

Consultation paper on proposed amendments to legislation when 'Roads Used as Public Paths' are reclassified as restricted byways

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Section 1: Overview

Introduction

1.1 Sections 47 - 51 of Countryside and Rights of Way Act 2000 ('the 2000 Act') introduce a new class of right of way called 'restricted byway'. Restricted byways will replace ways shown on local authorities' definitive maps as Roads Used as Public Paths (RUPPs). Restricted byways will carry a right of way on foot; a right of way on horseback or leading a horse; and a right of way for vehicles other than mechanically propelled vehicles. Restricted byway means a highway over which the public have restricted byway rights, with or without a right to drive animals of any description along the highway, but no other rights of way. Reclassification from RUPP to restricted byway does not extinguish any private rights or higher vehicular rights that may exist but have not been recorded on the definitive map.

1.2 Section 52 of the 2000 Act provides for regulations to be made to amend relevant provisions in legislation relating to highways or highways of a particular description so that they apply, with or without modification, or do not apply, to restricted byways. Amendments can also be made to provisions relating to things done on or in connection with highways and in relation to provisions for the creation, stopping up or diversion of highways or highways of a particular description. The approach to this task is the subject of this consultation paper which extends to England and Wales.

Background

1.3 The rights attached to RUPPs were defined in 1949 when local authorities were first required to record rights of way on definitive maps and statements. Section 27(6) of the National Parks and Access to the Countryside Act 1949 ('the 1949 Act') provided that a RUPP is 'a highway other than a public path, used by the public mainly for the purposes for which footpath or bridleways are so used'.

1.4 It is not clear from the 1949 Act whether RUPPs were subject to vehicular rights. The Countryside Act 1968 sought to resolve this uncertainty by placing a duty on local authorities to reclassify each of their RUPPs either as a footpath, bridleway or Byway Open to All Traffic (BOAT) in accordance with the criteria set out in the Act, which included consideration of the current use and state of repair of each RUPP. This attempt at clarity did not enable authorities to resolve the status of their RUPPs. In an attempt to make the position clearer, section 54 of the Wildlife and Countryside Act 1981 ('the 1981 Act') removes any consideration of physical characteristics of the RUPP and introduced the requirement for authorities to review and reclassify each of their RUPPs either as BOAT, bridleway or footpath only according to the rights which could be proved to exist. The 1981 Act provides a legal presumption that RUPPs carry at least bridleway rights unless the contrary is shown. In addition, section 66(1) provides a statutory definition of a BOAT¹.

1.5 Many local authorities have not completed the task of reclassifying their RUPPs. *An evaluation of the process of recording public rights of way in England – a report for the County Surveyors' Society Countryside Working Group* (May 1999)

¹ A byway open to all traffic means a highway over which the public have a right of way for vehicular traffic and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.

found that 4,166 RUPPs had been reclassified in accordance with section 54 of the 1981 Act, with 3,305 still to be reviewed. Recognising that the uncertainty over what rights exist on these RUPPs detracted from the public's enjoyment of them, the Government introduced the new category of way – restricted byway – in the 2000 Act.

A new category of right of way: restricted byway

1.6 The purpose of the new category, 'restricted byway', is two fold:

(i) to give certainty to walkers, horse riders, cyclists and horse drawn and other non-mechanically propelled vehicle drivers by giving them express statutory rights to use restricted byways; and

(ii) to enable authorities to concentrate on other important rights of way functions by relieving them of the duty to review the status of each RUPP individually.

The 2000 Act approach builds on the presumption in the 1981 Act that RUPPs carry at least bridleway rights². It will not be possible to make a definitive map modification order to downgrade a restricted byway to a footpath or bridleway even if it could be shown that only footpath or bridleway rights existed prior to reclassification.

1.7 On the other hand, restricted byway rights are without prejudice to other rights that may exist, for example for motor vehicles. So it will be possible to modify the definitive map to record a higher right than restricted byway rights where the higher right is proved to exist. Anyone with evidence that a restricted byway carries vehicular rights will be able to apply to the local authority for a definitive map modification order to reclassify a restricted byway as a BOAT.

1.8 Every restricted byway will be maintained at public expense. Any private liability, for example of the landowner, to maintain a RUPP will be extinguished.

Formulating regulations under section 52

1.9 Legislation is peppered with references to bridleways, footpaths, BOATS, and similar terms relating to rights of way. Parliament accepted that this legislation should be looked at in detail after the Act was in place to ensure that it operated effectively in relation to **restricted byways**. Parliament also agreed that changes to be introduced as a matter of policy should be considered and implemented by way of secondary legislation. Section 52 provides for this.

1.10 Regulations made under section 52 are subject to affirmative resolution in both Houses of Parliament. This means there will be full opportunity for scrutiny and debate on the content of the regulations. The Secretary of State is also required to lay before Parliament a document giving details of consultations with the National Assembly³ ('the Assembly').

1.11 The purpose of this consultation paper is to invite comments on proposals for:

² Section 54(3)(b) of the Wildlife and Countryside Act 1981.

³ Section 52(8) of the 2000 Act.

- (i) changes to legislation that we propose to make as a matter of policy; and
- (ii) changes to legislation which we intend to make to ensure consistency with other categories of rights of way.

Some legislation will apply to restricted byways without any need for amendment. We have, for completeness, included a table of the principal legislation which will automatically apply to restricted byways.

Geographic extent of legislation

1.12 Almost all of the legislation applies to both England and Wales. The Secretary of State is required to consult (and where she proposes to amend subordinate legislation made by the Assembly, gain the express consent of) the National Assembly for Wales before making provisions having effect in Wales⁴. In addition the Assembly may submit proposals to the Secretary of State⁵, and may also make its own provision in relation to Wales⁶, but none is proposed in this consultation paper.

Transitional arrangements

1.13 We are aware that there is some confusion concerning what will happen to orders made under section 53 or 54 of the 1981 Act which relate to a way shown on a definitive map as a RUPP (or any applications for orders modifying the status of a RUPP) which are not confirmed (or otherwise) before section 47 is brought into force.

1.14 The 2000 Act requires that any orders made under section 53 or 54 of the 1981 Act which relate to a way shown on a definitive map as a RUPP (or any applications for orders modifying the status of a RUPP) which are made before section 47 is brought into force are to be processed to a final determination. Any RUPP which is the subject of an outstanding application or undetermined order after commencement of section 47 will carry restricted byway rights. When the order is determined, it will take effect⁷.

Methodology for identifying amendments needed to legislation

1.15 We have examined over 40,000 references in primary and secondary legislation (i.e. Acts of Parliament, regulations and orders). These references included terms familiar to rights of way interests: 'bridleway', 'byway', 'byway open to all traffic', 'BOAT', 'carriageway', 'footpath', 'footway', 'highway', 'public path', 'right of way', 'road used as public path', 'RUPP', 'road' and 'vehicle'; and their plurals.

1.16 We identified different categories of amendment, and many examples where no amendment is needed. Figure 1 overleaf illustrates these different categories and the sections dealing with each category in this consultation paper.

⁴ Section 52(3) of the 2000 Act.

