PARKS AND COUNTRYSIDE

1952 No. 559

The Public Rights of Way (Applications to Quarter Sessions) Regulations, 1952

Made - - - -	17*th March*, 1952
Laid before Parliament	19*th March*, 1952
Coming into Operation	1*st April*, 1952

In pursuance of the powers conferred on me by subsection (2) of section thirty-one of the National Parks and Access to the Countryside Act, 1949(**a**), I hereby make the following Regulations :—

1. An application under section thirty-one of the Act relating to any land shall be made—

(*a*) if the land is situated within a borough having a separate court of quarter sessions, to a court of quarter sessions held in and for that borough ;

(*b*) if the land is not so situated as aforesaid, to the appeal committee appointed under subsection (1) of section seven of the Summary Jurisdiction (Appeals) Act, 1933(**b**), of the court of quarter sessions having jurisdiction in the place where the land is situated,

and, subject to the provisions of these Regulations, subsections (2) to (8) of the said section seven shall apply in relation to any such application as aforesaid as they apply to an appeal to which the said Act of 1933 applies.

2.—(1) Notice of any such application as aforesaid shall be given in writing to the clerk of the court and shall specify the land to which the application relates, the grounds upon which the application is made and the name of the surveying authority.

(2) The applicant shall, within the time allowed by subsection (1) of section thirty-one of the Act for the making of an application for a declaration under that subsection, serve a copy of such notice as aforesaid upon every other person appearing to the applicant to be the owner, lessee or occupier of the said land or of any other land specified in the application in regard to which the court may make a declaration, and upon the surveying authority.

3.—(1) Where such an application as aforesaid has been made under paragraph (*a*) of subsection (1) of section thirty-one of the Act, the surveying authority shall, if so directed by the court at any stage of the proceedings, forthwith serve upon every person appearing to them to be the owner, lessee or occupier of any land in regard to which a declaration under subsection (4) of the said section (that is to say, a declaration that there was at the relevant date a right of way to which Part IV of the Act applies over land other than land to which the application relates) may be made a copy of the notice of the application and a notice that it appears that the court may make such a declaration as aforesaid in regard to that land.

(2) Where such an application as aforesaid has been made under paragraph (*b*) or (*c*) of subsection (1) of the said section thirty-one, the surveying authority shall, if so directed by the court at any stage of the proceedings, forthwith serve upon every person appearing to them to be the owner, lessee or occupier of any land (other than land to which the application relates),

(**a**) 12, 13 & 14 Geo. 6. c. 97. (**b**) 23 & 24 Geo. 5. c. 38.

which might be affected by a declaration made under subsection (5) of the said section (that is to say, a declaration as to the true nature of the rights conferred on the public by the public right of way in question or the true position or width of the part of the land over which the public right of way subsisted at the relevant date, being different both from that specified in the application and from that indicated in the provisional map and statement prepared by the surveying authority) a copy of the notice of the application and a notice that it appears that the court may make such a declaration as aforesaid affecting that land.

4.—(1) Any document required to be served on any person under these Regulations shall be duly served if it is delivered to him, or left at his proper address, or sent by post to him at that address in a registered letter.

(2) Any such document as aforesaid required to be served on an incorporated company or body shall be duly served if given to or served on the secretary or clerk of the company or body.

(3) For the purposes of this Regulation and of section twenty-six of the Interpretation Act, 1889(a), the proper address of any person on whom any such document as aforesaid is required to be served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

5. To any such application as aforesaid the surveying authority shall appear as respondent, and any other person on whom a copy of the notice of any such application is required to be served under these Regulations may, if he thinks fit, appear as a respondent to the application.

6. The provisions of section five of the Quarter Sessions Act, 1849(b) (which relates to the costs of appeals to quarter sessions), shall apply to any such application as aforesaid as if the application were an appeal to which that section applied:

Provided that in any case where there is more than one respondent to an application no order shall be made against the applicant for the payment of the costs of more than one of the respondents.

7.—(1) In these Regulations, the expression "the Act" means the National Parks and Access to the Countryside Act, 1949, and, in relation to any land as respects which an application is made for a declaration under section thirty-one of the Act—

"the applicant" means the person making the application to the court for the declaration;

"the court" means the court to which under Regulation 1 of these Regulations the application is to be made;

"the surveying authority" means the surveying authority within the meaning of the Act for the area comprising the land.

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

8. These Regulations may be cited as the Public Rights of Way (Applications to Quarter Sessions) Regulations, 1952, and shall come into operation on the first day of April, 1952.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
17th March, 1952.

(a) 52 & 53 Vict. c. 63. (b) 12 & 13 Vict. c. 45.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Under Part IV of the National Parks and Access to the Countryside Act, 1949, maps are required to be prepared by certain local authorities showing public footpaths and certain other public rights of way. Section thirty-one provides for the determination by quarter sessions of disputes relating to these maps. These Regulations prescribe the appropriate court of quarter sessions and require the hearing to be before the appeals committee or the recorder as the case may be. They also make provision as to the manner of application to the court, as to the service of notices upon persons concerned and as to the parties to the hearing.

PATENTS FOR INVENTIONS

1952 No. 2101

The Patents (Extension of Period of Emergency) Order, 1952

Made - - - - 4th December, 1952

At the Court at Buckingham Palace, the 4th day of December, 1952

Present

The Queen's Most Excellent Majesty in Council

Whereas under section forty-nine of the Patents Act, 1949(a), special powers are exercisable by the Crown during periods which are periods of emergency for the purposes of that section:

And Whereas, by virtue of the Patents (Extension of Period of Emergency) Order, 1950(b), made under the said section forty-nine, one such period of emergency was limited to end with the tenth day of December, nineteen hundred and fifty-one:

And Whereas by section ninety-five of the said Act it is amongst other things provided that an Order in Council under that Act may be varied by a subsequent Order in Council and by subsection (3) of the said section forty-nine it is provided that a draft of any Order in Council made thereunder shall be laid before Parliament and shall not be submitted to Her Majesty except in pursuance of an Address presented by each House of Parliament praying that the Order be made:

And Whereas by the Patents (Extension of Period of Emergency) Order, 1951(c), made under the said sections forty-nine and ninety-five the said Order of 1950 was so varied as to substitute, for the reference therein to the tenth day of December, nineteen hundred and fifty-one, a reference to the tenth day of December, nineteen hundred and fifty-two:

And Whereas, in pursuance of the said subsection (3), a draft of this Order has been laid before Parliament, and an Address has been presented by each House of Parliament praying that the Order be made:

(a) 12, 13 & 14 Geo. 6. c. 87. (b) S.I. 1950/1778; 1950 II, p. 207.
(c) S.I. 1951/2123; 1951 II, p. 138.