



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART IV

PUBLIC RIGHTS OF WAY

Ascertainment of footpaths, bridleways and certain other highways

27 Surveys of public paths, etc., and preparation of draft maps and statements

- (1) Subject to the provisions of this Part of this Act, the council of every county in England or Wales shall, as soon as may be after the date of the commencement of this Act, carry out a survey of all lands in their area over which a right of way to which this Part of this Act applies is alleged to subsist, and shall, not later than the expiration of three years after that date or of such extended period as the Minister may in any particular case allow, prepare a draft map of their area, showing thereon a footpath or a bridleway, as may appear to the council to be appropriate, wherever in their opinion such a right of way subsisted, or is reasonably alleged to have subsisted, at the relevant date.
- (2) A map prepared in accordance with the last foregoing subsection shall also show thereon any way which, in the opinion of the authority carrying out the survey (hereinafter referred to as "the surveying authority"), was at the relevant date, or was at that date reasonably alleged to be, a road used as a public path.
- (3) For the purposes of this section, the relevant date shall, in relation to the preparation of a draft map, be such date, not being earlier than six months before the date on which notice of the preparation of the draft map is published in accordance with the following provisions of this Part of this Act, as the surveying authority may determine.
- (4) An authority by whom a draft map is prepared as aforesaid shall annex thereto a statement specifying the relevant date and containing, as respects any public path or other way shown thereon in accordance with the foregoing provisions of this section, such particulars appearing to the authority to be reasonably alleged as to the position

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and width thereof, or as to any limitations or conditions affecting the public right of way thereover, as in the opinion of the authority it is expedient to record in the statement.

- (5) Any duty imposed by this section to prepare a map relating to any area may be discharged by the preparation, whether at the same time or at different times, of two or more maps, each comprising part of the area but together comprising the whole thereof; and where two or more such maps are prepared all proceedings under the following provisions of this Part of this Act may, except as hereinafter expressly provided, be taken separately in relation to each map.
- (6) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say.—
- " 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 ;
- " 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 way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;
- " horse " includes pony, ass and mule, and " horseback " shall be construed accordingly;
- " public path " means a highway being either a footpath or a bridleway;
- " right of way to which this Part of this Act applies " means a right of way such that the land over which the right subsists is a public path;
- " road used as a public path " means a highway, other than a public path, used by the public mainly for the purposes for which footpaths or bridleways are so used.
- (7) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in the last foregoing subsection 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.

28 Provision of information by other local authorities

- (1) Before carrying out a survey under the last foregoing section the surveying authority shall consult with the councils of county districts and parishes in the area of the authority as to the arrangements to be made for the provision by such councils of information for the purposes of the survey.
- (2) Where the surveying authority and any such council as aforesaid are unable to agree as to the said arrangements, they shall refer the matter to the Minister and he shall determine what arrangements are to be made.
- (3) Any arrangements made under this section for the provision of information by a parish council shall require the council to cause a parish meeting to be held for the purpose of considering the information to be provided by the council; and any arrangements so made for the provision of information by the council of a rural district shall, as respects each parish in the district not having a parish council, require the representative body of the parish or a member of that body to cause a parish meeting to be held for the purpose of considering the information to be provided by the district council in relation to the parish.

- (4) It shall be the duty of any such council as aforesaid to collect and furnish to the surveying authority such information, in such manner and at such time, as may be provided for by arrangements agreed or determined under this section ; and the said duty shall be enforceable by mandamus on the application of the surveying authority.

29 Representations and objections as to draft maps and statements

- (1) On completing the preparation of a draft map and statement the surveying authority shall notify the Minister and shall cause notice of the preparation thereof, and of places where copies thereof may be inspected at all reasonable hours, and of the time (not being less than four months) within which, and the manner in which, representations or objections with respect to the draft map and statement may be made to the authority, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority.

