

1974 No. 735

RIGHTS OF WAY

The Walkways (Amendment) Regulations 1974

<i>Made</i>	- - -	<i>22nd April 1974</i>
<i>Laid before Parliament</i>		<i>3rd May 1974</i>
<i>Coming into Operation</i>		<i>24th May 1974</i>

The Secretary of State for the Environment (as respects England) and the Secretary of State for Wales (as respects Wales) make these Regulations in exercise of powers conferred by section 18 of the Highways Act 1971(a), as read with section 188(6) of the Local Government Act 1972(b), and of all other enabling powers, after consultation with representative organisations in accordance with subsection (8) of the said section 18:—

1. These Regulations shall come into operation on 24th May 1974, and may be cited as the Walkways (Amendment) Regulations 1974.

2. The Walkways Regulations 1973(c) shall have effect as if after Regulation 8 thereof the following regulation were inserted:—

“Application of Regulations to walkway agreements to which district councils are parties

9.—(1) Where by virtue of section 188(6) of the Local Government Act 1972 a walkway agreement is entered into by a district council but the highway authority are not a party to that agreement, then in relation to that agreement and to any walkway or proposed walkway to which that agreement applies these Regulations shall have effect with the following amendments:—

(a) In Regulation 1(2), Regulation 4(1)(a) and Regulation 6(3) and (4) for the words “the highway authority” substitute the words “the district council”;

(b) in Regulation 5(3)(a) and Regulation 6(2)(a) for the words “the highway authority for the walkway” substitute the words “the district council”; and

(c) in Regulation 8(3) for the words “the highway authority for the former walkway” substitute the words “the district council (after consulting the highway authority for the former walkway)”.

(2) Where by virtue of section 188(6) of the Local Government Act 1972 a walkway agreement is entered into by a district council but the highway authority are also a party to that agreement, then in relation to that agreement and to any walkway or proposed walkway to which that agreement

(a) 1971 c. 41.

(b) 1972 c. 70.

(c) S.I. 1973/686 (1973 I, p. 2281).

applies these Regulations shall have effect with the following amendments:—

- (a) in Regulation 1(2) and Regulation 4(1)(a) after the words “the highway authority” insert the words “and the district council”;
- (b) in Regulation 5(3)(a) after the words “to the highway authority for the walkway” insert the words “to the district council”;
- (c) in Regulation 6(2)(a) after the words “to the highway authority for the walkway” insert the words “and to the district council”;
- (d) in Regulation 6(4) for the words “If the highway authority themselves object to the proposed stopping up, or if they consider that” substitute the words “If the highway authority or the district council object to the proposed stopping up, or if the highway authority (after consulting the district council) consider that”, and for the word “they”, where secondly occurring, substitute the words “the highway authority”; and
- (e) in Regulation 8(3) after the words “the highway authority for the former walkway” insert the words “(after consulting the district council)”.

(3) In this Regulation and in the amendments made by this Regulation to the preceding Regulations the expression “the district council”, in relation to a walkway or proposed walkway, means the council of the district in which the walkway or proposed walkway is, or (as the case may be) will be, situated.”

Anthony Crosland,
Secretary of State for the Environment.

9th April 1974.

John Morris,
Secretary of State for Wales.

22nd April 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations add a new Regulation to the Walkways Regulations 1973 so as to adapt those Regulations to cases where, by virtue of section 188(6) of the Local Government Act 1972, district councils are parties to walkway agreements made under section 18 of the Highways Act 1971.

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