

Status: ☒ Law In Force ☐ Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Part III PUBLIC RIGHTS OF WAY

Ascertainment of public rights of way

This version in force from: **November 16, 2006** to **present**

(version 4 of 4)

53.— Duty to keep definitive map and statement under continuous review.

(1) In this Part “*definitive map and statement*”, in relation to any area, means, subject to [[section 57\(3\)](#) and [57A\(1\)](#)]

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(a) the latest revised map and statement prepared in definitive form for that area under [section 33](#) of the 1949 Act; or

(b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under [section 32](#) of that Act; or

(c) where no such map and statement have been so prepared, the map and statement prepared for that area under [section 55\(3\)](#).

(2) As regards every definitive map and statement, the surveying authority shall—

(a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and

(b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.

(3) The events referred to in subsection (2) are as follows—

(a) the coming into operation of any enactment or instrument, or any other event, whereby—

(i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;

(ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description;
or

(iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path [or a restricted byway]

[1](#)

;

(b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path [or restricted byway]

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;

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [a right of way such that the land over which the right subsists is a public path [, a restricted byway]

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or, subject to section 54A, a byway open to all traffic]

[1](#)

;

(ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or

(iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

(4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—

(a) the position and width of any public path [, restricted byway]

[1](#)

or byway open to all traffic which is or is to be shown on the map; and

(b) any limitations or conditions affecting the public right of way thereover.

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(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of [section 47](#) of the [Countryside and Rights of Way Act 2000](#), a right of way for vehicular and all other kinds of traffic over that way.

(4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.

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(5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of [Schedule 14](#) shall have effect as to the making and determination of applications under this subsection.

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(5A) Evidence to which subsection (4B) applies on the commencement of [section 47](#) of the [Countryside and Rights of Way Act 2000](#) shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.

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(6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of [Schedule 15](#) shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).

Notes

¹. Amended by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.1](#) (May 11, 2006 as SI 2006/1279)

². Amended by Natural Environment and Rural Communities Act 2006 c. 16 [Pt 6 s.70\(1\)](#) (November 16, 2006 as SI 2006/2992)

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
Pt III	Modified in relation to publicity for applications for planning permission by Town and Country Planning (General Development Procedure) Order 1995/419, art. 8(2)(c), art. 8(3)

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Subject: Environment **Other related subjects:** Road traffic

Keywords: Byways open to all traffic; Definitive maps and statements; Modification orders; Public paths; Public rights of way; Restricted byways; Reviews

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Consultation

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

1.

Before making an order, the authority shall consult with every local authority whose area includes the land to which the order relates.

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Consultation; Local authorities; Orders; Public rights of way; Real property

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Coming into operation

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

2.

An order shall not take effect until confirmed either by the authority or the Secretary of State under [paragraph 6](#) or by the Secretary of State under [paragraph 7](#).

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Ministers' powers and duties; Orders; Public rights of way; Savings provisions

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Publicity for orders

This version in force from: **May 31, 2005** to **present**

(version 3 of 3)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Scotland](#) | [Wales](#)

England

[

3.—

(1) On making an order, the authority shall give notice in the prescribed form—

(a) describing the general effect of the order and stating that it has been made and requires confirmation;

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours; and

(c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order, which must include particulars of the grounds relied on, may be made.

(2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) shall be given—

(a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;

(b) by serving a like notice on—

(i) every owner and occupier of any of that land;

(ii) every local authority whose area includes any of that land;

(iii) every person on whom notice is required to be served in pursuance of

sub-paragraph (3); and

(iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and

(c) by causing a copy of the notice to be displayed in a prominent position—

(i) at the ends of so much of any way as is affected by the order;

(ii) at council offices in the locality of the land to which the order relates; and

(iii) at such other places as the authority may consider appropriate.

(3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “*specified*” means specified in the requirement.

(4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) shall be complied with not less than 42 days before the expiration of the time specified in the notice.

(6) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order.

(7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(8) At any time after the publication of a notice under this paragraph and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform him what documents (if any) were taken into account in preparing the order and—

(a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and

(b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected;

and on any requirement being made under this sub-paragraph the authority shall comply therewith within 14 days of the making of the requirement.

(9) Nothing in sub-paragraph (1)(c) or (8) shall be construed as limiting the grounds which

may be relied on or the documentary or other evidence which may be adduced at any local inquiry or hearing held under [paragraph 7](#) or [8](#).

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Scotland

3.—

(1) On making an order, the authority shall give notice in the prescribed form—

(a) describing the general effect of the order and stating that it has been made and requires confirmation;

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours; and

(c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) shall be given—

(a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;

(b) by serving a like notice on—

(i) every owner and occupier of any of that land;

(ii) every local authority whose area includes any of that land;

(iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3); and

(iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and

(c) by causing a copy of the notice to be displayed in a prominent position—

(i) at the ends of so much of any way as is affected by the order;

(ii) at council offices in the locality of the land to which the order relates; and

(iii) at such other places as the authority may consider appropriate.

