

Please send 2 copies of this statement and of the accompanying plan (which should also be signed by you). The second copies will be returned to you signed and dated by the County Council to acknowledge receipt.

To: Director of Law & Administration  
Hertfordshire County Council  
County Hall  
Hertford  
SG13 8DE

DEPOSIT OF STATEMENT and PLAN  
SECTION 31 (6) OF THE HIGHWAYS ACT 1980

1. I am and have been since [ day, month, year] the owner within the meaning of the above section of the land known as [name of farm etc] more particularly delineated on the plan to a scale of 1:10,000 accompanying this statement and thereon edged red.
2. The aforementioned land lies in the Parishes/Communities of [name] [and name].
- \*3. ~~The ways coloured brown on the said plan have been dedicated as highways with vehicular status.~~
- \*4. ~~The ways coloured green on the said plan have been dedicated as bridleways.~~
- \*5. The ways coloured purple on the said plan have been dedicated as footpaths.
6. [No] [No other] ways over the land have been dedicated as highways.
7. The deposit shall comprise this statement and accompanying plan.

\* Delete as applicable

Signed (landowner)

Name (of landowner)

Address

Date

[Name & address of Agent, if applicable]

Signed (witness)

Name (of witness)

Address

Occupation

Secretary

Please note that we shall require a sworn Statutory Declaration from you within 6 years of the date of this deposit and we attach a draft for your convenience.

23 APR 1997

applied

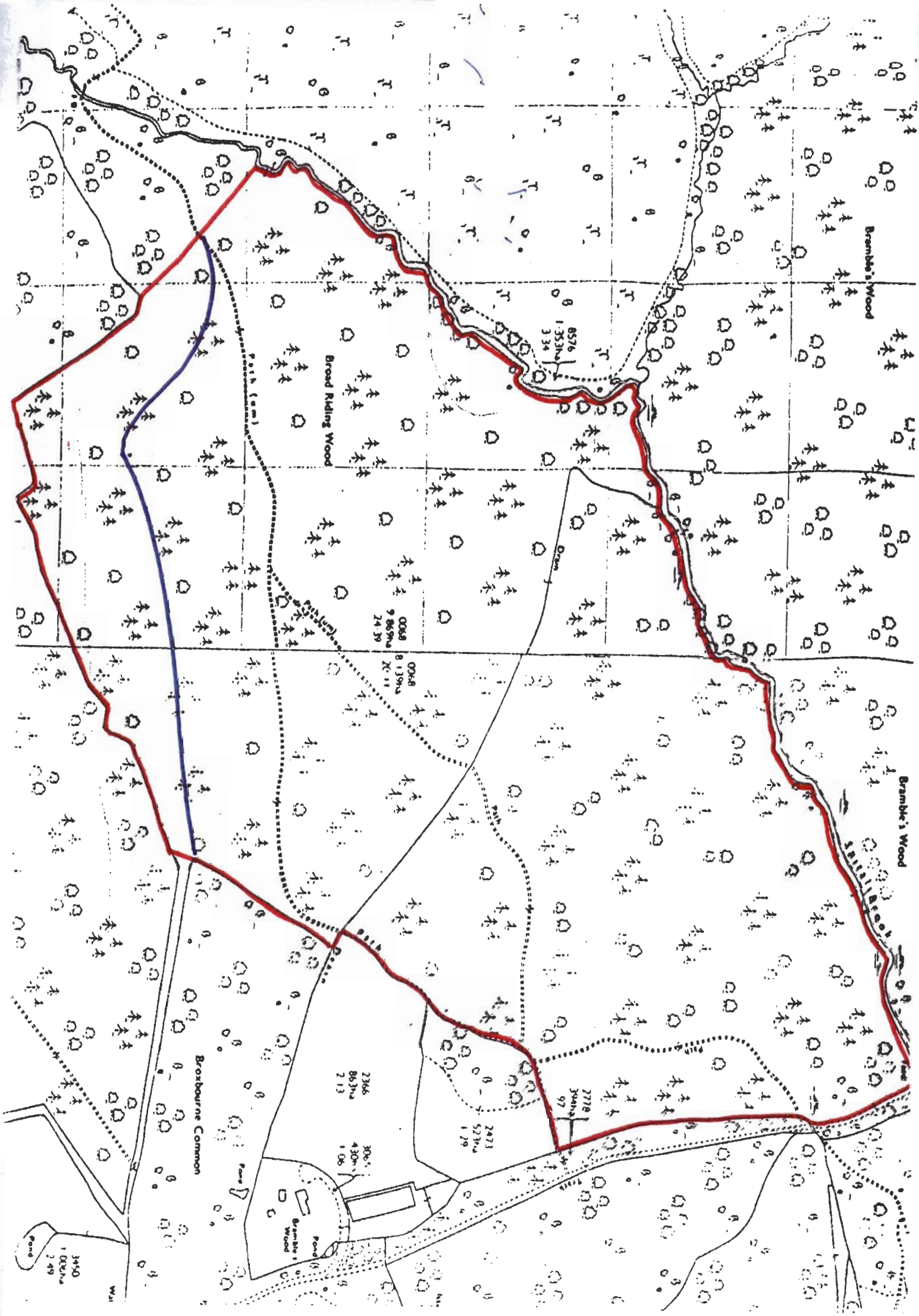
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AVENUE

