

Glossary

TREADlightly Glossary of RoW Terms

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Term

Definition and Cross References

A

Abate, Abatement

The practical action necessary to remove a nuisance that affects you personally. In terms of Rights of Way this Nuisance is usually an obstruction and abating it therefore means removing sufficient of the obstruction to allow your passage. When a user removes an obstruction he is abating it; where the obstruction is unlawful abatement is not an offence. The obstruction should not be replaced after abatement, as obstruction is an offence. If abatement is impossible for any reason deviation is allowable.

Access Land

The areas of open moor and mountain that are to be opened to the public for walking under the Countryside Rights of Way Act 2000 - 'right to roam'.

Accommodation Road

A route for the use of persons with an interest in the land to which it leads. Such routes, often created to link fields separated by canals or railways, may also carry public rights. Similar to an occupation road.

Acts Of Parliament

Parliamentary legislation giving legal criteria, constraints and parameters. These can be a general written expression of laws (Public Acts) that parliament has instigated or they can be so called "private acts" that allow for a specific event (like the building of a railway). English law consists of both statute (the laws contained within an Act of Parliament) interpreted by the courts in case law and also Common Law which is not necessarily recorded. Relevant acts can be found via the GLASS library.

ACU

Abbreviation for Auto-Cycle Union

Adopted Road

A road that has been added to the List of Streets and formally adopted by the Highway Authority and is maintainable at public expense, this usually happens when a new estate is ready for occupancy.

Affidavit

A written formally witnessed statement of fact. An affidavit can form useful evidence, for instance of the use of a route in the absence of the witness.

Amendments

A proposed change in a draft Bill or an Act of Parliament. Sometimes legislation amends earlier Acts.

Anomaly

Identified and recorded problems with the Definitive Map and/or Statement

AONB, Area of Outstanding Natural Beauty

An area that has tighter than usual planning control to prevent damage to the landscape by development. This designation means that grant aid for landscape improvements may be available.

ARC

Abbreviation for Association of Rover Clubs

Arrest

Literally to stop. Detention of anyone by another; only legal if a serious offence has been committed or attempted (e.g. for criminal damage or obstruction). Citizen's arrest is not advisable, as certain procedures have to be followed to make it legal.

As Of Right

Activity which is carried out by an individual believing that they have an absolute right to act in this manner. In the context of Rights of Way this usually means the use of a route.

AWDC

Abbreviation for All Wheel Drive Club

B

BB

Abbreviation for RA Blue Book

BBT

Abbreviation for Byway and Bridleway Trust

BDS

Abbreviation for British Driving Society.

BHS

Abbreviation for British Horse Society.

Bicycle

Legally bicycles are vehicles and are only allowed on a carriageway. However, The Countryside Act 1968 allowed their use on bridleways subject to them giving way to pedestrians and horses. In this latter sense a bicycle is distinct from a unicycle, tricycle or tandem.

Blue Book

Rights of Way; a Guide to Law and Practice, published by the Ramblers Association.

BMF

Abbreviation for British Motorcyclists Federation.

BOAT

Abbreviation for Byway Open to All Traffic

Bona-Fide

Genuine

Bridle-Path

An alternative term for Bridleway.

Bridle Road

An alternative term for Bridleway.

Bridleway

A type of highway shown on the definitive map which the public have a right to use on foot, riding or leading a horse. Bridleways were first legally defined by The National Parks & Access to the Countryside Act 1949. The Countryside Act 1968 allowed the use of bicycles provided cyclists give way to both horses and pedestrians. There may possibly be a right to drive livestock. They are currently covered by The Wildlife & Countryside Act 1981. Higher rights may exist based on documentary or user evidence but not have been recognised.

British Driving Society

A user group representing the interests of carriage drivers. Part of their coverage is the use of horse drawn vehicles on Rights of Way.

British Horse Society

A user group for all horse related activities. In addition to their Rights of Way involvement they also hold shows and competitions.

BTCV

British Trust for Conservation Volunteers.

BW

Abbreviation for Bridleway

BY

Abbreviation for BOAT used on a Definitive Map.

