

Status: Point in time view as at 22/04/2014.

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SCHEDULES

SCHEDULE 5

Section 120

PROVISION RELATING TO, OR TO MATTERS ANCILLARY TO, DEVELOPMENT

PART 1

THE MATTERS

- 1 The acquisition of land, compulsorily or by agreement.

Commencement Information

I1 Sch. 5 para. 1 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 2 The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.

Commencement Information

I2 Sch. 5 para. 2 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 3 The abrogation or modification of agreements relating to land.

Commencement Information

I3 Sch. 5 para. 3 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 4 Carrying out specified excavation, mining, quarrying or boring operations in a specified area.

Commencement Information

I4 Sch. 5 para. 4 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 5 The operation of a generating station.

Commencement Information

I5 Sch. 5 para. 5 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 6 Keeping electric lines installed above ground.

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Commencement Information

I6 Sch. 5 para. 6 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

7 The use of underground gas storage facilities.

Commencement Information

I7 Sch. 5 para. 7 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

8 The sale, exchange or appropriation of Green Belt land.

Commencement Information

I8 Sch. 5 para. 8 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

9 Freeing land from any restriction imposed on it by or under the Green Belt (London and Home Counties) Act 1938 (c. xciii), or by a covenant or other agreement entered into for the purposes of that Act.

Commencement Information

I9 Sch. 5 para. 9 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

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

Commencement Information

I10 Sch. 5 para. 10 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

11 The imposition or exclusion of obligations or liability in respect of acts or omissions.

Commencement Information

I11 Sch. 5 para. 11 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

12 Carrying out surveys or taking soil samples.

Commencement Information

I12 Sch. 5 para. 12 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

13 Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.

Commencement Information

I13 Sch. 5 para. 13 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

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14 The removal, disposal or re-siting of apparatus.

Commencement Information

I14 Sch. 5 para. 14 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

15 Carrying out civil engineering or other works.

Commencement Information

I15 Sch. 5 para. 15 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

16 The diversion of navigable or non-navigable watercourses.

Commencement Information

I16 Sch. 5 para. 16 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

17 The stopping up or diversion of highways.

Commencement Information

I17 Sch. 5 para. 17 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

18 Charging tolls, fares [^{F1}(including penalty fares)] and other charges.

Textual Amendments

F1 Words in [Sch. 5 para. 18](#) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 71(2)**; [S.I. 2012/628](#), **art. 7(a)**

Commencement Information

I18 Sch. 5 para. 18 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

19 The designation of a highway as a trunk road or special road.

Commencement Information

I19 Sch. 5 para. 19 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

20 The specification of the classes of traffic authorised to use a highway.

Commencement Information

I20 Sch. 5 para. 20 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with **art. 6**)

21 The appropriation of a highway for which the person proposing to construct or improve a highway is the highway authority.

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Commencement Information

I21 Sch. 5 para. 21 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

22 The transfer to the person proposing to construct or improve a highway of a highway for which that person is not the highway authority.

Commencement Information

I22 Sch. 5 para. 22 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

23 The specification of the highway authority for a highway.

Commencement Information

I23 Sch. 5 para. 23 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

24 The operation and maintenance of a transport system.

Commencement Information

I24 Sch. 5 para. 24 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

25 Entering into an agreement for the provision of police services.

Commencement Information

I25 Sch. 5 para. 25 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

26 The discharge of water into inland waters or underground strata.

Commencement Information

I26 Sch. 5 para. 26 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

^{F2}27

Textual Amendments

F2 Sch. 5 paras. 27-30 repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), Sch. 8 para. 4(7)(c), **22 Pt. 2** (with s. 111); [S.I. 2011/556](#), art. 3(2)(a)(d)

^{F2}28

Textual Amendments

F2 Sch. 5 paras. 27-30 repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), Sch. 8 para. 4(7)(c), **22 Pt. 2** (with s. 111); [S.I. 2011/556](#), art. 3(2)(a)(d)

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F²29

Textual Amendments

F2 Sch. 5 paras. 27-30 repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), Sch. 8 para. 4(7)(c), **22 Pt. 2** (with s. 111); S.I. 2011/556, art. 3(2)(a)(d)

F²30

Textual Amendments

F2 Sch. 5 paras. 27-30 repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), Sch. 8 para. 4(7)(c), **22 Pt. 2** (with s. 111); S.I. 2011/556, art. 3(2)(a)(d)

[F³30A Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State for activities specified in the order and subject to such conditions as may be specified in the order.

Textual Amendments

F3 Sch. 5 paras. 30A, 30B inserted (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), **Sch. 8 para. 4(5)** (with s. 111); S.I. 2011/556, art. 3(2)(a)

30B Deeming any such conditions to have been attached to the marine licence by the Secretary of State under that Part.]

Textual Amendments

F3 Sch. 5 paras. 30A, 30B inserted (12.11.2009 for specified purposes, 6.4.2011 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), **Sch. 8 para. 4(5)** (with s. 111); S.I. 2011/556, art. 3(2)(a)

31 The creation of a harbour authority.

Commencement Information

I27 Sch. 5 para. 31 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with art. 6)

32 Changing the powers and duties of a harbour authority.

Commencement Information

I28 Sch. 5 para. 32 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with art. 6)

[F⁴32A The making of byelaws by any person and their enforcement.

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Textual Amendments

F4 Sch. 5 paras. 32A, 32B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 71\(3\)](#); [S.I. 2012/628](#), art. 7(a)

- 32B (1) The creation of offences within sub-paragraph (2) in connection with—
- (a) non-payment of tolls, fares or other charges,
 - (b) a person's failure to give the person's name or address in accordance with provision relating to penalty fares,
 - (c) enforcement of byelaws, or
 - (d) construction, improvement, maintenance or management of a harbour.
- (2) An offence is within this sub-paragraph if—
- (a) it is triable only summarily,
 - (b) a person guilty of the offence is not liable to imprisonment, and
 - (c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale.]

Textual Amendments

F4 Sch. 5 paras. 32A, 32B inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 71\(3\)](#); [S.I. 2012/628](#), art. 7(a)

- 33 The transfer of property, rights, liabilities, or functions.

Commencement Information

I29 Sch. 5 para. 33 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 34 The transfer, leasing, suspension, discontinuance and revival of undertakings.

Commencement Information

I30 Sch. 5 para. 34 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 35 The payment of contributions.

Commencement Information

I31 Sch. 5 para. 35 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 36 The payment of compensation.

Commencement Information

I32 Sch. 5 para. 36 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

- 37 The submission of disputes to arbitration.

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I33 Sch. 5 para. 37 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

38 The alteration of borrowing limits.

Commencement Information

I34 Sch. 5 para. 38 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

PART 2

INTERPRETATION

- 39 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Transport system” means any of the following—
- (a) a railway,
 - (b) a tramway,
 - (c) a trolley vehicle system,
 - (d) a system using a mode of guided transport prescribed by order under section 2 of the Transport and Works Act 1992 (c. 42).
- (3) “Maintenance”, in relation to a transport system, includes the inspection, repair, adjustment, alteration, removal, reconstruction or replacement of the system.
- (4) The following terms have the meanings given by section 67(1) (interpretation) of the Transport and Works Act 1992 (c. 42)—
- “guided transport”,
 - “tramway”,
 - “trolley vehicle system”.

Commencement Information

I35 Sch. 5 para. 39 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(e\)](#) (with [art. 6](#))

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