

Appendix 1

Changes to legislation: Wildlife and Countryside Act 1981, Section 53 is up to date with all changes known to be in force on or before 28 March 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART III

PUBLIC RIGHTS OF WAY

Ascertainment of public rights of way

53 Duty to keep definitive map and statement under continuous review.

- (1) In this Part “definitive map and statement”, in relation to any area, means, subject to section 57(3) [^{F1}and 57A(1)],—
 - (a) the latest revised map and statement prepared in definitive form for that area under section 33 of the 1949 Act; or
 - (b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under section 32 of that Act; or
 - (c) where no such map and statement have been so prepared, the map and statement prepared for that area under section 55(3).
- (2) As regards every definitive map and statement, the surveying authority shall—
 - (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in subsection (2) are as follows—
 - (a) the coming into operation of any enactment or instrument, or any other event, whereby—

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- (i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;
 - (ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or
 - (iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path [^{F2}or a restricted byway];
- (b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path [^{F3}or restricted byway] ;
- (c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—
- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [^{F4}a right of way such that the land over which the right subsists is a public path [^{F5}, a restricted byway] or, subject to section 54A, a byway open to all traffic];
 - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or
 - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.
- (4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—
- (a) the position and width of any public path [^{F6}, restricted byway] or byway open to all traffic which is or is to be shown on the map; and
 - (b) any limitations or conditions affecting the public right of way thereover.
- [^{F7}(4A) Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.
- (4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.]
- (5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.
- [^{F8}(5A) Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.]

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- (6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of Schedule 15 shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).

Textual Amendments

- F1** Words in s. 53(1) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(2); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F2** Words in s. 53(3)(a)(iii) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(3); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F3** Words in s. 53(3)(b) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(1)(a), 107**; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F4** Words in s. 53(3)(c)(i) substituted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(4); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F5** Words in s. 53(3)(c)(i) inserted (2.5.2006 for E. and 16.11.2006 for W.) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 70(1)(a), 107**; S.I. 2006/1176, **art. 6**; S.I. 2006/2992, **art. 2**
- F6** Words in s. 53(4)(a) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(5); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F7** S. 53(4A)(4B) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(6); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**
- F8** S. 53(5A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 1(7); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**

Modifications etc. (not altering text)

- C1** S. 53: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1), Sch. 1**
S. 53 excluded (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 49(5), 103(3); S.I. 2006/1172, **art. 2**; S.I. 2006/1279, **art. 2**

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 53(3)(c)(i) words omitted by [2015 c. 20 Sch. 7 para. 2\(a\)](#)
- s. 53(5) words substituted by [2015 c. 20 Sch. 7 para. 10\(a\)](#)
- s. 53(6) words substituted by [2015 c. 20 Sch. 7 para. 10\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(3ZZA) inserted by [S.I. 2019/1288 reg. 2](#)
- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)

NOTICE OF MODIFICATION ORDER

Section 53 of the Wildlife and Countryside Act 1981

WARWICKSHIRE COUNTY COUNCIL

The Definitive Map and Statement for the County of Warwickshire 1998

The Warwickshire County Council Definitive Map Modification Order
Parish of Wolfhampcote Sheet SP56NW

Order No. 2 2020 Path No. R352

The above Order made on 18 March 2020 if confirmed as made, will modify the Definitive Map and Statement for the area by:

- Adding a Byway Open to All Traffic R352, in the District of Rugby and the Parish of Wolfhampcote, shown as a solid brown line between points A and H on plan reference R352/SC2020/OrderPlan annexed hereto.
- It starts from its junction with D2291 Nethercote Road labelled point A (grid reference SP5263 - 6531). It runs generally west-northwest for approximately 350 metres to a point labelled B (grid reference SP5229 - 6533), then generally north-northwest for approximately 50 metres to a point labelled C (grid reference SP5227 - 6537), then generally west north-west for approximately 790 metres to a point labelled D (grid reference SP5154 - 6571) and then generally west north-west for approximately 670 metres to a point labelled E (grid reference SP5089 - 6577), continues generally west north-west for approximately 220 metres to a point labelled F (grid reference SP5068 - 6587) and then generally north for approximately 50 metres to point G (grid reference SP5067 - 6592) the generally west north-west for approximately 28 metres to junction D2289 Wolfhampcote Lane labelled point H (grid reference SP5065 - 6592).
- The width of the route is 12.192 metres (40 feet). The route is unsurfaced

A copy of the Order and Map may be seen free of charge during normal office hours at the office of Warwickshire County Council, Shire Hall, Warwick, CV34 4SA and may be bought there at the price of £5.89. Copies may also be seen during normal office hours at the office PO Box 16, Town Hall, Evreux Way, Rugby, CV21, the Rugby library and on the following website: www.warwickshire.gov.uk/pathorders.

