

SCHEDULE

APPLICATION AND AMENDMENT OF PROVISIONS

PART I

ACTS

Column 1 <i>Provisions applying in relation to restricted byways</i>	Column 2 <i>Amendments</i>
Defence Act 1842(1), sections 16 and 17.	<p>Section 16 (principal officers may authorize persons to survey and mark out lands, etc, and treat with owners for the absolute purchase therefore, etc) is renumbered as subsection (1) of that section and—</p> <p>(a) in that subsection, after “bridle-roads” there is inserted “or any restricted byways”, and</p> <p>(b) after that subsection, there is inserted—</p> <p>“(2) In this section and section 17, “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”</p> <p>In section 17 (when footpaths, etc, are stopped up, other paths to be made in lieu thereof)—</p> <p>(a) for “or bridle-road” there is substituted “, bridle-road or restricted byway”, and</p> <p>(b) for “or road” there is substituted “, road or restricted byway”.</p>
Harbours Act 1964(2), sections 14, 16 and 17, paragraph 7A of Schedule 2 and paragraph 12 of Schedule 3.	<p>In section 14 (ministers' powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency, &c), in subsection (5A)(3), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 16 (ministers' powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, &c, of harbours), in subsection (7A)(4), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p>

(1) 1842 c. 94.

(2) 1964 c. 40.

(3) Section 14(5A) of the Harbours Act 1964 was inserted by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1(1) and (7).

(4) Section 16(7A) of the Harbours Act 1964 was inserted by the Transport and Works Act 1992, Schedule 3, paragraph 2(1) and (5).

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	<p>In section 17 (procedure for making harbour revision and empowerment orders), in subsections (2A) and (2B)(5), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 57 (interpretation), in subsection (1), after the definition of “provisional order”, there is inserted— “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.</p> <p>In Schedule 2 (object for whose achievement harbour revision orders may be made), in paragraph 7A(6), for “or bridleways” there is substituted “, bridleways or restricted byways”.</p> <p>In Schedule 3 (procedure for making harbour revision and empowerment orders)(7), in paragraph 12, for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p>
Countryside Act 1968 (8) , section 27.	<p>In section 27 (signposting)(9)—</p> <p>(a) in subsections (1), (2), (4), (5) and (6), for “bridleway or”, in each place where it occurs, there is substituted “bridleway, restricted byway or”, and</p> <p>(b) in subsection (8), after “so used”, there is inserted “, and “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000“.</p>
Chronically Sick and Disabled Persons Act 1970 (10) , section 20.	<p>In section 20 (use of invalid carriages on highways), in subsection (2)(11), in the definition of “footway”, after “Highways Act 1980” insert “or a restricted byway within</p>

(5) Subsections (2A) and (2B) of section 17 of the Harbours Act 1964 were inserted by the Transport and Works Act 1992, Schedule 3, paragraph 3.

(6) Paragraph 7A of Schedule 2 to the Harbours Act 1964 was inserted by the Transport and Works Act 1992, Schedule 3, paragraph 9.

(7) Schedule 3 of the Harbours Act 1964 was substituted by the Harbour Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/3445), Schedule 3.

(8) 1968 c. 41.

(9) Section 27 of the Countryside Act 1968 was amended by the Highways Act 1980 (c. 66), Schedule 24, paragraph 17, the Wildlife and Countryside Act 1981(c. 69), section 65, and the Road Traffic Regulation Act 1984 (c. 27), Schedule 14.

(10) 1970 c. 44.

(11) Section 20(2) of the Chronically Sick and Disabled Persons Act 1970 was amended by the Highways Act 1980 (c. 66), Schedule 24, paragraph 19.

