
STATUTORY INSTRUMENTS

2003 No. 1479

HIGHWAYS, ENGLAND

**The Highways, Crime Prevention etc.(Special Extinguishment
and Special Diversion Orders) Regulations 2003**

<i>Made</i>	- - - -	<i>5th June 2003</i>
<i>Laid before Parliament</i>		<i>5th June 2003</i>
<i>Coming into force</i>	- -	<i>26th June 2003</i>

The Secretary of State, in exercise of the powers conferred upon her by sections 28(2) (as applied by section 121(2)), 118B(9) and (10) and 119B(9),(12) and (13) of, and paragraphs 1(1) and (3)(b)(iv), 3(1),(2) and (3)(b), 4(1) and 6 of Schedule 6 to, the Highways Act 1980⁽¹⁾, and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003 and shall come into force on 26th June 2003.

(2) These Regulations apply in relation to England only⁽²⁾.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Highways Act 1980;

“order” means a special extinguishment order⁽³⁾ or a special diversion order⁽⁴⁾ or an order varying or revoking such an order.

(1) 1980 c. 66; sections 118B and 119B were inserted by paragraphs 8 and 12 of Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37); and relevant amendments to Schedule 6 to the Highways Act 1980 were made by paragraph 23 of Schedule 6 to the Countryside and Rights of Way Act 2000.

(2) The functions of the Secretary of State in relation to the powers in the Highways Act 1980 set out in the preamble to these Regulations are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672), article 2 and Schedule 1 as extended by section 99 of the Countryside and Rights of Way Act 2000.

(3) See section 118B(5) of the Act.

(4) See section 119B(5) of the Act.

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Forms of order

3.—(1) A special extinguishment order as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of the Act shall be in the form set out in Form 1 in Schedule 1 or in a form substantially to the same effect.

(2) A special extinguishment order as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 118B(1)(b) of the Act shall be in the form set out in Form 2 in Schedule 1 or in a form substantially to the same effect.

(3) A special diversion order as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of the Act shall be in the form set out in Form 3 in Schedule 1 or in a form substantially to the same effect.

(4) A special diversion order as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 119B(1)(b) of the Act shall be in the form set out in Form 4 in Schedule 1 or in a form substantially to the same effect.

(5) The map required to be contained in an order shall be on a scale of not less than 1/2,500, or, if no such map is available, on the largest scale readily available and, in the case of a special extinguishment order, shall show any reasonably convenient alternative route.

Notices

4.—(1) A notice required to be given under paragraph 1(1) of Schedule 6 to the Act in respect of the making of a special extinguishment order or a special diversion order shall be in the form set out in Form 1 in Schedule 2 or in a form substantially to the same effect.

(2) A notice required to be given under paragraph 4(1) of Schedule 6 to the Act in respect of the confirmation of a special extinguishment order or a special diversion order shall be in the form set out in Form 2 in Schedule 2 or in a form substantially to the same effect.

(3) A notice required to be given under paragraph 4(1) of Schedule 6 to the Act in respect of the making of a special extinguishment order or a special diversion order by the Secretary of State shall be in the form set out in Form 3 in Schedule 2 or in a form substantially to the same effect.

(4) A notice required to be served under paragraphs 1(3)(b)(iv)(5) or 4(1)(a)(6) of Schedule 6 to the Act shall, in relation to the areas specified in column 1 of Schedule 3 to these Regulations, be served on the persons prescribed in column 2 of that Schedule.

Procedure for orders

5.—(1) An order shall be made in duplicate.

(2) Where an order is submitted to the Secretary of State for confirmation, the order and duplicate shall be sent to her accompanied by—

- (a) two copies of the order;
- (b) a copy of the notice given before submission as required by paragraph 1(1) of Schedule 6 to the Act;
- (c) any representations or objections duly made with respect to the order and not withdrawn, together with any observations on them by the council; and
- (d) a statement of the grounds on which the council consider that the order should be confirmed.

(3) Any proceedings preliminary to the confirmation of a special extinguishment order may be taken concurrently with any proceedings preliminary to the confirmation of a public path creation

(5) Paragraph 1 (3) (b) was substituted by the Wildlife and Countryside Act 1981 (c. 69), Schedule 16, paragraph 6.

(6) Paragraph 4 (1) (a) was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 8.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

order⁽⁷⁾, a public path diversion order⁽⁸⁾, a rail crossing diversion order⁽⁹⁾, or a special diversion order.

