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STATUTORY INSTRUMENTS

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**1993 No. 9**

**HIGHWAYS, ENGLAND AND WALES  
TRANSPORT**

**The Rail Crossing Extinguishment and  
Diversion Orders Regulations 1993**

<i>Made</i>	- - - -	<i>7th January 1993</i>
<i>Laid before Parliament</i>		<i>8th January 1993</i>
<i>Coming into force</i>	- -	<i>31st January 1993</i>

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 28(2), 118, 118A(6) and (7), 119, 119A(9) and (10) and 120(3A) of, and paragraphs 1(1) and (3), 3(1) and 4(1) of Schedule 6 to, the Highways Act 1980(2), 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 Rail Crossing Extinguishment and Diversion Orders Regulations 1993 and shall come into force on 31st January 1993.

(2) In these Regulations unless the context otherwise requires:

“the Act” means the Highways Act 1980;

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

“order” means a rail crossing extinguishment order, a rail crossing diversion order, or an order varying or revoking such order(3);

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

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

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

(2) 1980 c. 66; sections 118 and 119 and Schedule 6 to the Act were amended by paragraph 6 of Schedule 16 to the Wildlife and Countryside Act 1981 (c. 69), and section 118 and paragraphs 1 and 3 of Schedule 6 to the Act were amended, and sections 118A, 119A and 120(3A) were inserted, by section 47 of, and by paragraphs 2, 3, 4, 5 and 10 of Schedule 2 to, the Transport and Works Act 1992 (c. 42), and section 118 was amended by paragraph 45(7) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).

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

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

“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 under section 119A of the Act (diversion of footpaths and bridleways crossing railways);

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

### **Forms of request and particulars for request**

2.—(1) A request to an authority for a rail crossing extinguishment order shall be in the form in Part 1 of Schedule 1 to these Regulations or in a form substantially to the like effect.

(2) A request to an authority for a rail crossing diversion order shall be in the form in Part 2 of Schedule 1 to these Regulations or in a form substantially to the like effect.

(3) The prescribed particulars to be given in any such request are the particulars required by that request.

### **Forms of order**

3.—(1) A rail crossing extinguishment order shall be in the form set out in Form 1 of Schedule 2 to these Regulations or in a form substantially to the like effect.

(2) A rail crossing diversion order shall be in the form set out in Form 2 of Schedule 2 to these Regulations or in a form substantially to the like effect.

(3) The map which sections 118A(6) and 119A(9) of the Act require an order to contain shall be on a scale of not less than 1:2500, or, if no such map is available, on the largest scale readily available, and shall show any rights of way alternative to the way affected by the order.

(4) An order shall at the end be sealed and dated.

### **Notices**

4.—(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 3 to these Regulations, or in a form substantially to the like effect, as follows—

(a) the form of notice of making of a rail crossing extinguishment order or a rail crossing diversion order shall be Form 1, and

(b) the form of notice of confirmation of a rail crossing extinguishment order or a rail crossing diversion order shall be Form 2.

(2) Any notice required to be given under Schedule 6 to the Act by the Secretary of State shall be in the appropriate form set out in Schedule 3 to these Regulations, or in a form substantially to the like effect, subject to any necessary modifications.

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

(4) 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 by registered or recorded delivery service, the cover shall have clearly upon it in writing the words: “IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY”.

### Procedure for orders

5.—(1) An order shall be made in duplicate.

(2) Where an 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,
- (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) a copy of the request for the order,
- (e) any representations or objections duly made with respect to the order and not withdrawn, together with the observations thereon of the authority, and
- (f) in any case in which the authority is required to obtain the consent of, or to consult, any other authority or body before the order is made, a certificate that such consent has been obtained or such consultation has taken place together with a statement of the nature and effect of such consultation.

(3) 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 or a public path diversion order or a rail crossing diversion order<sup>(4)</sup>.

(4) 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.

(5) 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.

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

### Claims for compensation as respects orders

6.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), as applied by section 121(2) of the Act<sup>(5)</sup> (supplementary provisions as to public path extinguishment and diversion orders), in consequence of the coming into operation of an order 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 the offices of the authority addressed to its Chief Executive or by sending it by prepaid post so addressed.

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

7th January 1993

*Michael Howard*  
Secretary of State for the Environment

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(4) 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).

(5) Section 121(2) was amended by paragraph 6(3) of Schedule 2 to the Transport and Works Act 1992 (c. 42).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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6th January 1993

*David Hunt*  
Secretary of State for Wales

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SCHEDULE 1

Regulation 2

FORM 1 FORM OF REQUEST FOR A RAIL CROSSING EXTINGUISHMENT  
ORDER HIGHWAYS ACT 1980 TRANSPORT AND WORKS ACT 1992

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE MADE UNDER SECTION 118A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).**

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order. Tick the relevant box shown in some questions.

