STATUTORY INSTRUMENTS

1983 No. 21

RIGHTS OF WAY

The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983

Made - - - -	13*th January* 1983
Laid before Parliament	27*th January* 1983
Coming into Operation	28*th 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 section 57 of and Schedules 14 and 15 to the Wildlife and Countryside Act 1981 (**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These regulations may be cited as the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983, and shall come into operation on 28th February 1983.

Interpretation

2. In these regulations—

"the Act" means the Wildlife and Countryside Act 1981;

"a modification order" means an order made under section 53(2)*(a)* or *(b)*, or 55(4) or 55(5) of the Act;

"a reclassification order" means an order made under section 54(1)*(b)* of the Act.

Scale of definitive maps

3. A definitive map shall be on a scale of not less than two and a half inches to one mile (or 1/25,000); provided that where the surveying authority considers it expedient to show any particulars required to be shown on the map on a larger scale, it may employ an inset map for that purpose.

Notation to be used on definitive maps

4. Rights of way to which Part III of the Act applies shall be shown on a definitive map in the manner specified in Schedule 1 hereto.

Modification orders

5. A modification order shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 2 hereto with such modifications as the circumstances may require, and shall contain a map.

(**a**) 1981 c.69.

Reclassification orders

6. A reclassification order shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 3 hereto with such modifications as the circumstances may require, and shall contain a map.

Provisions supplementary to regulations 5 and 6

7. Regulation 3 above shall apply in relation to the scale of the map to be contained in a modification or reclassification order as it applies in relation to the scale of a definitive map.

8. Regulation 4 above shall apply in relation to the map contained in a modification or reclassification order as it applies in relation to a definitive map.

9. The provisions of Schedule 4 hereto shall apply in relation to the making, submission and confirmation of modification or reclassification orders.

Applications for a modification order

10.—(1) An application for a modification order shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 7 hereto, with such modifications as the circumstances may require, and shall contain a map.

(2) Regulation 3 above shall apply in relation to the scale of the map accompanying an application for a modification order as it applies in relation to the scale of the map contained in a modification or reclassification order.

(3) A notice required by paragraph 2 of Schedule 14 to the Act shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 8 hereto.

(4) A certificate required by paragraph 2 of Schedule 14 to the Act shall be in the appropriate form (or substantially in the appropriate form) set out in Schedule 9 hereto.

Regulation 4

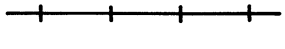
SCHEDULE 1

NOTATION TO BE USED ON DEFINITIVE MAPS

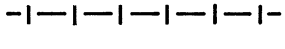
(a) A footpath shall be shown by either a continuous purple line or by a continuous line with short bars at intervals, as thus:—

or by a broken black line with short intervals, as thus:—

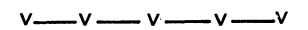
(b) A bridleway shall be shown by either a continuous green line or by a continuous line with cross bars at intervals, as thus:—



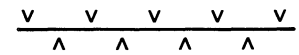
or by a broken line with cross bars in the intervals, as thus:—



(c) A road used as a public path shall be shown by either a broken green line or by a broken line and small arrowheads, as thus:—



(d) A byway open to all traffic shall be shown by either a continuous brown line or by a continuous line with arrowheads alternately above and below the line, as thus:—



SCHEDULE 2 Regulation 5

FORM OF MODIFICATION ORDER

Wildlife and Countryside Act 1981

(Title of [Definitive] Map and Statement)

(Title of Order)

Whereas pursuant to section [53(2)*(a)*] [53(2)*(b)*] [55(4)] [55(5)] of the Wildlife and Countryside Act 1981 (hereinafter called "the Act") it appears to the (insert name of authority) (hereinafter called "the surveying authority") that the (insert title of [definitive] map and statement) require modification [in consequence of the occurrence of an event specified in section 53(3)] [specify the appropriate paragraph and sub-paragraph], namely, [specify event] [in accordance with the provisions of [section 55(4)] [*(a)*] [*(b)*] [*(c)*], i.e. [specify provision] [section 55(5)] [*(a)*] [*(b)*], i.e. [specify provision] of the Act;

[And whereas the surveying authority have consulted with every local authority whose area includes the land to which the order relates;]

Now, therefore, the surveying authority, in exercise of the power conferred by section [53(2)*(a)*] [53(2)*(b)*] [55(4)] [55(5)] of the Act, hereby make the following order:—

1. For the purposes of this order the relevant date shall be 19 .

2. The [insert title of [definitive] map and statement] shall be modified as described in [Part I] [and] [Part II] of the Schedule hereto and shown on the map annexed hereto.

3. This order shall have effect on the date [it is made] [it is confirmed].

4. This order may be cited as the [insert title of order] 19 .

Schedule

[Part I]

Modification of [Definitive] Map

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

Description of path or way to be added
(Describe position, length and width of path or way in sections, e.g. A–C, B–D, etc., as indicated on map.)

Description of public right of way to be (upgraded) (downgraded)
(Describe position, length and width of public right of way in sections, e.g. A–B, C–D, etc., as indicated on map.)

[Part II]

Modification of [Definitive] Statement

Variation of particulars of path or way
(Set out varied description of path or way or additional particulars.)

