

SCHEDULE

PART I

SCHEDULE 1 AMENDMENTS

2. For paragraph I (miscellaneous functions), substitute the following paragraph(1)—

“I. Miscellaneous functions

(1)

Function

(2)

Provision of Act or Statutory Instrument

Part I: functions relating to public rights of way

1. Power to create footpath or Section 25 of the Highways Act 1980 (c. 66).
bridleway by agreement.

2. Power to create footpaths and Section 26 of the Highways Act 1980.
bridleways.

3. Duty to keep register of Section 31A of the Highways Act 1980.
information with respect to maps,
statements and declarations.

4. Power to stop up footpaths and Section 118 of the Highways Act 1980.
bridleways.

5. Power to determine application for Sections 118ZA and 118C(2) of the Highways
public path extinguishment order. Act 1980.

6. Power to make a rail crossing Section 118A of the Highways Act 1980.
extinguishment order.

7. Power to make a special Section 118B of the Highways Act 1980.
extinguishment order.

8. Power to divert footpaths and Section 119 of the Highways Act 1980.
bridleways.

9. Power to make a public path Sections 119ZA and 119C(4) of the Highways
diversion order. Act 1980.

10. Power to make a rail crossing Section 119A of the Highways Act 1980.
diversion order.

11. Power to make a special diversion Section 119B of the Highways Act 1980.
order.

(1) Section 31A of the Highways Act 1980 was inserted by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 6. Sections 118A and 119A of the Highways Act 1980 were inserted by the Transport and Works Act 1992 (c. 42), section 47 and Schedule 2. Sections 118ZA, 118B, 119ZA, 119B, 119D, 121B and 121C of the Highways Act 1980 were inserted by the Countryside and Rights of Way Act 2000, Schedule 6. Section 135 of the Highways Act 1980 was substituted by the Rights of Way Act 1990 (c. 24). Sections 135A and 135B of the Highways Act were inserted by the Countryside and Rights of Way Act 2000, Schedule 6. Sections 53A, 53B and 57A of the Wildlife and Countryside Act 1981 (c. 69) were inserted by the Countryside and Rights of Way Act 2000, Schedule 5, paragraphs 2 and 8.

Status: This is the original version (as it was originally made).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

“I. Miscellaneous functions	
(1) Function	(2) Provision of Act or Statutory Instrument
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c. 67).
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.

“I. Miscellaneous functions	
(1) Function	(2) Provision of Act or Statutory Instrument
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68).
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.

Part II: other miscellaneous functions

35. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
36. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.
40. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30).

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“I. Miscellaneous functions	
(1) Function	(2) Provision of Act or Statutory Instrument
43. Duty to designate officer as the head of the authority’s paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
45. Duty to approve authority’s statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.”.