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SCHEDULES

SCHEDULE 1 **E+W**

PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

- C1** Functions under paras. 7, 8, 14, 15, 18, 19 and 21 so far as exercisable jointly by Minister of Transport and Secretary of State now exercisable by Secretary of State for Transport: [S.I. 1981/238](#), [art. 2\(1\)\(b\)](#)

PART II **E+W**

SCHEMES UNDER SECTIONS 16 AND 106(3)

- 10 Where the Minister proposes to make a scheme under section 16 of this Act, or where a scheme under that section or section 106(3) of this Act is submitted to the Minister by a local highway authority, the Minister or that authority, as the case may be, shall publish in at least one local newspaper circulating in the area in which the special road, or, as the case may be, the site of the bridge or tunnel, to which the scheme relates is situated, and in the London Gazette, a notice—
- (a) stating the general effect of the proposed scheme;
 - (b) naming a place in the said area where a copy of a draft of the scheme or of the scheme as submitted to the Minister, as the case may be, and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 6 weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making or confirmation of the scheme.
- 11 Not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve a copy of it (together with a copy of the draft scheme or of the scheme, as the case may be, and of any map or plan referred to in it)—
- (a) on every council in whose area any part of the route of the special road or, as the case may be, the site of the bridge or tunnel is situated; and
 - (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on [^{F1}the National Rivers Authority and every navigation authority] concerned with or having jurisdiction over the waters affected or the area comprising those waters.

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Textual Amendments

F1 Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 62(14)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

- 12 At any time, whether before or after the expiration of the period specified in the notice in pursuance of paragraph 10(b) above, the Minister or, as the case may be, the local highway authority by whom the notice was published may, by a subsequent notice published in at least one local newspaper circulating in the area in which the special road, or, as the case may be, the site of the bridge or tunnel, to which the proposed scheme relates is situated, and in the London Gazette, substitute for the period specified in the first notice such longer period as may be specified in the subsequent notice.
- 13 Where the period specified in a notice published by the Minister or a local highway authority under paragraph 10 above is extended by a notice published under paragraph 12 above, paragraph 11 above, with the omission of the reference to a copy of the draft scheme or of the scheme and of any map or plan referred to in it, shall apply as if the notice under paragraph 12 were a notice under paragraph 10.
- 14 (1) If any objection to the proposed scheme is received by the Minister—
- (a) from any council or authority on whom a copy of the notice is required to be served under paragraph 11 above within the period specified in the notice in pursuance of paragraph 10(b) above or, if that period has been extended by a subsequent notice under paragraph 12 above, within the period specified in the subsequent notice, or
 - (b) from any other person appearing to him to be affected within the period specified in the notice or the subsequent notice, as the case may be,
- and the objection is not withdrawn, then—
- (i) in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly, or
 - (ii) in the case of a scheme made by a local highway authority and submitted to the Minister, the Minister,
- shall, subject to sub-paragraph (2) below, cause a local inquiry to be held.
- (2) Except where the objection is made by any such council or authority as aforesaid, the Minister and the Secretary of State acting jointly or, as the case may be, the Minister may, if satisfied that in the circumstances of the case the holding of an inquiry under this paragraph is unnecessary, dispense with such an inquiry.

Modifications etc. (not altering text)

C1 [Sch. 1 para. 14](#): functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 15 (1) After any objections to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry have been considered—
- (a) in the case of a scheme proposed to be made by the Minister, by the Minister and the Secretary of State acting jointly, or
 - (b) in the case of a scheme made by a local highway authority and submitted to the Minister, by the Minister,

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the Minister may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.

- (2) The power under this paragraph to make or confirm the scheme includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Minister thinks fit) while deferring consideration of the remaining part; and where the Minister makes or confirms part of the scheme, that part and the remaining part are each to be deemed for the purposes of this Act to be a separate scheme.
- (3) Where the Minister proposes to exercise the power to make or confirm the scheme subject to modifications, and the modifications will in his opinion make a substantial change in the scheme,—
 - (a) he shall notify any person who appears to him to be likely to be affected by the proposed modifications;
 - (b) he shall give that person an opportunity of making representation to him with respect to the modifications within such reasonable period as he may specify; and
 - (c) before the Minister exercises the power, the Minister or, in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly shall consider any representations made to the Minister with respect to the proposed modifications within that period.

Modifications etc. (not altering text)

C2 Sch. 1 para. 15: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 16 In this Part of this Schedule “proposed scheme” includes a scheme made by a local highway authority and submitted to the Minister.

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