
STATUTORY INSTRUMENTS

1993 No. 11

HIGHWAYS, ENGLAND AND WALES

The Public Path Orders Regulations 1993

Made - - - - *7th January 1993*

Laid before Parliament *8th January 1993*

Coming into force - - *31st January 1993*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 26, 28(2), 118(1) and 119 of, and paragraphs 1, 3(2) and 4(2) of Schedule 6 to, the Highways Act 1980(3) and section 32 of the Acquisition of Land Act 1981(4), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Path Orders Regulations 1993 and shall come into force on 31st January.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Highways Act 1980;

“acquisition extinguishment order” means an order made under section 32 of the Acquisition of Land Act 1981 (power to extinguish certain public rights of way);

“authority” means the authority responsible for making the order;

“order” means a public path creation order, a public path diversion order, a public path extinguishment order or an acquisition extinguishment order, and includes an order revoking or varying any such order(5);

“public path creation order” means an order made under section 26 of the Act (compulsory powers for creation of footpaths and bridleways);

“public path diversion order” means an order made under section 119 of the Act (diversion of footpaths and bridleways);

(1) Section 118 was amended by paragraph 45(7) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), and by section 47 of, and paragraph 2 of Schedule 2 to, the Transport and Works Act 1992 (c. 42).

(2) See the definition of “prescribed” in each paragraph.

(2) See the definition of “prescribed” in each paragraph.

(3) 1980 c. 66; paragraphs 1 and 3 of Schedule 6 were amended by section 47 of, and paragraph 10 of Schedule 2 to, the Transport and Works Act 1992, and section 119 and both paragraphs 1 and 4 of Schedule 6 were amended by paragraphs 5 and 6 respectively of Schedule 16 to the Wildlife and Countryside Act 1981 (c. 69).

(4) 1981 c. 67.

(5) See section 326(5) of the Act.

“public path extinguishment order” means an order made under section 118 of the Act (stopping up of footpaths and bridleways);

“rail crossing diversion order” means an order made under section 119A of the Act (diversion of footpaths and bridleways crossing railways); and

“rail crossing extinguishment order” means an order made under section 118A of the Act (stopping up of footpaths and bridleways crossing railways).

Forms of order

2.—(1) An order shall be in the appropriate form set out in Schedule 1 to these Regulations, or in a form substantially to the like effect, as follows—

- (a) the form of order for a public path creation order shall be Form 1;
- (b) the form of order for a public path diversion order shall be Form 2;
- (c) the form of order for a public path extinguishment order shall be Form 3;
- (d) the form of order for an acquisition extinguishment order shall be Form 4.

(2) An order shall at the end be sealed and dated and if an acquisition extinguishment order shall contain a map⁽⁶⁾.

(3) The map required to be contained in an order shall be on a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.

Notices of order

3.—(1) Any notice required to be given under Schedule 6 to the Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways) by an authority shall be in the appropriate form set out in Schedule 2 to these Regulations, or in a form substantially to the like effect, as follows—

- (a) the form of notice of making an order (other than an acquisition extinguishment order) shall be Form 1;
- (b) the form of notice of making an acquisition extinguishment order shall be Form 2;
- (c) the form of notice of confirmation of a public path order (other than an acquisition extinguishment order) shall be Form 3;
- (d) the form of notice of confirmation of an acquisition extinguishment order shall be Form 4.

(2) The persons on whom notice is required to be served under paragraphs 1(3)(b) and 4(1)(a) of Schedule 6 to the Act shall in relation to the areas specified in column 1 of Schedule 3 to these Regulations include the persons specified in column 2 of that Schedule.

(3) Where any notice to be served on an owner, lessee or occupier in accordance with paragraph 1(3)(b) or 4(1)(a) of Schedule 6 to the Act is sent under cover otherwise than in a prepaid registered letter or by recorded delivery service, the cover shall have clearly on it in writing the words: “IMPORTANT-THESE COMMUNICATIONS AFFECT YOUR PROPERTY”.