(3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “*specified*” means specified in the requirement.

(4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) shall be complied with not less than 42 days before the expiration of the time specified in the notice.

(6) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order.

(7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(8) At any time after the publication of a notice under this paragraph and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform him what documents (if any) were taken into account in preparing the order and—

(a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and

(b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected;

and on any requirement being made under this sub-paragraph the authority shall comply therewith within 14 days of the making of the requirement.

(9) Nothing in sub-paragraph (8) shall be construed as limiting the documentary or other evidence which may be adduced at any local inquiry or hearing held under [paragraph 7](#) or [8](#).

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Wales

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3.—

(1) On making an order, the authority shall give notice in the prescribed form—

(a) describing the general effect of the order and stating that it has been made and requires confirmation;

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours; and

(c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order, which must include particulars of the grounds relied on, may be made.

(2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) shall be given—

(a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;

(b) by serving a like notice on—

(i) every owner and occupier of any of that land;

(ii) every local authority whose area includes any of that land;

(iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3); and

(iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and

(c) by causing a copy of the notice to be displayed in a prominent position—

(i) at the ends of so much of any way as is affected by the order;

(ii) at council offices in the locality of the land to which the order relates; and

(iii) at such other places as the authority may consider appropriate.

(3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “*specified*” means specified in the requirement.

(4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) shall be complied with not less than 42 days before the expiration of the time specified in the notice.

(6) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any

land, or on a local authority, shall be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order.

(7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(8) At any time after the publication of a notice under this paragraph and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform him what documents (if any) were taken into account in preparing the order and—

(a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and

(b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected;

and on any requirement being made under this sub-paragraph the authority shall comply therewith within 14 days of the making of the requirement.

(9) Nothing in sub-paragraph (1)(c) or (8) shall be construed as limiting the grounds which may be relied on or the documentary or other evidence which may be adduced at any local inquiry or hearing held under [paragraph 7](#) or [8](#).

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Notes

[1.](#) Amended by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11](#) (May 31, 2005 as SI 2005/1314)

[2.](#) Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11](#) (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Orders; Public rights of way; Publicity

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Representations or objections made with respect to abandoned surveys or reviews

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

4.—

(1) This paragraph applies where a survey begun under [sections 27 to 32](#) of the 1949 Act, or a review begun under [section 33](#) of that Act, is abandoned after a draft map and statement have been prepared.

(2) If an order modifies the definitive map and statement so as—

(a) to show any particulars shown in the draft map and statement but not in the definitive map and statement; or

(b) to omit any particulars shown in the definitive map and statement but not in the draft map and statement,

any representation or objection duly made with respect to the showing in or omission from the draft map and statement of those particulars shall be treated for the purposes of [paragraphs 6 and 7](#) as a representation or objection duly made with respect to the corresponding modifications made by the order.

Modifications

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Subject: Environment **Other related subjects:** Road traffic

Keywords: Objections; Orders; Public rights of way; Surveys

Status: ☒ Law In Force ☐ Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Severance of orders

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

5.—

(1) Where at any time representations or objections duly made and not withdrawn relate to some but not all of the modifications made by an order, the authority may, by notice given to the Secretary of State, elect that, for the purposes of the following provisions of this Schedule, the order shall have effect as two separate orders—

(a) the one comprising the modifications to which the representations or objections relate; and

(b) the other comprising the remaining modifications.

(2) Any reference in sub-paragraph (1) to an order includes a reference to any part of an order which, by virtue of one or more previous elections under that sub-paragraph, has effect as a separate order.

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Orders; Public rights of way; Severability

Status: ☒ Law In Force ☐ Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Unopposed orders

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

6.—

(1) If no representations or objections are duly made, or if any so made are withdrawn, the authority may—

(a) confirm the order without modification; or

(b) if they require any modification to be made, submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State may confirm the order with or without modifications.

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Ministers' powers and duties; Orders; Public rights of way

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Opposed orders

This version in force from: **May 31, 2005** to **present**

(version 3 of 3)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Scotland](#) | [Wales](#)

England

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7.—

(1) If any representation or objection duly made is not withdrawn the authority shall submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State shall, subject to sub-paragraph (2A), either—

(a) cause a local inquiry to be held; or

(b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(2A) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(a) or (b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications.

(3) On considering any representations or objections duly made and the report of any person appointed to hold an inquiry or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

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Scotland

7.—

(1) If any representation or objection duly made is not withdrawn the authority shall submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State shall either—

(a) cause a local inquiry to be held; or

(b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(3) On considering any representations or objections duly made and the report of the person appointed to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

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Wales

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7.—

(1) If any representation or objection duly made is not withdrawn the authority shall submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State shall, subject to sub-paragraph (2A) either—

(a) cause a local inquiry to be held; or

(b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(2A) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(a) or (b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications.