Any representation or objection relating to the Order must be sent in writing to the Strategic Director, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX to arrive no later than 1 May 2020 and applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the Order, or any part of it, or if any so made are withdrawn, the Warwickshire County Council, instead of submitting the Order to the Secretary of State, may itself confirm the Order. If the Order is submitted to the Secretary of State for the Environment, in whole or in part, any representations and objections which have been duly made and not withdrawn will be sent with it.

Dated 18 March 2020
Shire Hall, Warwick

S. Duxbury
Head of Law and Governance

WILDLIFE AND COUNTRYSIDE ACT 1981

**THE DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF
WARWICKSHIRE 1998**

**THE WARWICKSHIRE COUNTY COUNCIL
DEFINITIVE MAP MODIFICATION ORDER**

**PARISH OF Wolfhampcote SHEET SP56NW
ORDER No. 2 2020 Path No. R352**

This Order is made by Warwickshire County Council under Section s53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to the authority that the Definitive Map and Statement for the County of Warwickshire 1998 require modification in consequence of an event specified in:

Section 53(3)(c)(i) of the Act:

that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

The authority have consulted with every local authority whose area includes the land to which the Order relates. The Warwickshire County Council hereby order that:

1. For the purposes of this Order the relevant date shall be 28 February 2020.
2. The Definitive Map and Statement for Warwickshire 1998 Sheet SP56NW, shall be modified as described in Part I and II of the Schedule and shown on the map (R352/SC2020) attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Warwickshire County Council Definitive Map Modification Order, Parish of Wolfhampcote, Sheet SP56NW, Order No. 2 2020, Path No. R352.

Appendix 2

GIVEN under the seal of the County Council this day of 18 March

2020

The **COMMON SEAL** of the
Warwickshire County Council
was hereunto affixed in the
presence of:

P. Endall

Designated Officer.



288/20

**SCHEDULE
PART I**

MODIFICATION OF DEFINITIVE MAP SHEET SP56NW, ORDER No. 2 2020

Description of path or way to be added

Byway Open to All Traffic R352, in the District of Rugby and the Parish of Wolfhampcote, to be added, shown as a solid brown line between points A and H on plan reference R352/SC2020/OrderPlan annexed hereto.

It starts from its junction with D2291 Nethercote Road labelled point A (grid reference SP5263 - 6531). It runs generally west-northwest for approximately 350 metres to a point labelled B (grid reference SP5229 - 6533), then generally north-northwest for approximately 50 metres to a point labelled C (grid reference SP5227 - 6537), then generally west north-west for approximately 790 metres to a point labelled D (grid reference SP5154 - 6571) and then generally west north-west for approximately 670 metres to a point labelled E (grid reference SP5089 - 6577), continues generally west north-west for approximately 220 metres to a point labelled F (grid reference SP5068 - 6587) and then generally north for approximately 50 metres to point G (grid reference SP5067 - 6592) the generally west north-west for approximately 28 metres to junction D2289 Wolfhampcote Lane labelled point H (grid reference SP5065 - 6592).

