

SCHEDULES

SCHEDULE 28

URBAN DEVELOPMENT CORPORATIONS : LAND

PART III

LAND: SUPPLEMENTARY

Statutory undertakers

- 14 (1) Where any land has been acquired by an urban development corporation under section 142 above and—
- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over that land ; or
 - (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, the corporation, if satisfied that the extinguishment of the right or, as the case may be, the removal of the apparatus, is necessary for the purpose of carrying out any development, may serve on the statutory undertakers a notice stating that, at the end of the period of 28 days from the date of service of the notice or such longer period as may be specified therein, the right will be extinguished or requiring that, before the end of that period, the apparatus shall be removed.
- (2) The statutory undertakers on whom a notice is served under sub-paragraph (1) above may, before the end of the period of 28 days from the service of the notice, serve a counter-notice on the corporation stating that they object to all or any provisions of the notice and specifying the grounds of their objection.
- (3) If no counter-notice is served under sub-paragraph (2) above—
- (a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice ; and
 - (b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the corporation may remove the apparatus and dispose of it in any way it may think fit.
- (4) If a counter-notice is served under sub-paragraph (2) above on a corporation, the corporation may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Secretary of State and the appropriate Minister for an order under this paragraph embodying the provisions of the notice with or without modification.

Status: This is the original version (as it was originally enacted).

- (5) Where by virtue of this paragraph any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the corporation.
- (6) Sections 238 and 240 of the 1971 Act or as the case may be sections 227 and 229 of the 1972 Act (measure of compensation for statutory undertakers) shall apply to compensation under subparagraph (5) above as they apply to compensation under section 237(2) of the 1971 Act, or as the case may be section 226(2) of the 1972 Act.
- (7) This paragraph shall not have effect, so far as regards a right of the Post Office with respect to a telegraphic line and so far as regards a telegraphic line of the Post Office, in a case in which paragraph 13 above has effect.
- (8) In this paragraph " telegraphic line " has the same meaning as in the Telegraph Act 1878.