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 STATUTORY INSTRUMENTS
 

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**1983 No. 23**

**HIGHWAYS, ENGLAND AND WALES**

**The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983**

*Made* - - - - - 13th January 1983

*Laid before Parliament* 27th January 1983

*Coming into Operation* 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 the powers conferred by sections 26, 28, 118, 119, 120, 121, 325, 326(5) and paragraph 3 of Schedule 6 to the Highways Act 1980(a), section 32 of the Acquisition of Land Act 1981(b) and of 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 Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1983, and shall come into operation on 28th February 1983.

**2.** In these regulations:—

“the Act” means the Highways Act 1980;

“an extinguishment of public right of way order” means an order extinguishing a public right of way made under section 32(2) of the Acquisition of Land Act 1981;

“a public path creation order” means an order made under section 26 of the Act;

“a public path diversion order” means an order made under section 119 of the Act;

“a public path extinguishment order” means an order made under section 118 of the Act; and

“a public path order” means a public path creation order, a public path diversion order or a public path extinguishment order, and includes an order revoking or varying any such order.

**3.** The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1969(c) are hereby revoked.

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(a) 1980 c. 66.

(b) 1981 c. 67.

(c) S.I. 1969/269.

*Form of public path orders*

**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); provided that the Secretary of State may in any particular case authorise a smaller scale.

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

*Procedure for public path orders*

**7.** 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, a copy of the notice given before submission as required by Schedule 6 to the Act, a statement of the grounds on which the authority by whom the order was made consider that the order should be confirmed, any representations and objections duly made with respect to the order and not withdrawn (together with the observations thereon of the authority) and, in any case in which the authority is required to obtain the consent of, or to consult with, any other authority or body before the order is made, a certificate that such consent has been obtained or such consultation has taken place.

**8.** After a public path order has been confirmed by the Secretary of State, the authority by whom the order was made shall, as soon as the requirements of paragraph 4(1) of Schedule 6 to the Act have been complied with, supply the Secretary of State with a certificate to that effect.

**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 4(3) of Schedule 6 to the Act have been complied with, supply the Secretary of State with 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 proceedings required to be taken under the Act for the purposes of a public path extinguishment order may be taken concurrently with any proceedings required to be taken under the Act for the purposes of a public path creation order or public path diversion order.

**12.** Any notice required to be given, served or displayed under Schedule 6 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 with such modifications as the circumstances require.

**13.** Where the Secretary of State proposes to make a public path order, any notice required to be given, served or displayed under Schedule 6 to the Act by the Secretary of State shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 2 hereto, subject to any necessary modifications:

Provided that the authority, who immediately before the making of the order were the appropriate authority in relation to the making of the order, shall arrange for the deposit of copies of the Secretary of State's draft order in their area, for giving access thereto and for the display of any notices required to be displayed.

**14.** The notice required to be given under paragraphs 1(1) and (2) and 4(1)(a) of Schedule 6 to the Act shall be served on the persons specified in Schedule 5 hereto.

**15.** Any notice or other document to be served on an owner, lessee or occupier in accordance with paragraph 1(3) of Schedule 6 to the Act shall at the beginning have clearly and legibly inscribed upon it the words

**“IMPORTANT—THIS COMMUNICATION AFFECTS  
YOUR PROPERTY”**

and where the notice or document is sent under cover otherwise than in a prepaid registered letter, or by the recorded delivery service, the cover shall in addition be endorsed in like manner.

*Claims for compensation as respects public path orders*

**16.** (1) A claim for compensation under section 28 of the Act, or that section as applied by section 121(2) of the Act, in consequence of the coming into operation of a public path order shall be made in writing and shall be served on the authority by whom the order was made (or, in the case of an order made by the Secretary of State, on the appropriate authority referred to in section 28(3) of the Act) by delivering it at the offices of the authority addressed to the Chief Executive thereof or by sending it by prepaid post addressed as aforesaid.

(2) The time within which any such claim shall be served shall be six months from the coming into operation of the order in respect of which the claim is made:

Provided that the period may at any time be extended by the Secretary of State in any particular case.

*Form and procedure for extinguishment of public right of way orders*

**17.** An extinguishment of public right of way order shall be in the form (or substantially in the form) set out in Schedule 3 hereto with such modifications as the circumstances may require, and shall contain a map.

**18.** Regulations 5, 6, 7, 8, 9, 10, 15 and 16 of these regulations shall apply in relation to an extinguishment of public right of way order as they apply in relation to a public path order.



## [Part II

## Limitations and Conditions

Position of path or way to which limitations and conditions apply.	Limitations and Conditions.
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NOTE: As regards the words in square brackets, insert or omit words as appropriate.