(4) After a decision not to confirm an order, the council 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.

(5) After an order has been confirmed by the Secretary of State, the council 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.

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

Claims for compensation as respects orders

6.—(1) A claim made in accordance with section 28 of the Act (compensation for loss caused by public path creation order), as applied by section 121(2) of the Act⁽¹⁰⁾, in consequence of the coming into operation of an order shall be made in writing and shall be served on the council, 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 to the offices of the council or the authority (as the case may be), addressed to its Chief Executive, or by sending it by prepaid post so addressed.

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

Alun Michael
Minister of State,
Department for Environment, Food and Rural
Affairs

⁽⁷⁾ See section 26(1) of the Act.

⁽⁸⁾ See section 119(1) of the Act.

⁽⁹⁾ See section 119A(3) of the Act.

⁽¹⁰⁾ Section 121(2) of the Act was amended by the Transport and Works Act 1992 (c. 42), Schedule 2, paragraph 6, and by the Countryside and Rights of Way Act 2000 (c. 37), Schedule 6, paragraph 14.

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 1

Regulation 3(1) to (4)

FORM 1 HIGHWAYS ACT 1980, SECTION 118B SPECIAL EXTINGUISHMENT ORDER FOR CERTAIN HIGHWAYS IN AN AREA DESIGNATED FOR THE PURPOSES OF CRIME PREVENTION

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by..... [name of council] ("the council") under section 118B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")—

- (a) the council are the highway authority for the highway;
- (b) the highway is in an area designated by the Secretary of State for the purposes of section 118B of the 1980 Act;
- (c) the conditions in section 118B(3) of the 1980 Act are satisfied [see footnote 2]; and
- (d) it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the highway be stopped up.

The police authority..... [name of authority] for the area in which the highway lies has been consulted as required by section 118B(6) of the 1980 Act.

The..... [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The..... [name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The..... [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The..... [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and

- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

BY THIS ORDER:

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

2. [The following provisions shall apply for the protection of..... [name of statutory undertaker], namely:.....] [complete or delete as appropriate see footnote 3].

Date.....

Signed.....

.....[describe position held with the council]

..... [name of council]

Status: Point in time view as at 30/12/2004.

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SCHEDULE

[Describe position, length and width of the highway in sections,
eg A-B, B-C, etc, as indicated on the map]

Footnotes

1. "Relevant highway" is defined in section 118B(2) of the 1989 Act as—
 - (a) any footpath, bridleway or restricted byway,
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or is a special road
2. The conditions in section 118B(3) of the 1989 Act are
 - (a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and
 - (b) that the existence of the highway is facilitating the persistent commission of criminal offences.
3. See section 121(5) of the 1986 Act.

Complete blank spaces as appropriate.

FORM 2HIGHWAYS ACT 1980, SECTION 118BSPECIAL EXTINGUISHMENT ORDER FOR CERTAIN HIGHWAYS WHICH CROSS LAND OCCUPIED FOR THE PURPOSES OF A SCHOOL

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by [name of council] ("the council") under section 118B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")—

- (a) the council are the highway authority for the highway;
- (b) the highway crosses land occupied for the purposes of a school; and
- (c) it is expedient for the purposes of protecting the pupils or staff from
 - (i) violence or the threat of violence,
 - (ii) harassment,
 - (iii) alarm or distress arising from unlawful activity, or
 - (iv) any other risk to their health or safety arising from such activity,

that the highway should be stopped up

The police authority [name of authority] for the area in which the highway lies has been consulted as required by section 118B(6) of the 1980 Act.

The [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The [name] council (s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act;] [The [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act;] [complete or delete as appropriate] and
- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note, section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

BY THIS ORDER:

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

2. [The following provisions shall apply for the protection of [name of statutory undertaker], namely] [complete or delete as appropriate: see footnote 2]

Date.....

Signed.....

.....[describe position held with the council]

.....[name of council]

SCHEDULE

[Describe position, length and width of the highway in sections,
eg A-B, B-C, etc. as indicated on the map]

Footnotes

1. "Relevant highway" is defined in section 118B(2) of the 1980 Act as—
 - (a) any footpath, bridleway or restricted byway;
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic; or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic, but does not include a highway that is a trunk road or is a special road.
2. See section 121(5) of the 1980 Act.

(complete blank spaces as appropriate.

