

Status: Point in time view as at 07/05/2024.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Notice for extinguishment of rights of undertakers or for removal of their apparatus is up to date with all changes known to be in force on or before 28 June 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)

SCHEDULES

SCHEDULE 4

POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) by 1999 c. 29, s. 333ZB(3)(4) (as inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6, 7, 9-11))
- C1** Sch. 4 applied (with modifications) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 208(4)(5)**, 240(1)(l)
- C1** Sch. 4: transfer of functions (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), arts. 1(2), **9(1)** (with art. 17)
- C4** Schs. 2-4 applied (with modifications) (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), 9(3), **Sch. 3 Pt. 2**
- C5** Schs. 2-4 applied (with modifications) (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, 14(5), **Sch. 3** (with art. 28)
- C8** Schs. 2-4 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 10(5), **Sch. 2 Pt. 2**
- C9** Schs. 2-4 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1, 2**
- C11** Sch. 4 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 9(5), **Sch. 2 Pt. 2**
- C13** Schs. 2-4 applied (with modifications) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), 10(5), **Sch. 2 Pt. 2**
- C16** Schs. 2-4 applied (with modifications) (7.5.2024) by [The North East Mayoral Combined Authority \(Establishment and Functions\) Order 2024 \(S.I. 2024/402\)](#), arts. 1(3), 36(4), Sch. 4 (with art. 9)

PART 1

EXTINGUISHMENT OR REMOVAL POWERS FOR THE HCA

Notice for extinguishment of rights of undertakers or for removal of their apparatus

- 1 (1) Sub-paragraph (2) applies if—
 - (a) a protected right subsists over land of the HCA and is vested in, or belongs to, statutory undertakers for the purpose of carrying on their undertaking, or
 - (b) apparatus vested in, or belonging to, statutory undertakers for the purpose of carrying on their undertaking is on, under or over land of the HCA.
- (2) The HCA may serve a notice on the statutory undertakers.

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- (3) The notice may, in the case of a protected right, state that, at the end of the relevant period, the right will be extinguished.
- (4) The notice may, in the case of apparatus, require that, before the end of the relevant period, the apparatus must be removed.
- (5) In this paragraph—
- “protected right” means—
- (a) a right of way on, under or over land, or
- (b) a right of laying down, erecting, continuing or maintaining apparatus on, under or over land,
- “relevant period” means—
- (a) the period of 28 days beginning with the date of service of the notice, or
- (b) any longer period beginning with that date and specified in the notice.

Modifications etc. (not altering text)

- C1** Sch. 4 para. 1 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **5(1)(j)(2)(3)**
- C2** Sch. 4 paras. 1, 2 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))
- C3** Sch. 4 para. 1 functions made exercisable (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **6(1)-(4)**
- C6** Sch. 4 para. 1 functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **14** (with art. 28)
- C7** Sch. 4 para. 1 functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **10(1)(j)(2)-(4)**
- C10** Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **10(1)(j)(2)-(4)**
- C12** Sch. 4 para. 1: functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **7**
- C14** Sch. 4 paras. 1-4: functions made exercisable concurrently (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **7**
- C15** Sch. 4 paras. 1-4: functions made exercisable concurrently (7.5.2024) by [The North East Mayoral Combined Authority \(Establishment and Functions\) Order 2024 \(S.I. 2024/402\)](#), arts. 1(3), **34** (with art. 9)

Commencement Information

- I1** Sch. 4 para. 1 in force at 1.12.2008 by [S.I. 2008/3068](#), **art. 2(1)(g)** (with arts. 6-13)

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