) of the Local Government (Scotland) Act 1973 as applied by subsection (2) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.”
- (4) In subsection (3), for the words from “required by paragraph 4(3)” to “Schedule 4” there shall be substituted the words “ into an order subject to the provisions of paragraph 4B of Schedule 3 ”.

**Commencement Information**

**I35** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 6 After section 48 (service of documents) there shall be inserted—

**“48A Environmental duties of harbour authorities.**

It shall be the duty of a harbour authority in formulating or considering any proposals relating to its functions under any enactment to have regard to—

- (a) the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest;
- (b) the desirability of preserving for the public any freedom of access to places of natural beauty; and
- (c) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest;

and to take into account any effect which the proposals may have on the natural beauty of the countryside, flora, fauna or any such feature or facility.”

**Commencement Information**

**I36** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 7 (1) Section 57 (interpretation) shall be amended as follows.
- (2) After the definition of “the Boards” there shall be inserted— “ “bridleway” , in relation to England and Wales, has the same meaning as in the Highways Act 1980

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and, in relation to Scotland, has the same meaning as in Part III of the Countryside (Scotland) Act 1967; ”.

- (3) After the definition of “fishery harbour” there shall be inserted— “ “footpath” , in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in the Roads (Scotland) Act 1984; ”.

#### Commencement Information

**I37** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 8 Section 62 (saving for private Bills etc) shall be omitted.

#### Commencement Information

**I38** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

- 9 (1) Schedule 2 (objects for whose achievement harbour revision orders may be made) shall be amended as follows.
- (2) In paragraph 3(c) for the words from “out” to “others of” there shall be substituted the words “ on by others of activities relating to the harbour or of ”.
- (3) After paragraph 7 there shall be inserted—
- “7A Extinguishing or diverting public rights of way over footpaths or bridleways for the purposes of works described in the order or works ancillary to such works.
- 7B Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out.”
- (4) After paragraph 8 there shall be inserted—
- “8A Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.”
- (5) After paragraph 9 there shall be inserted—
- “9A Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land.
- 9B Empowering the authority to delegate the performance of any of the functions of the authority except—
- (a) a duty imposed on the authority by or under any enactment;
  - (b) the making of byelaws;
  - (c) the levying of ship, passenger and goods dues;
  - (d) the appointment of harbour, dock and pier masters;
  - (e) the nomination of persons to act as constables;

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- (f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation.”

(6) After paragraph 16 there shall be inserted—

“16A Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.”

#### Commencement Information

**I39** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

10 (1) Schedule 3 (procedure for making harbour orders) shall be amended as follows.

(2) After paragraph 1A there shall be inserted—

“1B Such fees as may be determined by the Secretary of State shall be payable on the making of an application for a harbour revision order.”

(3) In paragraph 3, after sub-paragraph (b) there shall be inserted—

“(ba) if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—

- (i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them;
- (ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way;

and for the purposes of this sub-paragraph, “local authority” means, in England and Wales, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish or community council and a parish meeting of a parish not having a separate parish council and, in Scotland, a regional, islands or district council;”.

(4) In paragraph 4A, in sub-paragraph (1) for the words “is opposed” there shall be substituted the words “authorises the compulsory purchase of land”, and for sub-paragraphs (2) to (4) there shall be substituted—

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“(2) Where this paragraph has effect in relation to an order, it shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act.”

(5) For paragraph 4B there shall be substituted—

“4B – (1) The provisions of this paragraph apply to—  
(a) a harbour revision order relating to a harbour in Scotland, or  
(b) a harbour empowerment order relating to a harbour or to works to be carried out in Scotland,  
where the order authorises the compulsory purchase of land.

(2) Where this paragraph applies to an order, the order shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 1(2)(b) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (land forming part of a common or open space or held inalienably by the National Trust for Scotland), if the purchase were authorised by an order under section 1(1) of that Act.”

(6) In paragraph 5(a), for the words from “to which” to “so affected” there shall be substituted the words “ which is not subject to special parliamentary procedure, ”.

(7) Paragraphs 8A and 8B shall be omitted.

(8) In paragraph 14(3), for the words “(b) and (c)” there shall be substituted the words “ (b) to (c) ”.

