



Requisitioned Land and War Works Act 1945

1945 CHAPTER 43 8 and 9 Geo 6

PART III

HIGHWAYS

17 Publication of proposed orders and reference to Commission.

- (1) Before making any order under this Part of this Act, the Minister shall publish his proposals by causing notice thereof—
- (a) to be advertised in two or more newspapers circulating in the locality in which the highways to which the proposals relate are or will be situated; and
 - (b) to be sent to every local authority in whose area any such highway as aforesaid is or will be situated and to any water, [^{F1}sewerage]gas or electricity undertakers having any cables, wires, mains or pipes laid along, across, over or under any such highway as aforesaid; and
 - [^{F2}(bb) to be sent to the National Rivers Authority where the National Rivers Authority has any mains or pipes laid along, across, over or under any such highways as aforesaid; and]
 - (c) to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order; and
 - (d) [^{F3}in the case of an order authorising the compulsory acquisition of land, to be served on every person—
 - (i) who is an owner, lessee, tenant (whatever the tenancy period) or occupier of any of the land proposed to be compulsorily acquired;
 - (ii) to whom the Minister would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat; or
 - (iii) who the Minister thinks is likely to be entitled to make a claim for compensation under section 10 of that Act if the order is confirmed

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and the compulsory acquisition takes place, so far as he is known to the Minister after making diligent inquiry.]

In this subsection the expression local authority includes a parish council and the parish meeting of a rural parish not having a separate parish council.

- (2) Any such notice shall specify the place where copies of a draft of the proposed order may be obtained, and shall state that the order will be made unless, within such period (not being less than three months from the date of the publication) as may be specified in the notice, written notice of objection to the order is given by any person to the Minister.
- (3) Any notice required to be served under paragraph (d) of subsection (1) of this section may be served either—
- (a) by delivering it to the person on whom it is to be served; or
 - (b) by leaving it at the usual or last known place of abode of that person; or
 - (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or
 - (e) if it is not practicable after reasonable inquiry to ascertain the name or address of the person on whom it should be served, by addressing it to him by the description of owner or lessee^{F4} or “tenant”^{F5} or occupier of ^{F5} or “person interested” in,]the land (describing it) to which it relates and by delivering it to some person on the land, or, if there is no person on the land to whom it can be delivered, by displaying it in a prominent position on the land.
- (4) . . . ^{F6}

Textual Amendments

- F1** Word sewerage inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, **Sch. 25 para. 8(a)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F2** S. 17(1)(bb) inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, Sch. 25 para. 8(b) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F3** S. 17(1)(d) substituted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 2(a)** (with art. 1(3))
- F4** Words in s. 17(3)(e) inserted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 2(b)(i)** (with art. 1(3))
- F5** Words in s. 17(3)(e) inserted (E.W.) (24.5.2007) by [Planning and Compulsory Purchase Act 2004 \(Corresponding Amendments\) Order 2007 \(S.I. 2007/1519\)](#), art. 1(1), **Sch. para. 2(b)(ii)** (with art. 1(3))
- F6** S. 17(4) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. VII**

Modifications etc. (not altering text)

- C1** S. 17(1)(b) amended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), **Sch. 7 para. 2(2)(a)**, Sch. 8 para.

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- C2** S. 17(1)(b) amended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), **Sch. 16 para. 2(4)(b)(9)**, Sch. 17 paras. 33, 35(1)S. 17(1)(b) amended (E.W.S.) (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(2)(a)**; S.I. 1996/218, **art. 2**
- C3** S. 17(3)(c)(d) amended by [Recorded Delivery Service Act 1962 \(c. 27\)](#), s. 1(1), **Sch.**

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