

Status: Point in time view as at 01/12/2008.

Changes to legislation: Housing and Regeneration Act 2008, Cross Heading: Opposed notices and Ministerial orders is up to date with all changes known to be in force on or before 12 June 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)

SCHEDULES

SCHEDULE 4

POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

PART 1

EXTINGUISHMENT OR REMOVAL POWERS FOR THE HCA

Opposed notices and Ministerial orders

- 4 (1) This paragraph applies if—
- (a) a notice is served under paragraph 1, and
 - (b) a counter-notice is served under paragraph 2.
- (2) The HCA may—
- (a) withdraw the notice served under paragraph 1, or
 - (b) apply to the Secretary of State and the appropriate Minister for an order under sub-paragraph (3).
- (3) The Secretary of State and the appropriate Minister may make an order embodying, with or without modifications, the provisions of the notice.
- (4) The fact that a notice has been withdrawn under sub-paragraph (2)(a) does not prejudice the service of a further notice.

Commencement Information

II Sch. 4 para. 4 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(g\)](#) (with [arts. 6-13](#))

- 5 (1) Before making an order under paragraph 4(3), the Secretary of State and the appropriate Minister must give the statutory undertakers on whom notice was served an opportunity to object to the application for the order.
- (2) The Secretary of State and the appropriate Minister—
- (a) must consider any objections made by virtue of sub-paragraph (1), and
 - (b) must give—
 - (i) the statutory undertakers who made the objections, and
 - (ii) the HCA,an opportunity to appear before, and be heard by, a person appointed for this purpose by the Secretary of State and the appropriate Minister.
- (3) The Secretary of State and the appropriate Minister may then—
- (a) decide not to make an order, or

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- (b) proceed to make an order in accordance with the application (with or without modifications).

Commencement Information

I2 Sch. 4 para. 5 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(g\)](#) (with [arts. 6-13](#))

- 6 (1) This paragraph applies if an order is made under paragraph 4(3).
- (2) Any right to which the order relates is extinguished at the end of the period specified for that purpose in the order.
- (3) The HCA may—
- (a) remove any apparatus, and
 - (b) dispose of it as it considers appropriate,
- if any requirement of the order as to the removal of the apparatus has not been complied with by the end of the period specified for that purpose in the order.

Commencement Information

I3 Sch. 4 para. 6 in force at 1.12.2008 by [S.I. 2008/3068](#), [art. 2\(1\)\(g\)](#) (with [arts. 6-13](#))

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