Column 1 <i>Provisions applying in relation to restricted byways</i>	Column 2 <i>Amendments</i>
Local Government Act 1972 (12) , section 187.	the meaning of Part 2 of the Countryside and Rights of Way Act 2000”. In section 187 (powers of district council or Welsh principal council as regards footpaths and bridleways)— (a) in subsection (3), for “and bridleways” there is substituted “, bridleways and restricted byways”, and (b) after that subsection, there is inserted— “(3A) “Restricted byway“ has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”.
Highways Act 1980 (13) , sections 25 to 28, 36, 42, 43, 72 and 115A, sections 115B and 115C (so far as they relate to footpaths, bridleways and footways in relation to which no pedestrian planning order or traffic order is in force), sections 118, 118A, 119, 119A, 120, 121, 135, 146, 275 and 300, Schedule 6 and paragraph 3(3) of Schedule 12A.	In section 25 (creation of footpath or bridleway by agreement) (14) — (a) in subsections (1), (4), (5) and (6), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and (b) in the sidenote, for “or bridleway” there is substituted “, bridleway or restricted byway”. In section 26 (compulsory powers for creation of footpaths and bridleways) (15) — (a) in subsections (1), (2), (3A) and (5), for “or bridleway”, in each place where it occurs, there is substituted “bridleway or restricted byway”, and (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”. In section 27 (making up of new footpaths and bridleways)— (a) in subsections (1) and (5)(a), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”. In section 28 (compensation for loss caused by a public path creation order), in subsection (4),

(12) 1972 c. 70.

(13) 1980 c. 66.

(14) Section 25 of the Highways Act 1980 was amended by the Wildlife and Countryside Act 1981, section 64.

(15) Section 26 of the Highways Act 1980 was amended by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 1.

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	<p>for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 36 (highways maintainable at public expense), in subsections (2) and (3A)(16), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 42 (power of district councils to maintain certain highways), in subsection (2), before the word “and” immediately following paragraph (b), there is inserted—</p> <p>“(ba) restricted byways.”.</p> <p>In section 43 (power of parish and community councils to maintain footpaths and bridleways)—</p> <p>(a) in subsections (1) and (2), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and</p> <p>(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In section 72 (widening of highways), in subsection (2)(17), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 115A (scope of Part 7A)(18), in subsection (1), after paragraph (a) there is inserted—</p> <p>“(aa) to a restricted byway;”.</p> <p>In section 115B (provision etc of services and amenities by councils), in subsection (6), before the word “or” immediately following paragraph (b) there is inserted—</p> <p>“(ba) on, in or over a restricted byway;”.</p>

(16) Section 36(3A) of the Highways Act 1980 was inserted by the Transport and Works Act 1992 (c. 42), section 64(4).

(17) Section 72(2) of the Highways Act 1980 was amended by the Environment Act 1995 (c. 25), Schedule 24.

(18) Sections 115A, 115B and 115C of the Highways Act 1980 were inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Schedule 5, Part 1.

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	In section 115C (provision of recreation and refreshment facilities by councils), in subsection (4), after paragraph (b) there is inserted—
	“(ba) on a restricted byway; or”.
	In section 118 (stopping up of footpaths and bridleways)—
	(a) in subsection (1), for “or bridleway” there is substituted “, bridleway or restricted byway”, and
	(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
	In section 118A (stopping up of footpaths and bridleways crossing railways)(19)—
	(a) in subsection (1), for “or bridleway” there is substituted “, bridleway or restricted byway”, and
	(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
	In section 119 (diversion of footpaths and bridleways)(20)—
	(a) in subsections (1), (3), (7) and (9), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”,
	(b) in subsection (9), for “and bridleways” there is substituted “, bridleways and restricted byways “, and
	(c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
	In section 119A (diversion of footpaths and bridleways crossing railways)(21)—
	(a) in subsections (1), (6), (7), (9)(b) and (11), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”,

(19) Section 118A of the Highways Act 1980 was inserted by the Transport and Works Act 1992, Schedule 2, paragraph 3.

(20) Section 119(1) of the Highways Act 1980 was amended by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 5, and the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 9.

(21) Section 119A of the Highways Act 1980 was inserted by the Transport and Works Act 1992, Schedule 2, paragraph 4 and amended by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 11.