- (2) At any time after the publication of a notice under the last foregoing subsection and before the expiration of the period specified in the notice for the making of representations and objections, the owner of any land to which the draft map and statement relate, or any other person interested in such land, may require the surveying authority to inform him what documents (if any) creating or modifying any of the rights of way shown on the draft map, being rights of way required to be shown thereon, were taken into account in preparing the draft map, so far as the said land is concerned, and—

(a) as respects any such documents in the possession of the surveying authority, to permit him to inspect them and take copies thereof,

(b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected ;

and on any requirement being made under this subsection the surveying authority shall comply therewith within fourteen days of the making of the requirement:

Provided that nothing in this subsection shall be construed as limiting the documentary or other evidence which may be adduced in any proceedings under this Part of this Act in support of the existence of a right of way.

- (3) If any representation or objection is duly made to the surveying authority as to anything contained in or omitted from the draft map and statement, the authority, after considering the representation or objection and affording to the person by whom it was made an opportunity of being heard by a person appointed by the authority for the purpose, shall determine what (if any) modification of the particulars contained in the draft map and statement appears to the authority to be requisite in consequence thereof, and shall serve notice of their determination on the person by whom the representation or objection was made.
- (4) Where under the last foregoing subsection the surveying authority determine to modify the particulars contained in the draft map and statement by the deletion of a way shown as a public path, or as a road used as a public path, or by the addition of a way so that it will be so shown,—
- (a) they shall cause notice of their determination, in such form as may be prescribed by regulations made by the Minister, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority, specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the determination may be made to the authority, and

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- (b) if any representation or objection is duly made to the authority under the last foregoing paragraph, the authority shall notify the effect of the representation to the person (hereinafter referred to as " the original objector ") who made the representation or objection under subsection (3) of this section and, after considering the representation or objection under the last foregoing paragraph and affording to the person by whom it was made and to the original objector an opportunity of being heard by a person appointed by the authority for the purpose, shall decide whether to maintain or revoke the determination and serve notice of their decision on the person by whom the representation or objection under the last foregoing paragraph was made and on the original objector.
- (5) Any person aggrieved—
- (a) by a determination of the surveying authority under subsection (3) of this section not to give effect to a representation or objection as to anything omitted from the draft map and statement (other than a limitation or condition to which a right of way is alleged to be subject), or
 - (b) by a decision of the surveying authority under the last foregoing subsection to maintain a determination to modify the particulars contained in the draft map and statement by the deletion of a way shown as a public path or as a road used as a public path, or
 - (c) by a decision of the surveying authority under the last foregoing subsection to revoke a determination to modify the said particulars by the addition of a way so that it will be so shown,
- may, at any time within twenty-eight days after the service upon him of notice of the determination or decision, serve notice of appeal against that determination or decision on the Minister and on the surveying authority.
- (6) Where notice of appeal is duly served under the last foregoing subsection the Minister, after giving to the appellant and to the surveying authority an opportunity of being heard by a person appointed by him for the purpose, shall either dismiss the appeal or direct the authority, in preparing the provisional map and statement in accordance with the provisions of the next following section.—
- (a) in the case of an appeal against a determination under subsection (3) of this section, to modify the particulars contained in the draft map and statement in such manner as may be specified in the direction;
 - (b) in the case of an appeal against a decision under subsection (4) of this section, to reverse the decision.
- (7) Where a notice of appeal duly served under subsection (5) of this section relates to a decision of the surveying authority under subsection (4) of this section, the authority shall serve a copy of the notice on the original objector, and the Minister shall give to the original objector an opportunity of being heard under the last foregoing subsection at the same time as the appellant.

30 Preparation of provisional maps and statements

- (1) As soon as may be after the expiration of the period of twenty-eight days next following the date on which notice of the determination made or decision taken on all representations and objections made under the last foregoing section as respects a draft map and statement has been served on the persons by whom the representations or objections were made, or, if no such representations or objections have been duly

made, then as soon as may be after the time for making such representations or objections has expired, the surveying authority shall prepare a provisional map and statement, and shall cause notice of the preparation thereof, and of places where copies thereof may be inspected at all reasonable hours, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority.