Procedure for orders

4.—(1) An order shall be made in duplicate and, where the order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to him accompanied by:

- (a) two copies of the order,

⁽⁶⁾ See section 118(3) and section 119(7) of the Act which require a public path extinguishment order and a public path diversion order respectively to contain a map.

- (b) a copy of the notice given before submission as required by Schedule 6 to the Act,
- (c) a statement of the grounds on which the authority consider that the order should be confirmed,
- (d) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them of the authority, and
- (e) in any case in which the authority is required to obtain the consent of, or to consult with, any other authority or body before the order is made, a certificate by the authority that such consent has been obtained or such consultation has taken place together with a statement of the nature and effect of such consultation.

(2) Any proceedings preliminary to the confirmation of a public path extinguishment order or a rail crossing extinguishment order may be taken concurrently with any proceedings preliminary to the confirmation of a public path creation order, a public path diversion order or a rail crossing diversion order⁽⁷⁾.

(3) After a decision not to confirm an order, the authority shall, as soon as the requirements of paragraph 4(3) of Schedule 6 to the Act have been complied with, so certify in writing to the Secretary of State.

(4) After an order has been confirmed by the Secretary of State, the authority shall, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, so certify in writing to the Secretary of State.

(5) After an order has been confirmed, the authority shall send a copy of it as confirmed to the Ordnance Survey.

Claims for compensation as respects orders

5.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), or with that section as it applies by virtue of section 121 of the Act (supplementary provisions as to public path extinguishment and diversion orders), shall be made in writing and shall be served on the authority, or in the case of an order made by the Secretary of State, on the authority nominated by the Secretary of State as provided by section 28(3) of the Act, by delivering it at, or sending it by prepaid post to, the office of the authority, addressed to the Chief Executive.

(2) The time within which any such claim shall be made shall be six months from the coming into force of the order in respect of which the claim is made.

Revocation

6. The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983⁽⁸⁾ are hereby revoked.

7th January 1993

Michael Howard
Secretary of State for the Environment

(7) See paragraph 3(2) of Schedule 6 to the Act as amended by section 47 of, and paragraph 10(4) of Schedule 2 to, the Transport and Works Act 1992 (c. 42).

(8) S.I.1983/23.

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6th January 1993

David Hunt
Secretary of State for Wales

SCHEDULE 1

Regulation 2(1)

FORMS OF ORDER
FORM 1 PUBLIC PATH CREATION ORDER HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 26 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that, having regard to the matters set out in section 26(1), there is a need for a public [footpath] [bridleway] over the land to which this order relates, and that it is expedient that the [path] [way] should be created.

The [name of authority or authorities consulted] [has] [have] been consulted as required by section 26(3) of the 1980 Act.

BY THIS ORDER:

1. There shall be at the end of days from the date of confirmation of this order a public [footpath] [bridleway] over the land at described in [Part 1 of] the Schedule to this order and shown by a bold broken line on the map attached to this order.

[2. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.]

SCHEDULE

[PART 1]

DESCRIPTION OF LAND

[Describe position, length and width of path or way in sections, e.g. A-B, B-C, etc., as indicated on the map.]

[PART 2]

[LIMITATIONS AND CONDITIONS]

<i>[Position of path or way to which limitations and conditions apply</i>		<i>Limitations and conditions</i>
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NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

FORM 2 PUBLIC PATH DIVERSION ORDER HIGHWAYS ACT 1980

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[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of [the [owner] [lessee] [occupier] of the land crossed by the [footpath] [bridleway] described in paragraph 1 of this order] [the public] it is expedient that the line of the [path] [way] should be diverted.

[[] has agreed to [contribute towards] [defray] [any compensation which becomes payable in consequence of the coming into force of this order] [and] [any expenses which are incurred in bringing the new site of the [path] [way] into a fit condition for use by the public.]