The width of the route is 12.192 metres (40 foot)

The route is unsurfaced

There are 7 gates at points 1, C, 2, 3, 4, E, H

Appendix 2

PART II

MODIFICATION OF WRITTEN STATEMENT SHEET SP35SW

Variation of particulars of path or way

The entry for R352 to be added:

R352

Byway Open to All Traffic Length: 2158 metres

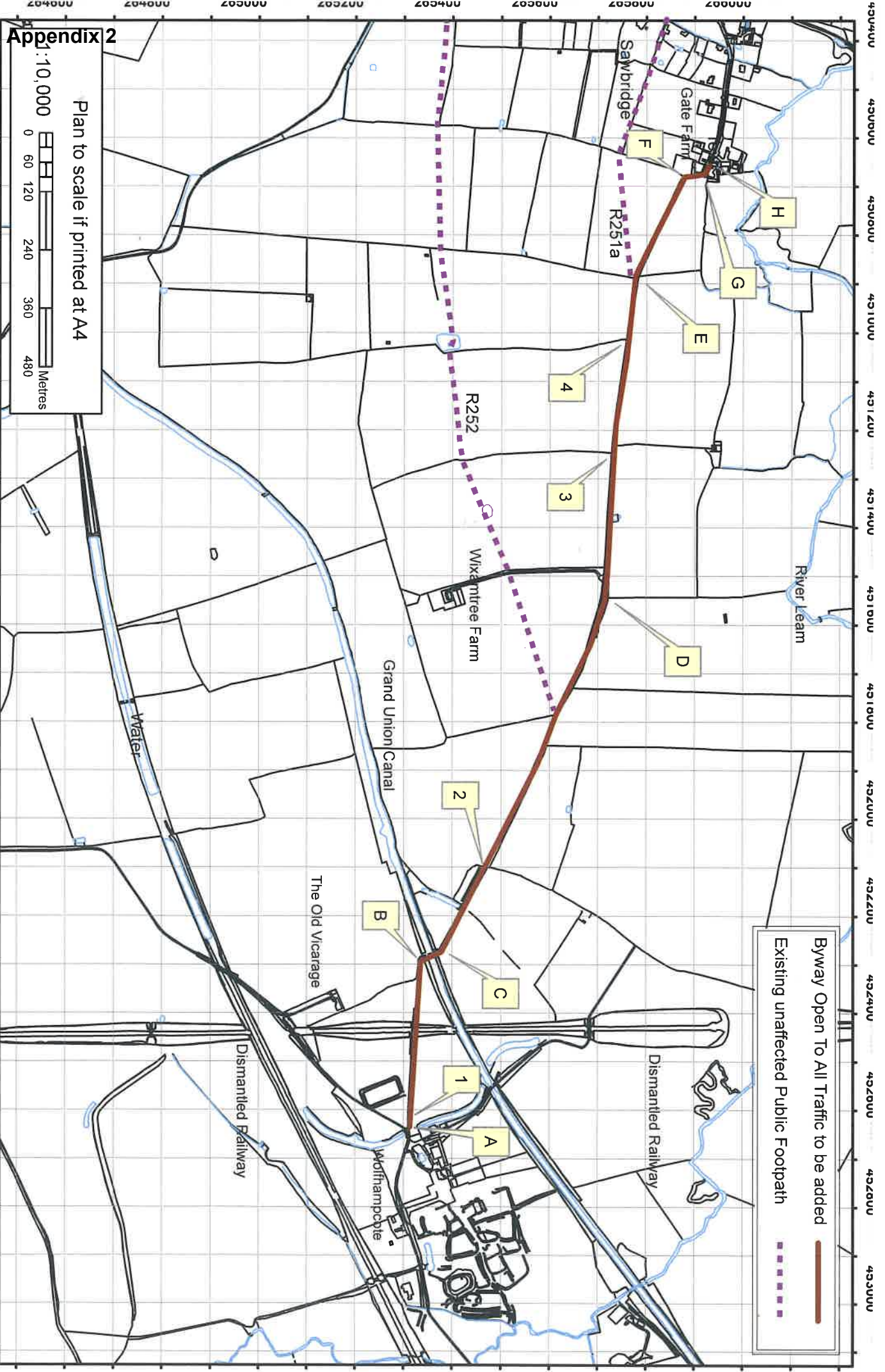
Surface type unspecified width 12.192 metres (40 foot)

FROM: SP5263 - 6531 Junction with D2291
Nethercote Road

TO: SP5065 - 6592 Junction with D2289
Wolfhampcote Lane

Map Sheet: S56NW

Connects with: R252, R251a



Appendix 2
 Plan to scale if printed at A4
 :10,000
 0 60 120 240 360 480
 Metres

