

APPENDIX T

Memorandum for confirmed Orders - **HIGHWAYS ACT 1980**

Your council's attention is drawn to the following: -

1. As per paragraph 4 of Part II of Schedule 6 to the 1980 Act, your Council should now publish notice of the confirmed Order. The prescribed form of notice is Form No.3 in Schedule 2 of the Public Path Orders and Creation of Public Rights of Way Orders Regulations 1993 (SI 1993 No.11).
2. The date to be inserted on the last paragraph of the notice will either be the date on which notice of its confirmation is first published or such other date as specified in the Order (paragraph 4 of Second Schedule to the 1980 Act as applied by paragraph 5 of Schedule 6 to the 1980 Act). However, in the case of a diversion, where work needs to be done to bring the new route into a fit condition for use by the public, you will need to amend the notice to make it clear that the Order as respects to the route to be extinguished '*comes into force on the date on which [name of authority] certify* that the terms of Article 2 [amend number if different] have been complied with*'.
- * If you do not certify that works on the new route have been carried out - both routes will remain in existence indefinitely.
3. The notice should be published as soon as possible after the confirmed Order has been received and, in any event not later than the date specified in the Order for the creation of the public right of way. The notice will also need to be:
 - served on everyone who was served notice of the making of the Order under paragraph 1(3)(b), (3C) or (4) of Schedule 6
 - displayed in a like manner as those notices displayed under paragraph 1(3)(c) of Schedule 6

Notices served on those persons under 1(3)(b)(i) and (ii) shall be accompanied by a copy of the Order as confirmed.

4. **In due course the Planning Inspectorate should be sent:**

1. a certificate under paragraph 4(4) of the regulations certifying that the notice of confirmation has been published and served;
2. a cutting of the notice published in a local newspaper, giving the name of the paper and date of publication; and
3. where an Order as respects the extinguishment of a way does not come into effect until it has been certified that the new path has been created to Council's reasonable satisfaction - a copy of that certificate.

5. Your attention is also drawn to the requirements of paragraph 4(5) of the Regulations about sending a copy of the confirmed Order to the Ordnance Survey.

It is our policy to provide free copies of the decision letter to all statutory objectors, the applicant (where applicable) and any supporters or interested parties listed on our records. Also anyone else, who has written to us requesting a copy, before a decision is issued. A copy of the decision will also be available on GOV.UK at the following link -

[https://www.gov.uk/government/collections/all-rights-of-way-order-published-case-documents-2015-Present Day](https://www.gov.uk/government/collections/all-rights-of-way-order-published-case-documents-2015-Present-Day)

Please Note:

It is our policy to wait 1 month from the point a decision is issued before chasing an authority for the necessary certificate (and notice if applicable).

If you know you will not be able to complete the notice of confirmation within the next month, please contact this office to let us know when it is likely to be completed.