



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART VI

#### MISCELLANEOUS CHANGES IN PLANNING LAW

##### *Statutory undertakers*

#### **73 Notice for same purposes as s. 164, but given by statutory undertakers to developing authority.**

- (1) Subject to the provisions of this section, where land has been acquired or appropriated as mentioned in section 164(1) of the principal Act, 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) Where, after the land has been acquired or appropriated as aforesaid, development of the land is begun to be carried out, no notice under this section shall be served later than twenty-one days after the beginning of the development.
- (3) Where a notice is served under this section, the authority on whom it is served may, before the end of the period of twenty-eight days from the date of service, serve on the statutory undertakers a counter-notice stating that they object to all or any of the provisions of the notice and specifying the grounds of their objection.
- (4) If no counter-notice is served under subsection (3) above, the statutory undertakers shall, after the end of the period of twenty-eight days therein mentioned, have the rights claimed in their notice.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) If a counter-notice is served under subsection (3) above, the statutory undertakers who served the notice under this section may either withdraw it or may apply to the Minister 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 Minister and the appropriate Minister think it expedient to confer on them.
- (6) Where, by virtue of this section or of an order of Ministers thereunder, 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) Where works are carried out for the removal or re-siting of statutory undertakers' apparatus, being works which the undertakers have the right to carry out by virtue of this section or an order of Ministers thereunder, the undertakers shall be entitled to compensation from the acquiring or appropriating authority ; and the amount of the compensation shall be an amount calculated in accordance with subsections (2) to (4) of section 171 of the principal Act but reduced, in a case where the authority carry out the works, by the actual cost to the authority of doing so.
- (8) In subsections (2) to (4) of section 171 of the principal Act, as they apply for the purposes of this section, any reference to " the proceeding giving rise to compensation " shall, instead of being construed in accordance with subsection (5) of that section, be construed as a reference to the circumstances making it necessary for the apparatus in question to be removed or re-sited.