HERTFORD, SG14



**DEEMED DEDICATION OF RIGHTS OF WAY:  
SECTION 31 (6) OF THE HIGHWAYS ACT 1980**

**I. Introduction**

1. This practice guidance note gives advice on the provisions of section 31 (6) of the Highways Act 1980, concerning the deposit of maps, statements and statutory declarations by landowners to negative the intention to dedicate public rights of way. It sets out a procedure for drawing up the necessary documents, and the steps the highway authority should take to record and notify others of the deposits it receives.

**II. Deemed dedication**

2. Public rights of way can come into being by deemed dedication. The possibility of this happening may lead landowners to resist the informal use of private tracks, even where this poses no problems for current land use. That in turn can lead to conflict from which neither users nor landowners gain.
3. Section 31 (6) of the Highways Act 1980 allows a landowner to deposit maps, statements and statutory declarations showing which of the ways over his land he recognises as being public rights of way. The Rights of Way Review Committee considers that drawing attention to these provisions may help to reduce that conflict.
4. The section enables landowners to deposit with the surveying authority a map and statement showing the ways (if any) which they admit are dedicated as public rights of way. If they then, within six years, deposit a statutory declaration that no additional ways have been dedicated since the deposit of the map, this is sufficient, in the absence of proof to the contrary, to establish that no additional ways have in fact been dedicated. The landowner may continue to deposit similar declarations at intervals of six years or fewer, with the same effect.
5. The effect of the deposit of a map, statement and declaration is, from the date of the deposit of the declaration, to negative an intention to dedicate which might otherwise be implied or presumed from public use. The lodging of statutory declarations every six years continues to negative any intention that might otherwise arise. The declaration will have no effect in denying the existence of public rights of way already shown on the definitive map, or otherwise shown to carry public rights, including deemed dedication by virtue of 20 years user before the statement was deposited.

**III. Procedures**

6. Both the CLA and NFU are promoting the wider use of the provisions of section 31 (6). As a result, surveying authorities may be approached for information. A model statement and model statutory declaration are appended to this guidance note. The Rights of Way Review Committee recommends that these models should be adopted by landowners, and accepted by surveying authorities, as a basis for future statements and statutory declarations under section 31 (6).
7. Authorities may wish to issue the following guidance to enquirers and to point out that further advice is available from the CLA and the NFU:

"You (i.e. landowners) are recommended to take the following steps in preparing maps, statements and statutory declarations under section 31 (6):



### *Deemed dedication of rights of way*

The statutory declaration should be made by the owner of the land concerned (i.e. the person who is for the time being entitled to dispose of the fee simple in the land). This includes the tenant for life (land held under a strict settlement) or the trustees (land held under a trust for sale). If an estate is so divided then it is important that the appropriate person makes the declaration for each part of the estate in each case.

- (ix) Submit the statement with the map and statutory declaration to the surveying authority. If they have not previously checked the map, they may wish to check it against the definitive map and to clarify any areas of uncertainty. Subsequent statutory declarations should be accompanied by further maps as necessary.
  - (x) Keep copies of maps, statements and declarations with the title deeds for the property or Land or Charge Certificate for future reference.
  - (xi) On the tracks that cross the land but are not admitted to be public rights of way, it may be useful to place notices to make it clear that that is the position.
  - (xii) Do not show on the map any permissive paths which are the subject of a formal agreement with a surveying authority, or other permissive paths, unless it is intended to dedicate these as public rights of way. If you wish to advise the surveying authority of the existence of such paths you should provide a separate map showing these paths only and stressing that it is not intended to dedicate such paths as public rights of way."
8. It would be helpful to all interests if surveying authorities actively encouraged landowners to check their maps against those held by surveying authorities before submitting the accompanying statements and statutory declarations. This will enable any differences between the definitive map and the submitted map to be investigated and resolved. The need for any (costly) corrections to be made subsequently should thereby be avoided. Equally, proposals for genuine additions to the definitive map, requiring modification orders, would come to light at an early stage.