[Name of authority consulted] [and the Countryside Commission] have been consulted and [name of consenting authority or authorities] have consented to the making of the order as required by section 120(2) of the 1980 Act;]

BY THIS ORDER:

1. The public right of way over the land situate at [] and shown by a bold continuous line on the map contained in this order and described in [Part 1 of] the Schedule to this order shall be stopped up after [] days from the date of confirmation of this order.

[2. Notwithstanding this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 namely:- []

3. There shall at the end of [] days from the date of confirmation of this order be a public [footpath] [bridleway] over the land situate at [] described in [Part 2 of] the Schedule and shown by a bold broken line on the map contained in this order.

[4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.]

SCHEDULE

[PART 1]

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

[Describe position, length and width of path or way in sections, e.g. A-B, B-C etc., as indicated on the map.]

[PART 2]

DESCRIPTION OF SITE OF NEW PATH OR WAY

[Describe position, length and width of path or way in sections, e.g. C-D, D-E etc., as indicated on the map.]

[PART 3]

[LIMITATIONS AND CONDITIONS]

<i>[Position of path or way to which limitations and conditions apply</i>	<i>Limitations and conditions]</i>
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NOTE: Insert or omit words in square brackets and blank spaces as appropriate. Renumber paragraphs as appropriate.

FORM 3 PUBLIC PATH EXTINGUISHMENT ORDER HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that the [footpath] [bridleway] described [in paragraph 1] below is not needed for public use.

The [name of authority consulted] [and the Countryside Commission] have been consulted as required by section 120(2) of the 1980 Act, [and the [name of consenting authority or authorities] have consented to the making of this order].

BY THIS ORDER:

1. The public right of way over the land situate at _____ shown by a continuous bold line on the map attached to this order and described in the Schedule to this order shall be extinguished after _____ days from the date of confirmation of this order.

[2. Notwithstanding paragraph 1 of this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 above, namely:-
_____].

SCHEDULE

[Describe position, length and width of path or way in sections, e.g. A-B, B-C, etc., as indicated on the map.]

NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

FORM 4 FORM OF ACQUISITION EXTINGUISHMENT ORDER ACQUISITION OF LAND ACT 1981 HIGHWAYS ACT 1980

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[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 32 of the Acquisition of Land Act 1981 ("the 1981 Act").

The authority [has acquired] [propose to acquire] land over which subsists a public right of way, not being a right enjoyable by vehicular traffic as mentioned in section 32(1) of the 1981 Act.

The authority are satisfied that [a suitable alternative right of way [has been provided] [will be provided] over land situate at described in Part 1 of the Schedule to this order and shown by a bold broken line on the map contained in this order] [an alternative right of way is not required].

BY THIS ORDER:

1. The public right of way over land situate at described in [Part 2 of] the Schedule to this order and shown by a bold continuous line on the map contained in this order shall be extinguished as from 19 .

[2. Notwithstanding paragraph 1 of this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 above, namely:-
.]

SCHEDULE

[PART 1]

[DESCRIPTION OF SITE OF ALTERNATIVE WAY]

[Describe position, length and width of path or way in sections, e.g. A-B, C-D, etc., as indicated on the map.]

[PART 2]

DESCRIPTION OF SITE OF WAY EXTINGUISHED

[Describe position, length and width of path or way in sections, e.g. C-D, E-F etc., as indicated on the map.]

NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

SCHEDULE 2

Regulation 3(1)

FORMS OF NOTICE OF ORDERS

FORM 1 NOTICE OF MAKING OF AN ORDER (OTHER THAN AN ACQUISITION EXTINGUISHMENT ORDER)

⁽¹⁾[IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY]

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

⁽¹⁾[To:

of:]

The above order, made on 19 , under section [26] [118] [119] of the Highways Act 1980, will ⁽²⁾ [create a public [footpath] [bridleway] from to] [extinguish the public [footpath] [bridleway] running [from to] [divert the public [footpath] [bridleway] running from to to a line running from to] [[revoke] [vary] the Order 19 , so as to] as shown on the order map.

