
STATUTORY INSTRUMENTS

1973 No. 686

The Walkways Regulations 1973

Commencement, citation and interpretation

1.—(1) These Regulations shall come into operation on 7th May 1973, and may be cited as the Walkways Regulations 1973.

(2) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“building” includes a structure and a proposed building or structure;

“building owner” means in relation to an existing walkway, the person or persons (other than the highway authority) who, at the relevant time, would have been able to enter into the agreement for creating the walkway if the walkway had not previously been created, and in relation to a proposed walkway, the person or persons (other than as aforesaid) who have entered, or propose to enter, into the agreement for creating the walkway;

“direct access to the walkway”, in relation to any premises, means that access from the premises to the walkway does not involve the use of any highway which is not a walkway;

“local statutory provision” means a statutory provisions contained in a local Act or contained in an instrument of local application made or issued under any Act;

“proposed walkway” means a walkway proposed to be created, whether or not the agreement under section 18 of the Highways Act 1971 in relation thereto has been entered into;

“statutory provision” means a provision, whether of a general or special nature, contained in, or in an instrument made or issued under, an Act, and

“statutory provision affecting highways” means a statutory provision relating to highways or to things done on or in connection with highways;

“supported walkway” means such part of a walkway as is supported by a structure;

“walkway” includes a part of a walkway;

“walkway agreement” means an agreement under section 18 of the Highways Act 1971 and, when used in relation to a walkway, means the agreement under which the walkway was first created or which for the time being makes provision in relation to the walkway for such of the matters referred to in subsection (2) of the said section 18 as may be relevant.

(3) Where a provision of these Regulations—

(a) prohibits the taking of specified action on or in relation to a walkway without the consent of the building owner, or

(b) empowers the building owner himself to take specified action on or in relation to a walkway,

then in a case where the walkway is one which crosses or abuts on two or more premises and the action in question is action proposed to be taken on or in relation to a part of the walkway which crosses or abuts on some, but not all, of those premises, that provision shall, subject to the provisions of the walkway agreement, have effect so as to enable the consent to be given or the action to be taken, as the case may be, by the person or persons who would, under paragraph (2) of this Regulation, have been the building owner if that part of the walkway had constituted the whole of the walkway,

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and for this purpose the reference in that provision to the building owner, in connection with the giving of that consent or the taking of that action, shall be construed as a reference to that person or those persons.

(4) Where a walkway agreement provides that some person or persons specified in, or determined in accordance with, that agreement may in connection with the walkway to which it relates take some action, or give a consent, under a provision of these Regulations on behalf of the building owner, then for the purposes of the application of the provision in question to the taking of that action or the giving of that consent the reference in that provision to the building owner shall be construed as including a reference to the person or persons so specified or determined.

(5) Where a walkway is stopped up or the right of the public to use the walkway is otherwise determined, whether under these Regulations or under a provision of the walkway agreement or otherwise howsoever, then the provisions of these Regulations (except Regulation 7) shall cease to apply in relation thereto.

(6) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment.

(7) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.