

SCHEDULES

SCHEDULE 22

STOPPING UP ORDERS BY LONDON COUNCILS

Highways affected by development: orders

- 3 (1) Section 247 shall be amended as follows.
- (2) In subsection (1) (Secretary of State’s power to authorise stopping up or diversion of highway) after “highway” there shall be inserted “outside Greater London”.
- (3) In subsection (2) (Secretary of State’s power to provide or improve other highways) after “highway” there shall be inserted “outside Greater London”.
- (4) After subsection (2) there shall be inserted—
- “(2A) The council of a London borough may by order authorise the stopping up or diversion of any highway within the borough, or within another London borough if the council of that borough consents, if it is satisfied that it is necessary to do so in order to enable development to be carried out—
- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.
- (2B) Such an order may make such provision as appears to the council to be necessary or expedient for the provision or improvement of any other highway within the borough.”
- (5) In subsection (3) (orders directing that highway to be maintainable at public expense etc) for “Such an order” there shall be substituted “An order under subsection (1) or (2A)”.
- (6) After subsection (3) there shall be inserted—
- “(3A) An order under subsection (2A) may not provide that—
- (a) the Secretary of State,
- (b) Transport for London, or
- (c) a London borough other than the one whose council is making the order,
- shall be the highway authority for a highway unless the Secretary of State, Transport for London or the council, as the case may be, so consents.”
- (7) In subsection (4) (incidental provision in an order) after “Secretary of State” in both places where it occurs there shall be inserted “or the council of the London borough”.
- (8) In subsection (6)(a) (order making power to be without prejudice to other similar powers) after “Secretary of State” there shall be inserted “or a London borough”.