

2007 No. 2334

HIGHWAYS, ENGLAND

**The Dedicated Highways (Registers under Section 31A of the
Highways Act 1980) (England) Regulations 2007**

<i>Made</i> - - - -	<i>7th August 2007</i>
<i>Laid before Parliament</i>	<i>10th August 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 31A and 325(1) of the Highways Act 1980(a).

Citation, commencement and application

1. These Regulations—
- (a) may be cited as the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007;
 - (b) come into force on 1st October 2007; and
 - (c) apply in relation to England only(b).

Interpretation

2. In these Regulations—
- “the Act” means the Highways Act 1980; and
- “the register” means the register which the appropriate council is required under section 31A(1) of the Act to keep with respect to maps and statements deposited and declarations lodged under section 31(6) of the Act.

Information to be contained in the register

- 3.—(1) Paragraphs (2) and (3) apply in relation to—
- (a) any map and statement deposited; and
 - (b) any statutory declaration lodged,
- whether before, on or after 1st October 2007.

(a) 1980 c.66; section 31A was inserted by section 57 of, and paragraph 4 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37). See section 31A(5) for the definitions of “prescribed” and “regulations”. Section 325(1) contains amendments not relevant to these Regulations.

(b) The functions of the Secretary of State under section 31A of the Highways Act 1980 are, so far as exercisable in relation to Wales, transferred to the Welsh Ministers by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order (S.I. 1999/672), as extended by section 99(1) of the Countryside and Rights of Way Act 2000 (c.37), and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) The register must contain with respect to each map and statement deposited with the appropriate council pursuant to section 31(6) of the Act—

- (a) a copy of the map and any legend accompanying or forming part of the map;
- (b) a copy of the statement;
- (c) the name and address, including postcode, of the person who deposited the statement and the map;
- (d) the date on which the appropriate council received—
 - (i) the copy of the statement, and
 - (ii) the copy of the map;
- (e) details of the land delineated on the map including—
 - (i) the Ordnance Survey six-figure grid reference of a point within the area of the land,
 - (ii) the name of the parish, ward or district in which the land is situated,
 - (iii) where the appropriate council is the council of a county, the name of the non-metropolitan district within that county in which the land is situated,
 - (iv) the address and postcode of those buildings on the land to which a postcode has been assigned, and
 - (v) the name of the town or city which is nearest to the point referred to in paragraph (i).

(3) The register must contain with respect to each statutory declaration lodged with the appropriate council pursuant to section 31(6) of the Act—

- (a) a copy of the statutory declaration;
- (b) the name and address, including postcode, of the person who made the statutory declaration;
- (c) the date on which the ten-year period in question with respect to the statutory declaration expires; and
- (d) any unique reference allocated by the appropriate council to the statutory declaration.

(4) The register must contain—

- (a) the job title of the person in the appropriate council to whom enquiries about the contents of the register can be made;
- (b) the email address and telephone number of the appropriate council; and
- (c) an index of the contents of the register.

(5) In paragraph (3)(c), “ten-year period” means the period of ten years referred to in section 31(6)(b)(i) or (ii) of the Act.

Manner of keeping the register

4.—(1) The register must be kept in both electronic and paper form.

(2) The paper version of the register must be kept at the principal office of the appropriate council.

(3) The register may be kept in parts so that each part—

- (a) relates to land within—
 - (i) a particular ward or parish, or
 - (ii) a particular non-metropolitan district, where the appropriate council is the council of a county; and
- (b) contains the information referred to in regulation 3 relating to—
 - (i) each map and statement deposited, and
 - (ii) each statutory declaration lodged,in respect of such land.

- (4) In respect of the electronic version of the register, the appropriate council must—
- (a) make the register available for inspection by the public on its website or on a website maintained by the appropriate council for that purpose;
 - (b) make provision for the register to be inspected at the principal office of the appropriate council; and
 - (c) ensure that the register has a search facility which allows, as a minimum, postcode and keyword searches to be made.

(5) The appropriate council must keep the register in such manner as is suitable to enable a copy of any of the particulars contained on the register to be taken by or for any person who requests a copy in person at the principal office of the appropriate council.

Removal of entries from the register

5.—(1) The appropriate council may remove an entry from the register, or any part of it, if the appropriate council is satisfied that the map, statement or statutory declaration in question contains a material error.

(2) Before removing an entry from the register, the appropriate council must give not less than 28 days' notice of its intention to do so to the owner of the land to which the map, statement or statutory declaration relates.

7th August 2007

Jonathan Shaw
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 31A(1) of the Highways Act 1980 (“the 1980 Act”) requires the appropriate council, as defined in section 31(7) of the 1980 Act, to keep a register containing information relating to maps and statements deposited and declarations lodged with that council, under section 31(6) of the 1980 Act, relating to dedicated highways.

These Regulations, which apply only in relation to England, make provision for the information which is to be included in a register (regulation 3) and for the manner in which the register is to be kept (regulation 4).

These Regulations also provide for the circumstances in which an entry may be removed from the register (regulation 5).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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