



Highways Act 1980

1980 CHAPTER 66

PART III

CREATION OF HIGHWAYS

28 Compensation for loss caused by public path creation order.

- (1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.
- (2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State, and shall be made to the authority by whom the order was made.
- (3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.
- (4) Nothing in this section confers on any person, in respect of a footpath [^{F1}, bridleway or restricted byway] created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been affected otherwise than in the exercise of statutory powers.
- (5) In this section “interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

Changes to legislation: Highways Act 1980, Section 28 is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 28(4) substituted (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2, **Sch. Pt. 1**; S.I. 2006/1172, **art. 2(a)-(d)** (with art. 3); S.I. 2006/1279, **art. 2(a)-(d)** (with art. 3)

Modifications etc. (not altering text)

- C1** Ss. 26-29 extended by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 2(5)(6), 23(2), 27(2), **Sch. 3 para. 47(1)**
- C2** Ss. 25-29 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 11(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**).
- C3** S. 28 applied (with modifications) (28.4.2003) by [The Network Rail \(West Coast Main Line\) Order 2003 \(S.I. 2003/1075\)](#), **art. 8(6)-(10)** (with art. 40)
- C4** Ss. 25-28 applied (2.5.2006 for E. and 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), regs. 1(2)(4), 2, **Sch. Pt. I**; S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2
- C5** S. 28 modified (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), **19(7)-(10)** (with arts. 34, 35, 37, 40)
- C6** S. 28 applied (with modifications) (13.11.2012) by [The Chiltern Railways \(Bicester to Oxford Improvements\) Order 2012 \(S.I. 2012/2679\)](#), arts. 1, **16(8)** (with art. 42(2))
- C7** S. 28 applied (with modifications) (8.12.2017) by [The Network Rail \(Closure of Abbots Ripton Level Crossing\) Order 2017 \(S.I. 2017/1074\)](#), arts. 1, **6(2)(3)**
- C8** S. 28 applied (with modifications) (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **13(8)-(12)** (with arts. 24(8), 33(2))
- C9** S. 28 applied (with modifications) (4.6.2018) by [The Network Rail \(Kings Mill No. 1 Level Crossing \(Land Acquisition and Closure\) Order 2018 \(S.I. 2018/571\)](#), arts. 1, **4(2)-(6)** (with art. 4(11))
- C10** S. 28 applied (with modifications) (26.9.2018) by [The Network Rail \(Felixstowe Branch Line Improvements Level Crossings Closure\) Order 2018 \(S.I. 2018/937\)](#), arts. 1, **6(4)-(8)**
- C11** S. 28 applied (with modifications) (25.2.2020) by [The Network Rail \(East West Rail\) \(Bicester to Bedford Improvements\) Order 2020 \(S.I. 2020/114\)](#), arts. 1, **9(8)-(12)** (with art. 37(2))
- C12** S. 28 applied (31.12.2020) by [The Network Rail \(Cambridgeshire Level Crossing Reduction\) Order 2020 \(S.I. 2020/1485\)](#), arts. 1, **16(3)-(8)**
- C13** S. 28 applied (with modifications) (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 4 para. 5(3)(4)**
- C14** S. 28 applied (with modifications) (30.6.2022) by [The Network Rail \(Essex and Others Level Crossing Reduction\) Order 2022 \(S.I. 2022/651\)](#), arts. 1, **15(3)-(7)**
- C15** S. 28 applied (with modifications) (1.8.2022) by [The Northumberland Line Order 2022 \(S.I. 2022/820\)](#), arts. 1, **10(2)(3)** (with **Sch. 10 paras. 21, 43**)
- C16** S. 28(1) applied (with modifications) (19.1.2021) by [The Network Rail \(Suffolk Level Crossing Reduction\) Order 2020 \(S.I. 2020/1663\)](#), arts. 1, **15(3)-(7)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)