<p><b>FOR AUTHORITY'S USE ONLY</b></p> <p>File Ref:    /    /</p> <p>Date acknowledged:</p>
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**1. RAIL CROSSING TO BE EXTINGUISHED**

(a) Name and location of rail crossing (including reference and parish or district in which it is located).

(b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway.)

(c) Length in metres of any path or way to be extinguished.

(d) Description of length of any path or way to be extinguished by reference to terminal points shown on a map to be supplied and attached by the applicant which must be to a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.

(e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.

(f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed?

YES	NO	NOT NEEDED
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If YES, enclose all the written consents.

If NO, enclose all written consents that you now possess, and give particulars of those where consent has been refused or has yet to be obtained.

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(g) Are you prepared to enter into an agreement with the council in accordance with section 118A(5)?

YES	NO
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If NO, give reasons.

(h) Give reasons for the proposed extinguishment of the rail crossing (use separate sheets if necessary). Include information about:

- (i) the use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must also be mentioned);
- (ii) the risk to the public of continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order;
- (iii) the effect of the loss of the crossing on users, in particular whether there are alternative rights of way, the safety of these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole;
- (iv) the opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing;
- (v) the estimated cost of any practicable measures identified under (iv) above; and
- (vi) the barriers and/or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed.

**2. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):**

- (a) Public gas supplier
  
- (b) Public electricity supplier
  
- (c) Water undertaker
  
- (d) Sewerage undertaker (if different)
  
- (e) Public telecommunications operator
  
- (f) Others (specify).

**3. MAPS AND PLANS**

List all maps and plans accompanying this request giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished, and any connecting paths or ways, within the context of the general rights of way network.

**4. OTHER INFORMATION**

Give any other information you consider relevant.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**DECLARATION**

I/We

(a) understand that no authority for the extinguishment or obstruction of any path or way in this request is conferred unless or until a Rail Crossing Extinguishment order has been confirmed and come into force;

(b) request that a Rail Crossing Extinguishment order be made to stop up the crossing and any path or way described in Section 1 above; and

(c) declare that, to the best of my/our knowledge and belief, the factual information included in this form is correct.

Signed .....

Name in Capitals .....

(On behalf of (name of railway or tramway operator) .....

Address .....

Position held .....

Date .....

Note:- the council will need all relevant information to enable them to proceed.

**FORM 2 FORM OF REQUEST FOR A RAIL CROSSING DIVERSION ORDER HIGHWAYS ACT 1980 TRANSPORT AND WORKS ACT 1992**

**REQUEST FOR A RAIL CROSSING DIVERSION ORDER TO BE MADE UNDER SECTION 119A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).**

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order. Tick the relevant box shown in some questions.

<p><b>FOR AUTHORITY'S USE ONLY</b></p> <p>File Ref:    /    /</p> <p>Date acknowledged:</p>
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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**1. RAIL CROSSING TO BE EXTINGUISHED BY THE DIVERSION ORDER**

(a) Name and location of rail crossing (including grid reference and parish or district in which it is located).

(b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway).

(c) Length in metres of any path or way to be extinguished.

(d) Description of length of any path or way to be extinguished by reference to terminal points shown on attached map which must be to a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.

(e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.

(f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed.

YES	NO	NOT NEEDED
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If YES, enclose all the written consents.

If NO, enclose all written consents that you now possess, and give particulars of those where consent has been refused or has yet to be obtained.

(g) Is the crossing, or any path or way to be extinguished, subject to any limitations or conditions?

YES	NO
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If YES, give details.

**2. NEW PATHS OR WAYS TO BE CREATED**

(a) Describe type: Bridleway or Footpath.

(b) Give description: width, length, terminal points (indicating any sections which run over existing paths or ways) by reference to the accompanying map at paragraph 1(d) above.

(c) List the name(s) and address(es) of the owners, lessees or occupiers of the land over which the new path(s) or way(s) would pass.

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(d) Have you obtained the written consent of every person having an interest in the land over which the path or way to be created passes, to this land being dedicated for this purpose, in so far as such consent is needed?

YES	NO	NOT NEEDED
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If YES, enclose all of the written consents.

If NO, enclose all written consents that you currently possess, and give particulars of those whose consent has been refused or has yet to be obtained.

(e) Are you prepared to maintain all or part of the path or way to be created?

