

1969 No. 575

RIGHTS OF WAY

**The Town and Country Planning (Public Path Orders)
Regulations 1969**

<i>Made</i> - - - -	<i>21st April 1969</i>
<i>Laid before Parliament</i>	<i>28th April 1969</i>
<i>Coming into Operation</i>	<i>1st May 1969</i>

The Minister of Housing and Local Government in exercise of his powers under sections 96(4) and 104 and paragraphs 1(1), 5 and 6 of Schedule 7 of the Town and Country Planning Act 1968(a) and section 217 of the Town and Country Planning Act 1962(b) and all other powers enabling him in that behalf and the Secretary of State in relation to Wales in exercise of his powers under sections 96(4) and 104 and paragraph 5 of Schedule 7 of the said Act of 1968 and section 217 of the said Act of 1962 and all other powers enabling him in that behalf, hereby make the following regulations:—

PART I

GENERAL

1. These regulations may be cited as the Town and Country Planning (Public Path Orders) Regulations 1969 and shall come into operation on 1st May 1969.

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1968;

“the Minister” means except as respects Wales the Minister of Housing and Local Government and as respects Wales the Secretary of State for Wales;

“a public path order” means an order made under section 94 or 95 of the Act and includes an order revoking or varying any such order;

“Wales” includes Monmouthshire.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

FORM OF ORDER

3. A public path order shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 1 hereto with such modifications as the circumstances may require.

4. The map required to be contained in a public path order shall be on a scale of not less than twenty-five inches to one mile or 1/2,500 or on such smaller scale as the Minister may in any particular case authorise.

5. In the case of any conflict between the map and the particulars contained in a schedule to a public path order, the schedule shall prevail.

PART III

PROCEDURE

6.—(1) A public path order shall be made in duplicate, and where the order is submitted to the Minister for confirmation shall be accompanied by two copies of the order and a copy of any notice published before the submission as required by paragraph 1 of Schedule 7 to the Act together with any representations or objections which have been duly made with respect to such order and not withdrawn and a statement by the authority by whom such order was made of the grounds on which the authority consider that such order should be confirmed.

(2) Where a public path order provides for extinguishing a right of way over land under, in, over, along or across which there is any apparatus belonging to or used by statutory undertakers for the purpose of their undertaking the consent of the undertakers shall also be sent to the Minister when the order is submitted to him for confirmation.

7. After a public path order has been confirmed by the Minister, the authority by whom such order was made shall, as soon as the requirements of paragraph 6 of Schedule 7 to the Act have been complied with, furnish to the Minister a certificate to that effect, and a copy of the notice required by that paragraph to be published.

8. After a public path order has been confirmed, the authority by whom the order was made shall send a copy of the order as confirmed to the Ordnance Survey and to every council (as defined by paragraph 1(3) of Schedule 7 to the Act) on whom notice was served under the provisions of paragraph 1(2) of that Schedule and where the whole or any part of the land to which the confirmed order relates is situate in a rural parish to the Council of that parish or, in the case of a rural parish not having a parish council, to the chairman of the parish meeting.

9. Any notice required to be given, served or displayed under Schedule 7 to the Act by an authority by whom a public path order is made shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 2 hereto.

SCHEDULE 1

Regulation 3

FORMS OF ORDERS

Form No. 1 Public Path [Stopping-Up] [Diversion] Order
 Town and Country Planning Act 1968, Section 94
 (*Title of Order*)

Whereas the (*name of order-making authority*) are satisfied that it is necessary to [stop-up] [divert] the [footpath] [bridleway] to which this order relates in order to enable development to be carried out [in accordance with planning permission granted under

Part III of the Town and Country Planning Act 1962 or the enactments replaced by that Part of that Act] [by a government department].

Now, therefore, the (*name of order-making authority*) in pursuance of the powers in that behalf conferred by section 94 of the Town and Country Planning Act 1968 hereby make the following order:—

1. The [footpath] [bridleway] over the land situate at _____ shown by a bold black line on the map annexed hereto and described in Part I of the Schedule hereto shall be [stopped-up] [diverted] as provided by this order.

