
Changes to legislation: Countryside and Rights of Way Act 2000, Paragraph 23 is up to date with all changes known to be in force on or before 21 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

- 23 (1) Schedule 6 to the 1980 Act (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways), including that Schedule as applied by section 32(2) of the Acquisition of Land Act 1981, is amended as follows.
- (2) In paragraph 1(1) and (2)—
- (a) after “rail crossing extinguishment order,” there is inserted “ a special extinguishment order ”, and
 - (b) for “or a rail crossing diversion order” there is substituted “ , a rail crossing diversion order, a special diversion order or an SSSI diversion order ”.
- (3) In paragraph 1(3A)—
- (a) after “rail crossing extinguishment orders,” there is inserted “ special extinguishment orders ”, and
 - (b) for “and rail crossing diversion orders” there is substituted “ , rail crossing diversion orders, special diversion orders and SSSI diversion orders ”.
- (4) In paragraph 1(3B)—
- (a) after “draft rail crossing extinguishment orders,” there is inserted “ draft special extinguishment orders ”, and
 - (b) for “and draft rail crossing diversion orders” there is substituted “ , draft rail crossing diversion orders, draft special diversion orders and draft SSSI diversion orders ”.
- (5) In paragraph 2—
- (a) in sub-paragraph (1), at the beginning of paragraph (a) there is inserted “ subject to sub-paragraph (2A) ”,
 - (b) in sub-paragraphs (2) and (3), for “or a public path diversion order,” there is substituted “ , a public path diversion order, a special diversion order or an SSSI diversion order ”, and
 - (c) after sub-paragraph (2) there is inserted—
 - “(2A) Before making or confirming an order on an appeal under section 121D(1) of this Act, the Secretary of State shall—
 - (a) if requested by the authority who made an order to which the appeal relates to cause a local inquiry to be held, cause such an inquiry to be held, and

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- (b) if a request to be heard with respect to the question to be determined is made by the appellant, either afford to the appellant an opportunity of being heard by a person appointed by the Secretary of State for the purpose or cause a local inquiry to be held,

whether or not he would be required to do so apart from this sub-paragraph.”

- (6) After paragraph 2 there is inserted—

“2ZA(1) Where a public path extinguishment order, a special extinguishment order, a public path diversion order or a special diversion order is made by an authority other than the Secretary of State on an application under section 118ZA, 118C, 119ZA or 119C of this Act, that authority shall, as soon as reasonably practicable after the expiry of the time for representations, determine—

- (a) whether, in the case of an unopposed order, to confirm it under paragraph 2(1)(b) above, or
- (b) whether to submit the order to the Secretary of State.

- (2) The authority making a determination required by sub-paragraph (1) above shall, as soon as practicable after making it, give to the applicant notice in writing of their determination and the reasons for it and give a copy of the notice to such other persons as may be prescribed.

- (3) Where—

- (a) an authority other than the Secretary of State have made a public path extinguishment order, a special extinguishment order, a public path diversion order or a special diversion order on an application under section 118ZA, 118C, 119ZA or 119C of this Act, and

- (b) at the end of the period of two months beginning with the expiry of the time for representations, that authority have not determined—

- (i) whether, in the case of an unopposed order, to confirm it under paragraph 2(1)(b) above, or

- (ii) whether to submit the order to the Secretary of State,

the Secretary of State may, at the request of the person on whose application the order was made, by direction require the authority to determine that question before the end of such period as may be specified in the direction.

- (4) In this paragraph “the time for representations” means the time specified by the authority in accordance with paragraph 1(1)(c) above.

2ZB Where, in relation to any public path extinguishment order, special extinguishment order, public path diversion order or special diversion order which was made by an authority other than the Secretary of State on an application under section 118ZA, 118C, 119ZA or 119C of this Act, no representations or objections are duly made or any representations or objections so made are withdrawn, that authority may not submit the order to the Secretary of State for confirmation with any modification of the map contained in the order.”

- (7) In paragraph 2A(1), for the words from the beginning to “shall” there is substituted—

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“The following decisions—

- (a) a decision of the Secretary of State under paragraph 2 above as respects an order made by an authority other than the Secretary of State including any related decision under section 120(5) of this Act, and
- (b) a decision of the Secretary of State under section 121E(1)(c) of this Act, including any related decision under section 120(5) of this Act, shall”.

(8) After paragraph 2A there is inserted—

“2B (1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) apply to a hearing which the Secretary of State causes to be held under paragraph 2 above as they apply (by virtue of section 302(1) of this Act) to a local inquiry which he causes to be held under this Act.

(2) In its application to a hearing or local inquiry held under paragraph 2 above by a person appointed under paragraph 2A(1) above, subsection (5) of section 250 of that Act shall have effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State.

(3) Section 322A of the ^{M2}Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or inquiry under paragraph 2 above as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.”.

(9) In paragraph 3(2)—

- (a) for “or a rail crossing extinguishment order” there is substituted “, a rail crossing extinguishment order or a special extinguishment order ”, and
- (b) for “or a rail crossing diversion order” there is substituted “, a rail crossing diversion order, a special diversion order or an SSSI diversion order ”.

(10) At the end of paragraph 4(3) there is inserted “ other than any person on whom notice of the decision is required to be served under paragraph 2ZA(2) above ”.

Commencement Information

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| I1 | Sch. 6 para. 23(1)-(4) (5)(b) (7)(8) (9) in force at 12.2.2003 for specified purposes for E. by S.I. 2003/272, art. 2(p) |
| I2 | Sch. 6 para. 23(1) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(aa)(viii) |
| I3 | Sch. 6 para. 23(1)-(4)(5)(b)(8)(9) in force at 21.5.2007 for E. in so far as not already in force by S.I. 2007/1493, art. 2(i) |
| I4 | Sch. 6 para. 23(2)(a) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(bb)(viii) |
| I5 | Sch. 6 para. 23(2)(b) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(bb)(viii) |
| I6 | Sch. 6 para. 23(3)(a) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(cc)(viii) |
| I7 | Sch. 6 para. 23(3)(b) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(cc)(viii) |

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- I8** Sch. 6 para. 23(4)(a) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(dd)(viii)
- I9** Sch. 6 para. 23(4)(b) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(dd)(viii)
- I10** Sch. 6 para. 23(5) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(ee)(viii)
- I11** Sch. 6 para. 23(7) in force at 12.2.2003 for specified purposes for E. by S.I. 2003/272, art. 2(p)
- I12** Sch. 6 para. 23(7) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(ff)(viii)
- I13** Sch. 6 para. 23(7) in force at 21.5.2007 for specified purposes for E. by S.I. 2007/1493, art. 2(i)
- I14** Sch. 6 para. 23(8) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(gg)(viii)
- I15** Sch. 6 para. 23(8) in force at 11.5.2006 for W. in so far as not already in force by S.I. 2006/1279, art. 2(n)
- I16** Sch. 6 para. 23(9)(a) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(hh)(viii)
- I17** Sch. 6 para. 23(9)(b) in force at 15.7.2005 for specified purposes for W. by S.I. 2005/1314, art. 3(d)(hh)(viii)

Marginal Citations

- M1** 1972 c. 70.
- M2** 1990 c. 8.

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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\(1\)](#)