STATUTORY INSTRUMENTS

1969 No. 269

RIGHTS OF WAY

The Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1969

Made - - -	3*rd March* 1969
Laid before Parliament	11*th March* 1969
Coming into Operation	25*th March* 1969

The Minister of Housing and Local Government, in exercise of his powers under sections 28, 31, 110, 111, 112, 113, 285, 286(2) and paragraph 3 of Schedule 7 to the Highways Act 1959(a), section 3 of the Acquisition of Land (Authorisation Procedure) Act 1946(b), section 31 and Part I of Schedule 3 to the Countryside Act 1968(c) and of all other powers enabling him in that behalf, and the Secretary of State in relation to Wales and Monmouthshire, in exercise of his powers under sections 28, 31, 110, 111, 112, 113, 285 and 286(2) of the Highways Act 1959, section 31 and Schedule 3 to the Countryside Act 1968 and of all other powers enabling him in that behalf, hereby make the following regulations:—

PART I

GENERAL

1. These regulations may be cited as the Public Path Orders and Extinguishment of Public Right of Way Orders Regulations 1969, and shall come into operation on 25th March 1969.

2.—(1) In these regulations—

"the Act" means the Highways Act 1959;

"an extinguishment of public right of way order" means an order extinguishing a public right of way made under section 3(1) of the Acquisition of Land (Authorisation Procedure) Act 1946;

"the Minister", as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government;

"a public path creation order" means an order made under section 28 of the Act;

"a public path diversion order" means an order made under section 111 of the Act;

(a) 1959 c. 25. (b) 1946 c. 49. (c) 1968 c. 41.

"a public path extinguishment order" means an order made under section 110 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.

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

3. The Public Path Orders Regulations 1959(b) are hereby revoked:
Provided that in relation to a public path order compliance with any of the provisions of those regulations shall be deemed to be compliance with the corresponding provisions of these regulations, and any matter not dealt with under any of the provisions of those regulations may be dealt with under the corresponding provisions of these regulations.

PART II

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; provided that the Minister 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.

PART III

Procedure for Public Path Orders

7. 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, a copy of the notice given before submission as required by Schedule 7 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 Minister, the authority by whom the order was made shall, as soon as the requirements of paragraph 4 of Schedule 7 to the Act have been complied with, furnish to the Minister a certificate to that effect.

9. After a public path order has been confirmed, the authority by whom the order was made shall send copies of the order as confirmed to the Ordnance Survey, to every other authority by whom the like order could have been made as respects the whole or any part of the land to which the confirmed order relates and to the council of any rural parish (or, in the case of a rural parish not having a parish council, the chairman of the parish meeting of any rural parish) in which the whole or any part of the land to which the confirmed order relates is situated.

(a) 1889 c. 63. (b) S.I. 1959/2245 (1959 II, p. 2343).

10. 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.

11. 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 with such modifications as the circumstances require.

12. Where the Minister proposes to make a public path order, any notice required to be given, served or displayed under Schedule 7 to the Act by the Minister 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 Minister's draft order in their area, for giving access thereto and for the display of any notices required to be displayed.

13. Any notice or other document to be served on an owner, lessee or occupier in accordance with paragraph 1(3) of Schedule 7 to the Act shall at the beginning of such notice or document have clearly and legibly inscribed upon it in the following form, 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.

PART IV

Claims for Compensation as respects Public Path Orders

14.—(1) A claim for compensation under section 31 of the Act, or that section as applied by section 113(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 Minister, on the appropriate authority referred to in section 31(3) of the Act) by delivering it at the offices of the authority addressed to the Clerk 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 Minister in any particular case.

PART V

Form and Procedure for Extinguishment of Public Right of Way Orders

15. 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.

16. Regulations 5, 6, 7, 8, 9 and 13 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.

17. Any notice required to be given, served or displayed under Schedule 7 to the Act by an authority by whom an extinguishment of public right of way

order is made shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 4 hereto with such modifications as the circumstances may require.

18. The council of any county borough, county district or London borough comprising the whole or any part of the land in relation to which the Minister proposes to make an extinguishment of right of way order, or in relation to which such an order is made by another authority, shall arrange for the deposit in their area of copies of the Minister's draft order or, as the case may be, copies of the order made by such other authority, for giving access thereto and for the display of any notices required to be displayed.