- (2) If, apart from this subsection, the period mentioned in the last foregoing subsection would expire before the determination of an appeal of which notice has been duly served under the last foregoing section, the said period shall be extended until the appeal is determined.
- (3) The particulars to be contained in a provisional map and statement shall be those contained in the draft map and statement, subject to such modifications thereof (if any) as may be specified in any direction given by the Minister under paragraph (a) of subsection (6) of the last foregoing section or as may appear to the surveying authority to be requisite having regard to their determination of any representation or objection made under that section, being a determination as to which the Minister has not given any such direction as aforesaid.
- (4) Every provisional statement prepared under this section shall include a note of the relevant date specified in the corresponding draft statement.

31 Determination by quarter sessions of disputes as to provisional maps and statements

- (1) At any time within twenty-eight days after the publication of a notice under subsection (1) of the last foregoing section, the owner, lessee or occupier of any land shown on the map to which the notice relates, being land on which the map shows a public path, or a road used as a public path, may apply to quarter sessions for a declaration—
 - (a) that at the relevant date mentioned in the provisional statement there was no public right of way over the land ;
 - (b) that the rights conferred on the public at that date by the public right of way over the land were such rights as may be specified in the application, and not such rights as are indicated in the provisional map and statement;
 - (c) that the position or width of that part of the land over which the public right of way subsisted at the said date was as specified in the application, and not as indicated in the provisional map and statement; or
 - (d) that the public right of way over the land at the said date was not unconditional but was subject to limitations or conditions specified in the application, or, if the said right is indicated in the provisional statement as being subject to limitations or conditions, that the said right was subject to other limitations or conditions specified in the application either in addition to or in substitution for those indicated in the provisional statement.
- (2) Provision may be made by or under regulations made by the Secretary of State—
 - (a) for prescribing the court of quarter sessions to which applications under this section are to be made or for requiring such applications to be made to a committee, being either an existing committee or a committee specially constituted for the purpose as may be prescribed by the regulations, of such court of quarter sessions as may be so prescribed ;

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- (b) for the form and manner in which such applications are to be made, and the persons who are to be entitled to be parties to the hearing of any such application;
 - (c) as to the publication or service of notice of proposals to make such applications;
 - (d) for the awarding of costs in any proceedings under this section.
- (3) If on the hearing of an application under subsection (1) of this section, being an application for a declaration under paragraph (a), (b) or (c) of that subsection, it is not proved to the satisfaction of the court or committee—
- (a) in the case of an application under the said paragraph (a), that there was at the relevant date a public right of way over the land,
 - (b) in the case of an application under the said paragraph (b), that the rights conferred on the public by the public right of way over the land at the said date were rights other than those specified in the application, or
 - (c) in the case of an application under the said paragraph (c), that the position or width of the part of the land therein mentioned was other than that specified in the application,

the court or committee shall make the declaration sought by the applicant.

- (4) Where the court or committee make a declaration in the case of an application under the said paragraph (a) and it is proved to their satisfaction—
- (a) that there was at the relevant date a right of way to which this Part of this Act applies over land other than that to which the application relates, and
 - (b) that the said right is the right of way which the surveying authority had in view when they showed on the map the disputed public path or road used as a public path,

the court or committee may, if satisfied that every owner, lessee and occupier of any of the land mentioned in paragraph (a) of this subsection has had an opportunity of appearing before them, make a further declaration that a public right of way as specified in the declaration subsisted over that land at that date.

- (5) Where, in the case of an application under paragraph (b) or paragraph (c) of subsection (1) of this section, the court or committee do not make the declaration sought by the applicant, but the true nature of the rights conferred on the public by the public right of way in question or, as the case may be, the true position or width of the part of the land over which the public right of way subsisted at the relevant date (being different both from that specified in the application and from that indicated in the provisional map and statement) is proved to the satisfaction of the court or committee, the court or committee may make a declaration accordingly:

Provided that the court or committee shall not make a declaration under this subsection unless they are satisfied that every owner, lessee and occupier of any land which would be affected by the declaration has had an opportunity of appearing before them.