Byway Open To All Traffic to be added
 Existing unaffected Public Footpath

The Parish of Wolfhampcote
 Order Plan
 Plan Reference
 R352/SC2020

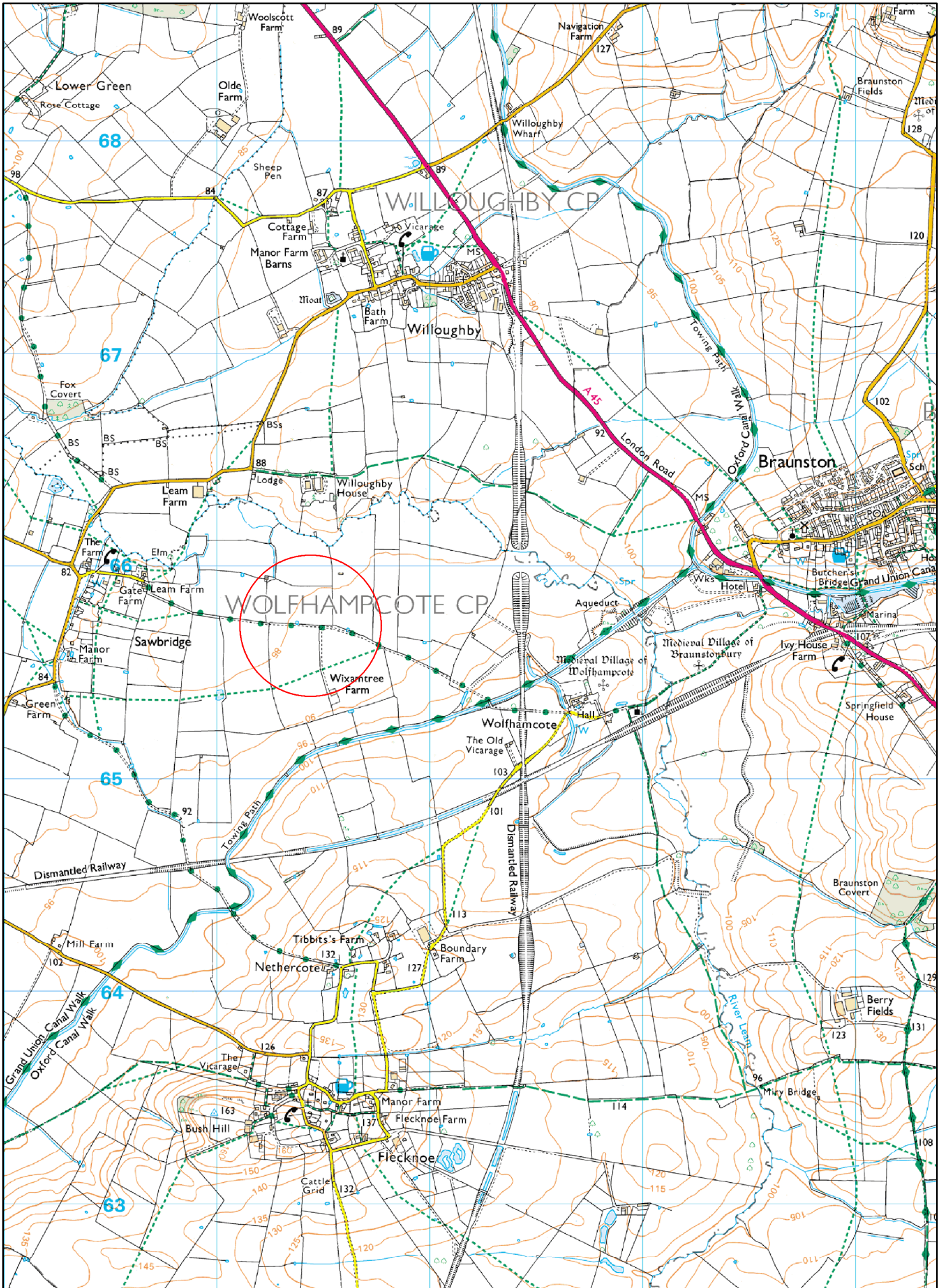
WILDLIFE AND COUNTRYSIDE ACT 1981

WARWICKSHIRE COUNTY COUNCIL

DUPLICATE

**WARWICKSHIRE COUNTY COUNCIL
DEFINITIVE MAP MODIFICATION ORDER
PARISH OF Wolfhampcote
SHEET SP56NW
ORDER No. 2 2020 Path No. R352**

