



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

252 Procedure for making of orders.

- (1) Before making an order under section 247, 248, 249 or 251 the Secretary of State shall publish in at least one local newspaper circulating in the relevant area, and in the London Gazette, a notice—
 - (a) stating the general effect of the order;
 - (b) specifying a place in the relevant area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the publication of the notice (“the publication date”); and
 - (c) stating that any person may within that period by notice to the Secretary of State object to the making of the order.
- (2) Not later than the publication date, the Secretary of State shall serve a copy of the notice, together with a copy of the draft order and of any relevant map or plan—
 - (a) on every local authority in whose area any highway or, as the case may be, any land to which the order relates is situated, and
 - (b) on any water, sewerage, hydraulic power or electricity undertakers or public gas supplier having any cables, mains, sewers, pipes or wires laid along, across, under or over any highway to be stopped up or diverted, or, as the case may be, any land over which a right of way is proposed to be extinguished, under the order.
- (3) Not later than the publication date, the Secretary of State shall also cause a copy of the notice to be displayed in a prominent position at the ends of so much of any highway

Status: Point in time view as at 08/11/1995. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 252 is up to date with all changes known to be in force on or before 04 July 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)

as is proposed to be stopped up or diverted or, as the case may be, of the right of way proposed to be extinguished under the order.

- (4) If before the end of the period of 28 days mentioned in subsection (1)(b) an objection is received by the Secretary of State from any local authority or undertakers or public gas supplier on whom a notice is required to be served under subsection (2), or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, then unless subsection (5) applies the Secretary of State shall cause a local inquiry to be held.
- (5) If, in a case where the objection is made by a person other than such a local authority or undertakers or supplier, the Secretary of State is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary he may dispense with the inquiry.
- (6) Subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (local inquiries: evidence and costs) shall apply in relation to an inquiry caused to be held by the Secretary of State under subsection (4).
- (7) Where publication of the notice mentioned in subsection (1) takes place on more than one day, the references in this section to the publication date are references to the latest date on which it is published.
- (8) After considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Secretary of State may, subject to subsection (9), make the order either without modification or subject to such modifications as he thinks fit.
- (9) Where—
- (a) the order contains a provision requiring any such payment, repayment or contribution as is mentioned in section 247(4)(a); and
 - (b) objection to that provision is duly made by an authority or person who would be required by it to make such a payment, repayment or contribution; and
 - (c) the objection is not withdrawn,
- the order shall be subject to special parliamentary procedure.
- (10) Immediately after the order has been made, the Secretary of State shall publish, in the manner specified in subsection (1), a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours.
- (11) Subsections (2), (3) and (7) shall have effect in relation to a notice under subsection (10) as they have effect in relation to a notice under subsection (1).
- (12) In this section—
- “the relevant area”, in relation to an order, means the area in which any highway or land to which the order relates is situated;
- “local authority” means the council of a county, [^{F1}county borough,] district, parish [^{F1}, community] or London borough, [^{F2}a police authority established under section 3 of the Police Act 1964,] a joint authority established by Part IV of the ^{M2}Local Government Act 1985, a housing action trust established under Part III of the ^{M3}Housing Act 1988 [^{F3}, the Residuary Body for Wales (Corff Gweddilliol Cymru)] and the parish meeting of a ^{F4} . . . parish not having a separate parish council;
- and in subsection (2)—

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- (i) the reference to water undertakers shall be construed as including a reference to the National Rivers Authority, and
- (ii) the reference to electricity undertakers shall be construed as a reference to holders of licences under section 6 of the ^{M4}Electricity Act 1989 who are entitled to exercise any power conferred by paragraph 1 of Schedule 4 to that Act.

Textual Amendments

- F1** Words in the definition of
“local authority”
in s. 252(12) inserted (1.10.1995) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 24(10)(a)(b)** (with ss. 54(5)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1995/2490, art. 4(1), **Sch. 2**
- F2** Words in the definition of
“local authority”
in s. 252(12) inserted (1.10.1994 for specified purposes and otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 63**; S.I. 1994/2025, art. 6(1)(2)(g) (with art. 6(6)); S.I. 1994/3262, art. 4(1), **Sch.**
- F3** Words in the definition of
“local authority”
in s. 252(12) inserted (5.7.1994) by 1994 c. 19, ss. 39, 66(2)(b), **Sch. 13 para. 32** (with ss. 54(5)(7), **Sch. 17** paras. 22(1), 23(2))
- F4** Word in the definition of
“local authority”
in s. 252(12) repealed (8.11.1995) by 1995 c. 44, s. 1(1), **Sch. 1 Pt. VI**

Modifications etc. (not altering text)

- C1** S. 252 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 2(b)**

Marginal Citations

- M1** 1972 c. 70.
- M2** 1985 c. 51.
- M3** 1988 c. 50.
- M4** 1989 c. 29.

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