

Sponsorship, Landscape and Recreation Division

Room 1/01, Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6EB

Telephone - 0117 372 8379

Fax - 0117 372 8587

Email: rights.ofway@defra.gsi.gov.uk

Website: www.defra.gov.uk

Sent by e-mail

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To all local authorities in England.

The List of Streets and unrecorded rights of way

The Countryside & Rights of Way Act 2000, sections 53 to 56 2026 (cut-off date for extinguishment of unrecorded rights of way) and the Highways Act 1980, section 36(6) (the 'list of streets')

In the Countryside and Rights of Way Act 2000 the Government fulfilled its commitment in Chapter 11 of the 2000 Rural White Paper, which announced that Government would: "*set a deadline of 25 years for registering forgotten historic footpaths and bridleways on the local definitive maps of the rights of way network*". Section 53 of the Countryside and Rights of Way Act provides that on 1st January 2026 all historic rights of way that have not been recorded on the definitive map and statement will be extinguished.

It has been brought to our attention that some local authorities believe that there is no need to record a public right of way on the definitive map and statement where that right of way is also shown on the list required to be kept under section 36(6) of the Highways Act 1980, the so-called 'list of streets'.

However, the list of streets is a local highway authority's record of all highways that are maintainable at public expense; it is not a record of what legal rights exist over that highway. And there is no exemption, under sections 53 or 54 of the Countryside and Rights of Way Act 2000, from the extinguishment of unrecorded rights over a way on the basis that it is shown on the list of streets.

Consequently, any route that on 1 January 2026 is shown on the list of streets but not on the definitive map will have any unrecorded rights extinguished, subject to the terms of the Countryside & Rights of Way Act 2000.

Local authorities are therefore urged to ensure that any unrecorded footpath, bridleway and restricted byway rights are recorded on the definitive map and statement by the cut-off date of 2026, regardless of whether they are also shown on the list required to be kept under section 36(6) of the Highways Act 1980, the 'list of streets'.

Yours faithfully

Dave Waterman
Head of Rights of Way Branch