

Public Rights of Way Legal Duties and other relevant legislation						
	Theme	Legislation	Year	Title of duty	Function - What is it intended to achieved?	Comments
1	Rights of Way	Highways Act 1980, Section 25(3), Highways Act 1980	1980	Duty to consult before entering into agreement to create a footpath, bridleway or restricted byway	Notification of authorities of land affected in their area	Vital
2	Rights of Way	Highways Act, Section 25(6),	1980	Duty to give notice of the dedication of a footpath, bridleway or restricted byway	Notification of new right of way	Vital
3	Rights of Way	Highways Act, Section 26	1980	Duty to consult before seeking a public path creation order	Adequate consultation.	Vital
4	Rights of Way	Highways Act, Section 27(1)	1980	Duty to survey new footpath, bridleway or restricted byway	Fit for purpose rights of way	Vital
5	Rights of Way	Highways Act, Section 27(2)	1980	Duty to carry out specified works to footpath, bridleway or restricted byway	Repair of rights of way so fit for purpose	Vital but ensure Byways Open to all Traffic are included.
6	Rights of Way	Highways Act, Section 28	1980	Duty to compensate land owner for damage caused by public path creation order	Compensation paid for due damage to landowners land	Vital but should include standard rates of compensation.
7	Rights of Way	Highways Act, Section 29	1980	Duty to have regard to agriculture, forestry and nature conservation when carrying out public path functions	Protection to business and ecology in carrying out works	Vital
8	Rights of Way	Highways Act, Section 31A,	1980	Duty to keep a register of maps and statements deposited in relation to rights of way over land.	Public information on rights of way claims	Vital. The agreement period should be extended to 20 years
9	Rights of Way	Countryside and Rights of Way Act 2000, Section 94,	2000	Requires a local highway authority to establish a local access forum for its area	Requirement for the establishment of a local access forum to act as statutory advisors to the authority and other bodies as to the improvement of public access to land and for the purposes of open-air recreation and enjoyment of an area..	Vital
10	Rights of Way	Local Access Forums (England) Regulations 2007 (SI 2007 No 268)	2007	Contain detailed provisions concerning the establishment, membership and administration of forums.	Detailed provisions concerning the establishment, membership and administration of forums.	Vital but would like a broader remit for the LAF and an increase in statutory consultation
11	Rights of Way	Countryside and Rights of Way Act 2000, Part II,	2000	Part II of the Act covers duties to record, protect and maintain the public rights of way network. Local authorities have a statutory duty to prepare Rights of Way Improvement Plans but not to implement them. Local authorities also have a statutory duty under Part V of the Act to establish local access forums.	The Act makes provisions on public rights of way and the establishment of local access forums.	Vital however would like to see a legal duty to implement the ROWIP.
12	Rights of way	Highways Act 1980	1980	Highways Act 1980 Section 25(5) Duty to secure the footpath, bridleway or restricted byway is dedicated in accordance with the agreement	Objective of the legal agreement achieved	Vital
13	Rights of Way	Highways Act 1980 Section 131A	1980	To take action if ploughing or disturbance of a highway was unlawful	To ensure that rights of way are reinstated by landowners after ploughing or disturbance to the surface.	Vital but agreed rates of fines
14	Rights of Way	Highways Act 1980 Section 134	1980	To enforce the restoration of footpaths and bridleways lawfully ploughed or disturbed	To ensure that rights of way are reinstated by landowners after ploughing or disturbance to the surface.	Vital but agreed rates of fines
15	Rights of Way	Highways Act 1980 Section 137A	1980	To enforce the duty of an occupier to ensure that crops do not inconvenience users of footpaths, bridleways and unmetalled carriageways	To ensure that the usage of public rights of way are not affected by crops.	Vital but agreed rates of fines
16	Rights of Way	Wildlife and Countryside Act 1981 Section 53	1981	As soon as reasonably practicable after the commencement date the surveying authority must make the modifications to the definitive map necessary to take account of the 'events' which occurred before the commencement date. This must be done by modification orders.	To keep the definitive map and statement of public rights of way up to date	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.
17	Rights of Way	Wildlife and Countryside Act 1981 Section 53	1981	The surveying authority must keep the map and statement under continuous review. This means modifying the map and statement to take account of an event as soon as reasonably practicable after it occurs.	To keep the definitive map and statement of public rights of way up to date	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.