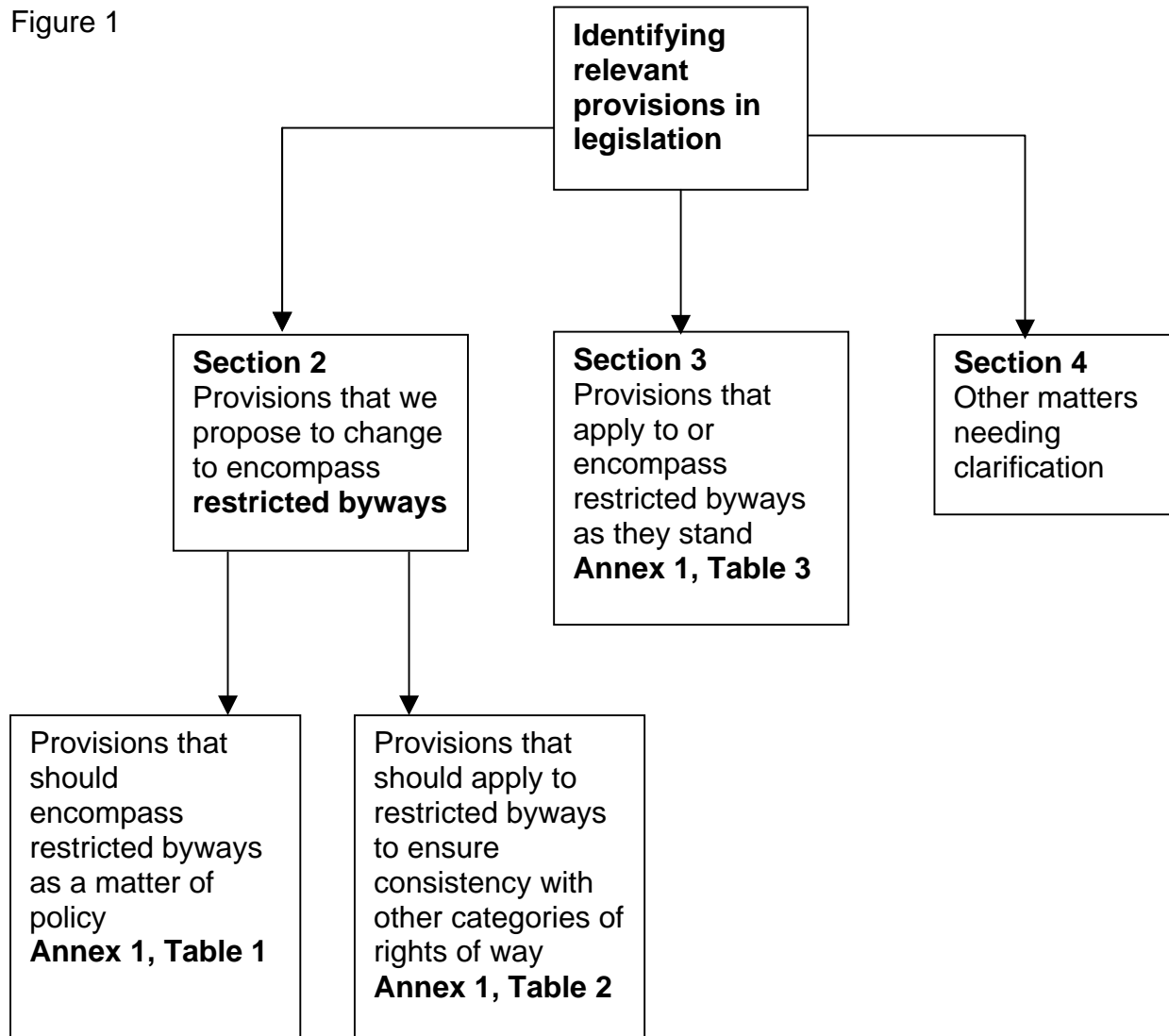
⁵ Section 52(4) of the 2000 Act.

⁶ Section 52(6) of the 2000 Act. The National Assembly can amend local and private acts passed during or before 2000 that relate only to Wales and amend any secondary legislation that the Assembly currently has the power to amend or revoke.

⁷ Section 48(9), (10) and (11) of the 2000 Act.

Provisions in legislation, categories of amendments

Figure 1



Section 2: Provisions that we propose to apply to restricted byways

Approach

2.1 Legislation can be applied to ‘**restricted byways**’ or to ‘**ways shown in the definitive map and statement as restricted byways**’⁸. Restricted byways will carry a right of way on foot; a right of way on horseback or leading a horse; and a right of way for vehicles other than mechanically propelled vehicles. Legislation applied to ‘**restricted byways**’ applies to these rights and not to any higher rights which might exist but have not been reflected in a definitive map modification order. Legislation applied to ‘**ways shown in a definitive map and statement as restricted byways**’ applies to the restricted byway rights and to any higher rights which might exist. In most cases, legislation will be amended to apply to restricted byway rights and not to any higher rights.

2.2 We have identified :

- (i) **Changes we propose to make to legislation as a matter of policy** - we consider desirable (but not necessary) to integrate restricted byways more fully into the rights of way network (**Annex 1, Table 1**); and
- (ii) **Changes we intend to make to legislation to ensure consistency with other categories of rights of way** - we consider these necessary for restricted byways to operate sensibly within the framework of existing legislation (**Annex 1, Table 2**).

2.3 The amendments proposed in Table 1 are not necessary in order for restricted byways to operate within the current legislative framework but we consider them to be desirable as a matter of policy. In making our assessment, we have had regard to various considerations, including :

- On commencement of sections 47 and 48, each RUPP will become a restricted byway, but the definitive map and statement could be modified to record a BOAT if vehicular rights are proved.
- The introduction of restricted byways increases provision for non-motorised users of rights of way. Section 48 distinguishes between non-mechanically propelled vehicles, such as horse drawn vehicles, and mechanically propelled vehicles.
- Under section 54 of the 1981 Act, RUPPs are presumed to carry at least bridleway rights. We believe that the addition of statutory rights for horse drawn vehicles will usually have minimal effects on the land and the owner or occupier of land crossed by a restricted byway.

⁸ Section 52(1)(a) of the 2000 Act.

Policy amendments

2.4 The principal policy amendments are outlined below. (A full list is in **Annex 1, Table 1**).

Creating restricted byways

2.5 Ministers indicated during the passage of the 2000 Act through Parliament that they were sympathetic to giving local authorities the power to create restricted byways either by agreement or compulsorily. The consultation paper, **Improving Rights of Way: Draft Guidance to Local Highway Authorities on the Preparation of Rights of Way Improvement Plans**⁹, invited views on whether local authorities should be given such powers. The majority of respondents agreed that it would be desirable for authorities to be able to make orders creating restricted byways.

We intend to amend sections 25-28 of the Highways Act 1980 to give local authorities the power to create restricted byways, both by agreement and compulsorily, and allow provision for compensation where appropriate. National Park authorities and district councils¹⁰ will also be able to create restricted byways.

Stopping up and diverting restricted byways

2.6 Local authorities have powers under section 118 of the 1980 Act to stop up footpaths and bridleways which are not needed for public use. They have powers under section 119 of the 1980 Act to divert footpaths and bridleways where they are satisfied that this is in the interests of the owner, lessee or occupier of the land crossed by the path, or in the interests of the public. Under sections 118A and 119A of the 1980 Act they can stop up or divert footpaths and bridleways in the interests of public safety where they cross railways or tramways. Defra and the Welsh Assembly Government advice that local authorities should use these powers rather than section 116 will also apply to restricted byways¹¹.

Proposal 1: Local authorities' public path extinguishment and diversion powers under sections 118, 118A, 119 and 119A of the Highways Act 1980 should be extended to restricted byways. (National Park authorities and district councils would also be able to extinguish and divert restricted byways.)

(No amendment is needed to sections 118B or 119B (which allow the stopping up or diversion of rights of way for crime prevention and school security) or 119D of the 1980 Act (SSSI diversion orders) because they already encompass restricted byways).

2.7 As with footpaths and bridleways, compensation should be available for loss caused by the stopping up or diversion of restricted byways. Section 121(2) of the 1980 Act, which applies the public path creation compensation provisions in section 28 to public path orders, will apply to restricted byways by virtue of our proposed amendments to sections 118, 118A, 119 and 119A.

⁹ Published December 2001. View at <http://www.defra.gov.uk/wildlife-countryside/consult/highwayrow/index.htm>.

¹⁰ Wales does not have any district councils: all local authorities in Wales are unitary.

¹¹ Paragraph 35, Circular 2/93 (Department of Environment) and Circular 5/93 (Welsh Office).

2.8 Local authorities can charge applicants for orders under sections 118, 118A, 119 and 119A of the 1980 Act¹². The ability to charge is based on the premise that an applicant is seeking to alter a public right for private gain. If the section 118, 118A, 119 and 119A powers are extended to restricted byways, the power to charge applicants for orders made under them would be similarly extended.

