

## SCHEDULE

Regulation 5

### Forms of that part of relevant Section 53A Orders containing provision made by virtue of section 53A(2) of the Act

#### Public path creation order

1. In relation to an Order made under section 26 of the Highways Act 1980 (referred to in that Act as a “public path creation order”(1)), being a section 53A Order, Form 1 in Schedule 1 to the Public Path Orders Regulations 1993(2) (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(iii) of the 1981 Act, namely, the creation (as authorised by this Order) of a new right of way 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][restricted byway].”;

(b) insert, at the end of paragraph 1 of the Order, the words “, and thereupon the [title] definitive map and statement shall be modified accordingly”.

#### Public path extinguishment order

2. In relation to an Order made under section 118 of the Highways Act 1980 (referred to in that Act as a “public path extinguishment order”(3)), being a section 53A Order, Form 3 in Schedule 1 to the Public Path Orders Regulations 1993 (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;

(b) insert, at the end of paragraph 1 of the Order, the words “, and thereupon the [title] definitive map and statement shall be modified accordingly”.

#### Rail crossing extinguishment order

3. In relation to an Order made under section 118A of the Highways Act 1980 (referred to in that Act as a “rail crossing extinguishment order”(4)), being a section 53A Order, Form 1 in Schedule 2 to the Rail Crossing Extinguishment and Diversion Orders Regulations 1993(5) (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

(1) See the Highways Act 1980, section 26(1).

(2) S.I. 1993/11, amended by S.I. 1995/451, 1997/2971, 1999/416, 2006/1177.

(3) See the Highways Act 1980, section 118(1).

(4) See the Highways Act 1980, section 118A(3).

(5) S.I. 1993/9, amended by S.I. 1995/451, 1996/416, 1997/2971, 2003/2155, 2006/1177.

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“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;

- (b) insert, in the final paragraph of the Order after the words “the date of confirmation of this order”, the words “and requires that upon the occurrence of that extinguishment the [title] definitive map and statement are to be modified accordingly”.

### Special extinguishment order

4. In relation to an Order made under section 118B(4) of the Highways Act 1980, being a section 53A Order, both Form 1 (being the form prescribed for such an Order made as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a)) and Form 2 (being the form prescribed for such an Order made as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 118B(1)(b)) in Schedule 1 to the Highways, Crime Prevention etc. (Special Extinguishment and Special Diversion Orders) Regulations 2003<sup>(6)</sup> are amended as follows—

- (a) insert, as the final paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;

- (b) insert, at the end of paragraph 1 of the Order, the words “, and upon the occurrence of that extinguishment the [title] definitive map and statement shall be modified accordingly”.

### Public path diversion order

5. In relation to an Order made under section 119 of the Highways Act 1980 (referred to in that Act as a “public path diversion order”<sup>(7)</sup>), being a section 53A Order, Form 2 in Schedule 1 to the Public Path Orders Regulations 1993 (being the form prescribed for such an Order) is amended as follows—

- (a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.”;

- (b) insert, at the end of both paragraph 1 and paragraph 3 of the Order, the words “, and thereupon the [title] definitive map and statement shall be modified accordingly”.

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<sup>(6)</sup> [S.I. 2003/1479](#), amended by [S.I. 2004/3168](#).

<sup>(7)</sup> *See* the Highways Act 1980, section 119(1).

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### Rail crossing diversion order

6. In relation to an Order made under section 119A of the Highways Act 1980 (referred to in that Act as a “rail crossing diversion order”<sup>(8)</sup>), being a section 53A Order, Form 2 in Schedule 2 to the Rail Crossing Extinguishment and Diversion Orders Regulations 1993 (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.”;

(b) insert, at the end of both paragraph 1 and paragraph 3 of the Order, the words “, and thereupon the [title] definitive map and statement shall be modified accordingly”.

### Special diversion order

7. In relation to an Order made under section 119B(4) of the Highways Act 1980 (referred to in that Act as a “special diversion order”<sup>(9)</sup>), being a section 53A Order, both Form 3 (being the form prescribed for such an Order made as respects a relevant highway in an area designated by the Secretary of State pursuant to section 118B(1)(a) of that Act) and Form 4 (being the form prescribed for such an Order made as respects a relevant highway which crosses land occupied for the purposes of a school in the circumstances specified in section 119B(1)(b) in Schedule 1 to the Highways, Crime Prevention etc. (Special Extinguishment and Special Diversion Orders) Regulations 2003 are amended as follows—

(a) insert, as the final paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of a highway shown or required to be shown in the map and statement.”;

(b) insert, at the end of both paragraph 1 and paragraph 3 of the Order, the words “, and thereupon the [title] definitive map and statement shall be modified accordingly”.

### Order made under section 294 of the Housing Act 1985

8. In relation to an Order made under section 294 of the Housing Act 1985, being a section 53A Order, Form 1 in the Schedule to the Housing (Prescribed Forms) Regulations 1990<sup>(10)</sup> (being the form prescribed for such an Order) is amended by inserting after paragraph 3 of the Order—

“**3A.** In consequence of paragraph 3, the Council under section 53A(2) of the Wildlife and Countryside Act 1981 hereby order that, upon the occurrence of the extinguishment effected by that paragraph, the [title] definitive map and statement shall be modified accordingly.”.

<sup>(8)</sup> See the Highways Act 1980, section 119A(3).

<sup>(9)</sup> See the Highways Act 1980, section 119B(5).

<sup>(10)</sup> S.I. 1990/447, amended by S.I. 1997/2971.

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### **Public path orders made under section 257 of the Town and Country Planning Act 1990**

**9.** In relation to an Order made under section 257 of the Town and Country Planning Act 1990, being a section 53A Order, Form 1 in Schedule 1 to the Town and Country Planning (Public Path Orders) Regulations 1993<sup>(11)</sup> (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the [stopping up] [diversion] (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;

(b) insert, in paragraph 1 of the Order after the words “[stopped up] [diverted]”, the words “, and the [title] definitive map and statement shall be modified accordingly.”;

(c) insert, at the end of paragraph 3 of the Order, the words “, and upon the occurrence of that [stopping up] [diversion] the [title] definitive map and statement shall be modified accordingly”.

### **Public path orders made under section 258(1) of the Town and Country Planning Act 1990**

**10.** In relation to an Order made under section 258(1) of the Town and Country Planning Act 1990, being a section 53A Order, Form 2 in Schedule 1 to the Town and Country Planning (Public Path Orders) Regulations 1993 (being the form prescribed for such an Order) is amended as follows—

(a) insert, as a second paragraph of the preamble to the Order—

“This Order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the [title] definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the stopping up (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.”;

(b) insert, at the end of the substantive paragraph of the Order, the words “, and upon the occurrence of that extinguishment the [title] definitive map and statement is to be modified accordingly”.

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<sup>(11)</sup> S.I. 1993/10, amended by S.I. 1995/451, 1997/2971, 2006/1177.

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**Changes and effects yet to be applied to :**

- Sch. substituted by [S.I. 2010/2127 reg. 2Sch.](#)