Byway

A minor Public Road for all forms of public traffic, including vehicles, See BOAT, RUPP/v

Byway and Bridleway Trust

a registered charity concerned with the rights and laws applying to byways and bridleways.

In over two decades of publication, Their publication Byway & Bridleway has become a valuable reference resource on rights of way law and practice. There is now a comprehensive index of all the case reports and similar matters, amounting to many hundreds of entries. To make this material more easily available, together with old seminar papers and miscellaneous reports, the Trust has now released a CD-ROM Reports & Materials Database.

Byway Open to All Traffic

Usually abbreviated to BOAT. A type of highway or road shown on the definitive map which the public have a right to use on foot, riding or leading animals or with a vehicle. BOATs were first legally defined by the Countryside Act 1968 and are currently covered by The Wildlife & Countryside Act 1981. Part of their definition requires that they be used principally for the purposes that a footpath or bridleway are used.

C

CA 68

Abbreviation for Countryside Act 1968.

CAA 82

Abbreviation for Civil Aviation Act 1982.

Carriage

A vehicle in which the person controlling it travels, designed for the transit of people or goods. A carriage may or may not be motorised.

Carriage Driver

Strictly any person who drives a carriage, motorised or otherwise. However, more generally taken to mean a person who drives a horse drawn vehicle for recreational purposes. They are generally represented by the British Driving Society.

Carriageway

A class of highway on which carriages may travel as of right. Such right is usually but not always, accompanied by the rights accorded to bridleways and footpaths. Prior to 2006, a carriageway could always be used by a motor vehicle unless a Traffic Regulation Order prevented this; but the new Restricted Byway is a carriageway without motor vehicle rights.

A highway may also include a footway alongside, especially in urban areas; in which case 'carriageway' may refer to the part of the highway for non-pedestrian traffic.

Case Law

Case law is the result of various court cases and the way in which they have interpreted the exact wording of statute and of Acts of Parliament.

CC

Abbreviation for County Council

CCW

Abbreviation for Countryside Council for Wales

Cease to maintain Order

Magistrates may direct that a Highway Authority be absolved of its duty to repair a way previously Maintainable at Public Expense

CLA

Abbreviation for Country Landowners Association.

Claim

Application to amend the Definitive Map and Statement, often by upgrading an existing PROW or adding a new one.

CoAg

Abbreviation for Countryside Agency formed by the merger of the Countryside Commission and the Rural Development Commission in 1999.

CoCo

Abbreviation for Countryside Commission now defunct, see CoAg

Common Law

Traditional law not laid down by an Act of Parliament, which produces Statute Law, but rather evolving from judges decisions in case law, tradition and ancient practice based on historical legal precedents developed over hundreds of years. Because it is not written by elected politicians but, rather, by judges, it is also referred to as "unwritten" law. Judges seek these principles out when trying a case and apply the precedents to the facts to come up with a judgement. Common law is often contrasted with civil law systems which require all laws to be written in a code or written collection. Common law has been referred to as the "common sense of the community, crystallized and formulated by our ancestors". Trespass and Nuisance are dealt with by common law. It is under Common law that a right may be established based on use of a route.

Common Rights

The right of commoners to use an area of commonly held land (common) including the right to graze livestock.

The Council for the Protection of Rural England

A rather conservative body which tries to hold the countryside in stasis.

Country Land & Business Association

Another name for the Country Landowners Association

Country Landowners Association

An association of landowners. They favour the addition of byways where they are proven, but advise their members to oppose vehicular rights.

Countryside Act 1968

An Act of Parliament which makes major amendments to The Wildlife & Countryside Act 1981. Requires all RUPPs to be automatically changed to Restricted Byways a new class of highway. 'Caps' the Definitive Map.

Countryside & Rights Of Way Act 2000

An Act of Parliament which made major amendments to The National Parks & Access to the Countryside Act 1949 and contained the procedures for administering the definitive map & statement. This Act has since been substantially replaced by the Wildlife & Countryside Act 1981. The most noticeable changes this act brought about were introduction of BOATs, the duty to reclassify RUPPs and to sign Rights of Way shown on the definitive map and the right for bicycles to use bridleways subject to giving way to walkers and horse riders.

