



Town and Country Planning Act 1968

1968 CHAPTER 72

PART VI

MISCELLANEOUS CHANGES IN PLANNING LAW

Stopping-up and diversion of highways

89 Transfer of Ministerial functions as to stopping-up etc. of footpaths and bridleways.

- (1) Section 153 of the principal Act (power of Minister of Transport to make orders authorising the stopping-up or diversion of highways in order to enable development to be carried out) shall be amended in accordance with this section.
- (2) The power conferred on the Minister of Transport by section 153(1) of the principal Act to make an order authorising the stopping-up or diversion of a highway, where he is satisfied that it is necessary to do so in order to enable development to be carried out as mentioned in that subsection, shall, in the case of a footpath or bridleway, be exercisable also by the Minister of Housing and Local Government where that Minister is so satisfied; and the Minister of Transport shall not make an order under that subsection in the case of a footpath or bridleway unless, at the time when he first publishes notice of the order in accordance with section 154(1) of the principal Act, it appears to him to be necessary for the said purpose also to authorise the stopping-up or diversion of some other highway, not being a footpath or bridleway.
- (3) Subsection (2) of the said section 153 shall not apply to an order made thereunder by the Minister of Housing and Local Government; but an order so made may make such provision as appears to the Minister to be necessary or expedient for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped-up or diverted, or for the improvement of an existing highway for such use.
- (4) In relation to an order made by the Minister of Housing and Local Government under section 153 of the principal Act, subsection (3) of that section and section 154 of the Act (procedure and publicity for orders under section 153) shall apply with the substitution of references to that Minister for references to the Minister of Transport;

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and in subsections (4) and (5) of section 153 references to the latter shall be construed as including references to the former.

- (5) In section 32 of the Mineral Workings Act 1951 (power of Minister of Transport to make temporary stopping-up or diversion order in connection with surface working of minerals),—
- (a) in subsection (1), after the words " Minister of Transport " there shall be inserted the words " or the Minister of Housing and Local Government "; and
 - (b) in subsection (2), after the words " Minister of Transport " there shall be inserted the words " or the Minister of Housing and Local Government, as the case may be ".
- (6) In this Act, " footpath " and " bridleway " have the same meanings as in the Highways Act 1959.
- (7) Nothing in this section applies to or affects an order made by the Minister of Transport before the commencement of this section, or an order with respect to which he has, before that commencement, published in the London Gazette the notice required by section 154(1) of the principal Act.
- (8) This section shall not apply to Wales.