
STATUTORY INSTRUMENTS

1993 No. 12

RIGHTS OF WAY

The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993

<i>Made</i>	- - - -	<i>7th January 1993</i>
<i>Laid before Parliament</i>		<i>8th January 1993</i>
<i>Coming into force</i>	- -	<i>31st January 1993</i>

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 on them by section 57(1) and (2) of, and paragraphs 1, 2 and 5 of Schedule 14 and paragraphs 3, 11 and 13 of Schedule 15 to, the Wildlife and Countryside Act 1981(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 and shall come into force on 31st January 1993.

(2) In these Regulations—

“the Act” means the Wildlife and Countryside Act 1981;

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

“reclassification order” means an order made under section 54(1)(b) of the Act;

“surveying authority”(2), in relation to any area, means the county council, metropolitan district council or London borough council whose area includes that area.

Scale of definitive maps

2. A definitive map shall be on a scale of not less than 1/25,000 but where the surveying authority wishes to show on a larger scale any particulars required to be shown on the map, in addition, an inset map may be used for that purpose.

(1) 1981 c. 69. See the definition of “prescribed” in paragraph 5 of Schedule 14 and paragraph 13 of Schedule 15.

(2) See section 66(1) of the Wildlife and Countryside Act 1981 which was amended by section 7 of, and paragraph 7(6) of Schedule 3 to, the Local Government Act 1985 (c. 51).

Notation to be used on definitive maps

3. Rights of way to which Part III of the Act (public rights of way) applies shall be shown on a definitive map as indicated in Schedule 1 to these Regulations.

Modification Orders

4. A modification order shall be in the form set out in Schedule 2 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

Reclassification Orders

5. A reclassification order shall be in the form set out in Schedule 3 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

Provisions supplementary to regulations 4 and 5

6. Regulations 2 and 3 above shall apply to the map contained in a modification or reclassification order as they apply to a definitive map.

Making, submission and confirmation of modification and reclassification orders

7.—(1) The provisions of Schedule 4 to these Regulations shall apply to the making, submission and confirmation of modification or reclassification orders.

(2) Any notice required under paragraph 3 of Schedule 15 to the Act (procedure in connection with certain orders under Part III) shall be in the form set out in Schedule 5 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

(3) The persons on whom notice is required to be served under Schedule 15 to the Act shall in relation to the areas specified in column 1 of Schedule 6 to these Regulations include the persons specified in column (2) of that Schedule.

Applications for a modification order

8.—(1) An application for a modification order shall be in the form set out in Schedule 7 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

(2) Regulation 2 above shall apply to the map which accompanies such an application as it applies to the map contained in a modification or reclassification order.

(3) A notice required by paragraph 2 of Schedule 14 to the Act (applications for certain orders under Part III) shall be in the form set out in Schedule 8 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

(4) A certificate required by paragraph 2 of Schedule 14 to the Act shall be in the form set out in Schedule 9 to these Regulations or in a form substantially to the like effect, with such insertions or omissions as are necessary in any particular case.

Revocation

9. The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983(3) are hereby revoked.

7th January 1993

Michael Howard
Secretary of State for the Environment

7th January 1993

David Hunt
Secretary of State for Wales

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

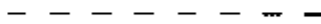
SCHEDULE 1

NOTATION TO BE USED ON DEFINITIVE MAPS

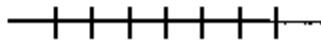
- (a) A footpath shall be shown by either a continuous purple line or by a continuous line with short bars at intervals, as thus:-



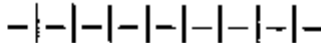
- or by a broken black line with short intervals, as thus:-



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



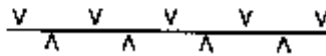
- or by a broken line with cross bars in the intervals, as thus:-



- (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 4

FORM OF MODIFICATION ORDER Wildlife and Countryside Act 1981

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Title of [Definitive] Map and Statement]

[Title of Order]

This Order is made by [name of surveying authority] under section [53(2)(a)] [53(2)(b)] [55(4)] [55(5)] of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that 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 relevant paragraph and sub-paragraph], namely, [specify event] [in accordance with the provisions of [section 55(4)] [a] [b] [c], that is to say, [specify provision] [section 55(5)] [(a)] [(b)], that is to say, [specify provision] of the Act.

