

SCHEDULES

SCHEDULE 4

HIGHWAYS

PART 2

INTERFERENCE WITH HIGHWAYS

Creation of public rights of way over new footpaths, bridleways etc

- 5 (1) This paragraph applies where a footpath, bridleway or other kind of way specified in column (3) of table 2 in Schedule 5 (substitute highways) or in table 3 in that Schedule (new rights of way) is provided in exercise of the powers conferred by this Act.
- (2) A public right of way of the kind specified in column (3) of table 2 or in table 3 in Schedule 5 (as the case may be) is created on the date on which the footpath, bridleway or other way is first open for public use.
- (3) Section 28 of the Highways Act 1980 (compensation for loss suffered by landowner) applies as if the public right of way created by virtue of sub-paragraph (2) had been created by an order under section 26 of that Act (public path creation orders).
- (4) In its application by virtue of sub-paragraph (3), section 28 of that Act has effect as if it were modified as follows—
- (a) in subsection (1), for “the authority by whom the order was made” there were substituted “ the Secretary of State ”;
 - (b) for subsection (2) there were substituted—
 - “(2) A claim for compensation under this section must be made by notice in writing to the Secretary of State before the end of the period of 6 months beginning with the day on which the public right of way first becomes exercisable.”;
 - (c) subsection (3) were omitted.
- (5) In its application to a claim under section 28 of that Act (as applied by virtue of sub-paragraph (3)), section 307 of that Act (determination of disputes as to compensation) has effect as if, in subsection (2), for “the authority from whom the compensation in question is claimed” there were substituted “ the Secretary of State ”.
- (6) For the purposes of sub-paragraph (2), the date on which a path or way is first open for public use is to be taken to be—
- (a) where a date has been determined in relation to the path or way under paragraph 17(6), the date so determined, and
 - (b) where it has not, the date certified under paragraph 17(5).

Changes to legislation:

There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Paragraph 5.