YES	NO	IN PART
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If NO, give reasons.

If IN PART, state which sections you are prepared to maintain and give reasons.

(f) Will the highway authority accept responsibility for maintenance of that part of the path or way to be created which does not pass over the applicant's land?

YES	NO
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If YES, a copy of any relevant letter must be attached.

If NO, state reasons.

(g) Are you prepared to enter into an agreement with the council in accordance with section 119A(8)?

YES	NO	IN PART
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If NO, give reasons.

If IN PART, state upon what matters you are not prepared to enter an agreement with the council and the reasons.

(h) Will the new path or way connect with a trunk road?

YES	NO
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If YES, give details.

(i) Give reasons for the proposed rail crossing diversion order (use separate sheets if necessary). Include information about:

- (i) the use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information, together with details of any survey carried out (any circumstances preventing or inhibiting such use must also be mentioned);
- (ii) the risk to the public of continuing to use the present crossing, and the circumstances that have given rise to the need to make the proposed order;
- (iii) the effect of the extinguishment of the crossing and the creation of the proposed new path(s) or way(s) having regard to the convenience to users and the effect on any connecting rights of way and the network as a whole;
- (iv) the opportunity for taking alternative action to remedy the problem such as a bridge or tunnel in place of the existing crossing or the carrying out of safety improvements to the existing crossing;
- (v) the estimated cost of any practicable measures identified under (iv) above;
- (vi) the barriers and/or signs that would need to be erected at the crossing and the points from which any path or way is to be extinguished or created, assuming the order is confirmed; and
- (vii) the safety of the alternative right of way to be created by the order relative to the existing rail crossing.

**3. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):**

- (a) Public gas supplier
  
- (b) Public electricity supplier
  
- (c) Water undertaker
  
- (d) Sewerage undertaker (if different)
  
- (e) Public telecommunications operator
  
- (f) Others (specify).

#### **4. MAPS AND PLANS**

List below all maps and plans accompanying this request, giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished or created, and any connecting paths or ways.

#### **5. OTHER INFORMATION**

Give any other information you consider relevant.

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**DECLARATION**

I/We

(a) understand that no authority for the extinguishment, obstruction or creation of any path or way in this request is conferred unless or until a Rail Crossing Diversion Order has been confirmed and come into force;

(b) request that a Rail Crossing Diversion Order be made and confirmed relating to the crossing and paths or ways described in Sections 1 and 2 above; and

(c) declare that, to the best of my/our knowledge and belief, all of the factual information included in this form is true and accurate.

Signed .....

Name in Capitals .....

On behalf of (name of railway or tramway operator) .....

Address .....

Position held .....

Date .....

Note: the council will need all relevant information to enable them to proceed.

SCHEDULE 2

Regulation 3(1)

FORM 1 RAIL CROSSING EXTINGUISHMENT ORDER HIGHWAYS ACT 1980, SECTION 118A

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 118A of the Highways Act 1980 ("the 1980 Act").

The [footpath] [bridleway] in the authority's area described below crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said [footpath] [bridleway] that it should be stopped up.

[The name(s) of authority (es) consulted] [and the Countryside Commission] has [have] been consulted as required by section 120(2) of the 1980 Act.

The authority has required the operator of the railway to enter into an agreement with it to [defray] [make contributions as specified in the agreement towards] any expenses which the authority may incur in connection with the erection or maintenance of barriers and signs.]

[The map attached to this order shows alternative highways available to the public [describe how shown].]

THIS ORDER EXTINGUISHES 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 after] [days from the date of confirmation of this order [but [name of statutory undertakers] shall have the following rights over the land affected by this order 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 or figures in square brackets and blank spaces as appropriate.*

FORM 2RAIL CROSSING DIVERSION ORDERHIGHWAYS ACT 1980, SECTION 119A

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

[NAME OF AUTHORITY]

[TITLE OF ORDER]

This Order is made by [name of authority] ("the authority") under section 119A of the Highways Act 1980 ("the 1980 Act").

The [footpath] [bridleway] described in paragraph 1 of this order in the authority's area crosses a railway otherwise than by a tunnel or bridge.

It appears to the authority that it is expedient in the interests of the safety of members of the public using, or likely to use, the said [footpath] [bridleway] that it should be diverted [state whether on to land of the same or of another owner, lessee or occupier as described in the schedule].

The [name of authority] has required the operator of the railway to enter into an agreement to [contribute towards] [defray] [any compensation [which becomes payable in consequence of the coming into force of this order] any expenses [which are incurred in [the erection or maintenance of barriers and signs] [bringing the new site of the [footpath] [bridleway] into a fit condition for use by the public]] [which may be recovered from the authority by the highway authority.]

