

## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS RELATING TO CREATION, STOPPING UP AND DIVERSION OF HIGHWAYS

##### PART I

###### AMENDMENTS OF HIGHWAYS ACT 1980

- 9 (1) Section 119 of the 1980 Act (diversion of footpaths and bridleways) is amended as follows.
- (2) In subsection (1)(b), for “so specified” there is substituted “specified in the order or determined”.
- (3) For subsection (3), there is substituted—
- “(3) Where it appears to the council that work requires to be done to bring the new site of the footpath or bridleway into a fit condition for use by the public, the council shall—
- (a) specify a date under subsection (1)(a) above, and
- (b) provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.”.
- (4) In subsection (5)—
- (a) after “diversion order” there is inserted “on an application under section 119ZA below or”, and
- (b) for “him” there is substituted “the person who made the application or representations”.
- (5) After subsection (6) there is inserted—
- “(6A) The considerations to which—
- (a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and
- (b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,
- include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way.”