- (6) A declaration under paragraph (d) of subsection (1) of this section shall not be made unless the matters to be stated in the declaration have been proved to the satisfaction of the court or committee hearing the application.
- (7) Section twenty of the Criminal Justice Act, 1925, (which provides for appeals to the High Court by way of case stated on a point of law) shall with the necessary modifications apply in relation to applications under this section.

- (8) Subject to the last foregoing subsection and to the next following section, a declaration made under this section shall be conclusive evidence of the matters stated in the declaration.

32 Preparation, publication and effect of definitive maps and statements

- (1) As soon as may be after the determination of all applications made under the last foregoing section as respects any map and statement, or if no such applications have been duly made then as soon as may be after the time for making such applications has expired, the surveying authority shall prepare a definitive map and statement, and shall cause notice of the preparation thereof, and of places where copies thereof may be inspected at all reasonable hours, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority.
- (2) The particulars to be contained in a definitive map and statement shall be those contained in the provisional map and statement, subject to such modifications thereof (if any) as may be requisite for giving effect to any declaration made under the last foregoing section ; and every definitive statement shall include a note of the relevant date specified in the corresponding provisional statement.
- (3) The authority by whom a definitive map and statement are prepared shall furnish to the Minister such number of copies thereof as he may require.
- (4) A definitive map and statement prepared under subsection (1) of this section shall be conclusive as to the particulars contained therein in accordance with the foregoing provisions of this section to the following extent, that is to say—
- (a) where the map shows a footpath, the map shall be conclusive evidence that there, was at the relevant date specified in the statement a footpath as shown on the map;
 - (b) where the map shows a bridleway, or a road used as a public path, the map shall be conclusive evidence that there was at the said date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than the rights aforesaid; and
 - (c) where by virtue of the foregoing paragraphs of this subsection the map is conclusive evidence, as at any date, as to a public path, or road used as a public path, shown thereon, any particulars contained in the statement as to the position or width thereof shall be conclusive evidence as to the position or width thereof at the relevant date, and any particulars so contained as to limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject to those limitations or conditions, but without prejudice to any question whether the right was subject to any other limitations or conditions at that date.
- (5) A document purporting to be certified on behalf of the surveying authority to be a copy of a definitive map or statement or of any part thereof shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.
- (6) The provisions in that behalf of Part III of the First Schedule to this Act shall have effect as to the validity of definitive maps and statements prepared under subsection (1) of this section.

33 Periodical revision of maps and statements

- (1) The authority by whom a definitive map and statement have been prepared under the last foregoing section shall from time to time review the particulars contained therein having regard to events which have occurred at any time between the relevant date specified in the definitive statement and such date as may be determined by the authority for the purposes of the review (in this and the next following section referred to as "the date of review"):

Provided that in the case of a map and statement which have previously been reviewed under this subsection, the foregoing provisions of this subsection shall have effect with the substitution, for the reference to the relevant date specified in the statement, of a reference to the last preceding date of review.

- (2) The events so occurring as aforesaid to which an authority shall have regard in carrying out a review under the last foregoing subsection shall include the following events, that is to say—
- (a) the coming into operation of any enactment or instrument, or any other event, whereby a highway required to be shown, and shown, on the map has been authorised to be stopped up, diverted, widened or extended ;
 - (b) the coming into operation of any enactment or instrument, or any other event, whereby a highway shown on the map as being a highway of a particular description required to be shown thereon has ceased to be a highway of that description;
 - (c) the coming into operation of any enactment or instrument, or any other event, whereby a new right of way has been created, being a right of way to which this Part of this Act applies ;
 - (d) the expiration, in relation to a way in the area of the authority, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path; and
 - (e) the discovery by the authority of new evidence such that, if the authority were then preparing a draft map under the foregoing provisions of this Part of this Act, they would be required by those provisions to show on the map, as a highway of a particular description, a way not so shown on the definitive map, or on the revised map last prepared in accordance with the following provisions of this section, as the case may be.

- (3) A review under subsection (1) of this section shall be carried out at such time as the authority carrying out the review may consider appropriate, so however that the date of review shall not in any case be a date later than the expiration of five years after the relevant date, or the last preceding date of review, whichever is the later:

Provided that nothing in this subsection shall affect the validity of any review carried out under the said subsection (1) or of any document prepared or thing done in consequence of such a review.