Regulation 4

SCHEDULE 1
FORMS OF PUBLIC PATH ORDER

Form No. 1

Public Path Creation Order
Highways Act 1959
[Countryside Act 1968]
(Name of authority)
(Title of order)

Whereas it appears to the (name of authority) that there is need for a public [footpath] [bridleway] over the land to which this order relates;

And whereas the said council are satisfied, having regard to the extent to which the [path] [way] would add to the [[convenience] [enjoyment] of a substantial section of the public] [convenience of persons resident in the area] and to the effect which the creation of the [path] [way] would have on the rights of persons interested in the land, that the [path] [way] should be created;

[And whereas the (name of consenting authority or authorities) have consented to the making of the order in pursuance of section 28(3) of the Highways Act 1959 (hereinafter called "the 1959 Act"):]

Now, therefore, the (name of authority) in pursuance of the powers in that behalf conferred by the said section 28 of the 1959 Act [and section 31 and Part I of Schedule 3 to the Countryside Act 1968] hereby make the following order:—

1. There shall be at the expiration of days from the date of confirmation of this order a public [footpath] [bridleway] over the land situate at described in the [first part of the] schedule hereto and shown coloured [purple] [green] on the map contained in this order.

[2. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in the second part of the schedule hereto.]

3. This order may be cited as the (name of authority and name or reference of path or way) Public Path Creation Order 19 .

Schedule
[Part I]
Description of land

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

[Part II
Limitations and Conditions

Position of path or way to which limitations and conditions apply.	Limitations and Conditions.

NOTE: Omit the words in square brackets where inappropriate.

Form No. 2

Public Path Extinguishment Order
Highways Act 1959
[Countryside Act 1968]
(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 consenting authority or authorities) have consented to the making of this order in pursuance of section 112(1) of the Highways Act 1959 (hereinafter called "the 1959 Act"):]

Now, therefore, the (name of authority) in pursuance of the powers in that behalf conferred by section 110 of the 1959 Act [and section 31 and Part I of Schedule 3 to the Countryside Act 1968] 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: Omit words in square brackets where inappropriate.

Form No. 3

Public Path Diversion Order
Highways Act 1959
[Countryside Act 1968]
(Name of authority)
(Title of Order)

Whereas of is the [owner] [lessee] [occupier] of land crossed by the public [footpath] [bridleway] referred to in paragraph 1 of this order, and has satisfied the (name of authority) that [for securing the efficient use [of that land] [or land held with that land] [for providing a [shorter] [more commodious] [path] [way]] it is expedient that the line of the [path] [way] should be diverted;

[And whereas the said has agreed to [contribute towards] [defray] [any compensation which becomes payable in consequence of the coming into operation of this order:] [any expenses which are incurred in bringing the new site of the [path] [way] into a fit condition for use by the public:]]

[And whereas the (name of consenting authority or authorities) have consented to the making of this order in pursuance of section 112(1) of the Highways Act 1959 (hereinafter called "the 1959 Act"):]

Now, therefore, the (name of authority) in pursuance of the powers in that behalf conferred by section 111 of the 1959 Act [and section 31 and Part I of Schedule 3 to the Countryside Act 1968] 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 A of the [first part of the] schedule hereto shall be extinguished at the expiration of days from the date of confirmation of this order.

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

]

3. There shall be at the expiration of days from the date of confirmation of this order a public [footpath] [bridleway] over the land situate at described in B of the [first part of the] schedule hereto and shown coloured [purple] [green] on the map contained in this order.

[4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in the second part of the schedule hereto.]

5. This order may be cited as the (name of authority and name or reference of path or way) Public Path Diversion Order 19 .

Schedule

[Part I]

A

Description of site of existing path or way

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

B

Description of site of new path or way

(Describe position, length and width of path in sections, e.g. D-E, E-F, etc., as indicated on map.)

[Part II

Limitations and Conditions

Position of path or way to which limitations and conditions apply.	Limitations and Conditions.]

NOTE: Omit the words in square brackets where inappropriate.

Regulation 11

SCHEDULE 2
FORMS OF NOTICES AS RESPECTS PUBLIC PATH ORDERS

Form No. 1

Notice of Public Path Order
Highways Act 1959
Countryside Act 1968
(Name of authority)
(Title of Order)

([1])[To:
of:]

The above-named order, made on 19 , is about to be submitted to the ([2])[Minister of Housing and Local Government] [Secretary of State for Wales] for confirmation, or to be confirmed, as an unopposed order, by the (name of authority).

The effect of the order, if confirmed without modifications, will be to ([3])[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

([1])[If you wish to have sent to you in due course a notice to the effect that the order has been confirmed, and a copy of the order as confirmed, you should write to the (name and address of authority) giving your name, and the address to which those documents may be sent.

Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with section (2)[31] [113(2)] of the 1959 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 (name of authority) may instead of submitting the order to the (2)[Minister of Housing and Local Government] [Secretary of State for Wales], themselves confirm the order. If the order is submitted to the (2)[Minister] [Secretary of State] any representations and objections which have been duly made and not withdrawn will be transmitted with the order.

Dated 19 .

NOTES: (1) Insert only in personal notices.
(2) Omit what is inappropriate.

Form No. 2

Notice of Confirmation of Public Path Order
Highways Act 1959
Countryside Act 1968
(Name of authority)
(Title of Order)

(1)[To:
of:]

On 19 , the (2)[Minister of Housing and Local Government] [Secretary of State for Wales] [(name of authority)] [confirmed] [confirmed with modifications] the above-named order.

The effect of the order as confirmed is to (2)[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 .

(1)[Any person who wishes to claim compensation under section (2)[31] [113(2)] of the 1959 Act for depreciation or damage in consequence of the coming into operation of the order must make his claim in writing addressed to the (2)[Clerk] [Town Clerk] (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 1959, 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 7 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: (1) Insert only in personal notices.
(2) Omit what is inappropriate.

Regulation 15

SCHEDULE 3

FORM OF EXTINGUISHMENT OF PUBLIC RIGHT OF WAY ORDER

Extinguishment of Public Right of Way Order
Acquisition of Land
(Authorisation Procedure) Act 1946
[Town and Country Planning Act 1947]
Highways Act 1959
Countryside Act 1968
(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 3(1) of the Acquisition of Land (Authorisation Procedure) Act 1946 (hereinafter called "the 1946 Act")] [as mentioned in section 49(8) of the Town and Country Planning Act 1947 (hereinafter called "the 1947 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 3 of the 1946 Act [section 49(8) of the 1947 Act] and section 31 and Part I of Schedule 3 to the Countryside Act 1968, 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: Omit words in square brackets where inappropriate.

Regulation 17

SCHEDULE 4

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
(Authorisation Procedure) Act 1946
([1])[Town and Country Planning Act 1947]
Highways Act 1959
Countryside Act 1968
(Name of authority)
(Title of Order)

([2])[To:
of:]

The above-named order, made on 19 , is about to be submitted to the ([3])[Minister of Housing and Local Government] [Secretary of State

for Wales] for confirmation, or to be confirmed, as an unopposed order, by the (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 (name of authority) is satisfied that (3)[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 .

(3)[If you wish to have sent to you in due course a notice to the effect that this order has been confirmed, and a copy of the order as confirmed, you should write to (name and address of authority) giving your name, and the address to which those documents may be sent.]

Any representation or objection with respect to the order may be sent in writing to (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 (name of authority) may, instead of submitting the order to the (3)[Minister of Housing and Local Government] [Secretary of State for Wales], themselves confirm the order. If the order is submitted to the (3)[Minister] [Secretary of State] any representations and objections which have been duly made and not withdrawn will be transmitted with the order.

Dated 19 .

NOTES: (1) Insert if appropriate.

(2) Insert only in personal notices.

(3) Omit what is inappropriate.

Form No. 2

Notice of Confirmation of Extinguishment of Public Right of Way Order
Acquisition of Land (Authorisation Procedure) Act 1946
(1)[Town and Country Planning Act 1947]
Highways Act 1959
Countryside Act 1968
(Name of authority)
(Title of Order)

(2)[To:
of: .]

On 19 , the (3)[Minister of Housing and Local Government] [Secretary of State 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 .

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 1959, as amended, or on the ground that any requirement of the Act, as amended, or any regulation made thereunder has not been complied with in relation to the order he may under Schedule 2 to the Act, as applied by paragraph 5 of

Schedule 7 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: (1) Insert if appropriate.

(2) Insert only in personal notices.

(3) Omit what is inappropriate.

Given under the official seal of the Minister of Housing and Local Government on 28th February 1969.

(L.S.)

Anthony Greenwood,
Minister of Housing
and Local Government.

George Thomas,
One of Her Majesty's
Principal Secretaries of State,
Welsh Office.

3rd March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The regulations apply to England and Wales and provide for various procedural matters under the Highways Act 1959 and the Acquisition of Land (Authorisation Procedure) Act 1946 as amended by the Countryside Act 1968. They replace the Public Path Orders Regulations 1959.

The regulations prescribe the forms of orders and notices 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 public path creation, extinguishment and diversion orders under the 1959 Act and extinguishment of right of way orders under the 1946 Act. They also deal with the making of claims for compensation under sections 31 and 113(2) of the 1959 Act.