County Council

often the Highway Authority ; and Surveying Authority (keepers of the Definitive Map and Statement).

Courts

English Law is broadly divided into two parts: statute and case law. The latter of these is based on the way that various court cases have interpreted the wording of Acts of Parliament or filled in the unwritten gaps in their coverage.

CPRE

Council for the Protection of Rural England.

Crow Act , CROW2000

Abbreviation for Countryside & Rights of Way Act 2000

CRB, CRF

Carriage Road Bridleway, CR Footpath ; obsolete terms found on some DM&S with similar meaning to RUPP

CTC

Cyclists Touring Club, the oldest highways 'user group'.

D

DDA 95

Abbreviation for Disability Discrimination Act 1995

Dedication, Dedicate

The main process by which a right of way can come into existence. It can be the result of an 'expressed' decision on the part of the landowner, or 'presumed' from his actions or inaction.

Definitive Map & Statement

A legal document showing the location and status of footpaths, bridleways, RUPPs and BOATs along with a description including any limitations of use available for inspection and copying at county and district council offices.

It was brought into being by The National Parks & Access to the Countryside Act 1949 but is now covered by the Wildlife & Countryside Act 1981. The Statement accompanies the Map and should detail the width of the right of way, gates, stiles, etc and records the status with which the authority regard it at the current point in time. Not all unsurfaced vehicular ways are shown, and any public paths shown may also have vehicular rights not recorded there.

DEFRA

Abbreviation for Department for Environment, Food and Rural Affairs

DETR

Abbreviation for Department of the Environment, Transport & the Regions which had a brief for countryside access, and oversaw the Definitive Map processes.

Deviation

One means of dealing with an obstruction is taking an alternative route around it in order to continue one's journey. This may include passing onto land that is not a part of the highway.

Disability Discrimination Act 1995

An Act of Parliament that requires all service providers (including the 'service' of Rights of Way) to make the services equally accessible to disabled persons. The full text of this act and others since 1988 are on the HMSO website.

Discovering Lost Ways

A CoAg Project to find the estimated 20,000 (9%) unrecorded, unclaimed rights of way in England, estimated to take 54,000 days from 14 main sources of information. See DLW website

Diversion

A departure from the highway initiated by the highway authority.

DM

Abbreviation for Definitive Map

DM&S

Abbreviation for Definitive Map & Statement of Rights of Way, kept by CCs.

DMMO

Abbreviation for Definitive Map Modification Order, the official way that changes (except RUPP reclassification) are submitted for recording on the Definitive Map & Statement.

DMO

Abbreviation for Definitive Map Orders.

See Definitive Map Orders on Planning Inspectorate website.

DOE

Abbreviation for Department of the Environment

DORA

Abbreviation for Disabled & Off Road Access Group (actually includes on-road access)

DTLR

Department for Transport Local Government Regions

Drove Road, Drift Road

A route historically used for transport of livestock, usually cattle, which may have had to walk long distances to market. Also called Drift and Driving Road. Many green lanes were drove roads. The right to drive cattle is a feature of a carriageway - an all-purpose highway. Other than as a private right, an easement, Drove Road is not a class of highway.

E

Easement

A right granted to a person or body such as a statutory undertaker to use land usually for access to other land or equipment

Environmental Protection Act 1990

The act which deals with the handling, storage, use, disposal and emissions of substances, and of hazardous and non-hazardous waste. Covers dumping, statutory nuisances and even dumping of supermarket trolleys. The full text can be found on the HMSO website.

EPA 1990

Abbreviation for Environmental Protection Act 1990

F

FA 1910

Abbreviation for Finance Act 1909 / 1910, which caused a land ownership survey

Footpath

A type of Highway shown on the definitive map which the public have a right to use on foot only. Footpaths were first legally defined by The National Parks & Access to the Countryside Act 1949 and are currently covered by the Wildlife & Countryside Act 1981. The courts have extended this use to natural accompaniments of a walker such as a pushchair, pram and dogs under control.

