

Guidance Notes For Landowners

GUIDANCE NOTES FOR LANDOWNERS SECTION 31(6), HIGHWAYS ACT 1980

Introduction

Under section 31(6) of the Highways Act 1980, an owner of land may at any time, make a deposit of a statement and plan, indicating what ways over their land have been dedicated as highways.

Submissions under the 1980 Act do not protect a landowner from claims which can establish 20 years uninterrupted use prior to the date of submission, or which are based on documentary evidence.

However, a deposit does stop time running forward for the acquisition of public rights by usage, and constitutes an effective challenge for future claims.

The procedure consists of two stages:

STAGE 1: Statement and Plan

A landowner needs to deposit at this stage:

1. A map of the land on a scale of no less than 6 inches to the mile (1/10,000).
2. A statement indicating what ways (if any) over the land he admits to having been dedicated as highways.

Draft copies of a statement and extracts of the Definitive Map of public rights of way, can be obtained from the Senior Rights of Way officer.

The statement and plan are checked against the Definitive Map of public rights of way, at which point any advice and observations will be given.

If no further amendments are required to the statement and plan, an effective date for the deposit and information on proceeding to the next stage will be given.

STAGE 2: Statutory Declaration

In order to make the deposit effective it is the responsibility of the landowner to submit a statutory declaration. It is probably advisable to do this as soon as possible.

A statutory declaration is a sworn document, which confirms the original intention of the deposit and maintains its effectiveness for the following ten years, and consists of:

1. A map indicating the land in question usually edged in red.
2. A statutory declaration confirming the original deposit.

The Countryside and Rights of Way Act 2000 provides for a ten year renewal period from 13 February 2004 (unless the renewal is overdue at that date).

Draft copies of a statutory declaration can be obtained from the Senior Rights of Way Officer.

The responsibility of submitting a statutory declaration every ten years lies with the landowner or any successors in title of the land, in order to maintain the original deposit's effectiveness. The Authority is under no duty to remind landowners when statutory declarations need to be renewed. It is purely the responsibility of the landowner to remember.

Under the Countryside and Rights of Way Act 2000, public access to declarations made under section 31(6) is available. The Definitive Map and Statement is also available for public inspection.

Completed maps, statements and declarations should be sent to:

The Rights of Way Unit,
Cyngor Gwynedd,
Shirehall Street,
Caernarfon, LL55 1SH.

PLEASE NOTE:

THESE NOTES ARE FOR GUIDANCE ONLY, FOR FURTHER DETAILED INFORMATION PLEASE CONTACT THE SENIOR RIGHTS OF WAY OFFICER FOR YOUR AREA OR YOUR LEGAL ADVISOR.