
STATUTORY INSTRUMENTS

2005 No. 157

**The Local Authorities' Plans and Strategies
(Disapplication) (England) Order 2005**

Disapplication of duties to prepare and publish rights of way improvement plans, and amendment of provisions relating to such plans

6.—(1) Subject to paragraphs (2) to (4), section 60 of the Countryside and Rights of Way Act 2000⁽¹⁾ (in this article, “the CROW Act”) shall not apply to local highway authorities⁽²⁾ which are excellent authorities.

(2) An excellent authority may prepare and publish a rights of way improvement plan in accordance with section 60(1) and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority.

(3) Where, at the date on which this Order comes into force, an excellent authority have prepared a rights of way improvement plan under section 60(1), but have not published it—

- (a) the authority may publish the plan and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority, or
- (b) the authority may decide not to publish the plan and, if they do so, they shall publish a report of their decision and of the reasons for it in two or more local newspapers circulating in their area.

(4) Where, at the date on which this Order comes into force, an excellent authority have prepared and published a rights of way improvement plan under section 60(1)—

- (a) the authority may implement the plan and, if they do so, section 60(2) to (5) and section 61 of the CROW Act shall apply to the authority, or
- (b) the authority may decide not to implement the plan and, if they do so—
 - (i) the plan shall be of no effect, and
 - (ii) the authority shall publish a report of their decision and of the reasons for it in two or more local newspapers circulating in their area.

(5) Paragraphs (6) and (7) apply in a case where an excellent authority—

- (a) by virtue of paragraph (1), do not prepare and publish a rights of way improvement plan,
- (b) by virtue of paragraph (3)(b), decide not to publish such a plan, or
- (c) by virtue of paragraph (4)(b), decide not to implement such a plan.

(6) Notwithstanding paragraphs (1) to (4) of this article, where this paragraph applies the authority shall remain under a duty—

- (a) to take action for the management of local rights of way and for securing an improved network of local rights of way, with particular regard to the matters specified in section 60(2) of the CROW Act, and

⁽¹⁾ 2000 c. 37.

⁽²⁾ For the relevant definition of “local highway authority”, see section 45 of the Countryside and Rights of Way Act 2000, referring to section 329(1) of the Highways Act 1980 (c. 66).

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(b) before doing so to consult the bodies and persons specified in section 61(1)(a) to (h) of the CROW Act.

(7) Where this paragraph applies and the authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent, the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period—

(a) of such length, no shorter than one year and not exceeding two years, as the Secretary of State may specify in writing to the authority, and

(b) beginning with the date on which the order comes into force.

(8) In paragraph (6)(a), “local rights of way” has the meaning given by section 60(5) of the CROW Act.