

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

SCHEDULE 1

Regulation 3(1) to (4)

FORM 1 HIGHWAYS ACT 1980, SECTION 118B SPECIAL EXTINGUISHMENT ORDER FOR CERTAIN HIGHWAYS IN AN AREA DESIGNATED FOR THE PURPOSES OF CRIME PREVENTION

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by..... [name of council] ("the council") under section 118B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")—

- (a) the council are the highway authority for the highway;
- (b) the highway is in an area designated by the Secretary of State for the purposes of section 118B of the 1980 Act;
- (c) the conditions in section 118B(3) of the 1980 Act are satisfied [see footnote 2]; and
- (d) it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the highway be stopped up.

The police authority... .. [name of authority] for the area in which the highway lies has been consulted as required by section 118B(6) of the 1980 Act.

The..... [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The..... [name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The... .. [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The... .. [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and
- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995.]

BY THIS ORDER:

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

2. [The following provisions shall apply for the protection of` [name of statutory undertaker], namely:.....] [complete or delete as appropriate see footnote 3].

Date.....

Signed.....

.....[describe position held with the council]

... .. [name of council]

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SCHEDULE

[Describe position, length and width of the highway in sections, eg A-B, B-C, etc, as indicated on the map]

Footnotes

1. "Relevant highway" is defined in section 118B(2) of the 1989 Act as—
 - (a) any footpath, bridleway or restricted byway,
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or is a special road
2. The conditions in section 118B(3) of the 1989 Act are
 - (a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and
 - (b) that the existence of the highway is facilitating the persistent commission of criminal offences.
3. See section 121(5) of the 1986 Act.

Complete blank spaces as appropriate.

FORM 2HIGHWAYS ACT 1980, SECTION 118BSPECIAL EXTINGUISHMENT ORDER FOR CERTAIN HIGHWAYS WHICH CROSS LAND OCCUPIED FOR THE PURPOSES OF A SCHOOL

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[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by [name of council] ("the council") under section 118B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")—

- (a) the council are the highway authority for the highway;
- (b) the highway crosses land occupied for the purposes of a school; and
- (c) it is expedient for the purposes of protecting the pupils or staff from
 - (i) violence or the threat of violence,
 - (ii) harassment,
 - (iii) alarm or distress arising from unlawful activity, or
 - (iv) any other risk to their health or safety arising from such activity,

that the highway should be stopped up

The police authority [name of authority] for the area in which the highway lies has been consulted as required by section 118B(6) of the 1980 Act.

The [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The [name] council (s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and
- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note. section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

BY THIS ORDER:

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

2. [The following provisions shall apply for the protection of [name of statutory undertaker], namely] [complete or delete as appropriate: see footnote 2]

Date.....

Signed.....

.....[describe position held with the council]

.....[name of council]

SCHEDULE

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

Footnotes:

1. "Relevant highway" is defined in section 118B(2) of the 1980 Act as—
 - (a) any footpath, bridleway, or restricted byway;
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic; or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or is a special road.
2. See section 121(5) of the 1980 Act.

(complete blank spaces as appropriate.

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FORM 3 HIGHWAYS ACT 1980, SECTION 119B SPECIAL DIVERSION ORDER FOR CERTAIN HIGHWAYS IN AN AREA DESIGNATED FOR THE PURPOSES OF CRIME PREVENTION

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[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by..... [name of council] ("the council") under section 119B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")

- (a) the council are the highway authority for the highway;
- (b) the highway is in an area designated by the Secretary of State for the purposes of section 118B of the Act,
- (c) the conditions in section 119B(3) of the Act are satisfied [see footnote 2 below],
- (d) it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the line of the highway, or part of that line, should be diverted; and
- (e) it is requisite for that purpose to extinguish the public right of way described in Part 1 of the Schedule to this Order and to create the public right of way described in Part 2 of that Schedule.

The police authority [name of authority] for the area in which the highway is situated has been consulted as required by section 119B(6) of the 1980 Act

The [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The [name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and
- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 5 to the Environment Act 1995].

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 extinguished after days from the date of confirmation of this Order [but not before the day following the date of certification, ~~delete if not appropriate—see footnote 3.~~]

[In this article, "the date of certification" means the date on which the highway authority for the new highway mentioned in article 3 certify that such work has been carried out as is required to be done to bring the site of that highway into a fit condition for use by the public] ~~delete if not appropriate—see footnote 3.~~

2. The following provisions shall apply for the protection of [name of statutory undertaker], namely: [complete or delete as appropriate—see footnote 4].

3. There shall at the end of days from the date of confirmation of this Order be a new public right of way being a [specify the type of the new right of way—see footnote 5] 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 specified in Part 3 of the Schedule to this Order ~~delete if no limitations and conditions are specified in this Order.~~

Date.....

