Status: Point in time view as at 30/01/2001.
Changes to legislation: Countryside and Rights of Way Act 2000, Cross Heading: Creation, stopping
up and diversion of highways is up to date with all changes known to be in force on or before 04 April
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)

Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART II

PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC

Creation, stopping up and diversion of highways

57 Creation, stopping up and diversion of highways.

The [M1]Highways Act 1980 (in this Act referred to as "the 1980 Act") has effect subject to the amendments in Part I of Schedule 6 (which relate to the creation, stopping up and diversion of highways); and Part II of that Schedule (which contains consequential amendments of other Acts) has effect.

Commencement Information
I1   S. 57 partly in force; s. 57 not in force at Royal Assent see s. 103(3); s. 57 in force for certain purposes for E. at 30.1.2001 by S.I. 2001/114, **art. 2(1)(a)**; s. 57 in force for certain purposes for W. at 1.5.2001 by S.I. 2001/1410, **art. 2(c)**

Marginal Citations
M1   1980 c. 66.

58 Application for path creation order for purposes of Part I.

(1) An application for the making of a public path creation order under section 26(2) of the 1980 Act for the purpose of enabling the public to obtain access to any access land (within the meaning of Part I) or of facilitating such access, may be made—
   (a)   by the Countryside Agency to the Secretary of State, or
   (b)   by the Countryside Council for Wales to the National Assembly for Wales.

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Countryside and Rights of Way Act 2000 (c. 37)
Part II – Public rights of way and road traffic
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(2) Before making a request under subsection (1), the body making the request shall have regard to any rights of way improvement plan prepared by any local highway authority whose area includes land over which the proposed footpath or bridleway would be created.

59 Effect of Part I on powers to stop up or divert highways.

(1) This section applies to any power to stop up or divert a highway of any description or to make or confirm an order authorising the stopping up or diversion of a highway of any description; and in the following provisions of this section—

(a) "the relevant authority" means the person exercising the power, and

(b) "the existing highway" means the highway to be stopped up or diverted.

(2) Where the relevant authority is required (expressly or by implication) to consider—

(a) whether the existing highway is unnecessary, or is needed for public use,

(b) whether an alternative highway should be provided, or

(c) whether any public right of way should be reserved,

the relevant authority, in considering that question, is not to regard the fact that any land is access land in respect of which the right conferred by section 2(1) is exercisable as reducing the need for the existing highway, for the provision of an alternative highway or for the reservation of a public right of way.

(3) Where—

(a) the existing highway is situated on, or in the vicinity of, any access land, and

(b) the relevant authority is required (expressly or by implication) to consider the extent (if any) to which the existing highway would, apart from the exercise of the power, be likely to be used by the public,

the relevant authority, in considering that question, is to have regard, in particular, to the extent to which the highway would be likely to be used by the public at any time when the right conferred by section 2(1) is not exercisable in relation to the access land.

(4) In this section "access land" has the same meaning as in Part I.

Status:
Point in time view as at 30/01/2001.

Changes to legislation:
Countryside and Rights of Way Act 2000, Cross Heading: Creation, stopping up and diversion of highways is up to date with all changes known to be in force on or before 04 April 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.