2.9 The 2000 Act inserts sections 118ZA and 119ZA into the 1980 Act, which introduce a right for land managers of land used for agriculture forestry or the breeding or keeping of horses to apply for public path (i.e. footpath and bridleway) extinguishment and diversion orders.

We do not propose at this stage to extend sections 118ZA and 119ZA of the Highways Act 1980 to restricted byways. Dealing with applications for orders relating to footpaths and bridleways will be a substantial new administrative task for local authorities. We consider it appropriate to first allow a reasonable period to assess how this process operates in practice before considering any extension to restricted byways.

Temporary diversions

2.10 Where an occupier of agricultural land wishes to carry out an excavation or engineering operation which is reasonably necessary for the purposes of agriculture, he may apply to the highway authority to make an order for the temporary diversion of a footpath or bridleway under section 135 of the 1980 Act. If reasonably necessary to permit the works, the diversion can be for up to 3 months. The authority may impose conditions to ensure the protection of users and for making good the surface of the path or way before the expiration of the authorisation period.

2.11 The 2000 Act inserts sections 135A and 135B into the 1980 Act. Section 135A enables the occupier of any land to temporarily divert a footpath or bridleway which passes over land where works are likely to cause danger to the users of the way. The period of the diversion is limited to no more than 14 days in any one calendar year. Section 135B requires the person effecting the diversion to make good any damage to the footpath or bridleway caused by the works. Sections 135A and 135B have not yet been implemented so we have no experience of how successful they will be in practice. In particular, the expertise of land managers to make good damage to ways affected by temporary works will be an important element of their operation.

Proposal 2: Highway authorities should have the power to make temporary diversion orders on restricted byways under section 135 of the Highways Act 1980. While we recognise the desirability among land managers for maximum flexibility in their land management options, we do not propose at this stage to extend sections 135A and 135B to restricted byways. We consider it appropriate to first allow a reasonable period to assess how these powers, and the extension of section 135 to restricted byways, work in practice before considering an extension to restricted byways.

¹² SI 1993/407 (Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993) as amended by SI 1996/1978 (Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996).

Maintenance

2.12 Every way which becomes a restricted byway will be maintained publicly by virtue of section 49(1) of the 2000 Act. Section 42 of the 1980 Act enables district councils to undertake the maintenance of certain highways, including footpaths and bridleways¹³. Section 43 enables parish councils (in England) and community councils (in Wales) to undertake the maintenance of footpaths and bridleways. Extending these powers to restricted byways could require expertise above that required for maintaining footpaths and bridleways.

We invite views on whether the powers enabling district, parish and community councils to maintain footpaths and bridleways should be extended to restricted byways, in order to provide flexibility in the administration of maintenance responsibility.

Waymarking

2.13 The waymarking signs for footpaths, bridleways and byways are set out in the Traffic Signs Regulations and General Directions 2002¹⁴. Yellow arrows generally identify footpaths, blue arrows bridleways and red arrows byways (there is some discretion as to the background colour of the sign). We propose to distinguish between the colour of waymarks for BOATs and restricted byways. Figures 2, 3 and 4 below illustrate some options for a waymark to denote restricted byways.

We invite views and suggestions on the most appropriate waymark for restricted byways.

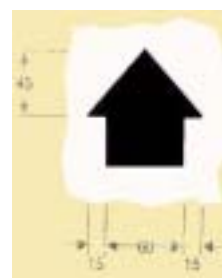
Figure 2



Figure 3



Figure 4



Planning

2.14 Section 257 of the Town and Country Planning Act 1990 allows local planning authorities to stop up or divert a footpath or bridleway to enable development, for which planning permission has been granted, to take place. The Secretary of State (or, in Wales the Assembly) has similar power under section 247 in respect of any highway.

2.15 Section 258 further enables local authorities to make an order for the extinguishment of a footpath and bridleway over land held for planning purposes (there is no provision for diversion). 'Planning purposes' in this context broadly

¹³ Wales does not have any district councils: all local authorities in Wales are unitary.

¹⁴ SI 2002/3113 Schedule 7 Part VII, diagram 2610.2. Diagrams 2610 and 2610.1 already provide for signposting indicating direction to or along a restricted byway.

means land acquired by the local planning authority for development or improvement or which is required for a purpose in the interests of the proper planning of the area. The Secretary of State in England, and the Assembly in Wales have a similar power under section 251 in relation to all rights of way.

Proposal 3: We intend to amend sections 257 and 258 of the Town and Country Planning Act 1990 to extend local planning authorities' powers to make stopping up and diversion orders to restricted byways.

Harbours and ports

2.16 Under sections 14 and 16 of the Harbours Act 1964, the Secretary of State (or, in Wales, the Assembly) can make harbour revision and empowerment orders for the purpose of construction, improvement or efficient management of a harbour. These orders are made on application from harbour authorities, intending undertakers and others with an interest. The orders can make provision for the extinguishment or diversion of a footpath or bridleway for the purposes of the works set out in the order, and for ancillary works.

2.17 An application for an order relating to a footpath or bridleway has to be accompanied by a map at 1/2500 scale showing the right of way affected and any proposed alternative route. Notice of the application must be served on every local authority for the area in which the footpath or bridleway is situated and a copy of the notice must be posted at each end of way which would be affected by the order. Prior to making the order, the Secretary of State (or, in Wales, the Assembly) must be satisfied, in the case of an extinguishment, that an alternative route has been or will be provided or that an alternative way is not required and, in the case of a diversion, that the new path will not be less convenient to the public in consequence of the diversion.

Proposal 4: The special procedures that apply to footpaths and bridleways affected by harbour revision and empowerment orders should be extended to restricted byways.

Water

2.18 Under section 168 of the Water Resources Act 1991 and section 167 of the Water Industry Act 1991 the Secretary of State (or, in Wales, the Assembly and, in some circumstances, the Secretary of State) can make compulsory works orders to facilitate works by the Environment Agency and water undertakers to carry out engineering or building operations or to discharge water into any inland waters or underground.

2.19 Where the Agency or an undertaker makes an application to the Secretary of State for an order that would include an authorisation to stop up or divert a footpath or bridleway, additional procedures apply. These include requirements for notice to be given both of the draft order and the made order to prescribed bodies, and the posting of notice of the draft order on the footpath or bridleway.

Proposal 5: The additional requirements for footpaths and bridleways affected by compulsory works orders should be extended to restricted byways.

Defence

2.20 Section 16 of the Defence Act 1842 gives the Secretary of State (for Defence) the power to stop up and divert footpaths and bridleways. Section 17 requires an alternative path or road to be provided where a footpath or bridle road is stopped up.

Proposal 6: Sections 16 and 17 of the Defence Act 1842 should be extended to restricted byways.

Section 3: Provisions that will automatically apply to or encompass restricted byways

3.1 We consider that any legislative provision which refers to a 'highway' or 'highways' in general (i.e. not to a highway of a particular description) will automatically encompass restricted byways. This is because a restricted byway is a category of highway¹⁵. This principle similarly applies to other general terms – right of way¹⁶, carriageway¹⁷, road¹⁸; and street¹⁹.

3.2 **Table 3 (Annex 1)** lists the principal provisions which will apply to restricted byways. We do not propose to disapply any of these provisions.

¹⁵ Section 48(4) of the 2000 Act. A restricted byway is a highway for the purposes of Part II. It is also a highway for the purposes of the 1981 Act through amendments to sections 53(3)(a)(iii), 56, and 66 of the 1981 Act made by Schedule 5 to the 2000 Act.

¹⁶ Section 48(4) of the 2000 Act provides that 'restricted byway rights' means a right of way for certain categories of user.

¹⁷ We consider the term restricted byway falls within the definition of carriageway in section 329(1) of the Highways Act 1980 by virtue of the reference there to 'vehicle'.

¹⁸ Road is defined in the Road Traffic Regulation Act 1984 as "any length of highway or of any other road to which the public has access, and includes bridges over which a road passes".

