
STATUTORY INSTRUMENTS

2010 No. 2127

HIGHWAYS, ENGLAND

**The Public Rights of Way (Combined Orders)
(England) (Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>24th August 2010</i>
<i>Laid before Parliament</i>		<i>27th August 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 57(1) and (6A) of the Wildlife and Countryside Act 1981⁽¹⁾.

Title, commencement and application

1. These Regulations—
 - (a) may be cited as the Public Rights of Way (Combined Orders) (England) (Amendment) Regulations 2010;
 - (b) come into force on 1st October 2010; and
 - (c) apply in relation to England only⁽²⁾.

Amendment of the Public Rights of Way (Combined Orders) (England) Regulations 2008

2. For the Schedule to the Public Rights of Way (Combined Orders) (England) Regulations 2008⁽³⁾ substitute the Schedule contained in the Schedule to these Regulations.

(1) 1981 c. 69; relevant amendments to section 57 were made by sections 51 and 102 of, paragraph 7(1), (2) and (6) of Schedule 5 to, and Part 2 of Schedule 16 to, the Countryside and Rights of Way Act 2000 (c. 37).

(2) The functions of the Secretary of State under section 57 of the Wildlife and Countryside Act 1981 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as extended by section 99 of the Countryside and Rights of Way Act 2000.

(3) S.I. 2008/442.

24th August 2010

Henley
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

SCHEDULE

Regulation 2

Schedule to be substituted for the Schedule to [S.I. 2008/442](#)

“SCHEDULE

Regulation 5

Form of that part of relevant section 53A Orders containing provision made by virtue of section 53A(2) of the Act

Public path creation order

1. In relation to an Order made under section 26 of the Highways Act 1980 (referred to in that Act as a “public path creation order”(4)), being a section 53A Order, in Form 1 in Schedule 1 to the Public Path Orders Regulations 1993(5) (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “PUBLIC PATH CREATION ORDER” substitute “PUBLIC PATH CREATION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “HIGHWAYS ACT 1980”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981”;
- (c) insert, as a second paragraph of the preamble to the Order—

“This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(iii) of the 1981 Act, namely, the creation (as authorised by this order) of a new right of way over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a [public path][restricted byway].”;
- (d) at the end of paragraph 1 of the Order, insert the words “, and thereupon the [title] definitive map shall be modified by adding that [path][way] to it, and the definitive statement shall be modified as described in [Part 2][Part 3] of the Schedule to this order”;
- (e) insert, as a concluding Part of the Schedule to the Order—

“[PART 3]

Modification of Definitive Statement

Variation of Particulars of Path or Way

[Set out intended amendment.]”; and

- (f) insert, as a final sentence to the Note to the Order—

“Renumber Parts as appropriate.”.

Public path extinguishment order

2. In relation to an Order made under section 118 of the Highways Act 1980 (referred to in that Act as a “public path extinguishment order”(6)), being a section 53A Order, in Form 3 in Schedule 1 to the Public Path Orders Regulations 1993 (being the form prescribed for such an Order)—

(4) See the Highways Act 1980, section 26(1).

(5) [S.I. 1993/11](#), amended by [S.I. 1995/451](#), [1999/416](#) and [2006/1177](#), and modified by [S.I. 1997/2971](#) and [2008/442](#).

(6) See the Highways Act 1980, section 118(1).

- (a) in the heading to the Order, for “PUBLIC PATH EXTINGUISHMENT ORDER” substitute “PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “HIGHWAYS ACT 1980”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981”;
- (c) insert, as a second paragraph of the preamble to the Order—
 - “This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [*title*] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this order) of a highway hitherto shown or required to be shown in the map and statement.”;
- (d) in paragraph 1 of the Order, after the words “described in”, insert the words “Part 1 of”;
- (e) at the end of paragraph 1 of the Order, insert the words “, and thereupon the [*title*] definitive map shall be modified by deleting from it that public right of way, and the definitive statement shall be modified as described in Part 2 of the Schedule to this order”; and
- (f) for the Schedule to the Order, substitute—

“SCHEDULE

PART 1

Description of Public Right of Way Extinguished

[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

Modification of Definitive Statement

Variation of Particulars of Path or Way

[Set out intended amendment.]