#### Commencement Information

**I40** Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

## SCHEDULE 4

Section 68.

### REPEALS

#### Commencement Information

**I41** Sch. 4 partly in force: see in force commentary to Pts. I and II respectively below.

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## PART I

### RAILWAYS AND TRAMWAYS

#### Commencement Information

**I42** Sch. 4 Pt. I partly in force; Sch. 4 Pt. I not in force at Royal Assent see s. 70(1); Sch. 4 Pt. I in force at 15. 7. 1992 by S.I. 1992/1347, art. 2, Sch. (to the extent specified in the Appendix to that Schedule).  
 Sch. 4 Pt. I partly in force at 7. 12 1992 by S.I. 1992/2043, art. 2(c) with respect to a specific entry;  
 Sch. 4 Pt. I partly in force at 1. 1. 1993 by S.I. 1992/2784, arts. 2, 3, Sch. 1 (to the extent specified in that Schedule);  
 Sch. 4 Pt. I in force at 31. 1. 1993 by S.I. 1992/3144, art. 3, Sch. (to the extent specified in the Appendix to that Schedule);  
 Sch. 4 Pt. I in force at 5.4.1994 by S.I. 1994/718, art. 2, Sch. (to the extent specified in that Schedule);  
 Sch. 4 Pt. I in force at 8.7.1996 by S.I. 1996/1609, art. 2 Sch. (to the extent specified in that Schedule);  
 Sch. 4 Pt. I in force at 26.2.1998 by S.I. 1998/274, art. 2, Sch. (to the extent specified in that Schedule).

Chapter	Short title	Extent of repeal
5 & 6 Vict. c. 55.	The Railway Regulation Act 1842.	In section 17, the words “who shall be found drunk while so employed upon the said railway”.
33 & 34 Vict. c. 78.	The Tramways Act 1870.	Section 3 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Sections 4 to 21.Sections 22 to 24 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25, the words from the beginning to “surface of the road” (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25, the words “and shall not be opened” onwards.Sections 26 to 40 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Sections 41 and 42.Sections 43 to 47 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Section 48.Sections 49 to 64 (except as incorporated in, or



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		otherwise applied by, any Act of Parliament or Provisional Order).Parts I and II of Schedule A (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Part III of Schedule A.Schedule B.Schedule C (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).
34 & 35 Vict. c. 78.	The Regulation of Railways Act 1871.	In section 3, the words “Provided that” onwards.Section 6.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In Part I of Schedule 9, the entry relating to the Tramways Act 1870 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).
50 & 51 Vict. c. 65.	The Military Tramways Act 1887.	The whole Act.
52 & 53 Vict. c. 14.	The Town Police Clauses Act 1889.	In section 3, the words from “duly licensed” to “Act of Parliament.”
57 & 58 Vict. c. 28.	The Notice of Accidents Act 1894.	The whole Act, so far as unrepealed.
59 & 60 Vict. c. 48.	The Light Railways Act 1896.	The whole Act, so far as unrepealed (except as it applies in Scotland).
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act 1900.	Section 13(2).
3 Edw. 7 c. 30.	The Railways (Electrical Power) Act 1903.	The whole Act.
6 Edw. 7 c. 53.	The Notice of Accidents Act 1906.	The whole Act, so far as unrepealed.
2 & 3 Geo. 5 c. 19.	The Light Railways Act 1912.	The whole Act, so far as unrepealed (except as it applies in Scotland).
11 & 12 Geo. 5 c. 55.	The Railways Act 1921.	Sections 68 and 69 (except as they apply in Scotland).Section 71 (except as it applies in