Form No. 2

## Public Path Extinguishment Order

Highways Act 1980

[Name of authority]

[Title of Order]

Whereas it appears to the [name of authority] that the public [footpath] [bridleway] to which this order relates, is not needed for public use;

And whereas the [name of authority consulted] [and the Countryside Commission] have been consulted in pursuance of section 120(2) of the Highways Act 1980 (hereinafter called "the 1980 Act");

[And whereas the [name of consenting authority or authorities] have consented to the making of this order in pursuance of section 120(2) of the 1980 Act:]

Now, therefore, the [name of authority] in pursuance of the powers in that behalf conferred by section 118 of the 1980 Act hereby make the following order:—

1. The public right of way over the land situate at \_\_\_\_\_ shown coloured brown on the map annexed hereto and described in the schedule hereto shall be extinguished at the expiration of \_\_\_\_\_ days from the date of confirmation of this order.

[2. Notwithstanding anything contained in this order [name of statutory undertakers] shall have the following rights over the land referred to in paragraph 1 hereof, namely:—

.]

3. This order may be cited as the [name of authority and name or reference of path or way] Public Path Extinguishment Order 19 \_\_\_\_\_ .

## Schedule

[Describe position, length and width of path or way in sections, e.g. A-B, B-C, etc., as indicated on map.]

NOTE: As regards the words in square brackets, insert or omit words as appropriate.

Form No. 3

## Public Path Diversion Order

Highways Act 1980

[Name of authority]

[Title of Order]

Whereas it appears to the [name of authority] as respects the [footpath] [bridleway] referred to in paragraph 1 of this order that in the interests of the [[owner] [lessee] [occupier] of the land crossed by the [path] [way]] [public] it is expedient that the line of the [path] [way] should be diverted;



## SCHEDULE 2

## Regulation 12

FORMS OF NOTICES AS RESPECTS  
PUBLIC PATH ORDERS

Form No. 1

## Notice of Public Path Order

Highways Act 1980

[Name of authority]

[Title of Order]

<sup>(1)</sup>[To:  
of: .]

The above-named order, made on 19 , is about to be submitted to the Secretary of State <sup>(2)</sup>[for the Environment] [for Wales] for confirmation, or to be confirmed, as an unopposed order, by the <sup>(2)</sup>[name of authority].

The effect of the order, if confirmed without modifications, will be to <sup>(2)</sup>[create a public [footpath] [bridleway] from to ] [extinguish the public right of way running from to ] [divert the public right of way running from to to a line running from to ] [[revoke] [vary] the Order 19 , so as to ].

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

[Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with section <sup>(2)</sup>[28] [121(2)] of the 1980 Act, to which reference should be made.]

Any representation or objection with respect to the order may be sent in writing to the [title of appropriate officer and name and address of authority] before 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 <sup>(2)</sup>[name of authority] may instead of submitting the order to the Secretary of State <sup>(2)</sup>[for the Environment] [for Wales] confirm the order itself. If the order is submitted to the Secretary of State any representations and objections which have been duly made and not withdrawn will be submitted with the order.

Dated 19 .

NOTES: <sup>(1)</sup> Insert only in personal notices.

<sup>(2)</sup> Insert or omit words, as appropriate.

## Form No. 2

## Notice of Confirmation of Public Path Order

Highways Act 1980

[Name of authority]

[Title of Order]

<sup>(1)</sup>[To:  
of: .]

On 19 , <sup>(2)</sup>[the Secretary of State] [for the Environment] [for Wales] [name of authority] [confirmed] [confirmed with modifications] the above-named order.

The effect of the order as confirmed is to <sup>(2)</sup>[create a public [footpath] [bridleway] from to ] [extinguish the public right of way running from to ] [divert the public right of way running from to to a line running from to ] [[revoke] [vary] the Order 19 , so as to ].

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

<sup>(1)</sup>[Any person who wishes to claim compensation under section <sup>(2)</sup>[28] [121(2)] of the 1980 Act for depreciation or damage in consequence of the coming into operation of the order must make his claim in writing addressed to the Chief Executive <sup>(2)</sup>[name and address of authority], and serve it by delivering it at, or sending it by prepaid post to the above address before 19 .]

The order becomes operative as from 19 , but if a 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 Highways Act 1980, as amended, or on the ground that any requirement of the Act, as amended, or of any regulation made thereunder has not been complied with in relation to the order he may, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, within six weeks from [date on which notice first published], make an application for the purpose to the High Court.

Dated 19 .

NOTES: <sup>(1)</sup> Insert only in personal notices.

<sup>(2)</sup> Insert or omit words, as appropriate.