(3) On considering any representations or objections duly made and the report of any person appointed to hold an inquiry or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

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Notes

- ¹. Amended by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11](#) (May 31, 2005 as SI 2004/1314)
- ². Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11](#) (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Ministers' powers and duties; Orders; Public rights of way

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Restriction on power to confirm orders with modifications

This version in force from: **May 31, 2005** to **present**

(version 3 of 3)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Scotland](#) | [Wales](#)

England

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8.—

(1) The Secretary of State shall not confirm an order with modifications so as—

- (a) to affect land not affected by the order;
- (b) not to show any way shown in the order or to show any way not so shown; or
- (c) to show as a highway of one description a way which is shown in the order as a highway of another description,

except after complying with the requirements of sub-paragraph (2).

(2) The said requirements are that the Secretary of State shall—

- (a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal, which must include particulars of the grounds relied on, may be made;
- (b) if any representation or objection duly made is not withdrawn (but subject to sub-paragraph (3)), hold a local inquiry or afford any person by whom any such representation or objection has been made an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
- (c) consider the report of any person appointed to hold an inquiry or to hear representations or objections.

(3) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his proposal.

(4) Sub-paragraph (2)(a) shall not be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under this paragraph.

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Scotland

8.—

(1) The Secretary of State shall not confirm an order with modifications so as—

(a) to affect land not affected by the order;

(b) not to show any way shown in the order or to show any way not so shown; or

(c) to show as a highway of one description a way which is shown in the order as a highway of another description,

except after complying with the requirements of sub-paragraph (2).

(2) The said requirements are that the Secretary of State shall—

(a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;

(b) hold a local inquiry or afford any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and

(c) consider the report of the person appointed to hold the inquiry or to hear representations or objections.

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Wales

[

8.—

(1) The Secretary of State shall not confirm an order with modifications so as—

- (a) to affect land not affected by the order;
- (b) not to show any way shown in the order or to show any way not so shown; or
- (c) to show as a highway of one description a way which is shown in the order as a highway of another description,

except after complying with the requirements of sub-paragraph (2).

(2) The said requirements are that the Secretary of State shall—

- (a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal, which must include particulars of the grounds relied on, may be made;
- (b) if any representation or objection duly made is not withdrawn (but subject to sub-paragraph (3)), hold a local inquiry or afford any person by whom any such representation or objection has been made an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
- (c) consider the report of any person appointed to hold an inquiry or to hear representations or objections.

(3) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his proposal.

(4) Sub-paragraph (2)(a) shall not be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under this paragraph.

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Notes

- 1. Amended by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11\(7\)](#) (May 31, 2005 as SI 2005/1314)
- 2. Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11\(7\)](#) (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))


Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Ministers' powers and duties; Orders; Public rights of way; Restrictions

Status:  Partially Repealed  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Local inquiries

This version partially in force from: **December 6, 2006**

(version 2 of 2)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Scotland](#) | [Wales](#)

England and Scotland

9.—

The provisions of [subsections \(2\) to \(5\) of section 250](#) of the [Local Government Act 1972](#) (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under [paragraph 7 or 8](#) as they apply in relation to a local inquiry which a Minister causes to be held under [subsection \(1\)](#) of that section.

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Wales

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Notes

- [1.](#) Repealed by Countryside and Rights of Way Act 2000 c. 37 [Sch.16\(II\) para.1](#) (December 6, 2006 as SI 2006/3257)

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Orders; Planning inquiries; Public rights of way

Status: ☒ Law In Force ☐ Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Appointment of inspectors etc.

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

10.—

(1) A decision of the Secretary of State under [paragraph 6](#), [7](#) or [8](#) shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

(3) Where the Secretary of State has appointed a person to make a decision under [paragraph 6](#), [7](#) or [8](#) the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(4) Where by virtue of sub-paragraph (2) or (3) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(5) Regulations under this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Appointments; Inspectors; Ministers' powers and duties; Orders; Public rights of way

Status:  Partially In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Appointment of inspectors etc.

This version partially in force from: **March 1, 2016**

(version 3 of 3)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [England](#) | [Scotland](#) | [Wales](#) | [Wales](#) | [Wales](#)

England

[

10A.— Hearings and local inquiries

(1) Subject to sub-paragraph (2), [subsections \(2\) to \(5\) of section 250](#) of the [Local Government Act 1972](#) (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under [paragraph 7 or 8](#) as they apply in relation to a local inquiry which a Minister causes to be held under [subsection \(1\)](#) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under [paragraph 10\(1\)](#), [subsection \(5\)](#) of that section 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 [Town and Country Planning Act 1990](#) (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

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England

[

10A.— Hearings and local inquiries

(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local

Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section 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 Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

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Scotland

[NOTE: not yet in force otherwise.]