Footway

A portion of a carriageway that is set aside for used only by pedestrians. In towns and other urban areas where it is normally provided with a kerb and paving this is often referred to as a pavement. Not the same as footpath, and not shown on the DM&S.

FP

Abbreviation for Foot Path

Founderous

A route which is out of repair to the extent that it is likely to bring a horse to its knees.

G

GLASS

Abbreviation for Green Lane Association Ltd.

GLEAM

Abbreviation for Green Lane Environmental Action Movement - a financially powerful anti-access pressure group claiming to have the Duke of Edinburgh as their patron. Making use of the old boy network and the press to achieve their aims. Their main interest is land values. They are secretive about their membership claiming many members but having few active members. They do not have a web presence. Members are believed to include David Gardner, Deputy Lord Lieutenant of Berkshire, Elizabeth Stills, Chris Bonnington

GLOW

Abbreviation for Green Laners of Wales

GLPG

Abbreviation for Green Lanes Protection Group, an alliance orchestrated by GLEAM to draw in Ramblers Assoc and others.

Green Lane

This has no meaning in legal terminology. It is taken to mean any carriageway with a surface that has not been made up with concrete or tarmac. Some Highways Authorities also refer to Green Roads. Examples of green lanes

include road, RUPP, BOAT, UCR, RT road.

Green Laners of Wales

The local organisation that started in South Wales which has developed into the national organisation that is GLASS.

H

HA

An abbreviation for either of the following depending on context: -

- (a) Highways Authority
- (b) Highways Acts

HA 1738

HA 1835

HA 1959

HA 1980

Abbreviation for highways act 1738

Abbreviation for highways act 1835

Abbreviation for highways act 1959

Abbreviation for Highways Act 1980

HA1980 S116

Abbreviation for Highways Act 1980, section 116 . The section that allows application to Magistrates to stop-up (close) a highway.

HA 1980 S36

Abbreviation for Highways Act 1980, section 36. The section that requires a Highways Authority to keep a list of streets.

HA 1980 S56

Abbreviation for Highways Act 1980, section 56. The section that allows a member of the public to serve notice of a Highway Authority forcing them to put into repair a section of highway that is out of repair.

HA 1980 S130

Abbreviation for Highways Act 1980, section 130. The section that puts a duty on a Highway Authority to 'assert & protect' public rights.

Her Majesty's Stationary Office

Usually abbreviated to HMSO; The official government publisher who, amongst other publications produce Acts of Parliament. See HMSO website.

Higher Rights

Different rights exist on different classes of right of way. Higher rights are said to exist where more classes of user are permitted. Not all rights that exist are necessarily shown on the definitive map.

Highway

A way for public use, maybe a footpath, bridleway or byway. (In HA 1773 'Highway' meant only a Full Highway) Any route over which all persons, rich or poor, have an absolute right to use to pass and repass as often and whenever they wish, without let or hindrance. Some highways have restrictions on how they can be used but all Rights of Way are highways.

Highways Act

Any of a series of Acts of Parliament that have set out the administrative procedure for dealing with highways. The first highways act of real interest for Rights of Way law is that of 1835 which made all existing Roads maintainable by the inhabitants at large (now maintainable at public expense).

Highways Act 1980

The current highways act that sets out the administrative procedure for dealing with highways. See the important sections in the GLASS library.

Highways Agency

Authority that deals with motorways and major road repairs

Highway Authority

The statutory authority charged with the maintenance and the protection of the public's right of passage for a particular highway. In most cases this is the County Council, Unitary Authority or MBC but it could also be the Secretary of State in the case of trunk roads (which includes most motorways).

HMSO

Abbreviation for Her Majesty's Stationary Office

I

IA

Abbreviation for Parliamentary Inclosure Acts to enclose land, or Inclosure Award, removing common rights. This process mainly took place between 1750 and 1850. Roads and access routes were documented, and this is a valuable source of evidence for highway status.

