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STATUTORY INSTRUMENTS

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**1993 No. 407**

**LOCAL GOVERNMENT, ENGLAND AND WALES**  
**FINANCE**

**The Local Authorities (Recovery of Costs  
for Public Path Orders) Regulations 1993**

*Approved by both Houses of Parliament*

*Made - - - - 26th February 1993*

*Coming into force - - 15th March 1993*

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 sections 150 and 152(5)(1) of the Local Government and Housing Act 1989(2), and of all other powers enabling them in that behalf, after consultation with such representatives of local government as appear to them to be appropriate(3), hereby make the following Regulations, a draft of which has been laid before, and has been approved by resolution of, each House of Parliament:

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 and shall come into force on 15th March 1993.

**Interpretation and application**

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1980 Act” means the Highways Act 1980(4);

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“authority” means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a joint or special planning board constituted for a National Park by an order under paragraph 1 or 3 of Schedule 17 to the Local Government Act 1972(6), or the Broads Authority;

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(1) See the definition of “prescribed”.

(2) 1989 c. 42.

(3) See section 152(6) of the Local Government and Housing Act 1989 (c. 42).

(4) 1980 c. 66.

(5) 1990 c. 8.

(6) 1972 c. 70.

“bridleway” and “footpath” have the meanings given by sections 329(1) and (2) of the 1980 Act;

“local advertisement” means the publication in a local newspaper circulating in the area of any notice in accordance with Schedule 6 to the 1980 Act or Schedule 14 to the 1990 Act (as the case may be);

“operator” and “railway” have the same meanings as in sections 118A and 119A of the 1980 Act<sup>(7)</sup>;

“public path” means a bridleway or footpath;

“public path order” means an order made under—

- (a) section 26, 118, 118A, 119 or 119A of the 1980 Act; or
- (b) section 257 or 261(2) of the 1990 Act;

“unopposed order” means a public path order where no representations or objections have been duly made, or if any were so made they have been withdrawn.

(2) These Regulations apply in relation to any request falling within regulation 3(1) of these Regulations made on or after the date when the Regulations come into force.

### **Power to charge in respect of the making and confirmation of public path orders**

3.—(1) Where—

- (a) the owner, lessee or occupier of land or the operator of a railway requests an authority to make a public path order under section 26, 118, 118A, 119 or 119A of the 1980 Act, or
- (b) any person requests an authority to make a public path order under section 257 or 261(2) of the 1990 Act,

and the authority comply with that request, they may impose on the person making the request any of the charges mentioned in paragraph (2) below.

(2) Those charges are—

- (a) a charge in respect of the costs incurred in the making of the order; and
- (b) a charge in respect of each of the following local advertisements, namely the local advertisements on the making, on the confirmation, and on the coming into operation or force, of the order.

### **Amount of charge**

4.—(1) Subject to paragraphs (2) and (3) below, the amount of a charge shall be at the authority’s discretion.

(2) The maximum amount of a charge in respect of the costs incurred in the making of a public path order is—

- (a) £400, where the order relates to the creation, stopping up or diversion of one public path,
- (b) £400 plus £75 for each additional public path to be created, stopped up or diverted, where the order relates to more than one public path to be created, stopped up or diverted.

(3) The amount of a charge in respect of any one of the local advertisements referred to in regulation 3(2)(b) shall not exceed the cost of placing one advertisement in one newspaper.

(7) Sections 118A and 119A were inserted by section 47 of, and paragraphs 3 and 4 of Schedule 2 to, the Transport and Works Act 1992 (c. 42).

### **Refund of charges**

5. The authority shall, on application by the person who requested them to make the public path order, refund a charge where—

- (a) they fail to confirm an unopposed order; or
- (b) having received representations or objections which have been duly made, and have not been withdrawn, the authority fail to submit the public path order to the Secretary of State for confirmation, without the agreement of the person who requested the order; or
- (c) the order requested was an order made under section 26 of the 1980 Act and proceedings preliminary to the confirmation of that order were not taken concurrently with proceedings preliminary to the confirmation of an order made under section 118 of the 1980 Act; or
- (d) the public path order is not confirmed by the authority or, on submission to the Secretary of State, by him, on the ground that it was invalidly made.

26th February 1993

*Michael Howard*  
Secretary of State for the Environment

26th February 1993

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for county councils, district councils, London borough councils, the Common Council of the City of London, the Council of the Isles of Scilly, joint or special planning boards and the Broads Authority to impose charges for dealing with requests to make orders for—

- (a) the creation of a footpath or bridleway under section 26 of the Highways Act 1980, where the proceedings are taken concurrently with proceedings for the stopping up of a footpath or bridleway under section 118;
- (b) the stopping up and diversion of footpaths or bridleways under sections 118, 118A (railway crossings) 119 and 119A (railway crossings) of the Highways Act 1980; and
- (c) the stopping up and diversion of footpaths or bridleways under sections 257 (footpaths and bridleways affected by development) and 261 (temporary stopping up of highways for mineral workings) of the Town and Country Planning Act 1990.

The amount which may be charged may not exceed the costs actually incurred, and shall be subject to a maximum of—

- (a) £400 for the making of an order relating to a path, plus £75 for each additional path included in the order, and
- (b) the fee for one advertisement in a local newspaper on the occasion of the making, confirmation and certification of an order.