18	Rights of Way	Wildlife and Countryside Act 1981 Section 55	1981	To prepare definitive maps for any areas not previously surveyed	To ensure all areas have a definitive map of public rights of way	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.

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19	Rights of Way	Wildlife and Countryside Act 1981 Section 57	1981	To keep copies of the definitive map and statement, together with copies of any subsequent modification and reclassification orders, available for public inspection in every district	To allow the public to view the definitive map and any relevant legal orders.	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.
20	Rights of Way	Wildlife and Countryside Act 1981 Section 53B	1981	To keep a register of applications for modification orders	To allow the public to see where the authority has applications to amend the definitive map and statement	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.
21	Rights of Way	Wildlife and Countryside Act 1981 Section 57	1981	To draw the attention of the public to the availability of definitive maps for inspection and to the right to apply for modification orders to be made	To provide information to the public on the definitive map and the processes whereby it can be amended.	Vital but this should include the implementation of the Stepping Forward Report which would simplify the process and procedures rather than a change in the legislation. It was also considered that the 2026 deadline should be extended.
22	Rights of Way	The Countryside Act 1968 Section 27	1968	Duty to signpost all footpaths, bridleways, restricted byways and byways where they leave a metalled road. N.B. No time limit for compliance & the authority can decide not to signpost if it is considered unnecessary and if the local council agrees. Duty also applies to waymarking and signage along a path where the authority considers it necessary to have a waymark or signpost to assist persons unfamiliar with the locality.	To provide information on the type of public right of way where it leaves a metalled road and/or waymarking and signposting along the way to assist the public.	Vital however this duty should be able to be devolved to the Parish/Town Councils or other prescribed bodies . In addition they should also be able to prosecute as well as maintain routes.
23	Rights of Way	The National Parks and Access to the Countryside Act 1949 Section 57	1949	To prosecute anyone responsible for a misleading notice on or near a footpath, bridleway or restricted byway shown on a definitive map	To prevent the public being misled or using incorrect routes due to incorrect signage.	Vital. Should include all Public Rights of Way.
24	Rights of Way	Countryside and Rights of Way Act 2000 Section 60	2000	To prepare a rights of way improvement plan		Vital
25	Coastal Access	National Parks and Access to the Countryside Act 1949. Section 55D(6) – as inserted by section 302 of the Marine and Coastal Access Act 2009	1949	Under section 55D(6), Natural England has a duty to prepare a coastal access report setting out its proposals for a route and before doing so must consult local (coastal) authorities who may be affected by that report. There is a duty in Section 55D(7) on those authorities to provide Natural England with such information as it may reasonably require for the purposes of that report.	The National Parks and Access to the Countryside Act 1949 is an Act of the Parliament of the United Kingdom which created the National Parks Commission which later became the Countryside Commission and then the Countryside Agency, provided the framework for the creation of National Parks and Areas of Outstanding Natural Beauty in England and Wales, and also addressed public rights of way and access to open land.	N/A
26	Commons	Commons Act 2006, Section 1	2006	Duty on commons registration authorities (exercising functions of a county council) to keep registers of common land and town or village greens.	To provide clarity and certainty about the extent of such land and of the rights exercisable over it, so as to ensure it better protection and management.	Vital
27	Commons	Commons Act 2006, Section 3(5)	2006	Regulations may provide for the form of a register, and the information to be included in a register. See Commons Registration (England) Regulations 2008 (SI2008/1961)	To require the registers to be held in a consistent form, and to contain a consistent information.	Vital
28	Commons	Commons Act 2006, Sections 6-15, 19, Para 1 and 3 of Such 1	2006	Provision for applications to commons registration authorities to amend the register to reflect new events: such applications to be processed in accordance with the 2008 Regulations (made under section 24)	To enable the register to be kept up-to-date to reflect new events.	Vital