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Wales

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10A.— Hearings and local inquiries

(1) Subject to sub-paragraph (2), [subsections \(2\) to \(5\) of section 250](#) of the [Local Government Act 1972](#) (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under [paragraph 7 or 8](#) in England as they apply in relation to a local inquiry which a Minister causes to be held under [subsection \(1\)](#) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under [paragraph 10\(1\)](#), [subsection \(5\)](#) of that section 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 [Town and Country Planning Act 1990](#) (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 [in England]

[2](#)

as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

[

(4) [Section 322C](#) of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under [paragraph 7 or 8](#) in Wales as it applies in relation to a

hearing or inquiry mentioned in that section.

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Wales

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10A.— Hearings and local inquiries

(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section 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 Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

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Wales

[

10A.— Hearings and local inquiries

(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section 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 Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

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Notes

- [1.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Sch.5 para.7\(a\)](#) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)
- [2.](#) Words inserted by Planning (Wales) Act 2015 anaw. 4 [Sch.5 para.7\(b\)](#) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)
- [3.](#) Added by Planning (Wales) Act 2015 anaw. 4 [Sch.5 para.7\(c\)](#) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)
- [4.](#) Inserted subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11\(8\)](#) (February 13, 2004: insertion has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))
- [5.](#) In relation to England: Sch.15 para.10A is inserted.
- [6.](#) Added by Countryside and Rights of Way Act 2000 c. 37 [Sch.5\(l\) para.11\(8\)](#) (May 31, 2005 as SI 2005/1314)

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Appointments; Hearings; Inspectors; Ministers' powers and duties; Orders; Planning inquiries; Public rights of way

Status: ☒ Law In Force ☐ Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Notice of final decisions on orders

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

11.—

(1) As soon as practicable after a decision to confirm an order is made or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice—

(a) describing the general effect of the order as confirmed and stating that it has been confirmed (with or without modification) and the date on which it took effect; and

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours.

(2) A notice under sub-paragraph (1) shall be given—

(a) by publication in the manner required by [paragraph 3\(2\)\(a\)](#);

(b) by serving a like notice on any persons on whom notices were required to be served under [paragraph 3\(2\)\(b\)](#) or [\(4\)](#); and

(c) by causing like notices to be displayed in the like manner as the notices required to be displayed under [paragraph 3\(2\)\(c\)](#).

(3) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as confirmed as relates to that land or, as the case may be, the area of that authority; and, in the case of an order which has been confirmed with modifications, a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order as confirmed.

(4) As soon as practicable after a decision not to confirm an order or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under [paragraph 3\(2\)\(b\)](#) or [\(4\)](#).

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Decisions; Notices; Orders; Public rights of way

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Proceedings for questioning validity of orders

This version in force from: **February 28, 1983 to present**

(version 1 of 1)

12.—

(1) If any person is aggrieved by an order which has taken effect and desires to question its validity on the ground that it is not within the powers of [section 53](#) or [54](#) or that any of the requirements of this Schedule have not been complied with in relation to it, he may within 42 days from the date of publication of the notice under [paragraph 11](#) make an application to the High Court under this paragraph.

(2) On any such application the High Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant.

(3) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Orders; Proceedings; Public rights of way; Validity

Status:  Law In Force  Amendment(s) Pending

Wildlife and Countryside Act 1981 c. 69

Schedule 15 PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Supplemental

This version in force from: **April 1, 1996** to **present**

(version 2 of 2)

13.—

(1) The Secretary of State may, subject to the provisions of this Schedule, by regulations make such provision as to the procedure on the making, submission and confirmation of orders as appears to him to be expedient.

(2) In this Schedule—

“council offices” means offices or buildings acquired or provided by the authority or by a local authority;

“local authority” means [a non-metropolitan district council]

¹

, a parish [...]

²

council or the parish meeting of a parish not having a separate parish council [but, in relation to Wales, means a community council]

³

;

“order” means an order to which the provisions of this Schedule apply;

“prescribed” means prescribed by regulations made by the Secretary of State.

(3) Regulations under this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Notes

¹. Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(8)

². Words repealed by Local Government (Wales) Act 1994 c. 19 [Sch.18 para.1](#) (April 1, 1996 as SI 1996/396)

³. Words inserted into definition by Local Government (Wales) Act 1994 c. 19 [Sch.16 para.65\(12\)](#) (April 1, 1996)

Modifications

Whole Document	Modified in relation to the Environment Agency by Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1, reg. 2
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Subject: Environment **Other related subjects:** Road traffic

Keywords: Orders; Procedure; Public rights of way; Supplemental provisions