[Name of [authority] [authorities] 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.]

[The map attached to this order shows alternative highways available to the public [describe how shown].]

BY THIS ORDER:

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

[2. Despite paragraph 1 of 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 attached to this order.

[4. The operator of the railway crossed by the [footpath] [bridleway] described in paragraph 1 shall maintain [the part shown \_\_\_\_\_ on the said map of] the [footpath] [bridleway] created by this order.]

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## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING PATH OR WAY

*[Describe position, length and width of existing path to be diverted 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 in sections, e.g. A-B, B-C, etc. as indicated on map, and indicating whether a new right of way is created over the whole of the new site, or whether some part of it is already comprised in a [footpath] [bridleway] and where some part of the new site is already so comprised, defining that part, and giving details of owners, lessees or occupiers whose land is affected.]*

**NOTE:** Insert or omit words or figures in square brackets and blank spaces as appropriate. Reletter or renumber paragraphs as appropriate.

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## SCHEDULE 3

Regulation 4(1)

### FORM 1 NOTICE OF MAKING OF RAIL CROSSING

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[EXTINGUISHMENT] [DIVERSION] ORDER

<sup>(1)</sup> IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

HIGHWAYS ACT 1980, SECTION [118A] [119A]

[NAME OF AUTHORITY]

[TITLE OF ORDER]

<sup>(1)</sup> [To:  
of: ]

The above order was made on 19 , under section [118A] [119A] of the Highways Act 1980 (as amended by the Transport and Works Act 1992). The order will <sup>(2)</sup> [extinguish] [divert] the public [footpath] [bridleway] at ..... [describe the effect of the order].

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 <sup>(2)</sup> [ ] .

<sup>(1)</sup> [Compensation for depreciation of the value of an interest in land or for disturbance in the enjoyment of land arising in consequence 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); copies of these sections as amended are <sup>(2)</sup> [appended] [attached].]

Any representations about or objections to the order may be sent in writing to the <sup>(3)</sup> [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 <sup>(2)</sup> [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 or objections which have not been withdrawn will be sent with the order.

Dated 19 .

NOTES: <sup>(1)</sup> Insert only in personal notices.  
<sup>(2)</sup> Insert or omit words, as appropriate.  
Insert words in blank spaces as appropriate.

FORM 2NOTICE OF CONFIRMATION OF RAIL CROSSING

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[EXTINGUISHMENT] [DIVERSION] ORDER  
(1) IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY  
HIGHWAYS ACT 1980, SECTION [118A] [119A]  
[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 (2) [with modifications] this order, made under section (2) [118A] [119A] of the Highways Act 1980 (as amended by the Transport and Works Act 1992).

The effect of the order as confirmed is to (2) [extinguish] [divert] the public (2) [footpath] [bridleway] at ..... [describe the effect of the order].

A copy of the order as confirmed and the map contained in it has 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 (2) [ ].

(1) [Any person who wishes to claim compensation under section 28 as applied by section 121(2) of the 1980 Act (as amended by the Transport and Works Act 1992) for depreciation of the value of an interest in land or for disturbance in the enjoyment of land in consequence of the coming into operation of the order must make his or her claim in writing addressed to (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 the above address not later than 19 . Copies of these sections are (2) [appended] [attached].]

The order comes into force as from 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 Highways Act 1980 as amended, or on the ground that any requirement of the Act as amended, or of any regulation made under it 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 six weeks from (2) [date on which notice is first published], make an application to the High Court.

Dated 19 .

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

SCHEDULE 4

Regulation 4(3)

ADDITIONAL 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

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(1) Area	(2) Name of Persons
	Open Spaces Society  Ramblers Association  Cyclists Touring Club
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 prescribe requirements for the making of rail crossing extinguish ment orders and rail crossing diversion orders under sections 118A and 119A of the Highways Act 1980 as inserted by the Transport and Works Act 1992.

Regulation 2 and Schedule 1 prescribe forms of requests for orders, and the particulars to be given in such requests.

Regulation 3 and Schedule 2 prescribe forms of orders.

Regulation 4 with Schedule 3 prescribe forms of notices of making and confirmation of orders, and with Schedule 4 requires notice to be served upon certain additional persons.

Regulation 5 contains procedural requirements with regard to orders, and provides for concurrent proceedings preliminary to confirmation to be taken in the case of specified orders.

Regulation 6 prescribes requirements with regard to claims for compensation under the Highways Act 1980 for depreciation of land or loss caused by orders.