Deregulation Act 2015

2015 CHAPTER 20

Use of land

21 Unrecorded rights of way: protection from extinguishment

In the Countryside and Rights of Way Act 2000, after section 56 (cut-off date for extinguishment of certain unrecorded rights of way) insert—

"**56A Unrecorded rights of way: protection from extinguishment**

(1) The provision that may be made by regulations under section 56(2) by the Secretary of State includes—

(a) provision enabling a surveying authority to designate, at any time during the period of one year beginning with the cut-off date, public rights of way in their area that were extinguished immediately after that date, subject to any conditions or exceptions specified in the regulations;

(b) provision for a designated right of way to cease to be regarded as extinguished as from the time of the designation;

(c) provision requiring a surveying authority to determine, within a period specified in the regulations, whether to make an order under section 53(2) of the 1981 Act making modifications to a definitive map and statement to show a designated right of way;

(d) provision as to the procedure applicable in relation to such a determination, including provision for an application to be made to a magistrates' court where a surveying authority fails to make the determination within a period specified in the regulations;

(e) provision for a designated right of way to be extinguished if a surveying authority determines not to make an order under section 53(2) of the 1981 Act or if such an order is made but is not confirmed or is quashed, subject to any exceptions specified in the regulations;

(f) provision requiring a surveying authority to keep such information as may be specified in the regulations about designated rights of way in

a separate part of the register maintained by them under section 53B of the 1981 Act.

(2) The provision that may be made by virtue of subsection (1)(d) includes provision applying Schedule 14A to the 1981 Act, subject to such modifications as may be specified in the regulations.

(3) Regulations under section 56(2) made by the Secretary of State may also provide—

(a) that an enactment specified in the regulations which would otherwise apply in relation to a designated right of way does not so apply, or so applies with modifications specified in the regulations, in relation to times during the designation period (see subsection (4) below);

(b) where an order under section 53(2) of the 1981 Act making modifications to a definitive map and statement to show a designated right of way takes effect, that the modifications are to be treated, for the purposes of section 55A, as having taken effect immediately before the cut-off date.

(4) In subsection (3)(a), "the designation period" means the period which—

(a) begins when the right of way is designated, and

(b) ends when—

(i) an order under section 53(2) of the 1981 Act making modifications to a definitive map and statement to show the right of way takes effect, or

(ii) if no such order is made, the right of way is extinguished in accordance with the regulations.

(5) In this section—

"cut-off date" has the meaning given in section 56;

"enactment" means a provision of an Act or of subordinate legislation (within the meaning of the Interpretation Act 1978)."