



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART III

#### PUBLIC RIGHTS OF WAY

##### *Ascertainment of public rights of way*

#### **53 Duty to keep definitive map and statement under continuous review.**

- (1) In this Part “definitive map and statement”, in relation to any area, means, subject to section 57(3) [<sup>F1</sup>and 57A(1)],—
- (a) the latest revised map and statement prepared in definitive form for that area under section 33 of the 1949 Act; or
  - (b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under section 32 of that Act; or
  - (c) where no such map and statement have been so prepared, the map and statement prepared for that area under section 55(3).
- (2) As regards every definitive map and statement, the surveying authority shall—
- (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in subsection (2) are as follows—
- (a) the coming into operation of any enactment or instrument, or any other event, whereby—

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- (i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;
- (ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or
- (iii) a new right of way has been created 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 [<sup>F2</sup> or a restricted byway];
- (b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path [<sup>F3</sup> or restricted byway] ;
- (c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—
  - (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [<sup>F4</sup> a right of way such that the land over which the right subsists is a public path [<sup>F5</sup>, a restricted byway] or, subject to section 54A, a byway open to all traffic];
  - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
  - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.
- (4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—
  - (a) the position and width of any public path [<sup>F6</sup>, restricted byway] or byway open to all traffic which is or is to be shown on the map; and
  - (b) any limitations or conditions affecting the public right of way thereover.
- [<sup>F7</sup>(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.
- (4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.]
- (5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.
- [<sup>F8</sup>(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.]

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- (6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of Schedule 15 shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).

#### Textual Amendments

- F1** Words in s. 53(1) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(2); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F2** Words in s. 53(3)(a)(iii) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(3); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F3** Words in s. 53(3)(b) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 70(1)(a), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F4** Words in s. 53(3)(c)(i) substituted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(4); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F5** Words in s. 53(3)(c)(i) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 70(1)(a), 107; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F6** Words in s. 53(4)(a) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(5); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F7** S. 53(4A)(4B) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(6); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F8** S. 53(5A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(7); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**

#### Modifications etc. (not altering text)

- C1** S. 53: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**  
S. 53 excluded (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 49(5), 103(3); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**

#### [<sup>F9</sup>53A Power to include modifications in other orders.

- (1) This section applies to any order—
- which is of a description prescribed by regulations made by the Secretary of State,
  - whose coming into operation would, as regards any definitive map and statement, be an event within section 53(3)(a),
  - which is made by the surveying authority, and
  - which does not affect land outside the authority's area.
- (2) The authority may include in the order such provision as it would be required to make under section 53(2)(b) in consequence of the coming into operation of the other provisions of the order.
- (3) An authority which has included any provision in an order by virtue of subsection (2) —
- may at any time before the order comes into operation, and
  - shall, if the order becomes subject to special parliamentary procedure,

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- withdraw the order and substitute for it an order otherwise identical but omitting any provision so included.
- (4) Anything done for the purposes of any enactment in relation to an order withdrawn under subsection (3) shall be treated for those purposes as done in relation to the substituted order.
  - (5) No requirement for the confirmation of an order applies to provisions included in the order by virtue of subsection (2), but any power to modify an order includes power to make consequential modifications to any provision so included.
  - (6) Provisions included in an order by virtue of subsection (2) shall take effect on the date specified under section 56(3A) as the relevant date.
  - (7) Where any enactment provides for questioning the validity of an order on any grounds, the validity of any provision included by virtue of subsection (2) may be questioned in the same way on the grounds—
    - (a) that it is not within the powers of this Part, or
    - (b) that any requirement of this Part or of regulations made under it has not been complied with.
  - (8) Subject to subsections (5) to (7), the Secretary of State may by regulations provide that any procedural requirement as to the making or coming into operation of an order to which this section applies shall not apply, or shall apply with modifications prescribed by the regulations, to so much of the order as contains provision included by virtue of subsection (2).
  - (9) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F9** S. 53A inserted (21.11.2005 for W. and 18.2.2008 for E.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 2; S.I. 2005/1314, art. 4; S.I. 2008/308, art. 2