Signed.....

..... [describe position held with the council]
..... [name of council]

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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING HIGHWAY

[Describe position, length and width of the highway in sections, eg A-B, B-C etc. as indicated on the map]

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC RIGHT OF WAY

[Describe position, length and width of the new way in sections, eg C-D, D-E etc. as indicated on the map]

PART 3

LIMITATIONS AND CONDITIONS

[Specify any limitations and conditions which are to apply – see footnote 6. Delete this Part if no limitations and conditions are specified]

Footnotes

1. "Relevant highway" is defined in section 119B(2) of the 1986 Act as
 - (a) any footpath, bridleway or restricted byway;
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic; or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or is a special road.
 2. The conditions in section 119B(3) of the 1986 Act are
 - (a) that premises adjoining or adjacent to the highway are affected by high levels of crime; and
 - (b) that the existence of the highway is facilitating the persistent commission of criminal offences.
 3. See section 119B(4)(b) and (8)(b) of the 1986 Act.
 4. See section 121(5) of the 1980 Act.
 5. The new public right of way being created must be
 - (a) such new footpath, bridleway or restricted byway; or
 - (b) in a case where the highway being diverted falls within (b) or (c) of footnote 1 above, such new highway over which the public have a right of way for vehicular and all other kinds of traffic as appears to the council requisite for effecting the diversion (see section 119B(4)(a) of the 1986 Act)
 6. The power to specify limitations and conditions is conferred by section 119B(9) of the 1986 Act.
- Complete blank spaces as appropriate.

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FORM 4HIGHWAYS ACT 1980, SECTION 119BSPECIAL DIVERSION ORDER FOR CERTAIN HIGHWAYS WHICH CROSS LAND OCCUPIED FOR THE PURPOSES OF A SCHOOL

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by [name of council] ("the council") under section 119B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")

- (a) the council are the highway authority for the highway;
- (b) the highway crosses land occupied for the purposes of a school;
- (c) it is expedient, for the purpose of protecting the pupils or staff from
 - (i) violence or the threat of violence,
 - (ii) harassment,
 - (iii) alarm or distress arising from unlawful activity, or
 - (iv) any other risk to their health or safety arising from such activity,that the line of the highway, or part of that line, should be diverted; and

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(d) it is requisite for that purpose to extinguish the public right of way described in Part 1 of the Schedule to this Order and to create the public right of way described in Part 2 of that Schedule.

The police authority, [name of authority] for the area in which the highway lies has been consulted as required by section 119(5) of the 1990 Act

The [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The, [name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

(a) [The..... .. [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The..... [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and

(b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

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 extinguished after..... days from the date of confirmation of this Order [but not before the day following the date of certification] [delete if not appropriate—see footnote 2].

[In this article, “the date of certification” means the date on which the highway authority for the new highway mentioned in article 3 certify that such work has been carried out as is required to be done to bring the site of that highway into a fit condition for use by the public.] [delete if not appropriate—see footnote 2].

2. The following provisions shall apply for the protection of [name of statutory undertaker], namely: [complete or delete as appropriate—see footnote 3].

3. There shall at the end of..... days from the date of confirmation of this Order be a new public right of way being a [specify the type of the new right of way—see footnote 4] 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 to this Order [delete if no limitations and conditions are specified in this Order].

Date.....

Signed.....

.....[describe position held with the council]

.. .. [name of council]

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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING HIGHWAY

[Describe position, length and width of the highway in sections,
eg A-B, B-C etc. as indicated on the map.]

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC RIGHT OF WAY

[Describe position, length and width of the new way in sections,
eg C-D, D-E etc. as indicated on the map]

PART 3

LIMITATIONS AND CONDITIONS

[Specify any limitations and conditions which are to apply—see footnote 5.
Delete this Part if no limitations and conditions are specified in this Order]

Footnotes

1. "Relevant highway" is defined in section 119B(2) of the 1980 Act as
 - (a) any footpath, bridleway or restricted byway,
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or a special road.
2. See section 119B(4) (b) and (8) (b) of the 1980 Act.
3. See section 121(5) of the 1980 Act.
4. The new public right of way being created must be
 - (a) such new footpath, bridleway or restricted byway, or
 - (b) in a case where the highway being diverted falls within (b) or (c) of footnote 1 above, such new highway over which the public have a right of way for vehicular and all other kinds of traffic,as appears to the council requisite for effecting the diversion (see section 119B(4) (a) of the 1980 Act).
5. The power to specify limitations and conditions is conferred by section 119B(9) of the 1980 Act.

Complete blank spaces as appropriate.

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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\(2\)](#)