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FORM 3HIGHWAYS ACT 1980, SECTION 119BSPECIAL DIVERSION ORDER FOR CERTAIN HIGHWAYS IN AN AREA DESIGNATED FOR THE PURPOSES OF CRIME PREVENTION

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by.....[name of council] ("the council") under section 119B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")

- (a) the council are the highway authority for the highway;
- (b) the highway is in an area designated by the Secretary of State for the purposes of section 118B of the Act;
- (c) the conditions in section 119B(3) of the Act are satisfied [see footnote 2 below];
- (d) it is expedient, for the purpose of preventing or reducing crime which would otherwise disrupt the life of the community, that the line of the highway, or part of that line, should be diverted; and
- (e) it is requisite for that purpose to extinguish the public right of way described in Part 1 of the Schedule to this Order and to create the public right of way described in Part 2 of that Schedule.

The police authority[name of authority] for the area in which the highway is situated has been consulted as required by section 119B(6) of the 1980 Act.

The[name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The[name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The[name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The[name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and
- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 5 to the Environment Act 1995].

BY THIS ORDER:

1. The public right of way over the land situate 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 extinguished after days from the date of confirmation of this Order [but not before the day following the date of certification] [delete if not appropriate—see footnote 3].

[In this article, "the date of certification" means the date on which the highway authority for the new highway mentioned in article 3 certify that such work has been carried out as is required to be done to bring the site of that highway into a fit condition for use by the public] [delete if not appropriate—see footnote 3].

2. The following provisions shall apply for the protection of [name of statutory undertaker], namely: [complete or delete as appropriate—see footnote 4].

3. There shall at the end of days from the date of confirmation of this Order be a new public right of way being a [specify the type of the new right of way—see footnote 5] 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 specified in Part 3 of the Schedule to this Order [delete if no limitations and conditions are specified in this Order].

Date.....

Signed.....

..... [describe position held with the council]

..... [name of council]

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SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING HIGHWAY

*[Describe position, length and width of the highway in sections,
eg A-B, B-C etc. as indicated on the map]*

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC RIGHT OF WAY

*[Describe position, length and width of the new way in sections,
eg C-D, D-E etc. as indicated on the map]*

PART 3

LIMITATIONS AND CONDITIONS

*[Specify any limitations and conditions which are to apply – see footnote 5.
Delete this Part if no limitations and conditions are specified]*

Footnotes

1. "Relevant highway" is defined in section 119B(2) of the 1980 Act as
 - (a) any footpath, bridleway or restricted byway;
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic; or
 - (c) any highway which is shown in a definitive map and statement as a br-way open to all traffic, but does not include a highway that is a trunk road or is a special road.
 2. The conditions in section 119B(3) of the 1980 Act are
 - (a) that premises adjoining or adjacent to the highway are affected by high levels of crime; and
 - (b) that the existence of the highway is facilitating the persistent commission of criminal offences.
 3. See section 119B(4)(b) and (8)(b) of the 1980 Act.
 4. See section 121(5) of the 1980 Act.
 5. The new public right of way being created must be
 - (a) such new footpath, bridleway or restricted byway; or
 - (b) in a case where the highway being diverted falls within (b) or (c) of footnote 1 above, such new highway over which the public have a right of way for vehicular and all other kinds of traffic as appears to the council requisite for effecting the diversion (see section 119B(4)(a) of the 1980 Act).
 6. The power to specify limitations and conditions is conferred by section 119B(9) of the 1980 Act.
- Complete blank spaces as appropriate.

Status: Point in time view as at 30/12/2004.

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FORM 4HIGHWAYS ACT 1980, SECTION 119BSPECIAL DIVERSION ORDER FOR CERTAIN HIGHWAYS WHICH CROSS LAND OCCUPIED FOR THE PURPOSES OF A SCHOOL

[NAME OF COUNCIL]

[TITLE OF ORDER]

This Order is made by [name of council] ("the council") under section 119B(4) of the Highways Act 1980 ("the 1980 Act") because it appears to the council that as respects the relevant highway [see footnote 1] described in article 1 below ("the highway")

- (a) the council are the highway authority for the highway;
- (b) the highway crosses land occupied for the purposes of a school;
- (c) it is expedient, for the purpose of protecting the pupils or staff from
 - (i) violence or the threat of violence,
 - (ii) harassment,
 - (iii) alarm or distress arising from unlawful activity, or
 - (iv) any other risk to their health or safety arising from such activity,that the line of the highway, or part of that line, should be diverted; and

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (d) it is requisite for that purpose to extinguish the public right of way described in Part 1 of the Schedule to this Order and to create the public right of way described in Part 2 of that Schedule.

