
Changes to legislation: *Countryside and Rights of Way Act 2000, Paragraph 13 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 6

AMENDMENTS RELATING TO CREATION, STOPPING UP AND DIVERSION OF HIGHWAYS

PART I

AMENDMENTS OF HIGHWAYS ACT 1980

- 13 (1) Section 120 of the 1980 Act (exercise of powers of making public path extinguishment and diversion orders) is amended as follows.
- (2) In subsection (1), for “to 119A” there is substituted “, 118A, 119 and 119A ”.
- (3) After that subsection there is inserted—
- “(1A) Where a council are the highway authority for only part of a highway, the powers conferred on the council by sections 118B, 119B and 119D above are exercisable with respect to the whole of the highway, but subject to subsection (2) and only with the consent of every other council which is a highway authority for any other part with respect to which the powers are exercised.”
- (4) In subsection (2)—
- (a) for “to 119A” there is substituted “ to 119D ”, and
- (b) for “footpath or bridleway”, wherever occurring, there is substituted “ highway ”.
- (5) In subsection (3)—
- (a) after “or diverted” there is inserted “ or where it appears to the Secretary of State as respects a relevant highway as defined by section 118B(2), 119B(2) or 119D(2) that it is expedient as mentioned in section 118B(1)(a) or (b), 119B(1)(a) or (b) or 119D(1)(b) that the highway should be stopped up or diverted ”,
- (b) in paragraph (a), for “a rail crossing diversion order or a public path diversion order” there is substituted “ a special extinguishment order, a public path diversion order, a rail crossing diversion order, a special diversion order or an SSSI diversion order ”,
- (c) in paragraph (b), for “to 119A” there is substituted “ to 119D ”,
- (d) for “(subject to subsection (3A) below)” there is substituted “ (subject to the following provisions of this section) ”, and
- (e) at the end there is inserted “ and, in the case of an SSSI diversion order, with the appropriate conservation body ”.
- (6) After subsection (3) there is inserted—

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“(3ZA) Where an appeal to the Secretary of State is brought under section 121D(1) below, paragraph (a) of subsection (3) above does not apply, and the power conferred on him by that subsection may be exercised without consultation with the appropriate authority.”

(7) After subsection (3A) there is inserted—

“(3B) Unless an appeal to the Secretary of State is brought under section 121D(1) below, the power conferred on the Secretary of State by subsection (3) above to make a special extinguishment order or a special diversion order is exercisable only after consultation with the police authority in whose area the highway lies.

(3C) The power conferred on the Secretary of State by subsection (3) above to make an SSSI diversion order may be exercised even though the appropriate conservation body has not made an application under section 119D above to the council who are the highway authority for the highway.

(3D) Where—

- (a) the appropriate conservation body has made an application under section 119D above to a council in respect of a highway for which the council are the highway authority, and
- (b) the council have neither confirmed the order nor submitted it to the Secretary of State for confirmation within 6 months of receiving the application,

the power conferred on the Secretary of State by subsection (3) above to make an SSSI diversion order may be exercised without consultation with the council.”

(8) In subsection (4)—

- (a) for “or a rail crossing diversion order” there is substituted “, a rail crossing diversion order, a special diversion order or an SSSI diversion order”, and
- (b) for “path or way” there is substituted “ highway ”.

(9) For subsection (5) there is substituted—

“(5) The Secretary of State may, before determining—

- (a) under subsection (3) above, to make a public path diversion order,
- (b) under subsection (3) above, to make a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order on an appeal under section 121D(1)(a) below,
- (c) to confirm a public path extinguishment order, special extinguishment order, public path diversion order or special diversion order in respect of which an appeal under section 121D(1) (b) or (c) below has been brought, or
- (d) under subsection (3) above, to make a rail crossing diversion order on the representations of the operator of the railway concerned,

require the appropriate person to enter into such agreement as he may specify with such council as he may specify for that person to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of

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section 119(5), or as the case may be, section 118ZA(6), 119A(8) or 119C(3) above.

- (6) In subsection (5) above “the appropriate person” means—
- (a) in a case falling within paragraph (a) of that subsection—
 - (i) where an appeal under section 121D(1)(a) below has been brought, the appellant, or
 - (ii) in any other case, the person on whose representations the Secretary of State is acting,
 - (b) in a case falling within paragraph (b) or (c) of that subsection, the appellant, and
 - (c) in a case falling within paragraph (d) of that subsection, the operator of the railway concerned.”

(10) After subsection (6) there is inserted—

“(7) Where under subsection (3) above the Secretary of State decides to make an SSSI diversion order he may require the appropriate conservation body to enter into an agreement with such council as he may specify for the body to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 119D(8) above.

(8) In this section “the appropriate conservation body” has the same meaning as in section 119D above.”

Commencement Information

- I1** Sch. 6 para. 13(1)-(5), (7)-(9) in force at 12.2.2003 for specified purposes for E. by [S.I. 2003/272](#), **art. 2(i)**
- I2** Sch. 6 para. 13(1)-(4)(5)(a)-(d)(7)-(9) in force at 15.7.2005 for specified purposes for W. by [S.I. 2005/1314](#), **art. 3(d)(i)**
- I3** Sch. 6 para. 13(1)-(5)(7)-(10) in force at 21.5.2007 for specified purposes for E. by [S.I. 2007/1493](#), **art. 2(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)