
STATUTORY INSTRUMENTS

1993 No. 11

The Public Path Orders Regulations 1993

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Path Orders Regulations 1993 and shall come into force on 31st January.

(2) In these Regulations, unless the context otherwise requires,—

“the Act” means the Highways Act 1980;

“acquisition extinguishment order” means an order made under section 32 of the Acquisition of Land Act 1981 (power to extinguish certain public rights of way);

“authority” means the authority responsible for making the order;

“order” means a public path creation order, a public path diversion order, a public path extinguishment order or an acquisition extinguishment order, and includes an order revoking or varying any such order⁽¹⁾;

“public path creation order” means an order made under section 26 of the Act (compulsory powers for creation of footpaths and bridleways);

“public path diversion order” means an order made under section 119 of the Act (diversion of footpaths and bridleways);

“public path extinguishment order” means an order made under section 118 of the Act (stopping up of footpaths and bridleways);

“rail crossing diversion order” means an order made under section 119A of the Act (diversion of footpaths and bridleways crossing railways); and

“rail crossing extinguishment order” means an order made under section 118A of the Act (stopping up of footpaths and bridleways crossing railways).

Forms of order

2.—(1) An order shall be in the appropriate form set out in Schedule 1 to these Regulations, or in a form substantially to the like effect, as follows—

(a) the form of order for a public path creation order shall be Form 1;

(b) the form of order for a public path diversion order shall be Form 2;

(c) the form of order for a public path extinguishment order shall be Form 3;

(d) the form of order for an acquisition extinguishment order shall be Form 4.

(2) An order shall at the end be sealed and dated and if an acquisition extinguishment order shall contain a map⁽²⁾.

(3) The map required to be contained in an order shall be on a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.

⁽¹⁾ See section 326(5) of the Act.

⁽²⁾ See section 118(3) and section 119(7) of the Act which require a public path extinguishment order and a public path diversion order respectively to contain a map.

Notices of order

3.—(1) Any notice required to be given under Schedule 6 to the Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways) by an authority shall be in the appropriate form set out in Schedule 2 to these Regulations, or in a form substantially to the like effect, as follows—

- (a) the form of notice of making an order (other than an acquisition extinguishment order) shall be Form 1;
- (b) the form of notice of making an acquisition extinguishment order shall be Form 2;
- (c) the form of notice of confirmation of a public path order (other than an acquisition extinguishment order) shall be Form 3;
- (d) the form of notice of confirmation of an acquisition extinguishment order shall be Form 4.

(2) The persons on whom notice is required to be served under paragraphs 1(3)(b) and 4(1)(a) of Schedule 6 to the Act shall in relation to the areas specified in column 1 of Schedule 3 to these Regulations include the persons specified in column 2 of that Schedule.

(3) Where any notice to be served on an owner, lessee or occupier in accordance with paragraph 1(3)(b) or 4(1)(a) of Schedule 6 to the Act is sent under cover otherwise than in a prepaid registered letter or by recorded delivery service, the cover shall have clearly on it in writing the words: “IMPORTANT-THIS COMMUNICATION AFFECTS YOUR PROPERTY”.

Procedure for orders

4.—(1) An order shall be made in duplicate and, where the order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to him accompanied by:

- (a) two copies of the order,
- (b) a copy of the notice given before submission as required by Schedule 6 to the Act,
- (c) a statement of the grounds on which the authority consider that the order should be confirmed,
- (d) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them of the authority, and
- (e) in any case in which the authority is required to obtain the consent of, or to consult with, any other authority or body before the order is made, a certificate by the authority that such consent has been obtained or such consultation has taken place together with a statement of the nature and effect of such consultation.

(2) Any proceedings preliminary to the confirmation of a public path extinguishment order or a rail crossing extinguishment order may be taken concurrently with any proceedings preliminary to the confirmation of a public path creation order, a public path diversion order or a rail crossing diversion order⁽³⁾.

(3) After a decision not to confirm an order, the authority shall, as soon as the requirements of paragraph 4(3) of Schedule 6 to the Act have been complied with, so certify in writing to the Secretary of State.

(4) After an order has been confirmed by the Secretary of State, the authority shall, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, so certify in writing to the Secretary of State.

(5) After an order has been confirmed, the authority shall send a copy of it as confirmed to the Ordnance Survey.

(3) See paragraph 3(2) of Schedule 6 to the Act as amended by section 47 of, and paragraph 10(4) of Schedule 2 to, the Transport and Works Act 1992 (c. 42).

Claims for compensation as respects orders

5.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), or with that section as it applies by virtue of section 121 of the Act (supplementary provisions as to public path extinguishment and diversion orders), shall be made in writing and shall be served on the authority, or in the case of an order made by the Secretary of State, on the authority nominated by the Secretary of State as provided by section 28(3) of the Act, by delivering it at, or sending it by prepaid post to, the office of the authority, addressed to the Chief Executive.

(2) The time within which any such claim shall be made shall be six months from the coming into force of the order in respect of which the claim is made.

Revocation

6. The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983(4) are hereby revoked.

7th January 1993

Michael Howard
Secretary of State for the Environment

6th January 1993

David Hunt
Secretary of State for Wales