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

Rail crossing extinguishment order

3. In relation to an Order made under section 118A of the Highways Act 1980 (referred to in that Act as a “rail crossing extinguishment order”(7)), being a section 53A Order, in Form 1 in Schedule 2 to the Rail Crossing Extinguishment and Diversion Orders Regulations 1993(8) (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “RAIL CROSSING EXTINGUISHMENT ORDER” substitute “RAIL CROSSING EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;

(7) See the Highways Act 1980, section 118A(3).

(8) S.I. 1993/9, amended by S.I. 1995/451, 1999/416, 2003/2155 and 2006/1177, and modified by S.I. 1997/2971 and 2008/442 and the Utilities Act 2000 (c.27), sections 31(1) and 76(7).

- (b) in the heading to the Order, below “**HIGHWAYS ACT 1980, SECTION 118A**”, insert “**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**”;
- (c) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;
- (d) in the operative paragraph of the Order, after the words “described in”, insert the words “Part 1 of”;
- (e) in the operative paragraph of the Order, after the words “the date of confirmation of this order”, insert the words “, and requires that upon the occurrence of that extinguishment the [title] definitive map shall be modified by deleting from it that public right of way, and the definitive statement shall be modified as described in Part 2 of the Schedule”;
- (f) for the Schedule to the Order, substitute—

“SCHEDULE

PART 1

Description of Public Right of Way Extinguished

[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

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendment.]

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

Special extinguishment order

4. In relation to an Order made under section 118B(4) of the Highways Act 1980, being a section 53A Order, in both Form 1 (being the form prescribed for such an Order made as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a)) and Form 2 (being the form prescribed for such an Order made as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 118B(1)(b)) in Schedule 1 to the Highways, Crime Prevention etc. (Special Extinguishment and Special Diversion Orders) Regulations 2003⁽⁹⁾—

- (a) in the heading to the Order, below “**HIGHWAYS ACT 1980, SECTION 118B**”, insert “**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**”;

⁽⁹⁾ S.I. 2003/1479, amended by S.I. 2004/3168 and modified by S.I. 2008/442.

- (b) in the heading to the Order, after “SPECIAL EXTINGUISHMENT”, insert “AND DEFINITIVE MAP AND STATEMENT MODIFICATION”;
- (c) insert, as the final paragraph of the preamble to the Order—
 - “This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [*title*] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;
- (d) in paragraph 1 of the Order, after the words “described in”, insert the words “Part 1 of”;
- (e) at the end of paragraph 1 of the Order, insert the words “, and upon the occurrence of that extinguishment the [*title*] definitive map shall be modified by deleting from it that public right of way, and the definitive statement shall be modified as described in Part 2 of the Schedule to this Order”; and
- (f) for the Schedule to the Order substitute—

“SCHEDULE

PART 1

Description of Public Right of Way Extinguished

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

PART 2

Modification of Definitive Statement

Variation of particulars of the highway

[Set out intended amendment.]”.

Public path diversion order

5. In relation to an Order made under section 119 of the Highways Act 1980 (referred to in that Act as a “public path diversion order”**(10)**), being a section 53A Order, in Form 2 in Schedule 1 to the Public Path Orders Regulations 1993 (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “PUBLIC PATH DIVERSION ORDER” substitute “PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “HIGHWAYS ACT 1980”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981”;
- (c) insert, as a second paragraph of the preamble to the Order—

“This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [*title*] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely,

(10) See the Highways Act 1980, section 119(1).

- the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.”;
- (d) at the end of paragraph 1 of the Order, insert the words “, and thereupon the [title] definitive map shall be modified by deleting from it that public right of way”;
 - (e) at the end of paragraph 3 of the Order, insert the words “, and thereupon the [title] definitive map shall be modified by adding that [path][way] to it”;
 - (f) insert, after paragraph 3 of the Order—
 - “**3A.** The [title] definitive statement shall be modified as described in [Part 4] of the Schedule to this order.”; and
 - (g) insert, as a concluding Part of the Schedule to the Order—

“[PART 4]

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendments.]”.

