

**HIGHWAYS ACT 1980 SECTION 31 (6)  
STATEMENT**

**To:**

Legal & Democratic Services  
Buckinghamshire County Council  
County Hall  
Aylesbury  
Bucks  
HP20 1UA

**\*\*PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM\*\***

I/we \_\_\_\_\_ freehold owner/s of the  
property known as \_\_\_\_\_ which is shown  
outlined in red on the attached plan, hereby give notice in accordance with Section  
31 (6) of the Highways Act 1980 that there are no ways over the land shown on the  
attached plan which have been dedicated as public highways, except for those  
shown as such on the plan.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note: This Statement must be accompanied by a plan of the land on a scale of not less than 1:10,000. The Statement must be completed and signed and dated by all landowners. The plan must also be signed and dated by all landowners.**

Within 10 years of the date of this Statement (and at subsequent intervals of 10 years), it must be augmented by a statutory declaration that no additional rights of way have been dedicated, or if there have been any such, identifying any new Rights of Way.

The purpose of this form is to collect data for further processing within the County Council systems. Your signature on this form implies your consent for the County Council to process the data. The data will be processed in accordance with the purposes notified by the County Council to the Data Protection Commissioner's office and are subject to the Data Protection Act 1998. Since 1 October 2007 the County Council has been required by law to keep a register of Section 31(6) deposits available for public inspection. Details including names and addresses will therefore be in the public domain. Thus the provision of details on this form implies the permission to publish them.

## **HIGHWAYS ACT 1980 SECTION 31 (6) GUIDANCE NOTES**

Section 31 (6) of the Highways Act 1980 enables a freehold owner of land to deposit with the highway authority a map, statement and statutory declaration showing the ways (if any) that he/she admits are dedicated as highways. It enables landowners to protect themselves against claims for public rights of way made solely on use.

**It is important to stress that this procedure rebuts any intention of dedication in the future only. It cannot take away any claims which are based on past user. Nor will it overcome any claims based on documentary evidence (Sydenham, 2001).**

We recommend that any landowner seeking to lodge a map, statement and statutory declaration should seek independent legal advice.

The basic procedure which landowners should adopt is as follows:

1. Obtain a recent or current map at a scale of not less than 1:10,000 of the whole area involved. The landowner should clearly identify the area of land within their ownership, by marking the boundaries of the land owned in red on the plan.
2. Examine the definitive map and statement held by the highway authority to ascertain what public rights of way are already recorded and their precise routes. (The Definitive Map for Buckinghamshire can be viewed at the Centre for Buckinghamshire Studies (at the base of County Hall) in Aylesbury, or by appointment at the Rights of Way Section at County Hall, Aylesbury).
3. Carefully mark on the map the precise route of all public rights of way as shown on the Definitive Map.
4. Draw up a statement or complete the blank statement that is available from the Rights of Way Section or from the website [http://www.buckscc.gov.uk/rights\\_of\\_way](http://www.buckscc.gov.uk/rights_of_way).
5. Submit the statement with the map to the highway authority who will check the details and may need to clarify any areas of uncertainty.
6. Within ten years from the date of deposit of the map and statement, a statutory declaration should be drafted by the landowner's legal advisor and submitted to the highway authority.
7. Subsequent statutory declarations are required at intervals of no more than ten years for the map and statement to remain effective. They should be accompanied by further maps as necessary.

### **References:**

Riddall, J and Trevelyan, J. *Rights of Way, A guide to law and practice*. (4th Ed, 2007).

Sydenham, A. *Public Rights of Way and Access to Land* (3rd Ed, 2007)

Countryside Commission. *Managing Public Access, A Guide for Farmers and Landowners*. (1994).