

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Countryside and Rights of Way Act 2000, Paragraph 10 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

AMENDMENTS RELATING TO CREATION, STOPPING UP AND DIVERSION OF HIGHWAYS

PART I

AMENDMENTS OF HIGHWAYS ACT 1980

PROSPECTIVE

10 After section 119 of the 1980 Act there is inserted—

“119ZA Application for a public path diversion order.

- (1) Subject to subsection (2) below, the owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses may apply to a council for the area in which the land is situated for the making of a public path diversion order in relation to any footpath or bridleway which crosses the land, on the ground that in his interests it is expedient that the order should be made.
- (2) No application may be made under this section for an order which would create a new footpath or bridleway communicating with—
 - (a) a classified road,
 - (b) a special road,
 - (c) a GLA road, or
 - (d) any highway not falling within paragraph (a) or (b) above for which the Minister is the highway authority,unless the application is made with the consent of the highway authority for the way falling within paragraph (a), (b), (c) or (d) above.
- (3) No application under this section may propose the creation of a new right of way over land covered by works used by any statutory undertakers for the purposes of their undertaking or the curtilage of such land, unless the application is made with the consent of the statutory undertakers; and in this subsection “statutory undertaker” and “statutory undertaking” have the same meaning as in Schedule 6 to this Act.
- (4) An application under this section shall be in such form as may be prescribed and shall be accompanied by a map, on such scale as may be prescribed—
 - (a) showing the existing site of so much of the line of the path or way as it is proposed to divert and the new site to which it is proposed to be diverted,

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- (b) indicating whether it is proposed to create a new right of way over the whole of the new site or whether some of it is already comprised in a footpath or bridleway, and
 - (c) where some part of the new site is already so comprised, defining that part,
- and by such other information as may be prescribed.
- (5) Regulations may provide—
- (a) that a prescribed charge is payable on the making of an application under this section, and
 - (b) that further prescribed charges are payable by the applicant if the council make a public path diversion order on the application.
- (6) An application under this section is not to be taken to be received by the council until the requirements of regulations under section 121A below have been satisfied in relation to it.
- (7) A council which receives an application under this section shall determine the application as soon as reasonably practicable.
- (8) Where—
- (a) an application under this section has been made to a council, and
 - (b) the council have not determined the application within four months of receiving it,
- the Secretary of State may, at the request of the applicant and after consulting the council, by direction require the council to determine the application before the end of such period as may be specified in the direction.
- (9) As soon as practicable after determining an application under this section, the council shall—
- (a) give to the applicant notice in writing of their decision and the reasons for it, and
 - (b) give a copy of the notice to such other persons as may be prescribed.
- (10) The council to whom an application under this section has been made may make a public path diversion order on the application only if—
- (a) the land over which the public right of way is to be extinguished by the order, and
 - (b) the new site to which the path or way is to be diverted,
- are those shown for the purposes of subsection (4) above on the map accompanying the application.
- (11) Any reference in this Act to the map accompanying an application under this section includes a reference to any revised map submitted by the applicant in prescribed circumstances in substitution for that map.
- (12) This section has effect subject to the provisions of sections 121A and 121C below.
- (13) In this section—
- “prescribed” means prescribed by regulations;

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“regulations” means regulations made by the Secretary of State.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)