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		Scotland).Sections 73 and 74 (except as they apply in Scotland).
24 & 25 Geo. 5 c. 53.	The Road and Rail Traffic Act 1933.	Section 41.Section 43.
2 & 3 Eliz. 2 c. 64.	The Transport Charges &c (Miscellaneous Provisions) Act 1954.	Section 9.In section 13(1)—the definition of "railwayof the nature of a tramway"; the definition of "tramcar";the words "and references to" to "Road Traffic Act 1960".Section 14(5).
8 & 9 Eliz. 2 c. 16.	The Road Traffic Act 1960.	In Schedule 17, the entry relating to the Transport Charges &c (Miscellaneous Provisions) Act 1954.
10 & 11 Eliz. 2 c. 46.	The Transport Act 1962.	In section 83—subsections (1) to (5) (except as they apply in Scotland);subsection (6).
1965 c. 2.	The Administration of Justice Act 1965.	In Schedule 1—the entry relating to the Tramways Act 1870;the entry relating to the Light Railways Act 1896.
1965 c. xxi.	The British Railways Act 1965.	Section 35(3) and (8).
1965 c. xli.	The London Transport Act 1965.	Section 34(3).
1967 c. 80.	The Criminal Justice Act 1967.	In Part I of Schedule 3—the entry relating to section 75 of the Railways Clauses Consolidation Act 1845;the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845.
1968 c. 73.	The Transport Act 1968.	Section 121(4) (except as it applies in Scotland). In section 121(5), the words "or by virtue of subsection (4) thereof" (except as they apply in Scotland). In section 121(6), the words "or by virtue of subsection (4)" (except as they apply in Scotland). Section 124 (except as it

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		applies in Scotland).Section 125(4).
1972 c. 70.	The Local Government Act 1972.	Section 131(2)(c).
1975 c. 9.	The Supply Powers Act 1975.	In Schedule 1, the entry relating to the Military Tramways Act 1887.
1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	The whole Act, so far as unrepealed.
1977 c. xii.	The London Transport Act 1977.	In the Schedule, the entry relating to section 75 of the Railways Clauses Consolidation Act 1845.
1977 c. xvii.	The British Railways Act 1977.	In Schedule 1—the entry relating to section 75 of the Railways Clauses Consolidation Act 1845;the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845.
1980 c. 66.	The Highways Act 1980.	In section 36(2), at the end of paragraph (c), the word “and”.
1982 c. 53.	The Administration of Justice Act 1982.	Section 46(2)(b)(i).Section 46(2)(d).
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 4, paragraph 7.
1984 c. 54.	The Roads (Scotland) Act 1984.	In Schedule 9—paragraph 6 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order);paragraph 12.
1986 c. 45.	The Insolvency Act 1986.	Section 220(1)(a).
1987 c. 53.	The Channel Tunnel Act 1987.	In paragraph 3 of Schedule 6—in the entry relating to the Regulation of Railways Act 1871, the words ”and 6” and the words ”returns of and”;the entry relating to the Road and Rail Traffic Act 1933.

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## PART II

### HARBOURS

#### Commencement Information

**I43** Sch. 4 Pt. II wholly in force at 15. 7. 1992 (subject to restrictions affecting certain Orders) see s. 70 and S.I. 1992/1347, arts. 2, 3, Sch.

Chapter	Short title	Extent of repeal
24 & 25 Vict. c. 45.	The General Pier and Harbour Act 1861.	The whole Act, so far as unrepealed.
25 & 26 Vict. c. 19.	The General Pier and Harbour Act 1861, Amendment Act.	The whole Act, so far as unrepealed.
25 & 26 Vict. c. 69.	The Harbours Transfer Act 1862.	Sections 13 and 14.
5 & 6 Geo. 5 c. 48.	The Fishery Harbours Act 1915.	The whole Act, so far as unrepealed.
1 Edw. 8 & 1 Geo. 6 c. 28.	The Harbours, Piers and Ferries (Scotland) Act 1937.	Sections 4 and 5.
14 & 15 Geo. 6 c. 30.	The Sea Fish Industry Act 1951.	Section 21(4). In section 21(5), the words "in section two of the said Act of 1915 or". In section 21(8), the word "either" and the words from "or of the Fishery Harbours Act 1915" to "the Minister of Transport".
1964 c. 40.	The Harbours Act 1964.	Section 17(3) and (4). In section 57(1), the definition of "large-scale". Section 62. In Schedule 3—paragraph 5A; paragraph 8A; paragraph 8B; in paragraph 9, the words from "and further stating" to "or will come into operation"; paragraph 9A.
1966 c. 28.	The Docks and Harbours Act 1966.	Section 37(3).
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 19—paragraph 5; paragraph 8.
1981 c. 56.	The Transport Act 1981.	In Schedule 6, paragraph 4(4) to (7).

**Status:**

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**Changes to legislation:**

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