- (4) Subject to the following provisions of this section, on completing a review under subsection (1) of this section the authority shall prepare a revised map and statement, consisting of the definitive map and statement, or of the revised map and statement last prepared under this section, as the case may be, subject to such modifications (if any) of the particulars contained therein as may appear to the authority to be requisite having regard to the review, and shall include in the revised statement a note of the date of review.

- (5) If after carrying out a review under subsection (1) of this section it appears to the authority as respects the whole or any part of their area that a revised map and statement prepared in accordance with the last foregoing subsection would not differ from the definitive or last revised map and statement, the authority shall cause notice of that fact, specifying the date of review and how much of their area is affected by the notice, to be published in the London Gazette and in one or more local news papers circulating in the area of the authority, and shall not be required to prepare a revised map and statement in consequence of that review in respect of so much of their area as is specified in the notice:

Provided that if within such time (not being less than twenty-eight days) as may be specified in the notice any representation is made to the authority that as respects the whole or part of so much of their area as is specified in the notice a revised map and statement prepared as aforesaid would differ from the definitive or last revised map and statement—

- (a) the authority, after considering the representation and affording to the person by whom it was made an opportunity of being heard by a person appointed by the authority for the purpose, shall determine whether the representation is well founded and shall serve notice of their determination on the person by whom the representation was made;
- (b) any person aggrieved by a determination of the authority under the last foregoing paragraph may, at any time within fourteen days after the service upon him of the notice of determination, serve notice of appeal against that determination on the Minister and on the authority;
- (c) where notice of appeal is duly served under the last foregoing paragraph, the Minister, after giving to the appellant and to the authority an opportunity of being heard by a person appointed by him for the purpose, shall either dismiss the appeal or direct that effect shall be given to the representation ;
- (d) if the authority determine that a representation is well founded or the Minister directs that a representation shall have effect, the authority shall be required to prepare a revised map and statement in consequence of the review, so however that where the representation relates to part only of their area they shall not by virtue of that representation be required so to prepare a revised map and statement for any other part of their area.

34 Supplementary provisions as to revision of maps and statements

- (1) A revised map and statement prepared in accordance with the last foregoing section shall be prepared in three successive stages, that is to say in draft, provisional and definitive form respectively ; and the provisions of sections twenty-eight to thirty-two of this Act shall apply in relation to a review under the last foregoing section and to the preparation as aforesaid of a revised map and statement as they apply in relation to a survey and to maps and statements prepared in consequence of a survey, but with the following modifications, that is to say—
- (a) for references to the survey, to the surveying authority and to the relevant date there shall be substituted references to the review, to the authority carrying out the review and to the date of review respectively ;
 - (b) for references to the draft, provisional and definitive map and statement there shall be substituted references to the revised map and statement as prepared in draft, provisional and definitive form respectively ; and

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- (c) the reference in subsection (1) of section thirty-one of this Act to land on which the map shows a public path, or a road used as a public path, shall be construed as relating only to land on which the path or road was not shown, or was differently shown, on the last preceding revised map prepared in definitive form which included that land, or, if there has been no such map, on the definitive map.
- (2) An authority carrying out a review under the last foregoing section shall so determine the date of review as to be not earlier than six months before the date on which notice of the preparation of the revised map and statement in draft form is published in accordance with the provisions of subsection (1) of section twenty-nine of this Act as applied by the last foregoing subsection.
- (3) Where in accordance with subsection (5) of section twenty-seven of this Act two or more definitive maps and statements relating to different parts of the area of an authority have been prepared at different times, the authority shall at one and the same time review the particulars contained in each of those maps and statements; and accordingly the provisions of the last foregoing section shall apply as if the relevant date for the purposes of each of those maps and statements were the earliest of the relevant dates specified therein or such later date as, on the application of the authority, the Minister may in any particular case determine.

