
STATUTORY INSTRUMENTS

2003 No. 1479

The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003

Citation, commencement and extent **E+W**

1.—(1) These Regulations may be cited as the Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003 and shall come into force on 26th June 2003.

(2) These Regulations apply in relation to England only(1).

Interpretation **E+W**

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Highways Act 1980;

“order” means a special extinguishment order(2) or a special diversion order(3) or an order varying or revoking such an order.

Forms of order **E+W**

3.—(1) A special extinguishment order as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of the Act shall be in the form set out in Form 1 in Schedule 1 or in a form substantially to the same effect.

(2) A special extinguishment order as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 118B(1)(b) of the Act shall be in the form set out in Form 2 in Schedule 1 or in a form substantially to the same effect.

(3) A special diversion order as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of the Act shall be in the form set out in Form 3 in Schedule 1 or in a form substantially to the same effect.

(4) A special diversion order as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 119B(1)(b) of the Act shall be in the form set out in Form 4 in Schedule 1 or in a form substantially to the same effect.

(5) The map required to be contained in an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale readily available and, in the case of a special extinguishment order, shall show any reasonably convenient alternative route.

(1) The functions of the Secretary of State in relation to the powers in the Highways Act 1980 set out in the preamble to these Regulations are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2 and Schedule 1 as extended by section 99 of the Countryside and Rights of Way Act 2000.

(2) See section 118B(5) of the Act.

(3) See section 119B(5) of the Act.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Highways, Crime Prevention etc. (Special Extinguishment and Special Diversion Orders) Regulations 2003*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Notices **E+W**

4.—(1) A notice required to be given under paragraph 1(1) of Schedule 6 to the Act in respect of the making of a special extinguishment order or a special diversion order shall be in the form set out in Form 1 in Schedule 2 or in a form substantially to the same effect.

(2) A notice required to be given under paragraph 4(1) of Schedule 6 to the Act in respect of the confirmation of a special extinguishment order or a special diversion order shall be in the form set out in Form 2 in Schedule 2 or in a form substantially to the same effect.

(3) A notice required to be given under paragraph 4(1) of Schedule 6 to the Act in respect of the making of a special extinguishment order or a special diversion order by the Secretary of State shall be in the form set out in Form 3 in Schedule 2 or in a form substantially to the same effect.

(4) A notice required to be served under paragraphs 1(3)(b)(iv)(4) or 4(1)(a)(5) of Schedule 6 to the Act shall, in relation to the areas specified in column 1 of Schedule 3 to these Regulations, be served on the persons prescribed in column 2 of that Schedule.

Procedure for orders **E+W**

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 her accompanied by—

- (a) two copies of the order;
- (b) a copy of the notice given before submission as required by paragraph 1(1) of Schedule 6 to the Act;
- (c) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them by the council; and
- (d) a statement of the grounds on which the council consider that the order should be confirmed.

(3) Any proceedings preliminary to the confirmation of a special extinguishment order may be taken concurrently with any proceedings preliminary to the confirmation of a public path creation order(6), a public path diversion order(7), a rail crossing diversion order(8), or a special diversion order.

(4) After a decision not to confirm an order, the council 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 council 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 council shall send a copy of the order as confirmed to the Ordnance Survey.

(4) Paragraph 1 (3) (b) was substituted by the Wildlife and Countryside Act 1981 (c. 69), Schedule 16, paragraph 6.

(5) Paragraph 4 (1) (a) was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 8.

(6) See section 26(1) of the Act.

(7) See section 119(1) of the Act.

(8) See section 119A(3) of the Act.

Claims for compensation as respects orders **E+W**

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⁽⁹⁾, in consequence of the coming into operation of an order shall be made in writing and shall be served on the council, 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 to the offices of the council or the authority (as the case may be), 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 date on which the order in respect of which the claim is made has come into force.

Alun Michael
Minister of State,
Department for Environment, Food and Rural
Affairs

(9) Section 121(2) of the Act was amended by the Transport and Works Act 1992 (c. 42), Schedule 2, paragraph 6, and by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 6, paragraph 14.

Changes to legislation:

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

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

- Sch. 1 Form 2 words inserted by [S.I. 2008/442 Sch. para. 4\(a\)](#)
- Sch. 1 Form 1 words inserted by [S.I. 2008/442 Sch. para. 4\(a\)](#)
- Sch. 1 Form 2 words inserted by [S.I. 2008/442 Sch. para. 4\(b\)](#)
- Sch. 1 Form 1 words inserted by [S.I. 2008/442 Sch. para. 4\(b\)](#)
- Sch. 1 Form 34 words inserted by [S.I. 2008/442 Sch. para. 7\(a\)](#)
- Sch. 1 Form 34 words inserted by [S.I. 2008/442 Sch. para. 7\(b\)](#)
- Sch. 1 Form 1 words substituted by [S.I. 2011/3058 reg. 19\(2\)](#)