¹⁹ Street is defined in the New Roads and Street Works Act 1991 as '.... any highway, road,'.

Section 4: Other matters

Magistrates' court procedure – retaining footpath and bridleway rights

4.1 Section 116 of the 1980 Act allows the magistrates' court to stop up or divert a highway applies to restricted byways. Section 116(4) of the 1980 Act allows for footpath or bridleway rights to be retained when higher rights are stopped up. Paragraph 15 of Schedule 5 to the 2000 Act amended section 116(4) so that restricted byway rights may also be retained.

Barriers and fences on rights of way

4.2 Section 66(3) of the 1980 Act enables highway authorities to provide and maintain barriers, rails and fences in footpaths to safeguard the public. The 2000 Act amends this section to allow provision for posts and extends it to apply to bridleways that are maintainable at public expense. We have received representations from local highway authorities suggesting that section 66(3) should be extended to restricted byways. However, this is unnecessary, since section 66(2), which applies similar provisions to those in section 66(3) to a 'carriageway', will automatically encompass restricted byways. Local highway authorities should recognise that any barriers erected must not hinder legitimate users of restricted byways, such as those driving horse drawn carriages.

Definitive maps

4.3 Regulations made under the Wildlife and Countryside Act 1981 prescribe the notation to be used for rights of way on the definitive map. RUPPs are shown either by a broken green line or by a broken line and arrowheads as illustrated below in figure 5.

Figure 5

v__v__v__v__v

4.4 We consider that all ways shown on definitive maps by these notations will be reclassified as restricted byways. This includes ways which may be referred to by a term other than "RUPP" (CRF or CRB²⁰ for example).

Since restricted byways will replace RUPPs on the definitive map, we see no reason to change these notations other than to clarify that they will instead denote a restricted byway.

²⁰ CRF and CRB were used to denote a Carriage Road used mainly as a Footpath and a Carriage Road used mainly as a Bridleway. These terms have no legal recognition.

Annex 1

Table 1: Changes we propose to make to legislation in respect of restricted byways as a matter of policy

Primary legislation

Act	Section or Schedule	Description	Effect of amendment is to
Highways Act 1980	S 25	Creation of footpath or bridleway by agreement	Extend provisions to restricted byways
Highways Act 1980	S 26	Compulsory powers for creation of footpaths and bridleways	
Highways Act 1980	S 27	Making up of new footpaths and bridleways	
Highways Act 1980	S 28	Compensation for loss caused by public path creation orders	
Highways Act 1980	S 42	Power of district councils to maintain certain highways	Give district councils power to maintain restricted byways
Highways Act 1980	S 43	Power of parish and community councils to maintain footpaths and bridleways	Give parish councils power to maintain restricted byways
Highways Act 1980	S 118	Stopping up of footpaths and bridleways	Extend provisions to restricted byways
Highways Act 1980	S 118A	Stopping up of footpaths and bridleways crossing railways	
Highways Act 1980	S 119	Diversion of footpaths and bridleways	
Highways Act 1980	S 119A	Diversion of footpaths and bridleways crossing railways	
Highways Act 1980	S 135	Authorisation of other works disturbing footpath or bridleway	
Highways Act 1980	S 275	Contributions by councils and local planning authorities towards expenses	
Highways Act 1980	S 293	Powers of entry for purposes connected with certain orders relating to footpaths and bridleways	
Highways Act 1980	S 329	Further provision as to interpretation	
Highways Act 1980	Sch 6	Procedure for making and confirming certain orders relating to footpaths and bridleways	
Town and Country Planning Act 1990	S 257	Footpaths and bridleways affected by development: orders by other authorities	
Town and Country Planning Act 1990	S 258	Extinguishment of public rights of way over land held for planning purposes	
Town and Country Planning Act 1990	S 260	Telecommunication apparatus: orders by or on application of other authorities	
Town and Country Planning Act 1990	S 336	Interpretation	
Town and Country Planning Act 1990	Sch 14	Procedure for footpaths and bridleways orders	
Water Industry Act 1991	Sch 11	Orders conferring compulsory works powers	
Water Resources Act 1991	Sch 19	Orders conferring compulsory works powers	

Act	Section or Schedule	Description	Effect of amendment is to
Environment Act 1995	Sch 9	Miscellaneous powers of National Park Authorities (NPA) (creating, diverting, stopping up and widening of public paths)	Give National Park authorities the power to create etc restricted byways
Local Government Act 1972	S 187	Local highway authorities and maintenance powers of district councils	Extend provisions to restricted byways
Harbours Act 1964	S 14	Minister's powers, on application of harbour authorities, or others, to make orders (to extinguish or divert footpaths and bridleways)	
Harbours Act 1964	S 16	Minister's powers, on application of intending undertakers, or others, to make orders (to extinguish or divert footpaths and bridleways)	
Harbours Act 1964	S 17	Procedure for making harbour revision and empowerment orders, and substitution thereof, (to extinguish or divert footpaths and bridleways)	
Harbours Act 1964	Sch 2	Object for whose achievement harbour revision orders may be made	
Defence Act 1842	S 16	Principal officers power to stop up or divert footpaths and bridleways	
Defence Act 1842	S 17	When footpaths, etc., are stopped up, other paths to be provided in lieu thereof	

Secondary legislation

UK Statutory Instrument		Regulations made under:
1993/9 Rail Crossing Extinguishment and Diversion Orders Regulations 1993	1 Citation, commencement and interpretation	Highways Act 1980 ss 28(2), 118, 118A(6) and (7), 119, 119A(9) and (10), and 120(3A); Sch 6 paras 1(1) and (3), 3 and 4
	4 Notices	
	Sch 1 Forms 1, 2	
	Sch 2 Forms 1, 2	
	Sch 3 Forms 1, 2	
1993/10 Town and Country Planning (Public Path Orders) Regulations 1993	1 Citation, commencement and interpretation	Town and Country Planning Act 1990 ss 259(4) and 333(1); Sch 14 para 1 and 6
	Sch 1 Forms 1, 2	
	Sch 2 Forms 1, 2	
1993/11 Public Path Orders Regulations 1993	1 Citation, commencement and interpretation	Highways Act 1980 ss 26, 28(2), 118 and 119; Sch 6 paras 1, 3 and 4; Acquisition of Land Act 1981 s.32
	3 Notices of order	
	Sch 1 Forms 1, 2, 3	
	Sch 2 Form 1	
1993/407 Local Authorities (Recovery of Costs For Public Path Orders) Regulations 1993	2 Interpretation and application	Local Government and Housing Act 1989 s 150 and 152(5)
1999/221 Water (Compulsory Works Powers) (Notice) Regulations 1999	2 Notice to be given to prescribed persons	Water Industry Act 1991 s 213(2)Z; Sch 11 para 1(3)(g) ; Water Resources Act 1991 s 219(2)(e); Sch 19 para 1(3)(f)
2002/3113 Traffic Signs Regulations and General Directions 2002	Sch 7 Part VII diagram 2610.2 (informatory) direction along a footpath indicated by waymarks	Road Traffic Regulation Act 1984 s 64; Road Traffic Act 1988 s 36(5)

Table 2: Changes we intend to make to legislation to ensure consistency between restricted byways and other categories of rights of way