## Regulation 17

## SCHEDULE 3

## FORM OF EXTINGUISHMENT OF PUBLIC RIGHT OF WAY ORDER

## Extinguishment of Public Right of Way Order

Acquisition of Land Act 1981

Highways Act 1980

[Name of authority]

[Title of Order]

Whereas the public right of way, not being a right enjoyable by vehicular traffic, to which this order relates subsists over [land] [part of land] which [has been acquired] [is proposed to be acquired] as mentioned in section 32(1) of the Acquisition of Land Act 1981 (hereinafter called "the 1981 Act");



And whereas the [name of authority] are satisfied that [a suitable alternative right of way [has been provided] [will be provided] over land situate at described in A of the schedule hereto and shown coloured [purple] [green] on the map contained in this order] [an alternative right of way is not required]:

Now, therefore, the [name of authority] in pursuance of the powers in that behalf conferred by section 32 of the 1981 Act hereby make the following order:—

1. The public right of way over land situate at \_\_\_\_\_ described in [B of] the schedule hereto and shown coloured brown on the map contained in this order shall be extinguished as from \_\_\_\_\_ 19 \_\_\_\_\_.

2. This order may be cited as the [name of authority and name or reference of way] Extinguishment of Public Right of Way Order 19 \_\_\_\_\_.

#### Schedule

[A

#### Description of site of alternative way

[Describe position, length and width of way in sections, e.g. A–B, B–C, etc., as indicated on map.]

[B]

#### Description of site of way extinguished

[Describe position, length and width of way in sections, e.g. A–B, B–C, etc., as indicated on map.]

NOTE: As regards the words in square brackets, insert or omit words as appropriate.

#### SCHEDULE 4

Regulation 19

#### FORMS OF NOTICES AS RESPECTS EXTINGUISHMENT OF PUBLIC RIGHT OF WAY ORDER

##### Form No. 1

#### Notice of Extinguishment of Public Right of Way Order

#### Acquisition of Land Act 1981

#### Highways Act 1980

[Name of authority]

[Title of Order]

<sup>(1)</sup>To: \_\_\_\_\_  
of: \_\_\_\_\_.]

The above-named order, made on \_\_\_\_\_ 19 \_\_\_\_\_, is about to be submitted to the Secretary of State <sup>(2)</sup>[for the Environment] [for Wales] for confirmation, or to be confirmed, as an unopposed order, by the <sup>(2)</sup>[name of authority].

The effect of the order, if confirmed without modifications, will be to extinguish the public right of way running from \_\_\_\_\_ to \_\_\_\_\_.

The <sup>(2)</sup>[name of authority] is satisfied that <sup>(2)</sup>[a suitable alternative right of way [has been provided] [will be provided] over land specified in the order] [an alternative right of way is not required].

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

Any representation or objection with respect to the order may be sent in writing to <sup>(2)</sup>[name of appropriate officer and name and address of authority] before 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 <sup>(2)</sup>[name of authority] may, instead of submitting the order to the Secretary of State <sup>(2)</sup>[for the Environment] [for Wales], confirm the order itself. If the order is submitted to the Secretary of State any representations and objections which have been duly made and not withdrawn will be submitted with the order.

Dated 19 .

NOTES: <sup>(1)</sup> Insert only in personal notices.

<sup>(2)</sup> Insert or omit words, as appropriate.

Form No. 2

Notice of Confirmation of Extinguishment of Public Right of Way Order

Acquisition of Land Act 1981

Highways Act 1980

[Name of authority]

[Title of Order]

<sup>(1)</sup>[To: .]  
of: .]

On 19 , <sup>(2)</sup>[the Secretary of State] [for the Environment] [for Wales] [name of authority] [confirmed] [confirmed with modifications] the above-named order.

Its effect is to extinguish the public right of way running from to

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

The order becomes operative as from 19 , but if a 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 Acquisition of Land Act 1981 or that any requirement of that Act or the Highways Act 1980, as amended, or any regulation made thereunder has not been complied with in relation to the order he may under Schedule 2 to the Highways Act 1980, as applied by paragraph 5 of Schedule 6 to that Act, within six weeks from <sup>(2)</sup>[date on which notice first published] make an application for the purpose to the High Court.

Dated 19 .

NOTES: <sup>(1)</sup> Insert only in personal notices.

<sup>(2)</sup> Insert or omit words, as appropriate.

## SCHEDULE 5

Regulation 14

ADDITIONAL PERSONS TO BE SERVED WITH NOTICE OF PUBLIC PATH ORDERS  
AND EXTINGUISHMENT OF PUBLIC RIGHT OF WAY 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; 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.	Chiltern Society

*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 apply to England and Wales and provide for various procedural matters under the Highways Act 1980 and the Acquisition of Land Act 1981. They replace the Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1969.

The regulations prescribe the forms of orders and notices and deal with the making, submission and confirmation of public path creation, extinguishment and diversion orders under the 1980 Act and extinguishment of right of way orders under the 1981 Act.

The regulations also deal with the making of claims for compensation under sections 28 and 121(2) of the 1980 Act and the prescription of certain persons to be served with notice of the making and confirmation of orders.

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