A copy of the order and the order map have been placed and may be seen free of charge at from a.m. to p.m. on . Copies of the order and map may be bought there at the price of [].

⁽³⁾[Compensation for depreciation or damage for disturbance arising as a result of the coming into force of the order is payable under section 28 [as applied by section 121(2)] of the Highways Act 1980 (as amended by the Transport and Works Act 1992) which [is] [are] copied with this notice].

Any representations about or objections to the order may be sent in writing to the [title of appropriate officer and name and address of authority] not later than 19 . Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, the [name of authority] may confirm the order as an unopposed order. If the order is sent to the Secretary of State for [the Environment] [Wales] for confirmation any representations and objections which have not been withdrawn will be sent with the order.

Dated 19 .

Notes: ⁽¹⁾Insert only in personal notices
⁽²⁾Insert or omit words, as appropriate.
Insert or omit words in brackets and blank spaces as appropriate.

FORM 2NOTICE OF MAKING OF AN ACQUISITION EXTINGUISHMENT ORDER

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⁽¹⁾[IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY]

ACQUISITION OF LAND ACT 1981

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

⁽¹⁾[To:

of: .]

The above order, made on 19 , under section 32 of the Acquisition of Land Act 1981, will extinguish the public right of way running from to

[Name of authority] is satisfied that ⁽²⁾ [a suitable alternative right of way [has been] [will be] provided over land specified in the order] [an alternative right of way is not required].

A copy of the order and the map contained in it has been placed at and may be seen free of charge at between a.m. and p.m. on . Copies of the order and map may be bought there at the price of [].

Any representations about or objections to the order may be sent in writing addressed to ⁽²⁾[title of appropriate officer and name and address of authority] not later than 19 . Please state the grounds on which they are made.

If no representations or objections are duly made, or if any so made are withdrawn, the ⁽²⁾[name of authority] may confirm the order as an unopposed order. If the order is sent to the Secretary of State for [the Environment] [Wales] for confirmation any representations and objections which have not been withdrawn will be sent with the order.

Dated 19 .

Notes: ⁽¹⁾Insert only in personal notices.
⁽²⁾Insert or omit words as appropriate.
Insert or omit words in brackets and blank spaces as appropriate.

FORM 3NOTICE OF CONFIRMATION OF AN ORDER (OTHER THAN AN ACQUISITION EXTINGUISHMENT ORDER)

⁽¹⁾[IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY]

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

⁽¹⁾[To:

of: .]

On 19 , ⁽²⁾ [The Secretary of State] [for the Environment] [for Wales] [name of authority] [confirmed] [confirmed with modifications] the above order made under section [26] [118] [119] of the Highways Act 1980.

The effect of the order as confirmed is to ⁽²⁾[create] [extinguish] [divert] [describe the effect of the order]] as shown on the order map.

A copy of the order as confirmed and the order map have been placed and may be seen free of charge at from a.m. to p.m. on . Copies of the order and map may be bought there at the price of [].

⁽¹⁾[Any person who wishes to claim compensation under section 28 ⁽²⁾ [as applied by section 121(2)] of the 1980 Act for depreciation or damage for disturbance arising as a result of the coming into force of the order must make a claim in writing addressed to the ⁽²⁾[title of appropriate officer and name and address of authority], and serve it by delivering it at, or sending it by prepaid post to, that address not later than 19 . [A copy of the section is] [Copies of the sections (as amended by the Transport and Works Act 1992) are] [attached] [appended].]

The order comes into force on 19 , but if a person aggrieved by the order wants to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the order, he or she may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within 6 weeks from ⁽²⁾[date on which the notice is first published], make an application to the High Court.

Dated 19 .

