



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART III

#### PUBLIC RIGHTS OF WAY

##### *Miscellaneous and supplemental*

#### **59 Prohibition on keeping bulls on land crossed by public rights of way.**

- (1) If, in a case not falling within subsection (2), the occupier of a field or enclosure crossed by a right of way to which this Part applies [<sup>F1</sup>or a restricted byway] permits a bull to be at large in the field or enclosure, he shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- (2) Subsection (1) shall not apply to any bull which—
  - (a) does not exceed the age of ten months; or
  - (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.
- (3) Nothing in any byelaws, whenever made, shall make unlawful any act which is, or but for subsection (2) would be, made unlawful by subsection (1).
- (4) In this section “recognised dairy breed” means one of the following breeds, namely, Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.
- (5) The Secretary of State may by order add any breed to, or remove any breed from, subsection (4); and an order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/01/2012.*

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**Textual Amendments**

- F1** Words in [s. 59\(1\)](#) inserted (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177, reg. 1\(3\)\(5\), Sch. Pt. 1; S.I. 2006/1172, art. 2\(a\)-\(d\) \(with art. 3\); S.I. 2006/1279, art. 2\(a\)-\(d\) \(with art. 3\)](#)
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

**Modifications etc. (not altering text)**

- C1** [S. 59](#) applied (3.7.2006 for E. and 12.7.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\), regs. 1\(3\)\(5\), 2\(1\), Sch. Pt. 1; S.I. 2006/1172, art. 2\(a\)-\(d\) \(with art. 3\); S.I. 2006/1279, art. 2\(a\)-\(d\) \(with art. 3\)](#)

<sup>F3</sup>**60** .....

**Textual Amendments**

- F3** [S. 60](#) repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), s. 146, Sch. 14](#)

[<sup>F4X1</sup>**61** **Ploughing of public rights of way.**

- (1) Section 134 of the <sup>M1</sup>Highways Act 1980 (ploughing of footpath or bridleway) shall have effect subject to the amendments provided for by subsections (2) to (9).
- (2) Subsection (3) (7 days’ notice of intention to plough) shall be omitted.
- (3) In subsection (4) (duty to resore surface of footpath or bridleway), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
  - “(a) not later than 2 weeks from the time when the occupier began to plough the footpath or bridleway, or
  - (b) if prevented from doing so by exceptional weather conditions, as soon as practicable thereafter.”
- (4) In subsection (5) (failure to comply with subsection (3) or (4)) the words “(3) or” shall be omitted, for paragraphs (a) and (b) there shall be substituted the words “to a fine not exceeding £200” and for the words “subsection (4)”, in the second place where they occur, there shall be substituted the words “that subsection”.
- (5) After that subsection there shall be inserted the following subsection—
  - “(5A) A person who ploughs any footpath, bridleway or other highway otherwise than in the exercise of a right to plough it shall be guilty of an offence and liable to a fine not exceeding £200.”
- (6) In subsection (6) (enforcement of subsections (3) to (5)) for the words “subsections (3) to (5) above as respects any footpath or bridleway” there shall be substituted the words “subsections (4) to (5A) above as respects any footpath, bridleway or other highway”.
- (7) In subsection (7) (proceedings by parish or community councils) after the words “subsection (4)” there shall be inserted the words “or (5A)”.

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- (8) In subsection (8) (power of competent authority to restore surface of footpath or bridleway) for the words “footpath or bridleway” there shall be substituted the words “footpath, bridleway or other highway”.
- (9) In subsection (10) (competent authorities for the purposes of subsections (8) and (9)) for the words “footpath or bridleway”, in both places where they occur, there shall be substituted the words “footpath, bridleway or other highway”.
- (10) In section 135(1) of the said Act of 1980 (temporary diversion of footpath or bridleway ploughed up under section 134) the words “6 or” and “6 weeks or” shall be omitted.]

#### Editorial Information

- X1** The text of s. 61 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F4** S. 61 repealed (E.W.) by [Rights of Way Act 1990 \(c. 24, SIF 59\)](#), s. 6(4)

#### Marginal Citations

- M1** 1980 c. 66.

## 62 Appointment of wardens for public rights of way.

A local authority may appoint such number of persons as appears to the authority to be necessary or expedient to act as wardens as respects a footpath, bridleway [<sup>F5</sup>, restricted byway] or byway open to all traffic which is both in the countryside and in the area of the authority, and the purpose for which the wardens may be so appointed is to advise and assist the public in connection with the use of the path or way.

#### Textual Amendments

- F5** Words in s. 62 inserted (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)

#### Modifications etc. (not altering text)

- C2** S. 62: functions made exercisable concurrently (22.7.2004) by virtue of [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 25(1)(2)(xxx)**, Sch. (with art. 35)  
S. 62: functions made exercisable concurrently (22.7.2004) by virtue of [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 25(1)(2)(xxx)**, Sch. (with art. 35)
- C3** S. 62 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2(1), **Sch. Pt. 1**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)

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### 63 Orders creating, extinguishing or diverting footpaths and bridleways.

The enactments mentioned in Schedule 16 (which relate to the making and confirmation of certain orders creating, extinguishing or diverting footpaths and bridleways) shall have effect subject to the amendments provided for in that Schedule.

### <sup>x2</sup>64 Publication of dedication of footpaths and bridleways.

At the end of section 25 of the <sup>M2</sup> Highways Act 1980 (creation of footpath or bridleway by agreement) there shall be inserted the following subsection—

“(6) As soon as may be after the dedication of a footpath or bridleway in accordance with a public path creation agreement, the local authority who are party to the agreement shall give notice of the dedication by publication in at least one local newspaper circulating in the area in which the land to which the agreement relates is situated.”.

#### Editorial Information

**X2** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M2** 1980 c. 66.

### <sup>x3</sup>65 Signposting of byways open to all traffic.

(1) In section 27 of the 1968 Act (signposting of footpaths and bridleways) for the words “or bridleway”, wherever they occur, there shall be substituted the words “bridleway or byway” ; and for the words “and bridleways” in subsection (6) of that section there shall be substituted the words “bridleways and byways”.

(2) After subsection (7) of that section there shall be inserted the following subsection—

“(8) In this section “byway” means a byway open to all traffic, that is to say, a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.”

#### Editorial Information

**X3** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 66 Interpretation of Part III.

(1) In this Part—

“bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of

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way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

“byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used;

“definitive map and statement” has the meaning given by section 53(1);

“footpath” means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;

“horse” includes a pony, ass and mule, and “horseback” shall be construed accordingly;

“public path” means a highway being either a footpath or a bridleway;

[<sup>F6</sup>“restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;]

“right of way to which this Part applies” means a right of way such that the land over which the right subsists is a public path or a byway open to all traffic;

[<sup>F7</sup> “surveying authority”, in relation to any area, means the county council, [<sup>F8</sup> county borough council,] metropolitan district council, or London borough council whose area includes that area.]

- (2) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in subsection (1) by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right thereover.
- (3) The provisions of section 30(1) of the 1968 Act (riding of pedal cycles on bridleways) shall not affect the definition of bridleway in subsection (1) and any rights exercisable by virtue of those provisions shall be disregarded for the purposes of this Part.

#### Textual Amendments

- F6** S. 66(1): definition of “restricted byway” inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 9; S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2
- F7** Definition substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, Sch. 3 para. 7(6)
- F8** Words in s. 66(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

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