Primary legislation

Act	Section or Schedule	Description	Purpose of amendment is to:
Wildlife and Countryside Act 1981	S 59	Prohibition on keeping bulls on land crossed by public right of way	Apply provision to restricted byways
Wildlife and Countryside Act 1981	S 62	Appointment of wardens for public rights of way	Enable local authorities to appoint wardens for restricted byways
Countryside Act 1968	S 27	Signposting of footpaths and bridleways, including BOATs	Enable local authorities to erect signposts on restricted byways
Highways Act 1980	S 47	Power of magistrates' court to declare unnecessary highway to be not maintainable at public expense	Prevent local authorities from applying to magistrates to declare restricted byways not maintainable at public expense
Highways Act 1980	S 300	Right of local authorities to use vehicles and appliances on footways and bridleways	Enable mechanically propelled vehicles or appliances to be used to clean, maintain or improve restricted byways
Road Traffic Act 1988	S 24	Restriction of carriage of persons on bicycles	Clarify that restricted byway is included in definition of road
Road Traffic Act 1988	S 33	Control of use of footpaths and bridleways for motor vehicle trials	Clarify that local authority authorisation is needed for motor vehicle trials on restricted byways
Road Traffic Offenders Act 1988	Sch 1	Offences to which ss 1, 6, 11 and 12(1) apply	Ensure that restricted byway is incorporated in definitions
Road Traffic Regulation Act 1984	S 15	Duration of [temporary prohibition] orders and notices under s 14	Restrict duration of order to 6 months (as for other rights of way)
Road Traffic Regulation Act	S 58	Consents for purposes of s 57(1). Parish or community council will not have power to provide parking space in a road which is not a highway, or in a public path except with the consent of the owner or occupier of the land over which the road or path runs	Clarify that consent of the owner and the occupier of the land over which the restricted byway runs should be sought by the parish or community council
Road Traffic Regulation Act 1984	S 60	Supplementary provisions relating to ss 57-59	
Road Traffic Regulation Act 1984	S 127	Footpaths, bridleways and byways open to all traffic	Add restricted byway to scope
Chronically Sick and Disabled Persons Act 1970	S 20	Use of invalid carriages on highways	Ensure that invalid carriages can be taken on to restricted byways

Secondary legislation

Statutory Instrument		Regulations made under:	Purpose of amendment is to:
1950/1066 National Parks and Access to the Countryside Regulations 1950	Sch 2 Forms of notices	National Parks and Access to the Countryside Act 1949 ss 63, 65, 72 and 78; Sch 1 para 4	Change RUPP to restricted byway
1969/414 Motor Vehicle (Competitions and Trials) Regulations 1969	Sch 2 Particulars to be given in the application for authorisation	Road Traffic Act 1988 s 13	Extend to restricted byway
1987/2004 Local Authorities (Publicity Account) (Exemption) Order 1987	Schedule of exemptions from the separate account of expenditure on publicity required under s 5(1) Local Government Act 1986	Local Government Act 1986 s 5(5)	Extend exemption to restricted byways
1992/1215 Road Traffic (Temporary Restrictions) Procedure Regulations 1992	2 General interpretation	Road Traffic Regulation Act 1984 s 16(2) and (2A)	Extend to restricted byway
	4 Footpaths, bridleways, cycle tracks and byways open to all traffic		
	11 Footpaths, bridleways, cycle tracks and byways open to all traffic		
1993/12 Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993	Sch1 Notation to be used on definitive maps	Wildlife and Countryside Act 1981 s .57(1) and (2); Sch 14 paras 1, 2, 5; Sch 15 paras 3, 11, 13	Clarify notation and otherwise incorporate restricted byway
	Sch 3		
	Sch 5 Form of notice of modification order		
	Sch 7 Form of application for modification order		
1997/1160 Hedgerows Regulations 1997	Sch 1 Additional criteria for determining "important" hedgerows Part II criteria	Environment Act 1995 s .97	Change RUPP to restricted byway
	Sch 8 Form of notice of application for modification order		
2000/2190 Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000	4 Interpretation and notices	Transport and Works Act 1992 ss 6, 6A, 7(3)(b) and (c) and (4) and 10	Change RUPP to restricted byway and otherwise incorporate restricted byway
	10 documents accompanying applications		
	Sch 3 forms of notice form 4		
	Sch 5 Those to be served with a copy of application and documents		
2000/2853 Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Sch 1 Functions not to be the responsibility of an authority's executive	Local Government Act 2000 ss 13 and 105	Incorporate restricted byway

Table 3: Principal legislation that will without amendment apply to or encompass restricted byways

Primary legislation

Act	Section or Schedule	Description	Comment	
Wildlife and Countryside Act 1981	S 53	Duty to keep definitive map and statement under continuous review	Restricted byway inserted by the Countryside and Rights of Way Act 2000 (CROW Act)	
Wildlife and Countryside Act 1981	S 56	Effect of definitive map and statement		
Wildlife and Countryside Act 1981	S 66	Interpretation of Part III		
Countryside Act 1968	S 41	Power to make byelaws		
Countryside Act 1968	S 45	Agreements with landowners		
Highways Act 1980	S 8	Agreements between local highway authorities for doing of certain works		
Highways Act 1980	S 30	Dedication of highway by agreement with parish or community council		
Highways Act 1980	S 36	Highways maintainable at public expense		Restricted byway inserted by the CROW Act
Highways Act 1980	S 41	Duty to maintain highways maintainable at public expense		
Highways Act 1980	S 45	Power to get materials for repair of publicly maintainable highways		
Highways Act 1980	S 46	Supplemental provisions with respect to the getting of materials under section 45		
Highways Act 1980	S 62	General power of improvement		
Highways Act 1980	S 66	Footways and guard-rails etc for publicly maintainable highways	Note: section 66(3) does not apply to restricted byways .	
Highways Act 1980	S 71	Margins for horses and livestock in or alongside made-up carriageways		
Highways Act 1980	S 72	Widening of highways		
Highways Act 1980	S 75	Variations of widths of carriageways and footways		
Highways Act 1980	S 80	Power to fence highways		
Highways Act 1980	S 82	Provision of cattle-grids and by-passes		
Highways Act 1980	S 116	Power of magistrates' court to authorise stopping up or diversion of highway		Restricted byway inserted by the CROW Act
Highways Act 1980	S 117	Application for order under s 116 on behalf of another person		
Highways Act 1980	S 118B	Stopping up of certain highways for purposes of crime prevention, etc		
Highways Act 1980	S 118C	Application by proprietor of school for special extinguishment order		
Highways Act 1980	S 119B	Diversion of certain highways for purposes of crime prevention, etc		
Highways Act 1980	S 119C	Application by proprietor of school for special diversion order		
Highways Act 1980	S 119D	Diversion of certain highways for protection of sites of special scientific interest		

Highways Act 1980	S 119E	Provisions supplementary to s 119D	
Highways Act 1980	S 120	Exercise of powers of making public path extinguishment and diversion orders	
Highways Act 1980	S 121	Supplementary powers as to public path extinguishment and diversion orders	
Highways Act 1980	S 121C	Cases where council may decline to determine applications	Encompasses restricted byway where application made by school proprietor under ss 118C and 119C
Highways Act 1980	S 121D	Right of appeal to Secretary of State in respect of applications for orders	
Highways Act 1980	S 121E	Determination of appeals	
Highways Act 1980	S 122	Power to make temporary diversion	
Highways Act 1980	S 130A	Notices to enforce duty regarding public paths	Inserted by the CROW Act
Highways Act 1980	S 130B	Orders following notice under s 130A	
Highways Act 1980	S 131	Penalty for damaging highway etc.	
Highways Act 1980	S 131A	Disturbance of surface of certain highways	Encompasses not made up restricted byway
Highways Act 1980	S 136	Damage to highway consequent on exclusion of sun and wind	
Highways Act 1980	S 137	Penalty for wilful obstruction	
Highways Act 1980	S 137A	Interference by crops	Encompasses not made up restricted byway
Highways Act 1980	S 137ZA	Power to order offender to remove obstruction	Inserted by the CROW Act
Highways Act 1980	S 138	Penalty for erecting building etc	
Highways Act 1980	S 141	Restriction on planting of trees etc. in or near made-up carriageway	
Highways Act 1980	S 145	Powers as to gates across highways	
Highways Act 1980	S 148	Penalty for depositing things or pitching booths etc. on highway	
Highways Act 1980	S 161	Penalties for causing certain kinds of danger or annoyance all highways	
Highways Act 1980	S 161A	Danger or annoyance caused by fires lit otherwise than on highways	
Highways Act 1980	S 169	Control of scaffolding on highways	
Highways Act 1980	S 175A	Duty to have regard to needs of disabled and blind in executing works, etc.	
Highways Act 1980	S 334	Telecommunications' rights	
Highways Act 1980	Sch 12A	Further powers of highway authorities and councils re minimum widths	
Road Traffic Regulation Act 1984	S 1	Traffic regulation orders outside London	
Road Traffic Regulation Act 1984	S 2	What a traffic regulation order may provide for vehicular traffic	
Road Traffic Regulation Act 1984	S 3	Restrictions on traffic regulation orders	