The police authority... .. [name of authority] for the area in which the highway lies has been consulted as required by section 119(5) of the 1990 Act

The [name] council(s) have been consulted as required by section 120(2)(a) of the 1980 Act [complete or delete as appropriate].

The, [name] council(s) have consented to the making of the Order as required by section 120(1A) and (2)(b) of the 1980 Act [complete or delete as appropriate].

[National Parks]

- (a) [The..... .. [name] National Park Authority has been consulted as required by section 120(2)(a) of the 1980 Act.] [The..... [name] National Park Authority has consented to the making of the Order as required by section 120(2)(b) of the 1980 Act.] [complete or delete as appropriate] and

- (b) the Countryside Agency has been consulted as required by section 120(2)(c) of the 1980 Act.

[Note: section 120 of the 1980 Act was extended to National Park authorities by paragraph 11 of Schedule 9 to the Environment Act 1995].

BY THIS ORDER:

1. The public right of way over the land situate 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 extinguished after..... days from the date of confirmation of this Order [but not before the day following the date of certification] [delete if not appropriate—see footnote 2].

[In this article, “the date of certification” means the date on which the highway authority for the new highway mentioned in article 3 certify that such work has been carried out as is required to be done to bring the site of that highway into a fit condition for use by the public.] [delete if not appropriate—see footnote 2].

2. The following provisions shall apply for the protection of [name of statutory undertaker], namely: [complete or delete as appropriate—see footnote 3].

3. There shall at the end of days from the date of confirmation of this Order be a new public right of way being a [specify the type of the new right of way—see footnote 4] 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 to this Order [delete if no limitations and conditions are specified in this Order].

Date.....

Signed.....

.....[describe position held with the council]

.. .. [name of council]

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING HIGHWAY

[Describe position, length and width of the highway in sections,
eg A-B, B-C etc. as indicated on the map.]

PART 2

DESCRIPTION OF SITE OF NEW PUBLIC RIGHT OF WAY

[Describe position, length and width of the new way in sections,
eg C-D, D-E etc. as indicated on the map]

PART 3

LIMITATIONS AND CONDITIONS

[Specify any limitations and conditions which are to apply—see footnote 5.
Delete this Part if no limitations and conditions are specified in this Order]

Footnotes

1. "Relevant highway" is defined in section 119B(2) of the 1980 Act as
 - (a) any footpath, bridleway or restricted byway,
 - (b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or
 - (c) any highway which is shown in a definitive map and statement as a byway open to all traffic,
 but does not include a highway that is a trunk road or a special road.
2. See section 119B(4) (b) and (8) (b) of the 1980 Act.
3. See section 121(5) of the 1980 Act.
4. The new public right of way being created must be
 - (a) such new footpath, bridleway or restricted byway, or
 - (b) in a case where the highway being diverted falls within (b) or (c) of footnote 1 above, such new highway over which the public have a right of way for vehicular and all other kinds of traffic,
 as appears to the council requisite for effecting the diversion (see section 119B(4) (a) of the 1980 Act).
5. The power to specify limitations and conditions is conferred by section 119B(9) of the 1980 Act.

Complete blank spaces as appropriate.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 2

Regulation 4(1) to (3)

FORM 1HIGHWAYS ACT 1980, SECTION [118B] [119B] AND SCHEDULE 6NOTICE OF
MAKING OF SPECIAL [EXTINGUISHMENT] [DIVERSION] ORDER

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY

[see footnote 1]

[NAME OF COUNCIL]

[TITLE OF ORDER]

[To]

of [see footnote 1]

The above Order was made on under section 118B[119B] of the Highways Act 1980. The Order will [extinguish][divert] the public right of way [describe the effect of the Order].

A copy of the Order and the map contained in it may be inspected free of charge at from a.m. to p.m. on

Copies of the Order and map may be bought there at the price of [see footnote 2].

[Compensation for depreciation of the value of an interest in land or for disturbance in the enjoyment of land arising in consequence of the coming into force of the Order is payable under section 25 of the Highways Act 1980, as applied by section 121(2) of that Act. Copies of these sections and of section 120(3) of that Act (to which section 121(2) refers) are attached] [see footnote 1].