[2. There shall be created to the reasonable satisfaction of (*name of order-making authority*) an alternative highway for use as a replacement for the [footpath] [bridleway] referred to in Article 1 above as specified in, and over the land described in, Part II of the Schedule hereto and shown by bold black dashes on the map contained in this order.] or

[2. The highway over the land situate at _____ described in Part III of the Schedule hereto and shown hatched black on the map contained in this order shall be improved to the reasonable satisfaction of (*name of order-making authority*) as follows: (*description of improvement*) _____].

3. The [stopping-up] [diversion] of the [footpath] [bridleway] referred to in Article 1 above shall have effect [on the date on which it is certified by (*name of order-making authority*) that the provisions of Article 2 above have been complied with.] [on the confirmation of this order].

[4. The following works [may] [shall] be carried out in relation to the highway described in Part [I] [II] [III] of the Schedule hereto, that is to say: (*description of works*) _____].

[5. (*Name of person*) is hereby required to [pay] [make the following contributions in respect of] the cost of carrying out the above-mentioned works [that is to say: (*details of contributions*) _____].

[6. Where immediately before the date on which a highway is [stopped-up] [diverted] in pursuance of this order there is apparatus on, under or over that highway belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.]

[7.] This order may be cited as the (*name of order-making authority and name or reference of path or way*) Public Path [Stopping-Up] [Diversion] Order 19 .

SCHEDULE

PART I

Description of site of existing path or way.

(*Describe position and width, where necessary in sections, A-B, B-C, etc., as indicated on map.*)

PART II

Description of site of alternative highway.

(*Describe position and width, where necessary in sections, D-E, E-F, etc., as indicated on map.*)

PART III

Description of existing highway to be improved.

NOTE:—Omit words in square brackets where inappropriate.

Form No. 2

Public Path Extinguishment Order

Town and Country Planning Act 1968, Section 95

(Title of Order)

Whereas the *(name of order-making authority)* (hereinafter called "the Council") [acquired] [appropriated] for planning purposes the land situate at described in Part I of the Schedule hereto which is subject to the public right of way to which this order relates and the said land is held by the Council for the purposes for which it was [acquired] [appropriated];

And whereas the Council are satisfied that [an alternative right of way [has been] [will be] provided] [the provision of an alternative right of way is not required]:

Now, therefore, the Council in pursuance of the powers in that behalf conferred by section 95 of the Town and Country Planning Act 1968 hereby make the following order:—

1. The public right of way over the [footpath] [bridleway] situate at shown by a bold black line on the map annexed hereto and described in the Schedule hereto shall be extinguished [on the confirmation of this order] [at the expiration of days from the date of confirmation of this order].

2. This order may be cited as the *(name of order-making authority and name or reference of path or way)* Extinguishment Order 19 .

SCHEDULE

Description of site of path or way extinguished.

(Describe position and width, where necessary in sections, A-B, B-C, etc., as indicated on map.)

NOTE:—Omit words in square brackets where inappropriate.

SCHEDULE 2

Regulation 9

FORMS OF NOTICES

Form No. 1

Notice of Public Path Order

Town and Country Planning Act 1968, Section [94] [95]

*(Name of authority by whom the order is made)**(Title of Order)*

(1) [To:
of

].

The above-named order (hereinafter referred to as "the order") made on the day of 19 is about to be submitted to the [Minister of Housing and Local Government] [Secretary of State for Wales] for confirmation or to be confirmed by the *(name of order-making authority)* as an unopposed order.

The effect of the order, if confirmed without modification, will be to [extinguish the public right of way running from to [and create an alternative highway in lieu]] [divert the public right of way running from to to a line running from to].

A copy of the order and the map contained in it has been deposited at and may be inspected free of charge at between the hours of a.m. and p.m. on

Any representation or objection with respect to the order may be sent in writing to the *(name and address of order-making authority)* not later than (2) 19 and should state the grounds on which it is made.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the forms and notices for, and deal with the making, submission (where necessary) to the Minister of Housing and Local Government or Secretary of State for Wales and confirmation of, (1) orders made by local authorities under section 94 of the Town and Country Planning Act 1968 stopping up or diverting public footpaths or bridleways to enable development to be carried out in accordance with planning permission or by a government department, and, (2) orders made by local authorities under section 95 of that Act stopping up footpaths or bridleways over land held by such local authorities for planning purposes.