#### [<sup>F10</sup>53B Register of applications under section 53.

- (1) Every surveying authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to applications under section 53(5).
- (2) The register shall contain such information as may be prescribed with respect to the manner in which such applications have been dealt with.
- (3) Regulations may make provision for the register to be kept in two or more parts, each part containing such information relating to applications under section 53(5) as may be prescribed.
- (4) Regulations may make provision—
  - (a) for a specified part of the register to contain copies of applications and of the maps submitted with them, and
  - (b) for the entry relating to any application, and everything relating to it, to be removed from any part of the register when—

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- (i) the application (including any appeal to the Secretary of State) has been finally disposed of, and
  - (ii) if an order is made, a decision has been made to confirm or not to confirm the order,
- (without prejudice to the inclusion of any different entry relating to it in another part of the register).
- (5) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.
- (6) In this section—
- “prescribed” means prescribed by regulations;
  - “regulations” means regulations made by the Secretary of State by statutory instrument;
- and a statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**  
**F10** S. 53B inserted (27.9.2005 for E. and 21.11.2005 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 2; S.I. 2005/2459, art. 2(1); S.I. 2005/1314, art. 4

**54 Duty to reclassify roads used as public paths.**

**F11** .....

**Textual Amendments**  
**F11** S. 54 repealed (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 47(1), 102, 103(3), Sch. 16 Pt. II; S.I. 2006/1172, art. 2 (with art. 3); S.I. 2006/1279, art. 2

**PROSPECTIVE**

**[<sup>F12</sup>54A BOATs not to be added to definitive maps.**

- (1) No order under this Part shall, after the cut-off date, modify a definitive map and statement so as to show as a byway open to all traffic any way not shown in the map and statement as a highway of any description.
- (2) In this section “the cut-off date” means, subject to regulations under subsection (3), 1st January 2026.
- (3) The Secretary of State may make regulations—
  - (a) substituting as the cut-off date a date later than the date specified in subsection (2) or for the time being substituted under this paragraph;
  - (b) containing such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the operation of subsection (1), including in particular its operation in relation to—

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- (i) an order under section 53(2) for which on the cut-off date an application is pending,
  - (ii) an order under this Part which on that date has been made but not confirmed,
  - (iii) an order under section 55 made after that date, or
  - (iv) an order under this Part relating to any way as respects which such an order, or any provision of such an order, has after that date been to any extent quashed.
- (4) Regulations under subsection (3)(a)—
- (a) may specify different dates for different areas; but
  - (b) may not specify a date later than 1st January 2031, except as respects an area within subsection (5).
- (5) An area is within this subsection if it is in—
- (a) the Isles of Scilly, or
  - (b) an area which, at any time before the repeal by section 73 of this Act of sections 27 to 34 of the 1949 Act—
    - (i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or
    - (ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.
- (6) Where by virtue of regulations under subsection (3) there are different cut-off dates for areas into which different parts of any way extend, the cut-off date in relation to that way is the later or latest of those dates.
- (7) Where it appears to the Secretary of State that any provision of this Part can by virtue of subsection (1) have no further application he may by order make such amendments or repeals in this Part as appear to him to be, in consequence, necessary or expedient.
- (8) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F12** S. 54A inserted (prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. 1 para. 4

## 55 No further surveys or reviews under the 1949 Act.

- (1) No survey under sections 27 to 32 of the 1949 Act, or review under section 33 of that Act, shall be begun after the commencement date; and where on that date a surveying authority have not completed such a survey or review begun earlier, the Secretary of State may, after consultation with the authority, direct the authority—
- (a) to complete the survey or review; or
  - (b) to abandon the survey or review to such extent as may be specified in the direction.
- (2) Where such a survey or review so begun is abandoned, the Secretary of State shall give such notice of the abandonment as appears to him requisite.