Road Traffic Regulation Act 1984	S 4	Provisions supplementary to ss 2 and 4	
Road Traffic Regulation Act 1984	S 5	Contravention of order under s 6	
Road Traffic Regulation Act 1984	S 6	Orders similar to traffic regulation orders, Greater London	
Road Traffic Regulation Act 1984	S 72	Powers exercisable by parish or community councils	
Road Traffic Act 1988	S 12	Motor racing on public ways	
Road Traffic Act 1988	S 13	Regulation of motoring events on public ways	
Road Traffic Act 1988	S 22A	Causing danger to road-users	
Road Traffic Act 1988	S 27	Control of dogs on roads	
Road Traffic Act 1988	S 28	Dangerous cycling	
Road Traffic Act 1988	S 29	Careless and inconsiderate cycling	
Road Traffic Act 1988	S 30	Cycling when under influence of drink or drugs on road or other public place	
Road Traffic Act 1988	S 31	Regulation of cycle racing on public ways	
Road Traffic Act 1988	S 32	Electrically assisted pedal cycles	
Road Traffic Act 1988	S 34	Prohibition of driving mechanically propelled vehicles elsewhere than on roads	Amended by the CROW Act to include restricted byways
Road Traffic Act 1988	S 34A	Exceptions to presumption in s 34(2)	
Road Traffic Act 1988	S 37	Directions to pedestrians	
Road Traffic Offenders Act 1988	Sch 2	Prosecution and punishment of offences	
Town and Country Planning Act 1990	S 247	Highways affected by development: orders by Secretary of State	
Town and Country Planning Act 1990	S 248	Highways crossing or entering route of proposed new highway, etc	
Town and Country Planning Act 1980	S 249	Order extinguishing right to use vehicles on highway	
Town and Country Planning Act 1990	S 250	Compensation for orders under s 249	
Town and Country Planning Act 1990	S 251	Extinguishment of public rights of way over land held for planning purposes	
Town and Country Planning Act 1990	S 252	Procedure for making of orders	
Town and Country Planning Act 1990	S 253	Procedure in anticipation of planning permission	
Town and Country Planning Act 1990	S 254	Compulsory acquisition of land in connection with highways	
Town and Country Planning Act 1990	S 261	Temporary stopping up of highways for mineral workings	
Horses (Protective Headgear for Young Riders) Act 1990	S 3	Interpretation	Young riders will have to wear protective headgear on restricted byways
Criminal Justice and Public Order Act 1994	S 61	Power to remove trespassers on land	Amended by the CROW Act to include restricted byways

Transport and Works Act 1992	S 5	Conditions on extinguishment or diversion of public rights of way over land	
Environment Act 1995	S 121	Prevents any orders under this Act from curtailing any rights of way for the public	
Environment Act 1995	Sch 8	Supplemental powers of National Park Authorities	
Telecommunications Act 1984	S 34	Secretary of State may authorise a public telecommunications operator to purchase land compulsorily	
Pipe-Lines Act 1962	S 15	Power to place pipe-lines in streets	
Pipe-Lines Act 1962	S 66	General interpretation	
Parish Councils Act 1957	S 5	Provisions as to consents and access	

Secondary legislation

Statutory Instrument		Regulations made under:
1992/2985 Street Works (Registers, Notices, Directions and Designations) Regulations 1992	9 Substantial road works	New Roads and Street Works Act 1991 s 58(1)
1993/12 Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993	3 Notation to be used on definitive maps Sch 2	Wildlife and Countryside Act 1981 s 57(1) and (2); Sch 14 paras 1, 2, 5; Sch 15 paras 3, 11, 13
	Sch 6 Additional persons to be served with notice of modification or reclassification orders	
1995/418 Town and Country Planning (General Permitted Development) Order 1995	Sch 2 Part 24 Development by telecommunications code system operators	Town and Country Planning Act 1990 ss 59,60,61, 74, 333(7)
1995/419 Town and Country Planning (General Development Procedure) Order 1995	8 Publicity for applications for planning permission	Town and Country Planning Act 1990 ss 59, 61(1), 65, 69, 71, 73(3), 74, 77(4), 78, 79(4), 188, 193, 196(4), and 333(7); Sch 1 paragraphs 5, 6, 7(6) and 8(6)
2001/1281 Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2001	3 Application of regulations	New Roads and Street Works Act 1991 ss 74, 74A and 104(3)
2001/4060 Street Works (Charges for Occupation of the Highway) (England) Regulations 2001	3 Application of regulations	
2002/523 Local Government (Best Value) Performance Indicators and Performance Standards Order 2002	Sch 9 Transport performance indicators	Local Government Act 1999 ss 4(1) and (2) and 28(1)(b)
2002/757 Local Government (Best Value Performance Indicators) (Wales) Order 2002	Sch 6 Transport indicators	Local Government Act 1999 ss 4(1)(a) and (2) and 29(1)
2002/3113 Traffic Signs Regulations and General Directions 2002	Sch 7 Part VII diagrams 2610 and 2610.1 direction to or along a public footpath	Road Traffic Regulation Act 1984 s 64; Road Traffic Act 1988 s 36(5)

Annex 2: Countryside and Rights of Way Act 2000

Section 52

Restricted byways: power to amend existing legislation

- (1) The Secretary of State may by regulations -
 - (a) provide for any relevant provision which relates -
 - (i) to highways or highways of a particular description,
 - (ii) to things done on or in connection with highways or highways of a particular description, or
 - (iii) to the creation, stopping up or diversion of highways or highways of a particular description, not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and
 - (b) make in any relevant provision such amendments, repeals or revocations as appear to him appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of paragraph (a) or subsection (6)(a).
- (2) In this section -
 - "relevant provision" means a provision contained -
 - (a) in an Act passed before or in the same Session as this Act, or
 - (b) in any subordinate legislation made before the passing of this Act;
 - "Welsh provision" means a provision contained -
 - (a) in a local or private Act passed before or in the same Session as this Act and relating only to areas in Wales, or
 - (b) in any subordinate legislation which was made before the passing of this Act and which the National Assembly for Wales has power to amend or revoke as respects Wales.
- (3) In exercising the power to make regulations under subsection (1), the Secretary of State -
 - (a) may not make provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and
 - (b) may not without the consent of the National Assembly for Wales make any provision which (otherwise than merely by virtue of the amendment or repeal of a provision contained in an Act) amends or revokes subordinate legislation made by the Assembly.
- (4) The National Assembly for Wales may submit to the Secretary of State proposals for the exercise by the Secretary of State of the power conferred by subsection (1).
- (5) The powers conferred by subsection (1) may be exercised in relation to a relevant provision even though the provision is amended or inserted by this Act.
- (6) As respects Wales, the National Assembly for Wales may by regulations -
 - (a) provide for any relevant Welsh provision which relates -
 - (i) to highways or highways of a particular description,
 - (ii) to things done on or in connection with highways or highways of a particular description, or
 - (iii) to the creation, stopping up or diversion of highways or highways of a particular description, not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and

- (b) make in any relevant Welsh provision such amendments, repeals or revocations as appear to the Assembly appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of subsection (1)(a) or paragraph (a).
- (7) Regulations under this section shall be made by statutory instrument, but no such regulations shall be made by the Secretary of State unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Where the Secretary of State lays before Parliament the draft of an instrument containing regulations under subsection (1) in respect of which consultation with the National Assembly for Wales is required by subsection (3)(a), he shall also lay before each House of Parliament a document giving details of the consultation and setting out any representations received from the Assembly.