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	<p>(b) in subsection (11), for “and bridleways” there is substituted “, bridleways and restricted byways”, and</p> <p>(c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In section 119B (diversion of certain highways for purposes of crime prevention, etc)(22), in subsection (14)—</p> <p>(a) for “and bridleways” there is substituted “, bridleways and restricted byways”, and</p> <p>(b) in paragraph (a) for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 119E (provisions supplementary to section 119D)(23), in subsection (6)—</p> <p>(a) for “and bridleways” there is substituted “, bridleways and restricted byways”, and</p> <p>(b) in paragraph (a), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsections (1) and (3), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 121 (supplementary provisions as to public path extinguishment and diversion orders), in subsection (2)(b), for the words from “a footpath” to “byway or” there is substituted “a footpath, bridleway or restricted byway included a reference to”.</p> <p>In section 135 (authorisation of other works disturbing footpath or bridleway)(24)—</p> <p>(a) in subsections (1)(b), (3)(c) and (7), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and</p>

(22) Section 119B of the Highways Act 1980 was inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 12.

(23) Sections 119D and 119E of the Highways Act 1980 were inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 12.

(24) Section 135 of the Highways Act 1980 was substituted by the Rights of Way Act 1990 (c. 24), section 1.

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	<p>(b) in the sidenote, for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 146 (duty to maintain stiles etc on footpaths and bridleways)(25)—</p> <p>(a) in subsections (1) and (2)(a) and (b), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and</p> <p>(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In section 275 (contributions by councils and local planning authorities towards expenses incurred in connection with footpaths and bridleways)—</p> <p>(a) for “and bridleways”, in each place where it occurs, there is substituted “, bridleways and restricted byways”, and</p> <p>(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In section 300 (right of local authorities to use vehicles and appliances on footways and bridleways)(26)—</p> <p>(a) in subsection (1), for “or bridleways”, in both places where it occurs, there is substituted “, bridleways or restricted byways”, and</p> <p>(b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In Schedule 6 (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways)(27)—</p> <p>(a) in the heading to the Schedule and the headings to each of Parts 1 and 2, for “AND BRIDLEWAYS” there is substituted “, BRIDLEWAYS AND RESTRICTED BYWAYS”, and</p>

(25) Section 146(2)(a) of the Highways Act 1980 was amended by the Local Government Act 1985 (c. 51), Schedule 4, paragraph 25.

(26) Section 300(1) of the Highways Act 1980 was amended by the Countryside and Rights of Way Act 2000, section 70(3).

(27) Paragraph 1(3) of Schedule 6 to the Highways Act 1980 was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 6(2).

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Wildlife and Countryside Act 1981 (29) , sections 59 and 62.	<p>(b) in paragraph 1(3)(c)(i), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In Schedule 12A (further powers of highway authorities and councils in relation to interference with highways)(28), in paragraph 3(3), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 59 (prohibition on keeping bulls on land crossed by public rights of way), in subsection (1), after “right of way to which this Part applies” there is inserted “or a restricted byway”.</p> <p>In section 62 (appointment of wardens for public rights of way), after “bridleway” there is inserted “, restricted byway”.</p>
Telecommunications Act 1984 (30) , Schedule 2 (so far as it relates to footpaths and bridleways).	<p>In Schedule 2 (the telecommunications code)—</p> <p>(a) in sub-paragraph (1) of paragraph 1, in the definition of “maintainable highway”, for “or bridleway” there is substituted “, bridleway or restricted byway”,</p> <p>(b) in that sub-paragraph, at the appropriate place there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”, and</p> <p>(c) in paragraph 2(8)(a), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”.</p>
Road Traffic Regulation Act 1984 (31) , section 15 (so far as it relates to footpaths, bridleways, cycle tracks and byways open to all traffic), section 22A, section 58 (so far as it relates to public paths) and section 127.	<p>In section 15 (duration of orders and notices under section 14)(32), in subsection (1)(a), after “bridleway,” there is inserted “restricted byway,”.</p> <p>In section 22A (traffic regulation on certain roads for purpose of conserving natural beauty)(33), in subsection (1)(c), after</p>

(28) Schedule 12A to the Highways Act 1980 was inserted by the Rights of Way Act 1990, section 4.

(29) 1981 c. 69.

(30) 1984 c. 12.

(31) 1984 c. 27.

(32) Section 15 of the Road Traffic Regulation Act 1984 was inserted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), Schedule 1.

(33) Section 22A of the Road Traffic Regulation Act 1984 was inserted by the Countryside and Rights of Way Act 2000, section 66(4).