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- (3) Where, in relation to any area, no such survey has been so begun or such a survey so begun is abandoned, the surveying authority shall prepare for that area a map and statement such that, when they have been modified in accordance with the provisions of this Part, they will serve as the definitive map and statement for that area.
- (4) Where such a survey so begun is abandoned after a draft map and statement have been prepared and the period for making representations or objections has expired, the authority shall by order modify the map and statement prepared under subsection (3) so as—
- (a) to give effect to any determination or decision of the authority under section 29(3) or (4) of the 1949 Act in respect of which either there is no right of appeal or no notice of appeal has been duly served;
  - (b) to give effect to any decision of the Secretary of State under section 29(6) of that Act; and
  - (c) to show any particulars shown in the draft map and statement with respect to which no representation or objection has been duly made, or in relation to which all such representations or objections had been withdrawn.
- (5) Where such a review so begun is abandoned after a draft map and statement have been prepared and the period for making representations or objections has expired, the authority shall by order modify the map and statement under review so as—
- (a) to give effect to any decision of the Secretary of State under paragraph 4(4) of Part II of Schedule 3 to the 1968 Act; and
  - (b) to show any particulars shown in the draft map and statement but not in the map and statement under review, and to omit any particulars shown in the map and statement under review but not in the draft map and statement, being (in either case) particulars with respect to which no representation or objection has been duly made, or in relation to which all such representations or objections have been withdrawn.
- (6) Orders under subsection (4) or (5) shall take effect on their being made.
- [<sup>F13</sup>(7) Every way which—
- (a) in pursuance of an order under subsection (5) is shown in a definitive map and statement as a byway open to all traffic, a bridleway or a footpath, and
  - (b) before the making of the order, was shown in the map and statement under review as a road used as a public path,
- shall be a highway maintainable at the public expense.
- (8) Subsection (7) does not oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.]

#### Textual Amendments

**F13** S. 55(7)(8) inserted (27.9.2005 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 5; S.I. 2005/2459, art. 2(1); S.I. 2006/1279, art. 2

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## 56 Effect of definitive map and statement.

(1) A definitive map and statement shall be conclusive evidence as to the particulars contained therein to the following extent, namely—

- (a) where the map shows a footpath, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover a right of way on foot, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than that right;
- (b) where the map shows a bridleway, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights;
- (c) where the map shows a byway open to all traffic, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way for vehicular and all other kinds of traffic;
- (d) where the map shows a [<sup>F14</sup>restricted byway], the map shall [<sup>F15</sup>, subject to subsection (2A),] be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse [<sup>F16</sup>together with a right of way for vehicles other than mechanically propelled vehicles], so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights; and
- (e) where by virtue of the foregoing paragraphs the map is conclusive evidence, as at any date, as to a highway shown thereon, any particulars contained in the statement as to the position or width thereof shall be conclusive evidence as to the position or width thereof at that date, and any particulars so contained as to limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject to those limitations or conditions, but without prejudice to any question whether the right was subject to any other limitations or conditions at that date.

[<sup>F17</sup>(1A) In subsection (1)(d) “mechanically propelled vehicle” does not include an electrically assisted pedal cycle of a class prescribed for the purposes of section 189(1)(c) of the <sup>M1</sup>Road Traffic Act 1988.]

(2) For the purposes of this section “the relevant date”—

- (a) in relation to any way which is shown on the map otherwise than in pursuance of an order under the foregoing provisions of this Part [<sup>F18</sup>or an order to which section 53A applies which includes provision made by virtue of subsection (2) of that section], means [<sup>F19</sup>, subject to subsection (2A),] the date specified in the statement as the relevant date for the purposes of the map;
- (b) in relation to any way which is shown on the map in pursuance of such an order, means the date which, in accordance with subsection (3) [<sup>F20</sup>or (3A)], is specified in the order as the relevant date for the purposes of the order.

