
 S T A T U T O R Y I N S T R U M E N T S

1983 No. 22

RIGHTS OF WAY

**The Town and Country Planning (Public Path Orders)
Regulations 1983**

<i>Made - - - -</i>	13th January 1983
<i>Laid before Parliament</i>	27th January 1983
<i>Coming into Operation</i>	28th February 1983

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of their powers under sections 217(4), 287 and paragraphs 1(1), 5 and 6 of Schedule 20 to the Town and Country Planning Act 1971(a), and all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement, interpretation and revocation

1. These regulations may be cited as the Town and Country Planning (Public Path Orders) Regulations 1983 and shall come into operation on 28th February 1983.

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

“the Act” means the Town and Country Planning Act 1971; and

“a public path order” means an order made under section 210 or 214(1)(b) of the Act and includes an order revoking or varying any such order.

3. The Town and Country Planning (Public Path Orders) Regulations 1969(b) are hereby revoked.

Form of order

4. 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.

5. 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 Secretary of State may authorise in any particular case.

6. 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.

(a) 1971 c. 78.

(b) S.I. 1969/575.

Procedure

7.—(1) A public path order shall be made in duplicate, and where the order is submitted to the Secretary of State 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 20 to the Act, 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should be confirmed, and any representations or objections which have been duly made with respect to such order and not withdrawn together with the observations thereon of the authority.

(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 Secretary of State when the order is submitted to him for confirmation.

8. After a public path order has been confirmed by the Secretary of State, the authority by whom such order was made shall, as soon as the requirements of paragraph 6(1) of Schedule 20 to the Act have been complied with, furnish to the Secretary of State a certificate to that effect, and a copy of the notice required by that paragraph to be published.

9. After a decision not to confirm a public path order, the authority by whom the order was made shall, as soon as the requirements of paragraph 6(3) of Schedule 20 to the Act have been complied with, furnish to the Secretary of State a certificate to that effect.

10. 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.

11. Any notice required to be given, served or displayed under Schedule 20 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.

12. The notice required to be given under paragraphs 1(1) and 6(1)(a) of Schedule 20 to the Act shall be served on the persons specified in Schedule 3 hereto.

SCHEDULE 1
FORMS OF ORDERS

Regulation 4

Form No. 1

Public Path [Stopping-Up] [Diversion] Order
Town and Country Planning Act 1971, Section 210
[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 1971 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 210 of the Town and Country Planning Act 1971 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 under, in, on, along or across 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: As regards the words in square brackets, insert or omit words as appropriate.

Form No. 2

Public Path Extinguishment Order

Town and Country Planning Act 1971, Section 214(1)(b)

[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 214(1)(b) of the Town and Country Planning Act 1971 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: As regards the words in square brackets, insert or omit words as appropriate.

SCHEDULE 2 FORMS OF NOTICES

Regulation 11

Form No. 1

Notice of Public Path Order

Town and Country Planning Act 1971, Section [210] [214(1)(b)]

[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 Secretary of State [for the Environment] [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 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 . Copies of the map and order may be purchased.

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.

If no representations or objections are duly made, or if any so made are withdrawn, the [name of order-making authority] may, instead of submitting the order to the Secretary of State for confirmation, themselves confirm the order as an unopposed order. If the order is submitted to the Secretary of State for confirmation any representations and objections which have been duly made and not withdrawn will be sent to the Secretary of State with the order.

Dated 19 .

NOTES:— General: As regards the words in square brackets, insert or omit words as appropriate.

(1) Insert only in personal notices.

(2) Insert date not less than 28 days from the date of first publication of this notice.

Form No. 2

Notice of Confirmation of Public Path Order
Town and Country Planning Act 1971, Section [210] [214(1)(b)]
[Name of authority by whom order was made]
[Title of Order]

(1) [To:

of .]

On 19 [the Secretary of State] [for the Environment] [for Wales] [name of authority by whom the order was made] confirmed ⁽²⁾ [with modifications] the above-named order.

The effect of the order as confirmed is 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 confirmed order and the map contained in it has been deposited at and may be inspected free of charge at between a.m. and p.m on . Copies of the order and map may be purchased.

This order becomes operative as from but if any person aggrieved by the order desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of the Town and Country Planning Act 1971, or on the ground that any requirement of that Act or any regulation made thereunder has not been complied with in relation to the confirmation of the order, he may under section 244 of the Town and Country Planning Act 1971 within six weeks from [date on which notice is first published as required by paragraph 6 of Schedule 20 to the Town and Country Planning Act 1971] make application for the purpose to the High Court.

Dated 19 .

NOTES:— General: As regards the words in square brackets, insert or omit words as appropriate.

(1) Insert only in personal notices.

(2) Applicable only to confirmation by the Secretary of State.

SCHEDULE 3

Regulation 12

ADDITIONAL PERSONS TO BE SERVED WITH NOTICE OF PUBLIC PATH ORDERS

Area	Name
In England and Wales	Auto-Cycle Union British Horse Society Byways and Bridleways Trust Commons, Open Spaces and Footpaths Preservation Society Ramblers' Association
In the counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire	Peak and Northern Footpaths Society
Within the county of Buckinghamshire, the districts of Beaconsfield, Chiltern and Wycombe;	Chiltern Society
within the county of Hertfordshire, the districts of Dacorum and Three Rivers;	
within the county of Oxfordshire, the district of South Oxfordshire; and	
within the district of Aylesbury Vale, the parishes of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough, Halton, Ivinghoe, Pitstone and Wendover.	

Tom King,

Secretary of State for the Environment.

13th January 1983.

Nicholas Edwards,

Secretary of State for Wales.

13th January 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the forms and notices for, and deal with the making, submission and confirmation of,—

- (1) orders made by local authorities under section 210 of the Town and Country Planning Act 1971 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 214(1)(b) of that Act stopping up footpaths or bridleways over land held by such local authorities for planning purposes.

The regulations also prescribe certain persons upon whom notice of the making and confirmation of orders shall be served.

SI 1983/22 T
ISBN 0-11-036022-2



780110 360225