



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

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.

Changes to legislation: *Countryside and Rights of Way Act 2000, Section 59 is up to date with all changes known to be in force on or before 14 September 2019. 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) View outstanding changes*

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

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)