[<sup>F21</sup>(2A) In the case of a map prepared before the date of the coming into force of section 47 of the Countryside and Rights of Way Act 2000—



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- (a) subsection (1)(d) and (e) have effect subject to the operation of any enactment or instrument, and to any other event, whereby a way shown on the map as a restricted byway has, on or before that date—
    - (i) been authorised to be stopped up, diverted or widened, or
    - (ii) become a public path, and
  - (b) subsection (2)(a) has effect in relation to any way so shown with the substitution of that date for the date mentioned there.]
- (3) Every order under the foregoing provisions of this Part shall specify, as the relevant date for the purposes of the order, such date, not being earlier than six months before the making of the order, as the authority may determine.
- [<sup>F22</sup>(3A) Every order to which section 53A applies which includes provision made by virtue of subsection (2) of that section shall specify, as the relevant date for the purposes of the order, such date as the authority may in accordance with regulations made by the Secretary of State determine.]
- (4) A document purporting to be certified on behalf of the surveying authority to be a copy of or of any part of a definitive map or statement as modified in accordance with the provisions of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.
- [<sup>F23</sup>(4A) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (5) <sup>F24</sup> .....

**Textual Amendments**

- F14** Words in s. 56(1)(d) substituted (2. 5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(2)(a); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F15** Words in s. 56(1)(d) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(2)(b); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F16** Words in s. 56(1)(d) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(2)(c); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F17** S. 56(1A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(3); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F18** Words in s. 56(2)(a) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(4)(a)(i); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F19** Words in s. 56(2)(a) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(4)(a)(ii); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F20** Words in s. 56(2)(b) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(4)(b); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F21** S. 56(2A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(5); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F22** S. 56(3A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(6); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F23** S. 56(4A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 6(7); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F24** S. 56(5) repealed (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 102, 103(3), Sch. 5 Pt. I para. 6(8), Sch. 16 Pt. II; S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**

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### Marginal Citations

M1 1988 c. 52.

## 57 Supplementary provisions as to definitive maps and statements.

- (1) An order under the foregoing provisions of this Part shall be in such form as may be prescribed by regulations made by the Secretary of State, and shall contain a map, [<sup>F25</sup>on such scale as may be so prescribed,] showing the modifications to which the order relates.
- (2) Regulations made by the Secretary of State may prescribe the scale on which maps are to be prepared under [<sup>F26</sup>subsection (1) or any other provision of this Part], and the method of showing in definitive maps and statements anything which is required to be so shown.
- (3) Where, in the case of a definitive map and statement for any area which have been modified in accordance with the foregoing provisions of this Part, it appears to the surveying authority expedient to do so, they may prepare a copy of that map and statement as so modified; and where they do so, the map and statement so prepared, and not the map and statement so modified, shall be regarded for the purposes of the foregoing provisions of this Part [<sup>F27</sup>, and for the purposes of section 57A(1),] as the definitive map and statement for that area.
- [<sup>F28</sup>(3A) Where as respects any definitive map and statement the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, the map and statement are to be regarded for the purposes of subsection (3) as having been modified in accordance with the foregoing provisions of this Part whether or not, as respects the map and statement, the requirements of section 54 have been complied with.]
- (4) The statement prepared under subsection (3) shall specify, as the relevant date for the purposes of the map, such date, not being earlier than six months before the preparation of the map and statement, as the authority may determine.
- (5) As regards every definitive map and statement, the surveying authority shall keep—
  - (a) a copy of the map and statement; and
  - (b) copies of all orders under this Part modifying the map and statement,
 available for inspection free of charge at all reasonable hours at one or more places in each district comprised in the area to which the map and statement relate and, so far as appears practicable to the surveying authority, a place in each parish so comprised; and the authority shall be deemed to comply with the requirement to keep such copies available for inspection in a district or parish if they keep available for inspection there a copy of so much of the map and statement and copies of so many of the orders as relate to the district or parish.
- [<sup>F29</sup>(5A) Subsection (5) shall apply in relation to land in Wales as if “in each district comprised” were omitted.]
- (6) Notwithstanding anything in subsection (5), an authority shall not be required to keep available for inspection more than one copy of—
  - (a) any definitive map and statement; or
  - (b) each order under this Part modifying the map and statement,

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if, as respects the area to which that map and statement relate, a subsequent map and statement have been prepared under subsection (3); and the said single copies may be kept in such place in the area of the authority as they may determine.

