

This Statutory Instrument has been made in consequence of defects in S.I.1993/9, S.I. 1993/10, and S.I. 1993/11 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

1995 No. 451

HIGHWAYS, ENGLAND AND WALES

RIGHTS OF WAY

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

Made - - - - *24th February 1995*

Laid before Parliament *8th March 1995*

Coming into force - - *29th March 1995*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 26(5), 118(3), 118A(7), 119(7), 119A(10), 120(3A) of, and paragraph 1(3)(b)(iv) of Schedule 6 to, the Highways Act 1980(1), sections 53(6), 54(1) and paragraph 3(2)(b)(iv) of Schedule 15 to the Wildlife and Countryside Act 1981(2) and sections 259(4), 333 and paragraphs 1(2)(b)(v) and 7 of Schedule 14 to the Town and Country Planning Act 1990(3) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Rail Crossing Extinguishment and Diversion Orders, the Public Path Orders and the Definitive Maps and Statements (Amendment) Regulations 1995 and shall come into force on 29th March 1995.

(1) 1980 c. 66; sections 118A, 119A and 120(3A) were inserted by paragraphs 3, 4 and 5 of Schedule 2 to the Transport and Works Act 1992 (c. 42), and paragraph 1(3) of Schedule 6 was substituted by paragraph 6(2) of Schedule 16 to the Wildlife and Countryside Act 1981 (c. 69). See the definition of prescribed in paragraph 3 of Schedule 6 to the Highways Act 1980.
(2) 1981 c. 69. See the definition of prescribed in paragraph 13 of Schedule 15.
(3) 1990 c. 8. See the definition of prescribed in section 336(1).

Amendment of the Rail Crossing Extinguishment and Diversion Orders Regulations 1993

2. The Rail Crossing Extinguishment and Diversion Orders Regulations 1993(4) shall be amended as follows—

- (a) in paragraph (1) of regulation 2 for “in the form in Part I of Schedule 1” there shall be substituted “in the form set out in Form 1 in Schedule 1”;
- (b) in paragraph (2) of regulation 2 for “in the form in Part 2 of Schedule 1” there shall be substituted “in the form set out in Form 2 in Schedule 1”; and
- (c) for the list of areas and persons in Schedule 4 there shall be substituted the list set out in the Schedule hereto.

Amendment of the Town and Country Planning (Public Path Orders) Regulations 1993

3. The Town and Country Planning (Public Path Orders) Regulations 1993(5) shall be amended as follows—

- (a) in Form 2 in Schedule 2 for the two references to “paragraph [7] [8] of Schedule 14” there shall be substituted in each case “paragraph 7 of Schedule 14”; and
- (b) for the list of areas and persons in Schedule 3 there shall be substituted the list set out in the Schedule hereto.

Amendment of the Public Path Orders Regulations 1993

4. The Public Path Orders Regulations 1993(6) 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:

(4) S.I. 1993/9.
(5) S.I. 1993/10.
(6) S.I. 1993/11.

“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]

<i>[Position of path or way to which limitations and conditions apply]</i>	<i>Limitations and conditions]</i>
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NOTE: Insert or omit words in square brackets and blank spaces as appropriate. Renumber paragraphs as appropriate.

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.

Amendment of the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

5. The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993(7) shall be amended as follows—

for the list of areas and persons in Schedule 6 there shall be substituted the list set out in the Schedule hereto except that in column 2 of that table, after “Auto-Cycle Union” there shall be added “British Driving Society”.

Signed by authority of the Secretary of State

15th February 1995

Robert Atkins
Minister of State
Department of the Environment

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

24th February 1995

John Redwood
Secretary of State for Wales

SCHEDULE

Regulations 2, 3, 4 and 5

<i>1. Area</i>	<i>2. Name of Persons</i>
England and Wales	Auto-Cycle Union
	British Horse Society
	Byways and Bridleways Trust
	Open Spaces Society
	Ramblers Association
	Cyclists Touring Club
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.	
Wales	Welsh Trail Riders' Association

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to the Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (S.I. 1993/9), The Town and Country Planning (Public Path Orders) Regulations 1993 (S.I. 1993/10), the Public Path Orders Regulations 1993 (S.I. 1993/11) and the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (S.I. 1993/12).

Regulation 2 amends regulation 2 of S.I. 1993/9 so that it refers to Forms 1 and 2 in Schedule 1 rather than Parts 1 and 2 of Schedule 1.

Regulation 3 amends Form 2 in Schedule 2 to S.I. 1993/10 to omit the references to paragraph 8 of Schedule 14 to the Town and Country Planning Act 1990.

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Regulation 4 substitutes a new regulation 2(1), (2) and Schedule 1 to S.I. [1993/11](#). References to the form of an acquisition extinguishment order are omitted and minor drafting changes are made.

Regulations 2 to 5 also amend the areas in relation to which persons are to be served with notice of orders.