



House of Commons

NOTICES OF AMENDMENTS

given on

Monday 9 June 2014

*For other Amendment(s) see the following page(s) of Supplement to Votes:
31-52*

CONSIDERATION OF BILL

DEREGULATION BILL, AS AMENDED

Mr Brooks Newmark

NC17

To move the following Clause—

“Presumed diversion of intrusive public rights of way in limited circumstances

In section 119 of the Highways Act 1980, after subsection (6A), insert—

- “(6B) (1) Where a path or way passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises—
- (a) subsections (6) and (6A) above shall not apply; and
 - (b) the Secretary of State or council shall confirm a public path diversion order unless he, or as the case may be, they are satisfied that the privacy, safety or security of the premises are not adversely affected by the existence or use of the path.
- (2) Where the premises have been unlawfully extended to encompass the path or way subsections (1)(a) and (1)(b) above do not apply.
- (6C) In exercising the powers under this section, the Secretary of State and the council shall have particular regard to the presumption that public rights of way or highways should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.””

Member’s explanatory statement

This new Clause will facilitate statutory guidance to allow for the diversion of rights of way to pass through domestic or business premises on the grounds of privacy, safety or security

Deregulation Bill, continued

Mr Brooks Newmark

NC18

To move the following Clause—

“Presumed extinguishment of intrusive public rights of way in limited circumstances

In section 118 of the Highways Act 1980, after subsection (6), insert—

- “(6A) Where a path or way passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises a council shall make and the Secretary of State or the council shall confirm an order stopping up a path or way unless he, or as the case may be, they are satisfied that—
- (a) the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or
 - (b) it is possible to divert the path or way such that the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or
 - (c) the path or way provides access to a vital local service or amenity not otherwise reasonably accessible.
- (6B) In exercising the powers under this section, the Secretary of State and the council shall have particular regard to the presumption that public rights of way or highways should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.”

Member’s explanatory statement

This new Clause will facilitate statutory guidance to allow for the extinguishment of rights of way that pass through domestic or business premises on the grounds of privacy, safety or security if a diversion is not possible and the right of way does not provide access to a vital local service or amenity not otherwise accessible

Mr Brooks Newmark

NC19

To move the following Clause—

“Presumed extinguishment of intrusive byways open to all traffic in limited circumstances

In section 116 of the Highways Act 1980, after subsection (1), insert—

- “(1A) Where a byway open to all traffic passes through the curtilage of a residential dwelling including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises it is presumed that diversion of the highway so that it does not so pass will make the path more commodious and that the highway is unnecessary unless the court is satisfied that—
- (a) the privacy, safety or security of the premises are not adversely affected by the existence or use of the path; or
 - (b) the path or way provides access to a vital local service or amenity not otherwise reasonably accessible.
- (1B) In exercising the powers under this section, the authority and the court shall have particular regard to the presumption that a byway open to all

Deregulation Bill, *continued*

traffic should not pass through the curtilage of residential premises including the gardens and driveways of the premises, a working farmyard or forestry yard or other operational business or working industrial premises.

- (1C) A “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used mainly for the purposes for which footpaths and bridleways are so used.””

Member’s explanatory statement

This new Clause would create a presumption that byways open to all traffic should be diverted so as to pass through residential or business premises unless the byway does not impact on the privacy, safety or security of the premises, or provides access to a vital local service or amenity not otherwise accessible