The authority have consulted with every local authority whose area includes the land to which the order relates. The [name of authority] hereby order that:

1. For the purposes of this order the *relevant date is 19 .
2. The [insert title of [definitive] map and statement] shall be modified as described in [Part I] [and] [Part II] of the Schedule and shown on the map attached to the Order.
3. This order shall take effect on the date [it is made] [it is confirmed] and 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-B, B-C, etc., as indicated on map.)

Description of public right of way to be [upgraded] [downgraded]

(Describe position, length and width of public rights of way in sections, e.g. A-B, C-D, etc., as indicated on map, and also its status as at present shown on the definitive map and the status to which it is to be upgraded or downgraded.)

[PART II]

Modification of [Definitive] Statement

Variation of particulars of path or way

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

*The relevant date must not be earlier than 6 months before the making of the Order.

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SCHEDULE 3

Regulation 5

FORM OF RECLASSIFICATION ORDER Wildlife and Countryside Act 1981

{Title of Definitive Map and Statement}
{Title of Order}

This order is made by [name of surveying authority] under section 54(1) of the Wildlife and Countryside Act 1981 ("the Act"), the authority having carried out under section 54(1)(a) of the Act a review of such of the particulars contained in the definitive map and statement for their area which relate to roads used as public paths and being required by section 54(1)(b) of the Act by order to make such modifications to the definitive map and statement as appear to them to be requisite to provide for the reclassification of such roads.

The authority have consulted with every local authority whose area includes the land to which the order relates.

The [name of authority] hereby order that:

1. For the purposes of this order the *relevant date is 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 and shown on the map attached to the Order.
3. This order shall take effect on the date it is confirmed and may be cited as the [name of authority] Definitive Map (Reclassification) Order 19 .

SCHEDULE

PART I

Modification of [Definitive] Map

(a) Description of road[s] used as [a] public path[s]

(Describe position, length and width of highway in sections, e.g., A-B, B-C, etc.)

(b) Description of reclassified highway

(Describe position, length and width of [footpath] [bridleway] [byway open to all traffic] in sections, e.g., A-B, B-C, etc.)

PART II

Modification of [Definitive] Statement

Variation of particulars of reclassified highway

(Describe particulars of [footpath] [bridleway] [byway open to all traffic].)

*The relevant date must not be earlier than 6 months before the making of the Order.

SCHEDULE 4

Regulation 7(1)

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 with the seal of the surveying authority (“the authority”) and the date of making inserted after the order before its Schedule.

2. Where any notice to be served on an owner or occupier in accordance with paragraph 3(2)(b) (i) of Schedule 15 to the Act is sent under cover otherwise than in a prepaid registered letter or by the recorded delivery service, the cover shall have clearly on it in writing the words: “IMPORTANT-THESE COMMUNICATIONS AFFECT YOUR PROPERTY”.

3. 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 by the authority that the requirements of that paragraph have been complied with;
- (c) a copy of that section of the definitive map and statement which the order when confirmed will modify;
- (d) a statement of the grounds on which the authority 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 on them; and
- (f) a certificate by the authority that every local authority whose area includes the land to which the order relates has been consulted.

4. After a modification or reclassification order has been confirmed by the Secretary of State the authority shall as soon as the requirements of paragraph 11 of Schedule 15 to the Act have been complied with so certify in writing to the Secretary of State.

5. After a modification or reclassification order has been confirmed the authority who made the order shall send a copy of it as confirmed to the Ordnance Survey.