Annex 3: Summary of main proposals and areas on which we are inviting views

Views, comments and suggestions are invited on the issues detailed below and any other aspect of the regulations to be made under section 52 of the Countryside and Rights of Way Act 2000. It would be helpful if responses could highlight the issue being addressed by the relevant paragraph or proposal number.

Stopping up and diversion

Proposal 1: Local authorities' public path extinguishment and diversion powers under sections 118, 118A, 119 and 119A of the Highways Act 1980 should be extended to restricted byways. **(National Park authorities and district councils would also be able to extinguish and divert restricted byways.)** [para 2.6]

We do not propose at this stage to extend sections 118ZA and 119ZA of the Highways Act 1980 to restricted byways. Dealing with applications for orders relating to footpaths and bridleways will be a substantial new administrative task for local authorities. We consider it appropriate to first allow a reasonable period to assess how this process operates in practice before considering any extension to restricted byways. [para 2.9]

Temporary diversions

Proposal 2: Highway authorities should have the power to make temporary diversion orders on restricted byways under section 135 of the Highways Act 1980.

While we recognise the desirability among land managers for maximum flexibility in their land management options, we do not propose at this stage to extend sections 135A and 135B to restricted byways. We consider it appropriate to first allow a reasonable period to assess how these powers, and the extension of section 135 to restricted byways, work in practice before considering an extension to restricted byways. [para 2.11]

Maintenance

We invite views on whether the powers enabling district, parish and community councils to maintain footpaths and bridleways should be extended to restricted byways, in order to provide flexibility in the administration of maintenance responsibility. [para 2.12]

Waymarking

We invite views and suggestions on the most appropriate waymark for restricted byways. [para 2.13]

Planning

Proposal 3: We intend to amend section 257 and 258 of the Town and Country Planning Act 1990 to extend local planning authorities' powers to make stopping up and diversion orders to restricted byways. [para 2.15]

Harbours and ports

Proposal 4: The special procedures that apply to footpaths and bridleways affected by harbour revision and empowerment orders should be extended to restricted byways. [Paras 2.16 and 2.17]

Water

Proposal 5: The additional requirements for footpaths and bridleways affected by compulsory works orders should be extended to restricted byways. [Para 2.18 and 2.19]

Defence

Proposal 6: Sections 16 and 17 of the Defence Act 1842 should be extended to restricted byway. [Para 2.20]

Annex 4: Handling the consultation

1. Responses

Please send your response, by 18 December 2003 to:

Lee Armitage
Countryside (Recreation and Landscape) Division 5
Department for Environment, Food and Rural Affairs
Zone 1/01
2 The Square
Temple Quay
BRISTOL
BS1 6EB

If you wish to fax your response, please fax it to:
Fax: 0117 372 8587

If you are responding by e-mail, please send your response to:
rights.ofway@defra.gsi.gov.uk

Please send your response using only **one** of these options.

If you are responding as a representative organisation, please include in your response a summary of the people and organisations which you represent.

2. Copies of responses

Copies of responses will, following the close of the consultation, be deposited in Defra's library and the library of the National Assembly for Wales, where anyone may inspect them. You should say **at the beginning of your response** if you do not want your letter to be available in this way. All responses will be included in any statistical or other summary of the results.

If you submit comments in response to this consultation exercise, we may keep your name and address on a list that will be used for future consultation exercises on related issues.

3. Enquiries

Enquiries about the contents of this consultation paper should be made to:

Lee Armitage
Countryside Division 5
Department for Environment, Food and Rural Affairs
Zone 1/01
2 The Square
Temple Quay
BRISTOL
BS1 6EB
Tel: 0117 372 8957
Fax: 0117 372 8587
E-mail: lee.armitage@defra.gsi.gov.uk

4. Further copies of this consultation paper

Requests for further copies of this document should be made, quoting reference **PB8666** to:

DEFRA Publications
Admail 6000
LONDON
SW1A 2XX

Tel: 0845 9556000
Fax: 020 8957 5012
E-mail: defra@iforcegroup.com

The document is available in both English and Welsh language versions.

Please direct any requests for the document in another format, for example one suitable for people with visual disabilities (large print, Braille, tape etc), to the contact at **3** above.

The consultation paper is also available on the Defra's internet site, at: <http://www.defra.gov.uk/wildlife-countryside/cl/index.htm>, and via <http://www.ukonline.gov.uk>.

We are sending copies of the consultation paper to the main national organisations in England and Wales listed in Annex 5 (and those that responded to the Government's consultation paper on improving rights of way). If you think any other organisation should see the consultation paper, please let us know.

5. Complaints or comments about this consultation paper

The consultation document has been drafted in accordance with the Cabinet Office's code of practice on national public consultations. The code aims to increase the involvement of people and groups in public consultations, minimising the burden it imposes on them, and giving them a proper time — a standard minimum period of twelve weeks — to respond. The code may be viewed on the Cabinet Office's web site at: <http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm>

If you have any comments or complaints about this consultation process, other than comments on the consultation document itself, you may wish to take these up with Defra's consultation co-ordinator. He can be contacted as follows:

Lewis Baker
Service Standards Unit
Department for Environment, Food and Rural Affairs
Room 547
Nobel House
LONDON
SW1P 3HX
Tel: 020 7238 5789
Fax: 020 7238 5376
E-mail: lewis.baker@defra.gsi.gov.uk

Annex 5: List of Consultees

Local authorities in England and Wales
National Park Authorities in England and Wales
Access Association Wales
Access Committee for England
ACES Counties Branch
Action for Blind People
Action with Communities in Rural England
ADAS
All Wales Ethnic Minority Association
All Wheel Drive Club
Amateur Motor Cycle Association
Ancient Monuments Society
Architects & Surveyors Institute
ARROW
Assn of Council Secretaries
Assn of County Planning Officers
Assn of Professional Foresters
Assoc of Community Councils in Rural England
Association of Areas of Outstanding Natural Beauty
Association of British Riding Schools
Association of Chief Police Officers
Association of Classic Trials Clubs
Association of Conservation Officers
Association of Drainage Authorities
Association of Heads of Outdoor Education Centres
Association of Inland Navigation Authorities
Association of Larger Local Councils
Association of London Borough Planning Officers
Association of London Government
Association of Magisterial Officers
Association of Municipal Engineers
Association of National Park Authorities
Association of Professional Foresters
Association of Provincial Stipendiary Magistrates
Association of Rover Clubs
Auto Cycle Union
Automobile Association
BAA PLC
Bampton Society
Black Voluntary Sector Network In Wales
Bridleways & Riders Action Group
British Assoc for Shooting & Conservation
British Assoc of Leisure Parks
British Association of Nature Conservationists
British Canoe Union
British Coal Corporation
British Council of Organisations of Disabled People
British Deer Society
British Driving Society
British Ecological Society
British Equestrian Federation
British Gas Plc
British Holiday & Home Parks Association
British Horse Society
British Horseracing Board
British Motorcyclists Federation
British Mountaineering Council
British Nuclear Fuels PLC
British Off Road Driving Association
British Orienteering Federation
British Ornithologists' Union
British Ports Association
British Property Federation
British Schoolboy Motorcycle Association
British Shooting Sports Council
British Telecom Group Property
British Trust for Conservation Volunteers
British Trust for Ornithology
British Upland Footpath Trust
British Water
British Waterways
British Wildlife Management
BT PLC
Business in Sports and Leisure
Byways & Bridleways Trust
Canoe-Camping Club
Caravan Club
Care for the Wild
Catholic Education Service
CCRU
Central Association Of Agricultural Valuers
Central Council of Physical Recreation
Central Science Laboratory
Centre for Accessible Environments
CHAR
Chartered Institute of Environmental Health
Chartered Institute of Building
Chemical Industries Assoc Ltd
Church of England, Archbishops' Council
Church of England Board of Education
Churches Conservation Trust
City of London Conservation Area
City of London Law Society
Civic Trust
Civil Aviation Authority
Civil Service Motoring Association
Coastal Heritage Network
Commission for Architecture and the Built Environment
Commission for New Towns
Commission for Racial Equality Wales Office
Confederation of British Industry
Construction Industry Council
Consumers' Association
Corporation of London
Council for British Archaeology
Council for National Parks
Council for the Protection of Rural England
Council on Tribunals