Inspector

The officer in a public inquiry.

Institute Of Public Rights Of Way Officers

A professional body for people who work in the field of Rights of Way and Countryside Access. Often abbreviated to IPRoWO.

Interested Party

Someone who has registered an interest in the result of a planning proposal.

IPRoWO

Abbreviation for Institute of Public Rights of Way Officers

J

Judicial Review

A process of requiring the courts to interpret the wording of an Act of Parliament without legal proceedings being brought against an individual or other body. Interpretation can also be determined by case law.

K

Kissing Gate

A gate that swings between two barriers with a space for a person to stand between the barriers, thus preventing passage of livestock. This type of field gate is used on footpaths as a more negotiable structure than a stile. It would appear that the DDA 95 requires that all new installations of such furniture are kissing gates and that existing stiles should be replaced with kissing gates when their replacement becomes necessary.

L

Land Search

Legal process by which existence of Rights of Way can be properly identified during transfer of ownership.

Landowner

An owner of land adjacent to the highway, the highway is not owned by him.

Lane

A generic term for a track or road. It is some times used as an alternative term for green lane. Like a track a lane may be either public or private.

LARA

Land Access & Recreation Association set up to represent motor sport and recreation.

Let or Hindrance

Let - the Old English verb "to let" meaning to hinder has now fallen out of everyday use. It was common from old English times to the 19th century. J. Copley; Shift of Meaning

[The phrase without let or hindrance is still used on the British passport].

Limitations Of Use

Restrictions, for example, a pedestrian may not plan a walk along a motorway.

List Of Streets

A list which all highways authorities must legally keep, showing all the highways in their area which are maintainable at public expense.

Local Planning Authority

Local Authority responsible for processing planning applications

London Gazette

A national newspaper that is only available by yearly subscription. It carries legal notices and a requirement of many Acts of Parliament is that a public notice be published in the London Gazette. The principle notices that affect Rights of Way are T&CPA 90 orders and stopping up orders made under HA 1980.

See the London Gazette website

LOS

Abbreviation for the List of Streets.

M

Maintainable at Public Expense

Maintained with public funding.

MAFF

The Ministry of Agriculture Fisheries and Food

Maintenance

Upkeep in good repair.

MBB, MBOB

Abbreviation for Making the Best of Byways, a DETR publication for HAs and others, giving recommendations for looking after Byways.

The GLASS library has a copy of MBOB

MBC

Metropolitan Borough Council

Mechanically Propelled Vehicle

A wider definition than Motor Vehicle, which includes non-road vehicles (such as quad bikes)

Moiety

Half of something (i. e. to centre of road from adjoining landholdings)

Motor Vehicle

The term is defined in RTA 88 to mean: a mechanically propelled vehicle intended or adapted for use on roads

Motorist

A person who uses a motor vehicle

MPV

Abbreviation for Mechanically Propelled Vehicle

N

National Parks & Access to the Countryside Act 1949

The origin of the DM&S, intended to record minor highways.

National Parks & Access to the Countryside Act 1949

A part of this Act has far-reaching effects on minor highways, extinguishing many existing rights and curtailing those that could be verified in future.

Natural Accompaniments

For pedestrians; Pushchair, wheelchair, pram, dogs.

NERCA 2006

Abbreviation for Natural Environment & Rural Communities Act 2006

NFU

The National Farmers Union.

NGLD

National Green Lane Day. A twice yearly lane clearance and repair event organised by LARA.

NGR

Abbreviation for National Grid Reference, the system of 100 km grid squares (usually designated by two letters) that are subdivided into co-ordinates for pinpointing a place on a map.

NPA

National Park Authority

NIMBY

A term derived from 'Not In My Back Yard' applied to anyone who is an objector to something because of its proximity to their home etc.

NPACA 49

National Parks & Access to the Countryside Act 1949

Nuisance

Any obstruction or encroachment of the highway can be a nuisance to highway users. The EPA 1990 defines the criteria for statutory nuisances. An individual can take action to abate a nuisance or deviate around it provided it personally affects that individual.