[<sup>F30</sup>(6A) In subsection (1), the reference to an order under the foregoing provisions of this Part includes a reference to so much of an order to which section 53A applies as contains provision made by virtue of subsection (2) of that section; and subsections (5) and (6) apply to—

- (a) orders to which section 53A applies modifying the map and statement, and
- (b) such documents relating to them as may be prescribed by regulations made by the Secretary of State,

as those subsections apply to orders under this Part modifying the map and statement.

(6B) Regulations under paragraph (b) of subsection (6A) may require any document to be prepared by a surveying authority for the purposes of that paragraph, and any such document shall be in such form as may be prescribed by the regulations.

(6C) Regulations made by the Secretary of State may require any surveying authority—

- (a) to keep such other documents as may be prescribed by the regulations available for inspection at such times and places and in such manner as may be so prescribed, or
- (b) to provide to any other surveying authority any document so prescribed which that authority is, by regulations under paragraph (a), required to keep available for inspection.]

(7) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the provisions of this Part including, in particular, section 53(5) and subsection (5).

(8) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F25** Words in s. 57(1) repealed (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 102, 103(3), Sch. 5 Pt. I para. 7(2), Sch. 16 Pt. II; S.I. 2006/1172, art. 2
- F26** Words in s. 57(2) substituted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(3); S.I. 2006/1172, art. 2
- F27** Words in s. 57(3) inserted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(4); S.I. 2006/1172, art. 2
- F28** S. 57(3A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(5); S.I. 2006/1172, art. 2
- F29** S. 57(5A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(7) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F30** S. 57(6A)(6B)(6C) inserted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(6); S.I. 2006/1172, art. 2

#### [<sup>F31</sup>57A Consolidation of definitive maps and statements.

(1) Where—

- (a) different definitive maps and statements relate to different parts of a surveying authority's area,

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- (b) as respects so much of each definitive map and statement as relates to that area the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, and
  - (c) there is no part of that area to which no definitive map and statement relate, the authority may, if it appears to them expedient to do so, prepare a map and statement comprising copies of so much of each definitive map and statement as relates to the authority's area; and where they do so the map and statement so prepared and not, so far as copied, the earlier maps and statements shall be regarded for the purposes of sections 53 to 56 and 57(2) and (3) as the definitive map and statement for the area to which they relate.
- (2) The power conferred by subsection (1) is not exercisable by a surveying authority if the definitive map and statement relating to any part of the authority's area is a map and statement in respect of which a review under section 33 of the 1949 Act was begun before the commencement date but has been neither abandoned in pursuance of a direction under section 55(1) nor completed.
  - (3) References in subsection (1) to a definitive map and statement are, in the case of a map and statement modified in accordance with any of the foregoing provisions of this Part, references to the map and statement as modified.
  - (4) The statement prepared under subsection (1) shall specify, as the relevant date for the purposes of the map, such date, not being earlier than six months before the preparation of the map and statement, as the authority may determine.
  - (5) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the preparation by them of any map and statement under subsection (1).]

#### Textual Amendments

**F31** [S. 57A](#) inserted (13.2.2004 for E. and 31.5.2005 for W.) by [2000 c. 37, ss. 51, 103\(3\), Sch. 5 Pt. I para. 8](#); [S.I. 2004/292, art. 2](#); [S.I. 2005/1314, art. 2](#)

### 58 Application of ss. 53 to 57 to inner London.

- (1) Subject to subsection (2), the foregoing provisions of this Part shall not apply to any area to which this subsection applies; and this subsection applies to any area which, immediately before 1st April 1965, formed part of the administrative county of London.
- (2) A London borough council may by resolution adopt the said foregoing provisions as respects any part of their area specified in the resolution, being a part to which subsection (1) applies, and those provisions shall thereupon apply accordingly.
- (3) Where by virtue of a resolution under subsection (2), the said foregoing provisions apply to any area, those provisions shall have effect in relation thereto as if for references to the commencement date there were substituted references to the date on which the resolution comes into operation.

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*Miscellaneous and supplemental*

**59 Prohibition on keeping bulls on land crossed by public rights of way.**

- (1) If, in a case not falling within subsection (2), the occupier of a field or enclosure crossed by a right of way to which this Part applies [<sup>F32</sup>or a restricted byway] permits a bull to be at large in the field or enclosure, he shall be liable on summary conviction to a fine not exceeding [<sup>F33</sup>level 3 on the standard scale].
- (2) Subsection (1) shall not apply to any bull which—
  - (a) does not exceed the age of ten months; or
  - (b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.
- (3) Nothing in any byelaws, whenever made, shall make unlawful any act which is, or but for subsection (2) would be, made unlawful by subsection (1).
- (4) In this section “recognised dairy breed” means one of the following breeds, namely, Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.
- (5) The Secretary of State may by order add any breed to, or remove any breed from, subsection (4); and an order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

- F32** Words in s. 59(1) inserted (3.7.2006 for E. and 12.7.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177, reg. 1(3)(5), **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)
- F33** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

**Modifications etc. (not altering text)**

- C2** S. 59 applied (3.7.2006 for E. and 12.7.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regs. 1(3)(5), 2(1), **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)

<sup>F34</sup>**60** .....

**Textual Amendments**

- F34** S. 60 repealed by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14**

[<sup>F35X1</sup>**61 Ploughing of public rights of way.**

- (1) Section 134 of the <sup>M2</sup>Highways Act 1980 (ploughing of footpath or bridleway) shall have effect subject to the amendments provided for by subsections (2) to (9).
- (2) Subsection (3) (7 days’ notice of intention to plough) shall be omitted.

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- (3) In subsection (4) (duty to resore surface of footpath or bridleway), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) not later than 2 weeks from the time when the occupier began to plough the footpath or bridleway, or
- (b) if prevented from doing so by exceptional weather conditions, as soon as practicable thereafter.”
- (4) In subsection (5) (failure to comply with subsection (3) or (4)) the words “(3) or” shall be omitted, for paragraphs (a) and (b) there shall be substituted the words “to a fine not exceeding £200” and for the words “subsection (4)”, in the second place where they occur, there shall be substituted the words “that subsection”.
- (5) After that subsection there shall be inserted the following subsection—
- “(5A) A person who ploughs any footpath, bridleway or other highway otherwise than in the exercise of a right to plough it shall be guilty of an offence and liable to a fine not exceeding £200.”
- (6) In subsection (6) (enforcement of subsections (3) to (5)) for the words “subsections (3) to (5) above as respects any footpath or bridleway” there shall be substituted the words “subsections (4) to (5A) above as respects any footpath, bridleway or other highway”.
- (7) In subsection (7) (proceedings by parish or community councils) after the words “subsection (4)” there shall be inserted the words “or (5A)”.
- (8) In subsection (8) (power of competent authority to restore surface of footpath or bridleway) for the words “footpath or bridleway” there shall be substituted the words “footpath, bridleway or other highway”.
- (9) In subsection (10) (competent authorities for the purposes of subsections (8) and (9)) for the words “footpath or bridleway”, in both places where they occur, there shall be substituted the words “footpath, bridleway or other highway”.
- (10) In section 135(1) of the said Act of 1980 (temporary diversion of footpath or bridleway ploughed up under section 134) the words “6 or” and “6 weeks or” shall be omitted.]

