



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

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 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,

Status: This is the original version (as it was originally enacted).

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 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.