Notes: ⁽¹⁾Insert only in personal notices.

⁽²⁾Insert or omit words or date, as appropriate.

Insert or omit words in brackets and blank spaces as appropriate.

FORM 4NOTICE OF CONFIRMATION OF AN ACQUISITION EXTINGUISHMENT ORDER

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⁽¹⁾[IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY]

ACQUISITION OF LAND ACT 1981

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

⁽¹⁾[To:

of:]

On 19 , [the Secretary of State for [the Environment] [Wales]] [*name of authority*] [confirmed] [confirmed with modifications] the above order made under section 32 of the Acquisition of Land Act 1981.

Its effect is to extinguish the public right of way running from as shown on the order map.

A copy of the order and the order map have been placed at and may be seen free of charge at between a.m. and p.m. on . Copies of the order and map may be bought there at the price of [].

The order comes into force on 19 , but if any person aggrieved by the order desires to question its validity, or that of any provision contained in it, on the ground that it is not within the powers of the Acquisition of Land Act 1981, or that any requirement of that Act or the Highways Act 1980, as amended, or any regulation made under it has not been complied with in relation to the order, he or she may under Schedule 2 to the Highways Act 1980, as applied by paragraph 5 of Schedule 6 to that Act, within six weeks from ⁽²⁾[*the date on which notice is first published*] make an application to the High Court.

Dated 19 .

Notes: ⁽¹⁾Insert only in personal notices.
⁽²⁾Insert date.
Insert or omit words in brackets and blank spaces as appropriate.

SCHEDULE 3

Regulation 3(2)

PERSONS TO BE SERVED WITH NOTICE OF ORDERS

1 Area	2 Name of Persons
England and Wales	Auto-Cycle Union
	British Horse Society
	Byways and Bridleways Trust
	Open Spaces Society
	Ramblers Association
	Cyclists Touring Club

1 Area	2 Name of Persons
The counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire	Peak and Northern Footpaths Society
Within the county of Bedfordshire: the borough of Luton, and within the district of Mid Bedfordshire the parishes of Harlington and Shillington, and within the district of South Bedfordshire the parishes of Barton le Clay, Caddington and Slip End, Dunstable, Eaton Bray, Houghton Regis, Hyde, Kensworth, Streatley, Studham, Sundon, Toddington, Totternhoe and Whipsnade	Chiltern Society
Within the county of Buckinghamshire: the districts of Chiltern, Wycombe and South Bucks; and within the district of Aylesbury Vale, the parishes of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough, Halton, Ivinghoe, Marsworth, Pitstone, Wendover and Weston Turville;	
Within the county of Hertfordshire: the districts of Dacorum and Three Rivers; and within the district of North Hertfordshire, the parishes of Hexton, Hitchin, Ickleford, St. Ippollitts, Kings Walden, Langley, Lilley, Offley, Pirton, Preston and St Pauls Walden;	
Within the county of Oxfordshire: the district of South Oxfordshire	
Wales	Welsh Trail Riders' Association.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983 (“the 1983 Regulations”) with minor and drafting amendments.

Regulation 2 and Schedule 1 prescribe new forms for public path creation orders, public path diversion orders and public path extinguishment orders made under sections 26, 119 and 118 respectively of the Highways Act 1980, and for orders made under section 32 of the Acquisition of Land Act 1981 extinguishing nonvehicular rights of way. The regulation requires an order under section 32 to contain a map, and prescribes the scale for all order maps.

Regulation 3 with Schedule 2 prescribe forms of notice of orders and with Schedule 3 prescribe organisations who are to be served with notice of making and confirmation of orders.

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Regulation 4 contains requirements as to procedure for orders, and also provides for concurrent proceedings preliminary to confirmation to be taken in the case of specified orders.

Regulation 5 prescribes requirements with regard to claims for compensation for depreciation of land or loss caused by orders.

Regulation 6 revokes the 1983 Regulations.