Any representations about or objections to the Order may be sent in writing to [title of appropriate officer and name and address of council] not later than [see footnote 3]. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, the [name of council] may confirm the Order as an unopposed order. If the Order is sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation, any representations or objections which have not been withdrawn will be sent with the Order.

Date.....

Signed

.....[describe position held with the council]

.....[name of council]

Footnotes

1. Insert only in notices to be served on a person specified in, or under, paragraph 1(3)(b) of Schedule 6 to the Highways Act 1980. Where this notice is required by paragraph 1(3)(b) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of that Order shall be included with this notice (paragraph 1(4B) of Schedule 6 to the Highways Act 1980).

2. The council must make the Order and map available for inspection at all reasonable hours and copies of the Order and the map may be obtained at a reasonable charge (paragraph 1(1)(b) of Schedule 6 to the Highways Act 1980).

3. This date shall not be less than 28 days from the date of the first publication of this notice (paragraph 1(1)(c) of Schedule 6 to the Highways Act 1980).

Delete alternatives in square brackets and complete blank spaces as appropriate.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

FORM 2 HIGHWAYS ACT 1980, SECTION [118B] [119B] AND SCHEDULE 6 NOTICE OF CONFIRMATION OF SPECIAL [EXTINGUISHMENT] [DIVERSION] ORDER

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY

[NAME OF COUNCIL]

[TITLE OF ORDER]

[To... ..]

of... ..] [see footnote 1]

[On... .. the Secretary of State for Environment, Food and Rural Affairs confirmed [with] without modifications the above Order, made under section [118B][119B] of the Highways Act 1980] or

[On... .. the... .. [council] confirmed without modification the above Order, made under section [118B][119B] of the Highways Act 1980]

The effect of the Order as confirmed is to [extinguish] [divert] the public right of way... ..
[describe the effect of the Order]

A copy of the Order as confirmed and the map contained in it may be inspected free of charge at... .. from... .. a.m. to... .. p.m. or... .. Copies of the Order and map may be bought there at the price of... .. [see footnote 2].

[Any person who wishes to claim compensation under section 28 of the Highways Act 1980, as applied by section 121(2) of that Act, for depreciation of the value of an interest in land or for disturbance in the enjoyment of land in consequence of the coming into force of the Order must make his or her claim in writing addressed to... .. [title of appropriate officer and name and address of council], and serve it by delivering it at, or sending it by prepaid post to, the above address not later than... .. Copies of these sections and of section 120(3) of that Act (to which section 121(2) refers) are attached] [see footnote 3]

The public right of way extinguished by the Order is extinguished after... .. [complete in accordance with the terms of article 1 of the Order] [The public right of way created by the Order comes into existence at the end of... ..] [complete in accordance with the terms of article 3 of the Order (in the case of a special diversion order), or delete in the case of a special extinguishment Order].

If any person aggrieved by the Order desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, or on the ground that any requirement of that Act or of any regulations made under it has not been complied with in relation to the Order, he or she may under paragraph 2 of Schedule 2 to that Act (as applied by paragraph 5 of Schedule 6 to that Act), within six weeks from... .. [date on which this notice was first published], make an application to the High Court.

Dated... ..

Signed... ..

... .. [describe position held with the council]

... .. [name of council]

Footnote

1. Insert only in notices to be served on a person specified in paragraph 4(1)(a) of Schedule 6 to the Highways Act 1980. Where this notice is required under paragraph 4(1)(a) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of that Order shall be included with this notice (paragraph 4(2) of Schedule 6 to the Highways Act 1980).

2. The council must make the confirmed Order available for inspection at all reasonable hours and copies of the Order and map may be obtained at a reasonable charge (paragraph 4(1) of Schedule 6 to the Highways Act 1980).

Delete alternatives in square brackets and complete blank spaces as appropriate.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

FORM 3HIGHWAYS ACT 1980, SECTION 120(3) AND SCHEDULE 6NOTICE OF MAKING OF SPECIAL [EXTINGUISHMENT] [DIVERSION] ORDER BY THE SECRETARY OF STATE

IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY

[TITLE OF ORDER]

[To.....

of] [see footnote 1]

On the Secretary of State for Environment, Food and Rural Affairs made the above Order under section 120(3) of the Highways Act 1980.

The effect of the Order is to [extinguish] [divert] the public right of way [describe the effect of the Order].