### **IV. Record-keeping**

9. It is considered that if greater use is made of this procedure by landowners, it is only fair that members of the public should have access to information regarding the paths which have been dedicated as public rights of way. This is significant public information. By virtue of section 228 of the Local Government Act 1972 maps, statements and declarations submitted under section 31 (6) must be kept available for public inspection. Paragraph 25 of Department of the Environment Circular 2/93 (Welsh Office 5/93) recommends authorities to compile a register of these records.
10. The CLA and the NFU support the arrangements regarding public inspection of this information. It might be convenient to organise this on a parish (or community) basis. The information should also be available to those concerned in the preparation and review of definitive maps and statements.
11. Surveying authorities should advise district councils of the existence of such a register so that solicitors undertaking searches can, in turn, be advised of its existence so that they can check if necessary. The existence of public rights of way described in a statement should

Deemed dedication of rights of way

## STATUTORY DECLARATION

### SECTION 31 (6) OF THE HIGHWAYS ACT 1980

I [landowner] DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I am and have been since [day, month, year] the owner of the land known as [name of farm, etc.] more particularly delineated on the plan accompanying this declaration and thereon edged red.
2. On the [day] day of [month, year] I [or my predecessor in title (name)] deposited with [name] Council, being the appropriate Council, a statement accompanied by a plan delineating my property by red edging which stated that [the ways coloured brown on the said plan and on the plan accompanying this declaration had been dedicated as highways with vehicular status] [the ways coloured green on the said plan and on the plan accompanying this declaration had been dedicated as bridleways] [the ways coloured purple on the said plan and on the plan accompanying this declaration had been dedicated as footpaths] [no [other] ways had been dedicated as highways over my property.]
- \*3. On the [day] day of [month, year] I [or my predecessor in title (name)] deposited with [name] Council, being the appropriate Council, a statutory declaration dated [day, month, year], stating that no additional ways [other than those marked in the appropriate colour on the plan accompanying this declaration] had been dedicated as [highways with vehicular status] [bridleways] [footpaths] since the deposit of the Statement referred to in 2. above.
4. No additional ways have been dedicated over the land edged red on the plan accompanying this declaration since the statement dated [day, month, year] referred to in 2. above [since the date of the statutory declaration referred to in 3. above] [other than those (highways with vehicular status) (bridleways) (footpaths) marked in the appropriate colour on the plan accompanying this declaration] and at the present time I have no intention of dedicating any more public rights of way over my property.

\*Delete if not applicable

AND I MAKE this solemn declaration on the <sup>30<sup>th</sup></sup> [day] day of <sup>MAY</sup> [month, year] 1997 conscientiously believing it to be true and by virtue of the Statutory Declarations Act 1835.

Declared at [address]

(signature of landowner)

10110 (on street)  
London, W.1X

Before me

[Commissioner for Oaths or a Justice of the Peace or Solicitor]

Deemed dedication of rights of way

## STATUTORY DECLARATION

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2. On the [day] day of [month, year] I [or my predecessor in title (name)] deposited with [name] Council, being the appropriate Council, a statement accompanied by a plan delineating my property by red edging which stated that [the ways coloured brown on the said plan and on the plan accompanying this declaration had been dedicated as highways with vehicular status] [the ways coloured green on the said plan and on the plan accompanying this declaration had been dedicated as bridleways] [the ways coloured purple on the said plan and on the plan accompanying this declaration had been dedicated as footpaths] [no [other] ways had been dedicated as highways over my property.]
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4. No additional ways have been dedicated over the land edged red on the plan accompanying this declaration since the statement dated [day, month, year] referred to in 2. above [since the date of the statutory declaration referred to in 3. above] [other than those (highways with vehicular status) (bridleways) (footpaths) marked in the appropriate colour on the plan accompanying this declaration] and at the present time I have no intention of dedicating any more public rights of way over my property.

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London, W1X

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