SCHEDULE 5

Regulation 7(2)

FORM OF NOTICE OF MODIFICATION OR RECLASSIFICATION ORDER NOTICE OF [MODIFICATION] [RECLASSIFICATION] ORDERSection [53] [54] of the Wildlife and Countryside Act 1981

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Name of Authority)
(Title of Definitive Map and Statement)
(Title of Order)

***[IMPORTANT—THIS COMMUNICATION AFFECTS YOUR PROPERTY]**

*[To
[of:]]

The above Order made on 19 , if confirmed as made, will modify the [definitive] map and statement for the area by:-

[deleting from them the [footpath] [bridleway] [byway open to all traffic] from to]
[and] [adding to them 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 order map may be seen free of charge at from a.m. to p.m. on .

Copies of the order and map may be bought there at the price of £ .

Any representation or objection relating to the order must be sent in writing to [title of appropriate officer and name and address of authority] not later than 19 , and applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the order, [or to any part of it], or if any so made are withdrawn, the [name of authority], instead of submitting the order to the Secretary of State [(or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981)] may itself confirm the order [(or that part of the order)]. If the order is submitted to the Secretary of State [for the Environment] [for Wales], [in whole or in part], any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated 19 .

**Insert only in personal notices.*

SCHEDULE 6

Regulation 7(3)

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

(1) Area	(2) Name
England and Wales	Auto-Cycle Union
	British Horse Society
	Byways and Bridleways Trust, Open Spaces Society
	Ramblers Association
	British Driving Society
	Cyclists Touring Club
The counties of Cheshire, Derbyshire, Greater Manchester, Lancashire, Merseyside, South Yorkshire, Staffordshire and West Yorkshire	Peak and Northern Footpaths Society
Within the county of Bedfordshire: the borough of Luton; and within the district of Mid Bedfordshire, the parishes of Harlington and Shillington; and within the district of South Bedfordshire the parishes of Barton le Clay, Caddington and Slip End, Dunstable, Eaton Bray, Houghton Regis, Hyde, Kensworth, Streatley, Studham, Sundon, Toddington, Totterhoe and Whipsnade;	Chiltern Society
Within the county of Buckinghamshire: the districts of Chiltern, Wycombe and South Bucks; and within the district of Aylesbury Vale, the parishes of Aston Clinton, Buckland, Drayton Beauchamp, Edlesborough, Halton, Ivinghoe, Marsworth, Pitstone, Wendover and Weston Turville;	Chiltern Society
Within the county of Hertfordshire: the districts of Dacorum and Three Rivers; and within the district of North Hertfordshire, the parishes of Hexton, Hitchin, Ickleford, St Ippolitts, Kings Walden, Langley, Lilley, Offley, Pirton, Preston and St Pauls Walden;	Chiltern Society
Within the county of Oxfordshire, the district of South Oxfordshire;	Chiltern Society
Wales	Welsh Trail Riders' Association

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SCHEDULE 7

Regulation 8(1)

FORM OF APPLICATION FOR MODIFICATION ORDERWildlife 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]

that by providing and shown on the map accompanying this application.

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 8(3)

FORM OF NOTICE OF APPLICATION FOR MODIFICATION ORDERSection 54(5) of, and Schedule 14 to, the Wildlife and Countryside Act 1981

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Title of Definitive Map and Statement]

To;

of;

I/We
of

hereby give notice that on 19 I/We 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

SCHEDULE 9

Regulation 8(4)

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER Wildlife and Countryside Act 1981

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-enact the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983 (“the 1983 Regulations”) with minor and drafting amendments.

Regulation 2 prescribes the scale of definitive maps; regulation 3 and Schedule 1 make provision as to the notation to be used on them.

Regulations 4 and 5 prescribe the form of modification orders and reclassification orders (set out in Schedules 2 and 3 respectively) and regulation 6 contains supplementary provisions.

Regulation 7 and Schedules 4, 5 and 6 make additional provisions in relation to the making, submission and confirmation of modification and reclassification orders (Schedule 4), set out the prescribed form of notice of these orders (Schedule 5) and prescribe, in relation to certain areas, certain persons who are also to be served with notice (Schedule 6).

Regulation 8 and Schedules 7, 8 and 9 prescribe the form of application (Schedule 7), of notice of the order (Schedule 8) and of the requisite certificate (Schedule 9).

Regulation 9 revokes the 1983 Regulations.