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## SCHEDULES

### SCHEDULE 4

#### POWERS IN RELATION TO, AND FOR, STATUTORY UNDERTAKERS

##### Modifications etc. (not altering text)

- C1** Sch. 4 applied (with modifications) by 1999 c. 29, s. 333ZB(3)(4) (as inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/57, art. 4(1)(w) (with arts. 6, 7, 9-11))
- C1** Sch. 4 applied (with modifications) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 208(4)(5)**, 240(1)(l)
- C1** Sch. 4: transfer of functions (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), arts. 1(2), **9(1)** (with art. 17)
- C4** Schs. 2-4 applied (with modifications) (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), 9(3), **Sch. 3 Pt. 2**
- C5** Schs. 2-4 applied (with modifications) (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, 14(5), **Sch. 3** (with art. 28)
- C8** Schs. 2-4 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 10(5), **Sch. 2 Pt. 2**
- C9** Schs. 2-4 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **13(5)**, **Sch. 2 Pts. 1, 2**
- C11** Sch. 4 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 9(5), **Sch. 2 Pt. 2**

#### 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.

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- (4) The fact that a notice has been withdrawn under sub-paragraph (2)(a) does not prejudice the service of a further notice.

**Modifications etc. (not altering text)**

- C1** Sch. 4 para. 4 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **5(1)(j)(2)(3)**
- C2** Sch. 4 paras. 3, 4 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))
- C3** Sch. 4 para. 4 functions made exercisable (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **6(1)-(4)**
- C6** Sch. 4 para. 4 functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **14** (with art. 28)
- C7** Sch. 4 para. 4 functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **10(1)(j)(2)-(4)**
- C10** Sch. 4 paras. 1-4 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **10(1)(j)(2)-(4)**
- C12** Sch. 4 para. 4: functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **7**

**Commencement Information**

- I1** 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
- (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.

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- (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.

**Modifications etc. (not altering text)**

- C13** Sch. 4 para. 6 functions made exercisable concurrently (23.12.2016) by [The Greater Manchester Combined Authority \(Functions and Amendment\) Order 2016 \(S.I. 2016/1267\)](#), arts. 1(2), **5(1)(j)(2)(3)**
- C14** Sch. 4 para. 6 functions made exercisable concurrently (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **18(1)(j)** (with art. 18(3)(b))
- C15** Sch. 4 para. 6 functions made exercisable (17.3.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(2), **6(1)-(4)**
- C16** Sch. 4 para. 6 functions made exercisable concurrently (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), arts. 1, **14** (with art. 28)
- C17** Sch. 4 para. 6 functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **10(1)(j)(2)-(4)**
- C18** Sch. 4 para. 6 functions made exercisable concurrently (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **10(1)(j)(2)-(4)**
- C19** Sch. 4 para. 6: functions made exercisable concurrently (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **7**

**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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