Rail crossing diversion order

6. In relation to an Order made under section 119A of the Highways Act 1980 (referred to in that Act as a “rail crossing diversion order”**(11)**), being a section 53A Order, in Form 2 in Schedule 2 to the Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “RAIL CROSSING DIVERSION ORDER” substitute “RAIL CROSSING DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “**HIGHWAYS ACT 1980, SECTION 119A**”, insert “**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)**”;
- (c) insert, as a second paragraph of the preamble to the Order—
 - “This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.”;
- (d) at the end of paragraph 1 of the Order, insert the words “, and thereupon the [title] definitive map shall be modified by deleting from it that public right of way”;
- (e) at the end of paragraph 3 of the Order, insert the words “, and thereupon the [title] definitive map shall be modified by adding that [path][way] to it”;
- (f) insert, after paragraph 3 of the Order—
 - “**3A.** The [title] definitive statement shall be modified as described in Part 3 of the Schedule.”; and
- (g) insert, as a concluding Part of the Schedule to the Order—

(11) See the Highways Act 1980, section 119A(3).

“PART 3

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendments.]”.

Special diversion order

7. In relation to an Order made under section 119B(4) of the Highways Act 1980 (referred to in that Act as a “special diversion order”**(12)**), being a section 53A Order, in both Form 3 (being the form prescribed for such an Order made as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of that Act) and Form 4 (being the form prescribed for such an Order made as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 119B(1)(b) in Schedule 1 to the Highways, Crime Prevention etc. (Special Extinguishment and Special Diversion Orders) Regulations 2003—

- (a) in the heading to the Order, below “HIGHWAYS ACT 1980, SECTION 119B”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)”;
- (b) in the heading to the Order, after “SPECIAL DIVERSION”, insert “AND DEFINITIVE MAP AND STATEMENT MODIFICATION”;
- (c) insert, as the final paragraph of the preamble to the Order—
 - “This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the *[title]* definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.”;
- (d) in paragraph 1 of the Order, at the end of the first sentence, insert the words “, and thereupon the *[title]* definitive map shall be modified by deleting from it that public right of way”;
- (e) at the end of paragraph 3 of the Order, insert the words “, and thereupon the *[title]* definitive map shall be modified by adding that public right of way to it”;
- (f) insert, after paragraph 3 of the Order—
 - “**3A.** The *[title]* definitive statement shall be modified as described in Part 4 of the Schedule to this Order.”;
- (g) insert, as a concluding Part of the Schedule to the Order—

“PART 4

Modification of Definitive Statement

Variation of particulars of the highway

[Set out intended amendments.]”; and

- (h) insert, as a Note at the end of the Order—

(12) See the Highways Act 1980, section 119B(5).

“NOTE: Renumber paragraphs, Parts, and references to them, as appropriate.”.

Order made under section 294 of the Housing Act 1985

8. In relation to an Order made under section 294 of the Housing Act 1985, being a section 53A Order, in Form 1 in the Schedule to the Housing (Prescribed Forms) Regulations 1990(**13**) (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “Order extinguishing a public right of way” substitute “Right of Way Extinguishment and Definitive Map and Statement Modification Order”;
- (b) in the heading to the Order, below “section 294”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981, section 53A(2)”;
- (c) in paragraph 1 of the Order, for “Right of Way Extinguishment Order 19” substitute “Right of Way Extinguishment and Definitive Map and Statement Modification Order 20”;
- (d) in paragraph 2 of the Order, after the words “described in”, insert the words “Part 1 of”;
- (e) after paragraph 2 of the Order, insert—

“**2A.** It appears to the Council that that right of way should be stopped up, and that the [*title*] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this order) of a highway shown or required to be shown in the map and statement.”;

