
WELSH STATUTORY INSTRUMENTS

2005 No. 1809

The Highways (Schools) (Special Extinguishment and Special Diversion Orders) (Wales) Regulations 2005

Title, commencement and application

1.—(1) The title of these Regulations is the Highways (Schools) (Special Extinguishment and Special Diversion Orders) (Wales) Regulations 2005 and they come into force on 15 July 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

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

“Authority” means the relevant highway authority;

an “order” means—

(a) a special extinguishment order⁽¹⁾;

(b) a special diversion order⁽²⁾; or

(c) an order varying or revoking an order of a type specified in (a) or (b); and

reference to a form or notice prescribed by these Regulations includes reference to that form or notice in the English or Welsh language (or both) and to a form or notice substantially to the same effect to that prescribed.

Forms of order

3.—(1) Where it appears to an Authority that a relevant highway which crosses land occupied for the purposes of a school for a purpose specified in—

(a) section 118B(1)(b) of the Act is required to be stopped up by a special extinguishment order, the order must be in the form set out in Schedule 1 to these Regulations;

(b) section 119B(1)(b) of the Act is required to be diverted by a special diversion order, the order must be in the form set out in Schedule 2 to these Regulations.

(2) The map required to be contained in an order must be on a scale of not less than 1/2,500 or, if no such map is available, on the largest scale readily available.

(3) In the case of a special extinguishment order, the map referred to in paragraph (2) must show any reasonably convenient alternative route.

Notices

4.—(1) A notice required to be given under paragraph 1(1) of Schedule 6 to the Act in respect of the making of an order must be in the form set out in Form 1 in Schedule 3 to these Regulations.

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

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

(2) A notice required to be served under paragraph 4(1) of Schedule 6 to the Act in respect of the confirmation of an order must be in the form set out in Form 2 in Schedule 3 to these Regulations.

(3) A notice required to be served under paragraph 4(1) of Schedule 6 to the Act in respect of the making of an order by the National Assembly must be in the form set out in Form 3 in Schedule 3 to these Regulations.

(4) A notice required to be served under paragraph 1(3)(b)(iv)(3) or 4(1)(a)(4) of Schedule 6 to the Act must, additionally, be served on the persons prescribed in Schedule 4 to these Regulations.

Procedure for orders

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

(2) Where an order is submitted to the National Assembly for confirmation, the order and duplicate must be sent to the National Assembly, accompanied by—

- (a) two further copies of the order;
- (b) a copy of the notice given under paragraph 1(1) of Schedule 6 to the Act;
- (c) any representations or objections with respect to the order which were duly made and have not been withdrawn;
- (d) any observations the Authority has on those representations or objections; and
- (e) a statement of the grounds on which the Authority considers 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(5), a public path diversion order(6), a rail crossing diversion order(7) or a special diversion order.

(4) After a decision not to confirm an order, the Authority must, as soon as the requirements of paragraph 4(3) of Schedule 6 to the Act have been complied with, certify that fact in writing to the National Assembly.

(5) After an order has been confirmed by the National Assembly, the Authority must, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, certify that fact in writing to the National Assembly.

(6) After an order has been confirmed, the Authority must 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(8), in consequence of the coming into operation of an order must be made in writing and must be served on the Authority or, in the case of an order made by the National Assembly, on the Authority nominated by the National Assembly as provided by section 28(3) of the Act, by delivering it to the offices of the Authority or the authority nominated by the National Assembly (as the case may be), addressed to its Chief Executive, or by sending it by prepaid post so addressed.

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

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

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

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

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

(8) 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.

(2) A claim made under paragraph (1) must be served so as to be received not later than six months after the date on which the order in respect of which the claim is made came into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁹⁾.

5 July 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly