



Highways Act 1980

1980 CHAPTER 66

PART VIII

STOPPING UP AND DIVERSION OF HIGHWAYS AND STOPPING UP OF MEANS OF ACCESS TO HIGHWAYS

Stopping up and diversion of highways

[^{F1}119E Provisions supplementary to section 119D.

- (1) An application under section 119D above shall be in such form as may be prescribed and shall be accompanied by—
 - (a) a map, on such scale as may be prescribed,—
 - (i) showing the existing site of so much of the line of the highway as would be diverted if the order were made and the new site to which it would be diverted,
 - (ii) indicating whether a new right of way would be created by the order over the whole of the new site or whether some of it is already comprised in a highway, and
 - (iii) where some part of the new site is already so comprised, defining that part,
 - (b) by an assessment in the prescribed form of the effects of public use of the right of way on the site of special scientific interest, and
 - (c) by such other information as may be prescribed.
- (2) At least fourteen days before making an application under section 119D above, the appropriate conservation body shall give a notice in the prescribed form of their intention to do so—
 - (a) to any owner, lessee or occupier of land over which the proposed order would create or extinguish a public right of way; [^{F2}and]
 - (b) to such other persons as may be prescribed; ^{F3} . . .
 - (c) ^{F3}

Status: Point in time view as at 31/03/2024.

Changes to legislation: Highways Act 1980, Section 119E is up to date with all changes known to be in force on or before 22 July 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)

- (3) A council, in determining whether it is expedient to make or confirm an SSSI diversion order, and the Secretary of State, in determining whether to confirm such an order, shall, in particular, have regard to the following questions—
- (a) whether the council would be able to prevent damage of the kind referred to in section 119D(1) above by making a traffic regulation order, and
 - (b) if so, whether the making of a traffic regulation order would cause less inconvenience to the public than that which would be caused by the diversion of the highway.
- (4) The Secretary of State, in determining whether it is expedient to make an SSSI diversion order under section 120(3) below in a case where by virtue of section 22(4) of the ^{M1}Road Traffic Regulation Act 1984 he has power to make a traffic regulation order shall, in particular, have regard to the following questions—
- (a) whether he would be able to prevent damage of the kind referred to in section 119D(1) above by making a traffic regulation order, and
 - (b) if so, whether the making of a traffic regulation order would cause less inconvenience to the public than that which would be caused by the diversion of the highway.
- (5) An SSSI diversion order shall be in such form as may be prescribed and shall contain a map, on such scale as may be prescribed,—
- (a) showing the existing site of so much of the line of the highway as is to be diverted by the order and the new site to which it is to be diverted,
 - (b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a highway, and
 - (c) where some part of the new site is already so comprised, defining that part.
- (6) Section 27 above (making up of new footpaths^{F4}, bridleways and restricted byways]) applies to a highway created by an SSSI diversion order with the substitution—
- (a) for references to a footpath^{F5}, bridleway or restricted byway] of references to a footpath, a bridleway, a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic,
 - (b) for references to a public path creation order, of references to an SSSI diversion order, and
 - (c) for references to section 26(2) above, of references to section 120(3) below.
- (7) Neither section 27 nor section 36 above is to be regarded as obliging a highway authority to provide on any highway created by an SSSI diversion order a metalled carriage-way.
- (8) In this section—
- “the appropriate conservation body” has the same meaning as in section 119D above;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “site of special scientific interest” has the same meaning as in the ^{M2}Wildlife and Countryside Act 1981;
- “traffic regulation order” means an order under section 1 or 6 of the Road Traffic Regulation Act 1984.]

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Textual Amendments

- F1** S. 119E inserted (21.5.2007 for E. and otherwise prosp.) by 2000 c. 37, ss. 57, 103(3), Sch. 6 Pt. I para. 12; S.I. 2007/1493, **art. 2**
- F2** Words in s. 119E(2)(a) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 105(1), **Sch. 11 para. 65**; S.I. 2006/2541, **art. 2**
- F3** S. 119E(2)(c) and preceding word repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 105, **Sch. 11 para. 65, Sch. 12**; S.I. 2006/2541, **art. 2**
- F4** Words in s. 119E(6) 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)
- F5** Words in s. 119E(6)(a) 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)

Marginal Citations

- M1** 1984 c. 27.
- M2** 1981 c. 69.

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