29	Commons	Commons Act 2006, Section 17	2006	Duty on commons registration authority to amend the register in accordance with an order made by the Secretary of State for the purposes of deregistration and exchange under s16; procedure amplified by r.49 of the 2008 Regulations.	To ensure the register is updated in accordance with an application for deregistration and exchange which has been granted by the Secretary of State.	Vital
30	Commons	Commons Act 2006, Paras 2-9 of Sch 2	2006	Provision for applications to commons registration authorities to amend the register to rectify the register; such applications to be processed in accordance with the 2008 Regulations (made under section 24)	To enable the register to be rectified in consequence of past mistakes.	Vital

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31	Commons	Commons Act 2006, Paras 2 and 4 of Sch 3,	2006	Provision for applications to commons registration authorities to amend the register to reflect historic events; such applications to be processed in accordance with the 2008 Regulations (made under section 24)	To enable the register to be kept up-to-date to reflect historic events which have not previously been registered.	Vital
32	Commons	Commons Act 2006, Section 20	2006	Requirement on commons registration authority to allow public inspection and copying of the registers; procedure amplified by r.53 of the 2008 Regulations.	To enable inspection of public registers.	Vital
33	Commons	Commons Act 2006, Section 21	2006	Requirement on commons registration authorities to provide official copies of registers; procedure amplified by 5.54 of the 2008 Regulations.	To enable the public to obtain office copies of the registers.	Vital
34	Commons	Commons Act 2006, Section 25,	2006	Requirement on commons registration authorities to keep registers in electronic form.	This section provides for the conversion of commons registers to an electronic form, and as yet, we are not ready, neither technically nor financially, for that to happen.	Vital
35	Commons	Commons Act 2006, Para 8 of Sch 3	2006	Requirement on commons registration authorities to update ownership section of registers on receipt of notice from chief land registrar.	To enable ownership sections of registers to be kept up-to-date of ownership changes	Vital
36	Commons	Commons Act 1876 Section 28	1876	Reports by certain parish councils and certain local authorities exercising functions of a district council (as successor bodies) to Secretary of State as regards recreation grounds and field gardens	Obsolete requirement to report to Inclosure Commissioners	Obsolete. Remove
37	Commons	Commons Act 1899 Part I Duty on certain local authorities exercising functions of a district council and certain National Park authorities to manage common land or green "free from all encroachments" and to resist trespass and partial enclosure, arising under irrevocable schemes of regulation and management voluntarily entered into under the 1899 Act	1899	Package deal: local authorities accept management responsibility for common land to deliver public benefits, in return for owners being guaranteed minimum levels of management control	Owners relinquish their powers of management of common land or greens, in favour of the local authority. The authority assumes management responsibility to deliver public benefits (e.g. recreation, nature conservation). The owner is guaranteed that the common or green will be adequately managed and regulated by the local authority.	Vital
38	Commons	Inclosure Act 1845 (Section 146)	1845	Duty on local authorities exercising functions of a county council to provide extracts from deposited inclosure awards at rate of 1.25p/72 words, and to provide access to the awards	To ensure that awards remain publicly available	Vital
39	Designated landscapes	Countryside and Rights of Way Act 2000, Section 85,	2000	Duty to have regard to the purposes of Areas of Outstanding Natural Beauty.	Local authorities (and others) should take account of the statutory purposes of AONBs when coming to decisions or carrying out activities relating to or affecting land in these areas.	Vital
40	Highways	Highways Act 1980 Section 36	1980	To keep an up-to-date list of highways that are maintainable at public expense	Defines extent of public liability for highways maintenance	Vital. Should include a digital Definitive Map showing their Right of Way status and any historical information and include the status of each road type, ie UCR, white road etc. To include the 1929 Handover Map information.