- (f) after paragraph 3 of the Order, insert—

“**3A.** In consequence of paragraph 3, the Council under section 53A(2) of the Wildlife and Countryside Act 1981 hereby order that, upon the occurrence of the extinguishment effected by that paragraph, the [*title*] definitive map shall be modified by deleting from it the public right of way described in Part 1 of the Schedule to this order, and the definitive statement shall be modified as described in Part 2 of the Schedule to this order.”;

- (g) in paragraph 4 of the Order, for “Right of Way Extinguishment Order 19” substitute “Right of Way Extinguishment and Definitive Map and Statement Modification Order 20”;
- (h) for the Schedule to the Order, substitute—

“SCHEDULE

PART 1

Description of Right of Way to be Extinguished

[Give name or reference of right of way and describe its location, direction, length and width as indicated on the map.]

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendment.]”.

Public path order made under section 257 of the Town and Country Planning Act 1990

9. In relation to an Order made under section 257 of the Town and Country Planning Act 1990, being a section 53A Order, in Form 1 in Schedule 1 to the Town and Country Planning (Public Path Orders) Regulations 1993(14) (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “PUBLIC PATH [STOPPING UP] [DIVERSION] ORDER” substitute “PUBLIC PATH [STOPPING UP] [DIVERSION] AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)”;
- (c) insert, as a second paragraph of the preamble to the Order—
 - “This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the [stopping up][diversion] (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;
- (d) insert, in paragraph 1 of the Order after the words “[stopped up][diverted]”, the words “, and the [title] definitive map and statement shall be modified,”;
- (e) insert, at the end of paragraph 3 of the Order, the words “, and upon the occurrence of that [stopping up][diversion] the [title] definitive map shall be modified by deleting from it the path or way referred to in paragraph 1 of this order [and the path or way referred to in paragraph 2 of this order shall be added to it,] and the definitive statement shall be modified as described in [Part 3][Part 4] of the Schedule”;
- (f) insert, as a concluding Part of the Schedule to the Order—

“PART 4

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendments.]”; and

- (g) insert, at the end of the Note to the Order—
 - “Renumber Parts as appropriate.”.

Public path order made under section 258(1) of the Town and Country Planning Act 1990

10. In relation to an Order made under section 258(1) of the Town and Country Planning Act 1990, being a section 53A Order, in Form 2 in Schedule 1 to the Town and Country Planning (Public Path Orders) Regulations 1993 (being the form prescribed for such an Order)—

- (a) in the heading to the Order, for “PUBLIC PATH EXTINGUISHMENT ORDER” substitute “PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER”;
- (b) in the heading to the Order, below “TOWN AND COUNTRY PLANNING ACT 1990, SECTION 258(1)”, insert “WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53A(2)”;
- (c) in both paragraph (a) of the preamble to the Order and the operative paragraph of the Order, after the words “described in”, insert the words “Part 1 of”;
- (d) insert, as a second paragraph of the preamble to the Order—

“This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [*title*] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;
- (e) insert, at the end of the operative paragraph of the Order, the words “, and upon the occurrence of that extinguishment the [*title*] definitive map shall be modified by deleting from it that [path][way], and the definitive statement shall be modified as described in Part 2 of the Schedule”; and
- (f) for the Schedule to the Order, substitute—

“SCHEDULE

PART 1

Description of Site of Path or Way Extinguished

[Describe position and width, where necessary in sections, e.g. A-B, B-C etc., as indicated on the map.]

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

[Set out intended amendment.]

NOTE: Insert or omit words in square brackets as appropriate.””

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Rights of Way (Combined Orders) (England) Regulations 2008 (S.I. 2008/442) (the “Principal Regulations”).

In Orders made by local authorities creating, stopping up or diverting public rights of way, the Principal Regulations enable local authorities also to provide for the required consequential amendments of the definitive maps and statements which record such rights of way.

In relation to such Orders for which model forms are prescribed, these Regulations prescribe wording for those forms relating to the modification of such definitive maps and statements.

These Regulations also insert references to the Wildlife and Countryside Act 1981 and to modification of definitive maps and statements in the headings contained in the forms of the Orders.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sector is foreseen.