

**CHAPTER 45.**

An Act to amend the law relating to public rights of way ; and for purposes connected therewith. A.D. 1932.
—
[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Where a way, not being of such a character that user thereof by the public could not give rise at common law to any presumption of dedication, upon or over any land has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, such way shall be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate such way, or unless during such period of twenty years there was not at any time any person in possession of such land capable of dedicating such way.

Public use of way for twenty years conclusive that way is a public highway.

(2) Where any such way has been enjoyed as aforesaid for a full period of forty years, such way shall be deemed conclusively to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate such way.

(3) A notice by the owner of the land over which any such way passes inconsistent with the dedication of the way as a highway, placed before or after and maintained

A.D. 1932. — after the commencement of this Act in such a manner as to be visible to those using the way, shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate such way as a highway, and where a notice has been placed in the manner provided in this subsection and is subsequently torn down or defaced, notice in writing by the owner of the land to the council of the county and of the borough or urban or rural district council in which the way is situate that the way is not dedicated to the public shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the owner of the land to dedicate such way as a highway.

(4) (a) The owner of any land shall be at liberty to deposit at any time after the commencement of this Act with the council of the county and with the council of the borough, urban district or rural district in which the said land is situate—

(i) a map on a scale of not less than six inches to one mile on which such land shall be delineated; and

(ii) a statement indicating what ways he admits have been dedicated as highways.

(b) In any case in which a deposit under paragraph (a) of this subsection has been made, statutory declarations made by the owner aforesaid or by his successors in title and lodged by him or them with the councils aforesaid at any time prior to the expiration of six years from the date of such deposit or prior to the expiration of six years from the date on which any previous declarations were lodged under this paragraph to the effect that no additional ways (other than any specifically indicated in such declaration) over the lands delineated on the said map have been dedicated to the public since the date of such deposit or since the date of the lodgment of such previous declarations (as the case may be) shall in the absence of proof of a contrary intention be sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional ways as highways.

(5) In the case of land in the possession of a tenant for a term of years or from year to year let on lease, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of any such

tenancy, have the right to place and maintain such notice as aforesaid, but so that no injury is done thereby to the business or occupation of the tenant. A.D. 1932.

(6) Each of the respective periods of years mentioned in this section shall be deemed and taken to be the period next before the time when the right of the public to use a way shall have been brought into question by notice as aforesaid or otherwise.

(7) Nothing in this section contained shall affect any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate any such way where such way would be incompatible with such public or statutory purposes.

(8) For the purposes of this section the expression "land" includes land covered with water.

2.—(1) Nothing in this Act shall affect any proceedings pending at the commencement of this Act, and where in respect of any way a court of competent jurisdiction decides in proceedings so pending, or has before the commencement of this Act decided, that the way is not a highway, this Act shall not apply except as respects enjoyment of the way after the date of the decision. Savings.

(2) Nothing in this Act shall operate to prevent the dedication of a way as a highway being presumed on proof of user for any less period than twenty years or to prevent the dedication of a way as a highway being presumed or proved under any circumstances under which it can be presumed or proved at the time of the passing of this Act.

3. Any court or other tribunal shall, before determining (a) whether a way upon or over any land has or has not been dedicated as a highway, or (b) the date upon which such dedication, if any, took place, take into consideration any map, plan or history of the locality or other relevant document that is tendered in evidence, and such weight shall be given thereto as the court or tribunal consider justified by the circumstances, including the antiquity of the tendered document, the status of the person or persons by whom it was made or compiled, its purpose, and the custody in which it has been kept and from which it is produced. Provision as to evidence.

- A.D. 1932. — 4. The person entitled to the remainder or reversion immediately expectant upon the determination of a tenancy for life or pour autre vie in land shall have the like remedies by action for trespass or an injunction to prevent the acquisition by the public of a right of way over such land as if he were in possession thereof.
- Protection of rights.
- Extent of Act. 5. This Act shall not apply to Scotland or Northern Ireland.
- Commencement of Act. 6. This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.
- Short title. 7. This Act may be cited as the Rights of Way Act, 1932.

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