#### Editorial Information

- X1** The text of s. 61 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F35** S. 61 repealed (E.W.) by [Rights of Way Act 1990 \(c. 24, SIF 59\)](#), s. 6(4)

#### Marginal Citations

- M2** 1980 c. 66.

## 62 Appointment of wardens for public rights of way.

A local authority may appoint such number of persons as appears to the authority to be necessary or expedient to act as wardens as respects a footpath, bridleway [<sup>F36</sup>, restricted byway] or byway open to all traffic which is both in the countryside and in

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the area of the authority, and the purpose for which the wardens may be so appointed is to advise and assist the public in connection with the use of the path or way.

#### Textual Amendments

- F36** Words in s. 62 inserted (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), **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)

- C3** S. 62: functions made exercisable concurrently (22.7.2004) by virtue of [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 25(1)(2)(xxx)**, Sch. (with art. 35)  
S. 62: functions made exercisable concurrently (22.7.2004) by virtue of [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 25(1)(2)(xxx)**, Sch. (with art. 35)
- C4** S. 62 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(1), **Sch. Pt. I**; S.I. 2006/1172, art. 2(a)-(d) (with art. 3); S.I. 2006/1279, art. 2(a)-(d) (with art. 3)

### 63 Orders creating, extinguishing or diverting footpaths and bridleways.

The enactments mentioned in Schedule 16 (which relate to the making and confirmation of certain orders creating, extinguishing or diverting footpaths and bridleways) shall have effect subject to the amendments provided for in that Schedule.

### <sup>x2</sup>64 Publication of dedication of footpaths and bridleways.

At the end of section 25 of the <sup>M3</sup> Highways Act 1980 (creation of footpath or bridleway by agreement) there shall be inserted the following subsection—

“(6) As soon as may be after the dedication of a footpath or bridleway in accordance with a public path creation agreement, the local authority who are party to the agreement shall give notice of the dedication by publication in at least one local newspaper circulating in the area in which the land to which the agreement relates is situated.”.

#### Editorial Information

- X2** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M3** 1980 c. 66.

### <sup>x3</sup>65 Signposting of byways open to all traffic.

- (1) In section 27 of the 1968 Act (signposting of footpaths and bridleways) for the words “or bridleway”, wherever they occur, there shall be substituted the words “bridleway

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or byway” ; and for the words “and bridleways” in subsection (6) of that section there shall be substituted the words “bridleways and byways”.

(2) After subsection (7) of that section there shall be inserted the following subsection—

“(8) In this section “byway” means a byway open to all traffic, that is to say, a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.”

#### Editorial Information

**X3** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 66 Interpretation of Part III.

(1) In this Part—

“bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

“byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used;

“definitive map and statement” has the meaning given by section 53(1);

“footpath” means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;

“horse” includes a pony, ass and mule, and “horseback” shall be construed accordingly;

“public path” means a highway being either a footpath or a bridleway;

[<sup>F37</sup>“restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;]

“right of way to which this Part applies” means a right of way such that the land over which the right subsists is a public path or a byway open to all traffic;

[<sup>F38</sup>“surveying authority”, in relation to any area, means the county council, [<sup>F39</sup>county borough council,] metropolitan district council, or London borough council whose area includes that area.]

(2) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in subsection (1) by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right thereover.

(3) The provisions of section 30(1) of the 1968 Act (riding of pedal cycles on bridleways) shall not affect the definition of bridleway in subsection (1) and any rights exercisable by virtue of those provisions shall be disregarded for the purposes of this Part.



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#### Textual Amendments

- F37** S. 66(1): definition of “restricted byway” inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 9; S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F38** Definition substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, **Sch. 3 para. 7(6)**
- F39** Words in s. 66(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 65(8)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**Status:**

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**Changes to legislation:**

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