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SCHEDULES

SCHEDULE 6

AMENDMENTS RELATING TO CREATION, STOPPING UP AND DIVERSION OF HIGHWAYS

PART I

AMENDMENTS OF HIGHWAYS ACT 1980

PROSPECTIVE

16 After section 135 of the 1980 Act there is inserted—

“135A Temporary diversion for dangerous works.

- (1) Where works of a prescribed description are likely to cause danger to users of a footpath or bridleway which passes over any land, the occupier of the land may, subject to the provisions of this section, temporarily divert—
 - (a) so much of the footpath or bridleway as passes over that land, and
 - (b) so far as is requisite for effecting that diversion, so much of the footpath or bridleway as passes over other land occupied by him.
- (2) A person may not under this section divert any part of a footpath or bridleway if—
 - (a) the period or periods for which that part has been diverted under this section, and
 - (b) the period or periods for which any other part of the same footpath or bridleway passing over land occupied by him has been diverted under this section,amount in aggregate to more than fourteen days in any one calendar year.
- (3) Where a person diverts a footpath or bridleway under this section—
 - (a) he shall do so in a manner which is reasonably convenient for the exercise of the public right of way, and
 - (b) where the diversion is by means of a temporary footpath or bridleway, he shall so indicate the line of the temporary footpath or bridleway on the ground to not less than the minimum width that it is apparent to members of the public wishing to use it.
- (4) This section does not authorise a person—
 - (a) to divert a footpath or bridleway on to land not occupied by him without the consent of the occupier of that land and of any other person whose consent is needed to obtain access to it,
 - (b) to divert a footpath onto a highway other than a footpath or bridleway, or

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- (c) to divert a bridleway onto a highway other than a bridleway.
- (5) The person by whom a footpath or bridleway is diverted under this section shall—
- (a) at least fourteen days before the commencement of the diversion, give notice of the diversion in accordance with subsection (6) below,
 - (b) at least seven days before the commencement of the diversion, publish notice of the diversion in a local newspaper circulating in the area in which the footpath or bridleway is situated, and
 - (c) display such notices as may be prescribed at such places, in such manner and at such times before or during the diversion as may be prescribed.
- (6) Notice under subsection (5)(a) above shall be given—
- (a) to the highway authority for the footpath or bridleway,
 - (b) if the footpath or bridleway is on or contiguous with access land in England, to the Countryside Agency, and
 - (c) if the footpath or bridleway is on or contiguous with access land in Wales, to [^{F1}the Natural Resources Body for Wales].
- (7) A notice under subsection (5)(a), (b) or (c) above shall be in such form and contain such information as may be prescribed.
- (8) If a person—
- (a) in a notice which purports to comply with the requirements of subsection (5)(a) or (b) above, makes a statement which he knows to be false in a material particular,
 - (b) by a notice displayed on or near a footpath or bridleway, falsely purports to be authorised under this section to divert the footpath or bridleway, or
 - (c) in diverting a footpath or bridleway under this section, fails to comply with subsection (3) above,
- he shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (9) In this section—
- “access land” has the same meaning as in Part I of the Countryside and Rights of Way Act 2000;
- “minimum width” in relation to a temporary footpath or bridleway, means the minimum width, within the meaning of Schedule 12A to this Act, of the footpath or bridleway diverted;
- “prescribed” means prescribed by regulations made by the Secretary of State.

135B Temporary diversion for dangerous works: supplementary.

- (1) The person by whom a footpath or bridleway is diverted under section 135A above shall, before the diversion ceases to be authorised by that section, make good any damage to the footpath or bridleway resulting from the works mentioned in subsection (1) of that section, and remove from the footpath or bridleway any obstruction resulting from those works.

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- (2) Any person who fails to comply with the duty imposed on him by subsection (1) above is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (3) The highway authority may make good any damage, or remove any obstruction, in respect of which any person has failed to comply with that duty and recover from that person the amount of any expenses reasonably incurred by them in or in connection with doing so.
- (4) Paragraph 3(1) of Schedule 12A to this Act does not apply in relation to any disturbance of the surface of a footpath or bridleway which subsection (1) above requires any person to make good; but paragraphs 7 and 8 of that Schedule apply for the purposes of subsection (3) above as if—
 - (a) references to the authority were references to the highway authority,
 - (b) references to the work were references to work carried out under subsection (3) above in relation to a footpath or bridleway, and
 - (c) references to the relevant land were references to the land over which the footpath or bridleway passes.
- (5) The diversion of a footpath or bridleway under section 135A above does not—
 - (a) affect the liability of any person for anything done in relation to the path or way otherwise than for the purposes of or in consequence of the works mentioned in subsection (1) of that section, or
 - (b) authorise any interference with the apparatus or works of any statutory undertakers.
- (6) Without prejudice to section 130 (protection of public rights of way) above, it is the duty of the highway authority to enforce the provisions of section 135A and this section.”

Textual Amendments

- F1** Words in Sch. 6 para. 16 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 411\(3\)](#) (with Sch. 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)