



New Towns Act 1981

1981 CHAPTER 64

PART I

NEW TOWNS AND THEIR DEVELOPMENT CORPORATIONS

*Powers exercisable in relation to land acquired
by development corporation or highway authority*

23 Extinguishment of public rights of way.

- (1) Where any land—
- (a) has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
 - (b) has been acquired under this Act by the Secretary of State and is for the time being held for the purposes for which he acquired it,
- the Secretary of State may by order extinguish any public right of way over the land.
- (2) Where the Secretary of State proposes to make an order under this section, he shall publish in such manner as appears to him to be requisite a notice—
- (a) stating the effect of the order, and
 - (b) specifying the time (not being less than 28 days from the publication of the notice) within which and the manner in which, objections to the proposal may be made,
- and shall serve a like notice—
- (i) on the district planning authority in whose area the land is situated; and
 - (ii) on the relevant highway authority.

In this subsection “the relevant highway authority” means any authority who are a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority who have applied for the order to be made.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.
Changes to legislation: New Towns Act 1981, Section 23 is up to date with all changes known to be in force on or before 26 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where an objection to a proposal to make an order under this section is duly made and is not withdrawn, Schedule 8 to this Act shall have effect in relation to the proposal.
- (4) For the purposes of this section an objection to such a proposal shall not be treated as duly made unless—
 - (a) it is made within the time and in the manner specified in the notice required by this section; and
 - (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.
- (5) Where—
 - (a) it is proposed to make an order under this section extinguishing a public right of way over a road on land acquired for the purposes of this Act by a development corporation, and
 - (b) compensation in respect of restrictions imposed under section 1 or section 2 of the ^{M1}Restriction of Ribbon Development Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority who, when the compensation was paid, were the authority for the purposes of section 4 of the ^{M2}Trunk Roads Act 1936),

the order may provide for the payment by the development corporation to that authority, in respect of the compensation so paid, of such sums as the Secretary of State, with the Treasury’s consent, may determine.
- (6) Where the Secretary of State is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this section of a public right of way, section 11 above shall apply as it applies where the Secretary of State is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.
- (7) ^{F1}

Textual Amendments	
F1	S. 23(7) repealed by Telecommunications Act 1984 (c. 12, SIF 96) , Sch. 7 Pt. I
Marginal Citations	
M1	1935 c. 47.
M2	1936 c. 5. (1 Edw. 8 & 1 Geo. 6.).

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