41	Highways	Highways Act 1980 Section 41(1)	1980	To maintain highways that are maintainable at public expense	Public highways are maintained.	Vital
42	Highways	Highways Act 1980 Section 41(1A)	1980	To ensure that safe passage is not endangered by snow and ice	Public highways are maintained.	Vital
43	Highways	Highways Act 1980 Section 42	1980	To reimburse district council any expenses incurred in maintaining the highway	Ensures that District Councils are paid for the highways maintenance work they do.	Vital
44	Highways	Highways Act 1980 Section 45	1980	To pay compensation for any damage done when obtaining materials to repair the highway	Ensures that highways authorities can make use of publicly available materials.	Vital
45	Highways	Highways Act 1980 Section 47	1980	To give notice of intention to apply for a highway to be declared not maintainable at the public expense and of any resulting order	Ensures highway authorities act transparently	Vital
46	Highways	Highways Act 1980 Section 66(1)	1980	To provide a footway by the side of a highway maintainable at public expense	Provides adequate protection for pedestrians.	Vital
47	Highways	Highways Act 1980 Section 71	1980	To provide margins along highways for horses and livestock	Adequate protection of livestock.	Vital
48	Highways	Highways Act 1980 Section 77	1980	To pay compensation for any damage caused by works to level the highway	Provides economic protection for individuals damaged by works.	Vital
49	Highways	Highways Act 1980 Section 82	1980	To provide facilities for the passage of animals and traffic that cannot cross a cattle-grid	Adequate protection of livestock.	Vital
50	Highways	Highways Act 1980 Section 84	1980	To maintain cattle-grids and by-passes	Adequate protection of livestock.	Vital

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51	Highways	Highways Act 1980 Section 116	1980	To give notice of an application to stop up or divert a highway	Transparency in local authority activities	Vital but need to have an up to date digital web based method of presenting the information.
52	Highways	Highways Act 1980 Section 118B	1980	To consult police authority before stopping up highway for crime prevention purposes	Transparency in local authority activities	Vital
53	Highways	Highways Act 1980 Section 119B	1980	To consult police authority before diverting highway for crime prevention purposes	Transparency in local authority activities	Vital
54	Highways	Highways Act 1980 Section 119E	1980	To consider making a traffic regulation order as an alternative to an Sites of Special Scientific Interest diversion order	Ensures interested parties aware of proposed works	Vital
55	Highways	Highways Act 1980 Section 121B	1980	To keep a register of applications relating to stopping up and diverting of highway	Ensures interested parties aware of proposed works	Vital
56	Highways	Highways Act 1980 Section 130(1)	1980	To assert and protect the rights of the public to the use and enjoyment of the highway	Ensures highway is used and private interests do not prevent public enjoyment.	Vital
57	Highways	Highways Act 1980 Section 130(3)	1980	To prevent the stopping up or obstruction of the highway where it would be prejudicial to interests of the area	Ensures highway is used and private interests do not prevent public enjoyment.	Vital
58	Highways	Highways Act 1980 Section 130(6)	1980	To take proceedings in response to representations from parish or community council or meeting	Ensures interested parties aware of proposed works	Vital
59	Highways	Highways Act 1980 Section 175A(1)	1980	To have regard to the needs of disabled persons or blind persons when executing works on a highway	Ensures that the needs of disabled and blind people are considered and accommodated when works are planned or executed on the highway.	Vital
60	Highways	Highways Act 1980 Section 175A(3)	1980	To have regard to the needs of disabled persons when considering whether to provide ramps between carriageways and footways	Ensures that the needs of disabled and blind people are considered and accommodated when works are planned or executed on the highway.	Vital
61	Highways	Highways Act 1980 Section 256	1980	To pay compensation to anyone deprived of land when highway boundaries are adjusted	Ensures interested parties are compensated for loss of amenity.	Vital
62	Bridges	Transport Act 1968 Section 118	1968	To maintain bridges over railways and inland waterways in a safe condition	Ensures highways bridges over other transport modes are maintained.	Vital
63	Cycling	Cycle Tracks Regulations 1984 regulation 3	1984	To consult with specified bodies before making an order	Public transparency	Vital but a legal definition of cycleways is required as well as determining where they are recorded as outlined in the Stepping Out report.