A copy of the Order as confirmed and the map contained in it may be inspected free of charge at from a.m. to p.m. on Copies of the Order and map may be bought there at the price of [see footnote 2]

[Any person who wishes to claim compensation under section 28 of the Highways Act 1980, as applied by section 121(2) of that Act, for depreciation of the value of an interest in land or for disturbance in the enjoyment of land in consequence of the coming into force of the Order must make his or her claim in writing addressed to..... [title of appropriate officer and name and address of council], and serve it by delivering it at, or sending it by prepaid post to, the above address not later than Copies of these sections and of section 120(3) of that Act (to which section 121(2) refers) are attached] [see footnote 1].

The public right of way extinguished by the Order is extinguished a ter. [complete in accordance with the terms of article 1 of the Order]. [The public right of way created by the Order comes into existence at the end of] [complete in accordance with the terms of article 3 of the Order (in the case of a special diversion order), or delete in the case of a special extinguishment Order].

If any person aggrieved by the Order desires to question the validity of it, or of any provision contained in it, on the ground that it is not within the powers of the Highways Act 1980, or on the ground that any requirement of that Act or of any regulations made under it has not been complied with in relation to the Order, he or she may under paragraph 2 of Schedule 2 to that Act (as applied by paragraph 5 of Schedule 6 to that Act), within six weeks from [date on which this notice was first published], make an application to the High Court.

Dated

Signed

Authorised to sign on behalf of the Secretary of State

Footnotes

1. Insert only: in notices to be served on a person specified in paragraph 4(1)(a) of Schedule 6 to the Highways Act 1980. Where this notice is required under paragraph 4(1)(a) of that Schedule to be served on an owner, occupier or lessee of land affected by the Order or on certain other persons, a copy of that Order shall be included with this notice (paragraph 4(2) of Schedule 6 to the Highways Act 1980).

2. The council must make the confirmed Order available for inspection at all reasonable hours. The charge for copies shall not exceed a reasonable charge (paragraph 4(1) of Schedule 6 to the Highways Act 1980).

Delete alternatives in square brackets and complete blank spaces as appropriate.

Status: Point in time view as at 30/12/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 3

Regulation 4(4)

ADDITIONAL PERSONS TO BE SERVED WITH NOTICE OF ORDERS

1. Area	2. Name of Persons
England	<p>Auto-Cycle Union</p> <p>British Horse Society</p> <p>Byways and Bridleways Trust</p> <p>Open Spaces Society</p> <p>Ramblers Association</p> <p>Cyclists Touring Club</p> <p>[^{F1}The fire and rescue authority under the Fire and Rescue Services Act 2004] for the area in which the land to which the order relates is situated</p>
The counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire	Peak and Northern Footpaths Society
Within the county of Bedfordshire: the borough of Luton and the districts of Mid Bedfordshire and South Bedfordshire.	Chiltern Society
Within the county of Buckinghamshire: the districts of Chiltern, Wycombe, South Bucks and Aylesbury Vale.	
Within the county of Hertfordshire: the borough of Dacorum and the districts of Three Rivers and North Hertfordshire.	
Within the county of Oxfordshire: the district of South Oxfordshire.	

F1 Words in Sch. 3 substituted (30.12.2004) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (S.I. 2004/3168), arts. 1(1), 69

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

This note is not part of the Regulations. Sections 118B and 119B of the Highways Act 1980, inserted by Schedule 6 to the Countryside and Rights of Way Act 2000, make provision enabling orders to be made for stopping up (a “special extinguishment order”) and diversion (a “special diversion order”) of certain highways for the purposes of crime prevention or the protection of pupils or staff of schools.

These Regulations, which come into force on 26th June 2003, prescribe the forms and notices, and make provision as to the procedure, for these orders as follows—

regulation 3 and Schedule 1 prescribe the forms for a special extinguishment order and a special diversion order;

regulation 4(1) to (3) and Schedule 2 prescribe the form of notices of making and proposed submission for confirmation, and confirmation, of special extinguishment and special diversion orders, and regulation 4(4) and Schedule 3 prescribe certain additional persons on whom these notices are to be served;

regulation 5 makes procedural provision as to the making, submission and confirmation of these orders; and

regulation 6 prescribes requirements with regard to claims for compensation under section 28 of the Highways Act 1980 for depreciation or disturbance in consequence of these orders and also provides that any such claim shall be served within 6 months of the order concerned coming into force.

Status:

Point in time view as at 30/12/2004.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Highways, Crime Prevention etc.(Special Extinguishment and Special Diversion Orders) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.