Country Land and Business Association
 Countryside Agency
 Countryside Alliance
 Countryside Alliance Wales
 Countryside Business Group
 Countryside Foundation for Education
 Countryside Planning & Management
 Countryside Recreation Network
 Countryside Restoration Trust
 Countryside Rights Association
 Countrywide Holidays Association
 County Mobility
 County Planning Officers' Society
 Crown Estate Commissioners
 CRS
 CSS
 Cyclists' Touring Club
 Cyngor Gwynedd
 Cyngor Sir Ynys Mon
 Disability Rights Commission
 Disability Wales
 Disabled Drivers Association
 Disabled Off-Road Access
 Disabled Persons Transport Advisory
 Committee
 District Planning Officers' Society,
 Duchy of Cornwall
 Duke of Edinburgh's Award
 Dwr Cymru
 Earthkind
 Education National Interest Group
 English Golf Union
 English Heritage
 English Historic Towns Forum
 English Nature
 English Partnerships
 English Sports Council
 English Tourist Board
 Environment Agency
 Environment Council
 Environment Trust
 Environmental Investigation Agency
 Environmental Services Association
 Exmoor Society
 Face – UK
 Farmers' Union of Wales
 Farming and Rural Conservation Agency
 Farming and Wildlife Advisory Group
 FAVASA
 Federation of Rural Community Councils
 Federation of Small Businesses
 Fieldfare Trust
 Forest Authority
 Forest Enterprise
 Forestry Commission
 Forestry Contracting Association Ltd
 Forestry Industry Committee of Great Britain
 Formby Society
 Forum of People with Disabilities
 Forum of Private Business
 Association
 FPD Savills
 Friends of the Earth
 Friends of the Lake District
 Friends of the Ridgeway
 Friends, Families and Travellers
 Gala Research
 Game Conservancy Trust
 Garden History Society
 Geological Society
 Geologists Association
 Greater London Action on Disability (GLAD)
 Green Base Exchange
 Green Lane Association
 Green Lanes Bridleways Group
 Green Lanes Environmental Action
 Movement
 Greenpeace
 Guide Association
 Health and Safety Executive
 Highways Agency
 Historic Buildings and Monuments
 Commission for England
 Historic Houses Association
 Horticultural Trades Association
 House Builders Federation
 IFA Association
 Improvement and Development Agency
 Incorporated Society of Valuers &
 Auctioneers
 Industrial Water Society
 Inland Waterways Association
 Inner London Magistrates' Court Service
 Inst. Of Environmental Management and
 Assessment
 Institute of Chartered Foresters
 Institute of Directors
 Institute of Economic Affairs
 Institute of Highways and Transportation
 Institute of Leisure and Amenity Management
 Institute of Public Rights of Way Officers
 Institution of Civil Engineers
 Institution of Environmental Sciences
 Institution of Water and Environmental
 Management
 International Wildlife Coalition
 ISFTPOWP
 Joint Airports Committee of Local Authorities
 Joint Committee of National Amenity
 Societies
 Joint Committee on Mobility for Disabled
 People
 Joint Committee on Mobility of Blind and
 Partially Sighted People
 Joint Nature Conservation Committee
 Joseph Nickerson Heather Foundation
 Justices' Clerks Society
 Land Access and Recreation Association
 Land is Ours
 Land Owners Group
 Landscape Institute
 Law Commission
 Law Society
 League of Venturers

Living Streets
 Local Authority Valuers Assoc.
 Local Government Association
 Local Government Management Board
 London Ecology Unit
 London First
 London Green Belt Council
 London Regional Planning
 London Transport Planning
 London Transport Today
 London Walking Forum
 Long Distance Walkers' Association
 LPGA
 Magistrates' Association
 Marine Conservation Society
 Marine Ecology and Sailing
 Mencap
 Met. Planning Officers' Society
 MFU/LARA
 Mining Association of the UK
 Moorland Association
 Moorland Gamekeepers' Association
 Motor Cycle Industry Association Ltd
 Motorsport Facilities Unit
 Mountain Leader Training Board
 National Access Forum for Wales
 National Farmers' Union Wales
 National Housing and Town Planning
 National Assoc of Local Councils
 National Association of Principal Agricultural
 National Association of Waste Disposal
 Contractors
 National Autograss Sport Association Ltd
 National Caravan Council Ltd
 National Caving Association
 National Council for Metal Detecting
 National Council for Voluntary Organisations
 National Disability Council
 National Farmers' Union
 National Federation of Bridleway
 Associations
 National Federation of Clay Industries
 National Federation of Housing Associations
 National Forest
 National Gamekeepers' Organisation
 National Governors' Council
 National Grid Company
 National Heritage Memorial Fund
 National Housebuilders Federation
 National House Building Council
 National Joint Utilities Group
 National Playing Fields Assn
 National Power Plc
 National Sheep Association
 National Small Woods Association
 National Society of Allotment and Leisure
 Gardeners Ltd
 National Trust
 National Union of Residents' Assns
 National Urban Forestry Unit
 Open Spaces Society
 Ordnance Survey
 Pathways Trust
 People's Trust for Endangered Species
 Planning Aid for London
 Planning and Environment Bar Association
 Planning Inspectorate
 Planning Officers Society
 Police Federation of England and Wales
 Princes Trust
 PSI
 Quarry Products Association
 RAC Motor Sports Association Ltd
 Radar
 Railtrack
 Ramblers' Association
 Ramblers' Association Wales
 Range Rover Register
 Regional Sports Fora
 Rights of Way Law Review
 Rights of Way Officer Trail Riders Fellowship
 Rights of Way Review Committee
 Rough-Stuff Fellowship
 Royal Agricultural College
 Royal Agricultural Society of England
 Royal Commission on Historic Monuments of
 England
 Royal Commission on Environmental
 Pollution
 Royal Inst. of British Architects
 Royal Inst. of Chartered Surveyors
 Royal Mail Property Holdings
 Royal National Institute for the Blind
 Royal National Institute for the Blind Cymru
 Royal Society for the Prevention of Accidents
 Royal Society for the Protection of Birds
 Royal Town Planning Institute
 Royal Veterinary College
 RSNC Wildlife Trusts Partnership
 RSPCA
 School of Earth Sciences
 Scout Association
 Seatech Marine
 Secondary Heads Association
 Shooting Sports Trust
 Society of County Secretaries
 Society of County Treasurers
 Society of Local Council Clerks
 Society of Trusts and Estates Practitioners
 SPAB
 Sportsmans' Association
 Standing Conference on Countryside Sports
 Stone Walling Association of GB
 Strategic Rail Authority
 Sustrans
 Sustrans Cymru
 Surlingham Society
 Tenant Farmers' Association
 Thames Planning & Amenities Forum
 Town and County Planning Assoc
 Towpath Action Group
 Trades Union Congress
 Trail Riders Fellowship
 Transport 2000

Transport and General Workers Union
Tree Council
TUA (BBT)
Twentieth Century Society
UK 200 Group
UK Environmental Law Association
UK Major Posts
UK Petroleum Industry Association
UKAEA
Unison
United Kingdom Sports Council
Vauxhall Off-Road Club
Victorian Society
Wales Association of Community and Town
Councils
Wales Council for the Blind
Wales Council for the Deaf
Wales Council for Voluntary Action

Wales Social Partners Unit
Wales Tourist Board
Wales Wildlife and Countryside Link
Wales Women's National Coalition
Walking and Cycling for Health
Water Companies Association
Wildfowl & Wetlands Trust
Wildlife and Countryside Link
Wildlife Trusts
Wildlife Trusts Wales
Woodland Trust/Coed Cadw
World Wide Fund for Nature
Young People's Trust for the Environment &
Nature Conservation
Youth Hostels Association (England and
Wales)

Individuals and regional organisations are not listed.