64	Cycling	Cycle Tracks Regulations 1984 regulation 4	1984	Duty, after making an order, to publish it, display it, and send a copy to all consultees	Public transparency	Vital
65	Cycling	Cycle Tracks Regulations 1984 regulation 10	1984	To give notice of Secretary of State's final decision on order	Public transparency	Vital
66	Road Traffic Management	Road Traffic (Temporary Restrictions) Procedure Regulations 1992 regulation 8	1992	To give notice of intention to revoke temporary restriction or prohibition order and of the revocation of the order	These duties are intended to ensure that a person directly affected by a Traffic Regulation Order made by a local authority (whether as a road user, a local resident or business etc) has the opportunity to know what is expected of them, or what is proposed. A Traffic Regulation Order is used to control or restrict the use of a particular road, parking space etc, for a particular activity, class of vehicle etc - and is enforceable through either a civil or criminal procedure. For example, most on-street parking restrictions are effected through a Traffic Regulation Order.	Vital
67	Road Traffic Management	Road Traffic (Temporary Restrictions) Procedure Regulations 1992 regulation 9	1992	To give notice of a direction by the Secretary of State to continue an order	These duties are intended to ensure that a person directly affected by a Traffic Regulation Order made by a local authority (whether as a road user, a local resident or business etc) has the opportunity to know what is expected of them, or what is proposed. A Traffic Regulation Order is used to control or restrict the use of a particular road, parking space etc, for a particular activity, class of vehicle etc - and is enforceable through either a civil or criminal procedure. For example, most on-street parking restrictions are effected through a Traffic Regulation Order.	Vital
68	Road Traffic Management	Road Traffic (Temporary Restrictions) Procedure Regulations 1992 regulation 10	1992	To give notice of the issue of a temporary prohibition or restriction notice	These duties are intended to ensure that a person directly affected by a Traffic Regulation Order made by a local authority (whether as a road user, a local resident or business etc) has the opportunity to know what is expected of them, or what is proposed. A Traffic Regulation Order is used to control or restrict the use of a particular road, parking space etc, for a particular activity, class of vehicle etc - and is enforceable through either a civil or criminal procedure. For example, most on-street parking restrictions are effected through a Traffic Regulation Order.	Vital

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69	Equalities	Disability Discrimination Act 1995 Sections 49A - 49D	1995	Public Authorities: General duty	The duty is intended to promote equality and fairness, and make access to public services, and employment in the public sector, fair for disabled people. The duty requires public authorities, when carrying out their public functions, to have due regard to eliminating discrimination and harassment against disabled people; promote equality of opportunity between disabled people and others; take steps to take account of disabled people's disabilities; promote positive attitudes towards disabled people; and encourage their participation in public life.	Vital
70	Compensation	Land Compensation Act 1961 Section 32/ The Acquisition of Land (Rate of Interest after Entry) Regulations 1995	1961	Rate of interest for payments of compensation on compulsorily acquired land	The regulations present a formula for how authorities are to calculate the rate of interest for payments on compulsorily acquired land.	Vital but amend to include Section 26 and Section 28.
71	Local land charges	Local Land Charges Act 1975 ss 2, 8, 9, 13A and the Local Land Charges Rules 1977 rr 6, 8, 10, 11, 12, 13 and 16.	1975	To maintain and permit searches of a local land charges register	Notice of local land charges to interested persons	Vital
72		Freedom of Information Act 2000	2000	When public authority receives a request for information they have two duties under the Freedom of Information Act: 1)The duty to inform the requestor whether or not they hold the requested information 2) and if they do hold the information, the duty to provide the information to the requestor.	To provide a right of access to information held by public authorities.	Vital
73	Environmental	Transport Act 2000 Section 108	2000	To prepare a local transport plan (LTP). Duty, in developing a LTP and carrying out functions, to take into account Government policies and have regard to any guidance issued by the Secretary of State relating to climate change and the protection or improvement of the environment	Ensures Local Authorities have regard to national policies and any guidance issued by the Secretary of State.	Vital but ensure these include ROWIP recommendations.
74	Environmental	Transport Act 2000 Section 109	2000	To consult when preparing local transport plan (LTP) and to keep it under review	Gives community buy in to local transport plans and helps transparency.	Vital
75	Disabled People	Transport Act 2000 Section 112	2000	To have regard to the needs of elderly and disabled persons when preparing local transport plan	Highlight the needs of elderly and disabled.	Vital
N.B This lists duties only. The legislation also gives the authority and others numerous powers under which alterations etc to the rights of way network can be undertaken						
General Comments/Key issues						
Most of the legislation is key to providing the security of our rights of way and the public's ability to use them. This must not be lessened.						
The recommendations of The Stepping Forward Report should be implemented						
Too much reduction in legislation will reduce the ability of the Big Society to fully take part.						
Legislation needs to be simplified or amended to allow areas with little or no access due to historical reasons to be addressed						
Legislation should be in force to prevent landowners from allowing hedgerows to obscure road signs and fingerposts.						
Section 56 Highways Act 1980 should also be included. Vital but see comments regarding mapping and status of routes maintainable at public expense.						
We also request that the LAF should be consulted on any further changes in legislation and kept informed of progress.						