Regulation 6

SCHEDULE 3

FORM OF RECLASSIFICATION ORDER

Wildlife and Countryside Act 1981
(Title of Definitive Map and Statement)
(Title of Order)

Whereas pursuant to section 54(1)*(a)* of the Wildlife and Countryside Act 1981 (hereinafter called "the Act") the (insert name of authority) (hereinafter called "the surveying authority") have carried out a review of such of the particulars contained in the definitive map and statement for their area as relate to roads used as public paths;

And Whereas by virtue of section 54(1)*(b)* of the Act the surveying authority are required by order to make such modifications to the map and statement as appear to them to be requisite to provide for the reclassification of roads used as public paths;

And Whereas the surveying authority have consulted with every local authority whose area includes the land to which the order relates;

Now, therefore, the surveying authority, in exercise of the powers conferred by section 54(1) of the Act, hereby make the following order:—

1. The relevant date for the purpose of this order shall be 19

2. The [insert title of definitive map and statement] shall be modified by showing as a (footpath) (bridleway) (byway open to all traffic) the road(s) used as (a) public path(s) described in the Schedule hereto and shown on the map annexed hereto.

3. This order shall have effect on the date it is confirmed.

4. This order may be cited as the (name of authority) Definitive Map (Reclassification) Order 19 .

Schedule

Description of road(s) used as (a) public path(s)	Reclassification

Regulation 9

SCHEDULE 4

ADDITIONAL PROVISIONS IN RELATION TO THE MAKING, SUBMISSION AND CONFIRMATION OF MODIFICATION OR RECLASSIFICATION ORDERS

1. A modification or reclassification order shall be made in duplicate.

2. Any notice required to be given, served or displayed by Schedule 15 to the Act shall be in the form set out in Schedule 5 hereto, subject to any necessary modifications, and shall be served on the additional persons specified in Schedule 6 hereto.

3. Any notice or other document to be served on an owner or occupier in accordance with paragraph 3(2)(b)(i) of Schedule 15 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.

4. Where a modification or reclassification order is submitted to the Secretary of State for confirmation, it shall be accompanied by—

(a) two copies of the order;

(b) a copy of the notice required by paragraph 3 of Schedule 15 to the Act and a certificate that the requirements of that paragraph have been complied with;

(c) a copy of the relevant section of the definitive map and statement;

(d) a statement of the grounds on which the authority by whom the order was made consider that the order should be confirmed;

(e) any representations or objections which have been duly made with respect to the order and not withdrawn (together with the observations of the authority thereon); and

(f) a certificate that every local authority whose area includes the land to which the order relates has been consulted.

5. After a modification or reclassification 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 11 of Schedule 15 to the Act have been complied with, furnish to the Secretary of State a certificate to that effect.

6. After a modification or reclassification 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.

SCHEDULE 5 Regulation 9

FORM OF NOTICE AS RESPECTS MODIFICATION OR RECLASSIFICATION ORDER

NOTICE OF [MODIFICATION] [RECLASSIFICATION] ORDER

Wildlife and Countryside Act 1981

(Title of Definitive Map and Statement)

(Title of Order)

(1) [To:

of: .]

The above named order, made on 19 , is about to be submitted to the (2) [Secretary of State for the Environment] [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 modification, will be to modify the definitive map and statement for the area by (2)

[deleting therefrom the (footpath) (bridleway) (byway open to all traffic) from to]

[and] [adding thereto the (footpath) (bridleway) (byway open to all traffic) from to]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic) the public right of way from to]

[(varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic) from to by providing that]

[reclassifying as a (footpath) (bridleway) (byway open to all traffic) the road used as a public path from 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 or purchased at a cost of .

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
and should state the grounds on which it is made.

If no representations or objections are duly made to the order, or to any part thereof, or if any so made are withdrawn, the (name of authority) may, instead of submitting the order (or that part thereof if the authority has by notice to the Secretary of State so elected) themselves confirm the order (or that part of the order). If the order is submitted to the (Secretary of State for the Environment) (Secretary of State for Wales) in whole or in part, any representations and objections which have been duly made and not withdrawn will be transmitted therewith.

Dated 19 .

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

Regulation 9

SCHEDULE 6

ADDITIONAL PERSONS TO BE SERVED WITH NOTICE OF MODIFICATION OR RECLASSIFICATION ORDER

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
In Wales	Welsh Trail Riders' Association

SCHEDULE 7 Regulation 10(1)

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

(Title of Definitive Map and Statement)

To: (name of authority)

of: (address of authority)

I/We, (name of applicant) of (address of applicant) hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

[deleting the (footpath) (bridleway) (byway open to all traffic) from to]

[adding the (footpath) (bridleway) (byway open to all traffic) from to]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic) the (footpath) (bridleway) (byway open to all traffic) from to]

[(varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic) from to by providing that]

and shown on the map annexed hereto.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

(List of documents)

Dated 19 . Signed

SCHEDULE 8 Regulation 10(3)

FORM OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

(Title of Definitive Map and Statement)

To:

of:

Notice is hereby given that on the 19
I/We

of

made application to the (name and address of authority) that the definitive map and statement for the area be modified by

[deleting the (footpath) (bridleway) (byway open to all traffic) from to]

[adding the (footpath) (bridleway) (byway open to all traffic) from to]

[(upgrading) (downgrading) to a (footpath) (bridleway) (byway open to all traffic) the (footpath) (bridleway) (byway open to all traffic) from to]

[(varying) (adding to) the particulars relating to the (footpath) (bridleway) (byway open to all traffic) from to by providing that].

Dated 19 . Signed

Regulation 10(4) SCHEDULE 9

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

(Title of Definitive Map and Statement)

Certificate of Service of Notice of Application for Modification Order

To: (name of authority)

of: (address of authority)

I/We, (name of applicant) of (address of applicant) hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated 19 . Signed

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 make provision for various procedural matters under Part III of the Wildlife and Countryside Act 1981.

They deal with the scale on which definitive maps are to be prepared and the manner in which public rights of way are to be depicted thereon.

They prescribe the form of orders modifying definitive maps and statements and those reclassifying roads used as public paths and the procedure to be followed in relation to their making, submission and confirmation.

They also prescribe a form of application for a modification order and the procedure to be followed in relation thereto.

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