



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART X

#### HIGHWAYS

##### *Supplementary provisions*

#### **209 Provisions as to telegraphic lines**

- (1) Where in pursuance of an order under section 198, 200 or 201 of this Act a highway is stopped up or diverted, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Post Office, the Post Office shall have the same powers in respect of that line as if the order had not become operative:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

- (2) Where any such order provides for the improvement of a highway, other than a trunk road, and, immediately before the date on which the order became operative, there was under, in, on, over, along or across the highway a telegraphic line belonging to or used by the Post Office, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section 7 shall apply to the alteration, and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority:

Provided that those paragraphs shall not apply by virtue of this subsection to the alteration of a telegraphic line for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Where an order under section 203(1)(a) of this Act extinguishing a public right of way is made on the application of a local planning authority, and at the time of the publication of the notice required by section 204(1) of this Act there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Post Office—
- (a) the power of the Post Office to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Post Office has given notice to the local planning authority of its intention to remove the line or that part thereof, as the case may be;
  - (b) the Post Office may by notice given in that behalf to the local planning authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof;
  - (c) subject to paragraph (b) of this subsection, the Post Office shall be deemed at the end of that period to have abandoned any part of the line which it has then neither removed nor given notice of its intention to remove;
  - (d) the Post Office shall be entitled to recover from the local planning authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Post Office may require;
  - (e) where under the preceding provisions of this subsection the Post Office has abandoned the whole or any part of a telegraphic line, it shall vest in the local planning authority, and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after the abandonment thereof.
- (4) As soon as practicable after the making of an order under section 203(1)(a) of this Act extinguishing a public right of way in circumstances in which subsection (3) of this section applies, the Secretary of State shall give notice to the Post Office of the making of the order.
- (5) In this section " telegraphic line " and " alter " have the same meanings as in the Telegraph Act 1878.