



Deregulation Act 2015

2015 CHAPTER 20

Use of land

24 Extension of powers to authorise erection of gates at owner's request

(1) Section 147 of the Highways Act 1980 (which allows highway authorities etc to authorise the erection of stiles and gates etc on footpaths or bridleways crossing agricultural land) is amended as follows.

(2) In subsection (1), after “For the purposes of this section” insert “as it applies in relation to footpaths or bridleways.”

(3) After subsection (1) insert—

“(1A) The following provisions of this section, so far as relating to the erection of gates, also apply where the owner, lessee or occupier of agricultural land in England, or of land in England which is being brought into use for agriculture, represents to a competent authority in England, as respects a restricted byway or byway open to all traffic that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that gates for preventing the ingress or egress of animals should be erected on the byway.

For the purposes of this section the following are competent authorities—

- (a) in the case of a restricted byway which is for the time being maintained by a non-metropolitan district council by virtue of section 42 above, that council and also the highway authority; and
- (b) in the case of any other restricted byway or in the case of a byway open to all traffic, the highway authority.”

(4) In subsection (3), for “footpath or bridleway” substitute “footpath, bridleway or byway”.

(5) After subsection (5) insert—

“(5A) In this section, “byway open to all traffic” has the same meaning as in Part 3 of the Wildlife and Countryside Act 1981 (see section 66(1) of that Act).”

Status: This is the original version (as it was originally enacted).

- (6) In consequence of the amendments made by this section to section 147, section 146 of the 1980 Act is amended as follows—
- (a) in subsection (1), after “restricted byway” (in the first place it occurs) insert “or across a byway open to all traffic in England”;
 - (b) in that subsection, for “or restricted byway” (in the second place it occurs) substitute “, restricted byway or byway open to all traffic”;
 - (c) in subsection (2)(b), after “restricted byway” insert “or in the case of a byway open to all traffic”;
 - (d) after subsection (5) insert—
 - “(6) In this section, “byway open to all traffic” has the same meaning as in Part 3 of the Wildlife and Countryside Act 1981 (see section 66(1) of that Act).”;
 - (e) in the heading to the section, for “restricted byways” substitute “byways”.