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	<p>“bridleway” there is inserted “, a restricted byway”.</p> <p>In section 58 (consents for purposes of section 57(1)), in subsection (1)(b)—</p> <ul style="list-style-type: none">(a) for “or in a public path” there is substituted “in a public path or in a restricted byway”, and(b) for “road or path” there is substituted “road, path or way”. <p>In section 127 (footpaths, bridleways and byways open to all traffic)—</p> <ul style="list-style-type: none">(a) in subsections (1) and (4), after “bridleway”, in both places where it occurs, there is inserted “, restricted byway”, and(b) in the sidenote, after “bridleways” there is inserted “, restricted byways”. <p>In section 142 (general interpretation of Act), after the definition of “public service vehicle” there is inserted—</p> <p>““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.</p>
Road Traffic Act 1988(34), section 33.	<p>In section 33 (control of use of footpaths and bridleways for motor vehicle trials)—</p> <ul style="list-style-type: none">(a) in subsections (1), (2) and (4), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”,(b) in subsection (4), for “or bridleways” there is substituted “, bridleways or restricted byways”,(c) after subsection (5), there is inserted— <p>“(6) In this section “restricted byway” means a way over which the public have restricted byway rights within the meaning of Part 2 of the Countryside and Rights of Way Act 2000, with or without a right to drive animals of any description along the way, but no other rights of way.”, and</p> <ul style="list-style-type: none">(d) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

(34) 1988 c. 52.

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<p>Town and Country Planning Act 1990⁽³⁵⁾, sections 257 to 261 and Schedule 14 (so far as they relate to footpaths and bridleways).</p>	<p>In section 257 (footpaths and bridleways affected by development: orders by other authorities)—</p> <ul style="list-style-type: none"> (a) in subsections (1), (2)(b) and (c) and (3), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”. <p>In section 258 (extinguishment of public rights of way over land held for planning purposes), in subsection (1), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 259 (confirmation of orders made by other authorities), in subsection (3)(a), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 260 (electronic communications apparatus: orders by or on application of other authorities), in subsection (1)(b), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 261 (temporary stopping up of highways for mineral workings), in subsection (2), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 336 (interpretation), in subsection (1), after the definition of “restoration condition” there is inserted—</p> <p style="padding-left: 40px;">““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.</p> <p>In Schedule 14 (procedure for footpaths and bridleways orders), in paragraph 1(2)(c)(i), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p>
<p>Water Industry Act 1991⁽³⁶⁾, Schedule 11 (so far as it relates to footpaths and bridleways).</p>	<p>In Schedule 11 (orders conferring compulsory works powers)—</p>

⁽³⁵⁾ 1990 c. 8.
⁽³⁶⁾ 1991 c. 56.

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	<ul style="list-style-type: none">(a) in paragraph 1(1)(c)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”;(b) in paragraph 5(1)(b)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”, and(c) in paragraph 10, after the definition of “powers of compulsory acquisition” there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.
Water Resources Act 1991(37), Schedule 19 (so far as it relates to footpaths and bridleways).	In Schedule 19 (orders conferring compulsory works powers)— <ul style="list-style-type: none">(a) in paragraph 1(1)(c)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”;(b) in paragraph 5(1)(b)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”, and(c) in paragraph 10, after the definition of “powers of compulsory acquisition” there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.
Transport and Works Act 1992(38), sections 47 and 48.	In section 47 (stopping up and diversion of crossings)— <ul style="list-style-type: none">(a) in subsection (2), for “or bridleway” there is substituted “, bridleway or restricted byway”, and(b) after that subsection, there is inserted— “(3) “Restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”. <p>In section 48 (footpaths and bridleways over railways)—</p>

(37) 1991 c. 57.

(38) 1992 c. 42.

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	<ul style="list-style-type: none"> <li data-bbox="802 450 1348 539">(a) in subsection (1)(a), for “or bridleway” there is substituted “, bridleway or restricted byway “, <li data-bbox="802 546 1348 734">(b) in subsection (8), after the definition of “operator” there is inserted— <ul style="list-style-type: none"> <li data-bbox="930 607 1348 734">““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”, and <li data-bbox="802 741 1348 831">(c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.