35 Application of ss. 27 to 34 to particular areas

- (1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act (in this and the next following section referred to as " the survey provisions ") shall not apply to the administrative county of London.
- (2) The London County Council or the council of a county borough may by resolution adopt the survey provisions as respects any part of the said county or of the county borough, as the case may be, specified in the resolution, and those provisions shall thereupon apply accordingly.
- (3) If it appears to the Minister, as respects any part of the administrative county of London or of a county borough, that it is expedient that the survey provisions should apply thereto, and the London County Council or the council of the county borough, as the case may be, have not passed a resolution adopting those provisions as respects that part, the Minister may, after consultation with the council in question, make an order directing that those provisions shall apply to that part of the said county or county borough, as the case may be.
- (4) The council of a county, other than the administrative county of London, may by resolution exclude from the operation of the survey provisions any part of the county which appears to the council to be so fully developed that it is inexpedient that those provisions should apply thereto:

Provided that a resolution under this subsection shall not have effect unless approved by the Minister.

- (5) Where by virtue of a resolution under subsection (2) of this section, or of an order under subsection (3) thereof, the survey provisions apply to any part of the administrative county of London or of a county borough, those provisions shall have effect in relation thereto—
 - (a) in the case of a part of the administrative county of London, as if that part were a separate county and the London County Council were the council thereof,

- and as if, for references in those provisions to a county district, there were substituted references to a metropolitan borough;
- (b) in the case of a part of a county borough, as if that part were a county and the county borough council were the council thereof;
 - (c) in either case, as if, for references in section twenty seven of this Act to the date of the commencement of this Act, there were substituted references to the date on which the resolution or order in question comes into operation;
 - (d) in either case, subject to the modification that subsection (5) of section thirty-three of this Act shall not apply as respects part only of the area to which the order or resolution relates.
- (6) The making or revocation of a resolution or order under this-section, or the happening of any other event whereby land becomes or ceases to be comprised in an area to which the survey provisions apply, shall not, as respects any map or statement prepared before the event happened, affect the application in relation to the map or statement of subsection (4) of section thirty-two of this Act or that subsection as applied by subsection (1) of the last foregoing section.

36 Exercise of functions as to surveys, etc., by joint planning boards

- (1) Where under the Act of 1947 a joint planning board is for the time being constituted for a united district, then, if the council of every county wholly or partly comprised in that district consents, the powers and duties under the survey provisions of each of those councils as respects any area comprised in the united district may be exercised and performed by the board; and references in this Part of this Act to the surveying authority shall be construed accordingly.
- (2) Subsection (1) of section twenty-eight of this Act shall have effect in relation to a survey carried out by a joint planning board as if the reference therein to the councils of county districts and parishes included a reference to the council of every county wholly or partly comprised in the area of the board.
- (3) Where by virtue of a resolution passed or order made under the last foregoing section the survey provisions apply to part of a county borough, being a part wholly or partly comprised in a united district for which a joint planning board is constituted, references in the two last foregoing subsections to a county shall be construed as including references to that county borough.
- (4) If, at the date when by virtue of such a resolution or order as aforesaid the survey provisions become applicable to part of a county borough, any functions under those provisions are being exercised by a joint planning board for a united district which includes that part, and the county borough council does not consent to the exercise of those functions by the joint planning board as respects that part, the foregoing provisions of this section shall have effect as if that part were not comprised in the united district.

37 Power of Minister to expedite preparation of maps and statements

- (1) Where it appears to the Minister that circumstances exist such as are mentioned in the next following subsection and that by reason of those circumstances the preparation of a provisional map and statement under section thirty of this Act, or the preparation of a definitive map and statement under section thirty-two thereof, has been or is likely to be unduly delayed, the Minister, after consultation with the surveying authority, may

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direct the authority to prepare the provisional or definitive map and statement, as the case may be, within such time (not being less than three months from the date of the direction) as may be specified in the direction.