Appendix 3



<p>Title: R352 Location Subtitle:</p>	<p>N 1:24,000 0 125 250 500 750 1,000 Meters</p>	 Warwickshire County Council Rights of Way
<p>Produced by: _____ Date: _____</p>		

John Speed 1610



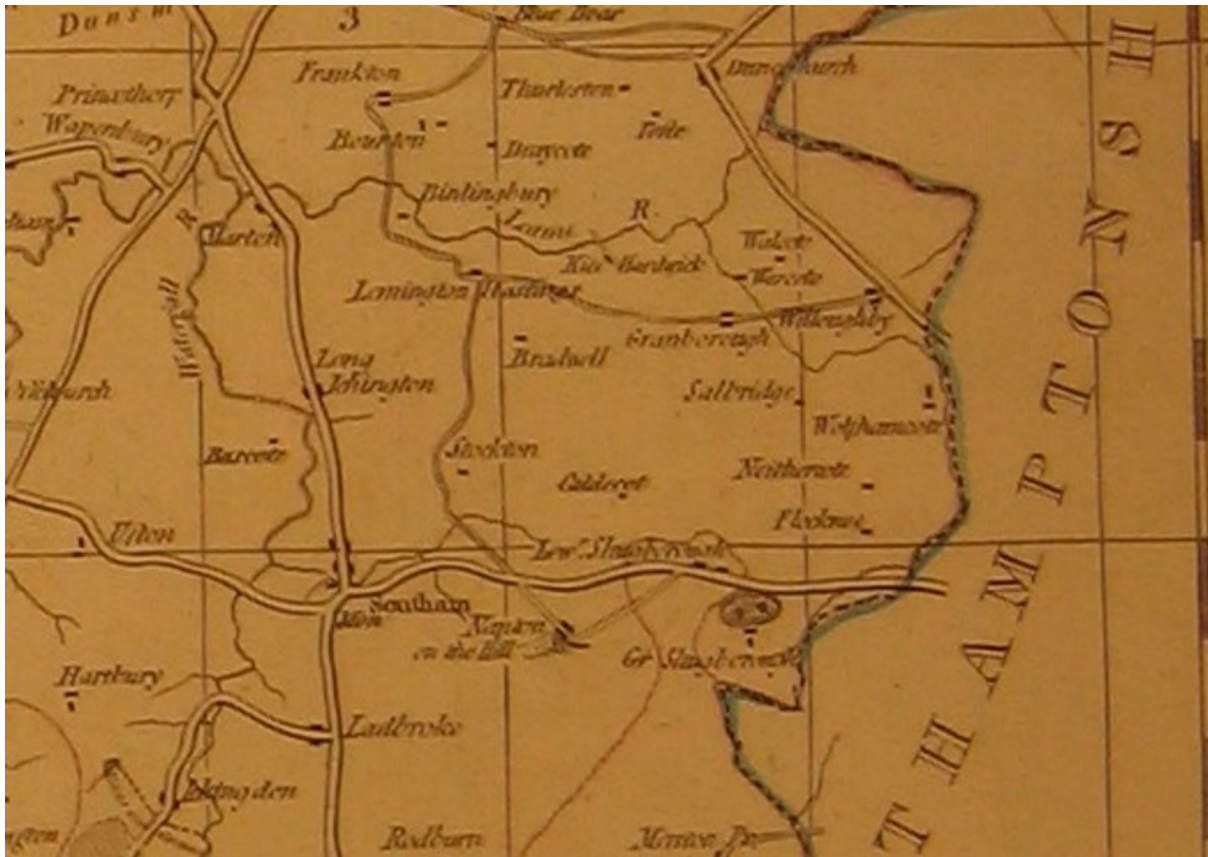
Appendix 5

Henry Beighton 1725



Appendix 6

John Haywood 1788



Cary 1787



Appendix 8

Weller – Railway Map 1808



Appendix 9

Smith -1808



