

Section 31(6) and Section 15(A) Land Owner Deposits

Land Owner Deposits made under Section 31(6) of the Highways Act 1980

Unrecorded public rights of way may be in existence, which have accrued rights through public use 'as of right'. The Council has a duty to investigate claims received in accordance with Section 53 of the Wildlife and Countryside Act, to add unrecorded public rights of way onto the definitive map and statement. A land owner may take steps to prevent this from happening by showing that they have taken sufficient action to make it clear to the public that there are no public rights to cross their land.

Section 31(6) of the Highways Act 1980 enables land owners to make their intentions clear by depositing a map and statement with the Council to acknowledge the public rights of way that already exist on their land. The land owner must follow this by lodging a statutory declaration within 20 years from the date of the deposit, to confirm that no new rights of way have been dedicated. This gives land owners a way of protecting their property, while still allowing a degree of public access. Once lodged with the highway authority, the map, statement and declaration become public documents and available for public inspection.

Whilst it will not necessarily prevent claims for unrecorded public rights of way, making a deposit and declaration prevents public use from between the date of the initial deposit to the date of the deposit of the declaration, from counting towards the establishment of new public rights of way.

Making a Section 31(6) Application

The Growth and Infrastructure Act 2013, came into force on 1st October 2013 and amended procedures for Section 31(6) of the Highways Act 1980. Applications must be made on a prescribed form (CA16).

Please read the guidance notes on the DEFRA Website before making an application.

Please click here for a link to the CA16 Application Form on the DEFRA Website.

<https://www.gov.uk/government/publications/commons-act-2006-landowner-statements-highways-statements-and-declarations-form>

Please note that applications received prior to 1st October 2013 will only have a 10 year life.

Depositing a Statement under Section 15A(1) of the Commons Act 2006

Section 15A(1) Commons Act 2006 provides a way for landowners to bring to an end any period of recreational use "as of right", before the date that the statement is deposited on the register on the land outlined on the statement map. It does not however, prevent a new period of recreational use from commencing after the deposit of the statement.

A CA16 application form also allows for the deposit of a statement accompanied by a map with the commons registration authority to protect a landowner against a registration of a town or village green. For further information please see Planning services link.

Please note that where a joint CA16 Application is made for both a S31(6) Rights of Way Deposit and Declaration and a S15A(1) Town or Village Green Deposit and Statement, the standard fee for each will be payable.

Publishing an Application

Upon receipt of a CA16 Application, the Council is required to publish notice in accordance with the prescribed statutory requirements. The council must also maintain a register of all S31(6) deposits and statements and make these available for public viewing. A register of our S31(6) register of applications is available [here](#). A paper copy of the register and applications may be inspected in First Stop Shop during opening hours, but please contact us 48 hours in advance to allow time for documents to be accessed from secure storage.

Charges for Section 31(6) and Section 15(A) Applications

The council may set a reasonable fee for processing an application of this type and the following charges are now applicable.