- (2) The circumstances referred to in the last foregoing subsection are the following circumstances, that is to say—
- (a) in the case of a provisional map and statement, that the matters for the time being outstanding are so numerous, or that any such matters are of such a character, as to prevent the completion within a reasonable time of the action required to be taken under section twenty-nine of this Act, and
 - (b) in the case of a definitive map and statement, that by reason of the congestion of business at quarter sessions, or at any committee of quarter sessions to which applications under section thirty-one of this Act are referred, or by reason of the time taken or likely to be taken to dispose of any appeal under subsection (7) of the said section thirty-one, the determination of all applications under the said section thirty-one which, apart from this section, would have to be determined before the definitive map and statement can be prepared is not likely to be completed within a reasonable time.
- (3) Where the Minister gives a direction under subsection (1) of this section as respects the preparation of a provisional map and statement, subsection (3) of section thirty of this Act shall have effect in relation to the preparation thereof with the following modifications, that is to say—
- (a) the direction may require the surveying authority to disregard representations or objections made under subsection (3) of section twenty-nine of this Act as respects any matter, or matters of any class, specified in the direction, being a matter or matters outstanding at the date of the direction ; and
 - (b) subject to the provisions of the last foregoing paragraph, the surveying authority shall give effect to any representations or objections made with respect to matters outstanding at the date of the direction, being representations or objections made under the said subsection (3) as to anything omitted from the draft map and statement (other than a limitation or condition to which a right of way is alleged to be subject), and shall disregard all other representations or objections made with respect to matters outstanding at that date.
- (4) Where the Minister gives a direction under subsection (1) of this section as respects the preparation of a definitive map and statement, subsection (2) of section thirty-two of this Act shall have effect in relation to the preparation thereof subject to the following modifications, that is to say—
- (a) any way in respect of which an application under paragraph (a) or paragraph (c) of subsection (1) of section thirty-one of this Act has been made but not finally determined at the date of the direction shall be omitted from the definitive map and statement;
 - (b) any way in respect of which an application under paragraph (6) of the said subsection (1) has been made but not finally determined at the said date shall be shown on the definitive map as if the rights conferred on the public by the public right of way thereover were the rights specified in the application, and not the rights indicated in the provisional map and statement; and
 - (c) in the case of any way in respect of which an application under paragraph (d) of the said subsection (1) has been made but not finally determined at the said date, the definitive statement shall include a note of the limitations or

Status: This is the original version (as it was originally enacted).

conditions specified in the application and of the fact that the application has been made and has not been finally determined ;

and subsection (2) of section thirty-three of this Act shall have effect, in relation to any review of the particulars contained in the definitive map and statement, as if the events therein mentioned included the final determination of any such application as is mentioned in paragraphs (a) to (c) of this subsection.

- (5) The surveying authority shall furnish the Minister with such information, and produce to him for inspection such documents, as he may require for the purposes of this section.
- (6) References in this section to matters outstanding at any time shall be construed as references to matters as to which representations or objections have been made under section twenty-nine of this Act and have not been finally determined before that time.

38 Supplementary provisions as to maps and statements

- (1) Regulations made by the Minister may prescribe the scale on which maps are to be prepared under any of the foregoing provisions of this Part of this Act, and the method of showing or recording thereon, or in any statement required by those provisions to be annexed thereto, anything required by those provisions to be so shown or recorded.
- (2) The places at which copies of a draft, provisional or definitive map and statement, or of a revised map and statement prepared in draft, provisional or definitive form, are to be available for inspection in accordance with the provisions of this Part of this Act in that behalf shall include one or more places in each county district comprised in the area to which the map and statement relate and, so far as appears practicable to the surveying authority or the authority carrying out the review, as the case may be, a place in each parish so comprised:

Provided that the authority shall be deemed to comply with the requirement to have a copy available for inspection in a county district or parish if they have available for inspection there a copy of so much of the map and statement as relates to the county district or parish.

- (3) Notwithstanding anything in subsection (1) of section thirty-two of this Act or in the last foregoing subsection, an authority shall not be required to keep available for inspection more than one copy of any definitive map and statement, or revised map and statement prepared in definitive form, if as respects the land to which that map and statement relate a subsequent revised map and statement so prepared have come into operation; and the said one copy may be kept at such place in the area of the authority as they may determine.