
STATUTORY INSTRUMENTS

1995 No. 451

The Rail Crossing Extinguishment and Diversion Orders, the Public Path Orders and the Definitive Maps and Statements (Amendment) Regulations 1995

Amendment of the Public Path Orders Regulations 1993

4. The Public Path Orders Regulations 1993⁽¹⁾ shall be amended as follows—
- (a) for paragraphs (1) and (2) of regulation 2 there shall be substituted:

“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.

(2) An order shall at the end be sealed and dated.”
 - (b) for Schedule 1 there shall be substituted:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“SCHEDULE 1

FORMS OF ORDER

FORM 1 PUBLIC PATH CREATION ORDER
HIGHWAYS ACT 1980
[NAME OF AUTHORITY]
[TITLE OF ORDER]

This order is made by [name of authority] (“the authority”) under section 26 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that, having regard to the matters set out in section 26(1), there is a need for a public [footpath] [bridleway] over the land to which this order relates, and that it is expedient that the [path] [way] should be created.

The [name of authority or authorities consulted] [has] [have] been consulted as required by section 26(3) of the 1980 Act.

BY THIS ORDER:

- 1. There shall be at the end of days from the date of confirmation of this order a public [footpath] [bridleway] over the land at described in [Part 1 of] the Schedule to this order and shown by a bold broken line on the map attached to this order.
- 2. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 2 of the Schedule.]

SCHEDULE

[PART 1]

DESCRIPTION OF LAND

[Describe position, length and width of path or way in sections, e.g. A-B, B-C, etc., as indicated on the map.]

[PART 2]

[LIMITATIONS AND CONDITIONS]

[Position of path or way to which limitations and conditions apply | Limitations and conditions]

NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 2

PUBLIC PATH DIVERSION ORDER

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OR ORDER]

This order is made by [name of authority] (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of [the [owner] [lessee] [occupier] of the land crossed by the [footpath] [bridleway] described in paragraph 1 of this order] [the public] it is expedient that the line of the [path] [way] should be diverted.

[has agreed to [contribute towards] [defray] [any compensation which becomes payable in consequence of the coming into force of this order] [and] [any expenses which are incurred in bringing the new site of the [path] [way] into a fit condition for use by the public.]

[Name of authority consulted] [and the Countryside Commission or the Countryside Council for Wales] have been consulted [and [name of consenting authority or authorities] have consented to the making of the order] as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situated at and shown by a bold continuous line on the map contained in this order and described in [Part 1 of] the Schedule to this order shall be stopped up after days from the date of confirmation of this order.

2. Notwithstanding this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 namely:—]

3. There shall at the end of days from the date of confirmation of this order be a public [footpath] [bridleway] over the land situate at described in [Part 2 of] the Schedule and shown by a bold broken line on the map contained in this order.

4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.]

SCHEDULE

[PART 1]

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

[Describe position, length and width of path or way in sections, e.g. A-B, B-C etc., as indicated on the map.]

[PART 2]

DESCRIPTION OF SITE OF NEW PATH OR WAY

[Describe position, length and width of path or way in sections, e.g. C-D, D-E etc., as indicated on the map.]

[PART 3]

[LIMITATIONS AND CONDITIONS]

[Position of path or way to which limitations and conditions apply

Limitations and conditions]

NOTE: Insert or omit words in square brackets and blank spaces as appropriate. Renumber paragraphs as appropriate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 3

PUBLIC PATH EXTINGUISHMENT ORDER

HIGHWAYS ACT 1980

[NAME OF AUTHORITY]

[TITLE OF ORDER]

This order is made by [name of authority] (“the authority”) under section 118 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that the [footpath] [bridleway] described [in paragraph 1] below is not needed for public use.

[Name of authority consulted] [and the Countryside Commission or the Countryside Council for Wales] have been consulted [and [name of consenting authority or authorities] have consented to the making of the order] as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public right of way over the land situate at _____ shown by a continuous bold line on the map attached to this order and described in the Schedule to this order shall be extinguished after _____ days from the date of confirmation of this order.

2. Notwithstanding paragraph 1 of this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 above, namely:—

].

SCHEDULE

[Describe position, length and width of path or way in sections, e.g. A-B, B-C etc., as indicated on the map.]

NOTE: Insert or omit words in square brackets and blank spaces as appropriate.

- (c) for the list of areas and persons in Schedule 3 there shall be substituted the list set out in the Schedule hereto.