O

Objection

A formal notice that is served upon an OMA stating an individual's intention to legally oppose the making of the order. In any subsequent proceedings such as a public inquiry, an individual Objector becomes a statutory objector instead of just an interested party. Any objection must be served within the objection period

Objection Period

The period set out by statute that an OMA must allow in order that a member of the public can serve an objection. Most Acts of Parliament specify this period to be 42 days.

Objector

A person who lodges an objection to an order served or applied for by a local authority or other person or body.

See also: statutory objector

Obstruction

Any structure, natural or otherwise, that hinders or prevents the use and enjoyment of the full width of a highway. Some obstructions can be legally authorised but the majority are illegal whether they prevent use of a highway or not. An unlocked gate is a particularly contentious and all too common form of obstruction. Obstructions may be abated or a deviation round them onto adjacent land is allowable. Penalties for wilful obstruction are laid out in HA 1980 s137. See also: limitation of use. The highways authorities duty is to prevent and remove obstructions.

Occupation Road

A road with private rights for those with an interest in adjacent land, similar to, but not quite the same, as accommodation road. It may also have public rights.

Off-Road

Taking place completely away from any highway (e.g. motocross)

Off-Tarmac

Preferred term for activities on unsealed or unsurfaced roads.

OMA

Abbreviation for Order Making Authority (CC for a DMMO)

OOR

Out of repair

ORPA

Other Route with Public Access - a designation used on OS Maps to indicate some but not all UCRs, unclassified roads.

Ordnance Survey

The map-making body for the UK. Two scales of OS maps show rights of way; the Explorer at a scale of 1:25000, and the Landranger at 1:50000. Outdoor Leisure maps are special versions of the 1:25000 for tourist areas. OS maps do not show all vehicular rights, and do show some private tracks

OSGR

Abbreviation for Ordnance Survey Grid Reference (also known as National Grid Reference), the system of 100 km grid squares (usually designated by two letters) that are subdivided into co-ordinates for pinpointing a place on a map.

Out of Repair

A formal description of a highway that is in need of repair

P

Parliamentary Inclosure Act

There were several Parliamentary Inclosure Acts which have been in part repealed the Statute Law (Repeals) Act 1998. These acts served to pass ownership of land from the community at large to the few.

Pass

It is an absolute right of all free citizens to pass and repass along a highway without let or hindrance. There have been precious few common law examples to show how far this extends but it is clear that the right of passage only permits bona-fide journeys. See also: obstruction

Passage

Travelling through an area along a highway.

Path

One of several generic terms used to denote a defined route. It is generally narrower than a lane or track but like either of these it may be either public or private.

Path Creation Order

HA1980 S25 and S26 allow a highway authority to make a path creation order to bring into being a footpath or bridleway by dedication, with the agreement with the landowner or compulsorily. These sections apply only to public paths and not to carriageways.

Pavement

Surfaced urban footway.

PbCR

Abbreviation for Public Carriage Road

Pedestrian

One who travels on foot.

Permissive route

A route where the owner has indicated that for the time being he does not mind use by a given class of traveller. Permission may be withdrawn at any time.

PI

Either of the following depending on context: -

- (a) Public Inquiry
- (b) Planning Inspectorate

Purprestur / Pourpresture

Encroachment onto the roadside, such as garden extensions, and whitewashed stones to keep vehicles off the verge is an illegal obstruction. Derived from the French pour, and prendre, pris, to take. Written also Pourpresture. (Imperial Dictionary 1903) However purpresture never serves to give title to a highway. In law, it constitutes a nuisance, consisting in an inclosure of or encroachment on something that belongs to another party, or to the public. Three sorts of this offence are noted, the first against the crown, the second against the "lord of the fee", and the third against a neighbour by a neighbour.

Prescribed Body

Any one of a number of user groups that a Highway Authority or other body must consult with before making certain kinds of legal order. Prescribed bodies were first set up by the CA 68 and have not been updated since. The ACU and WTRA are the only prescribed motoring bodies.

Prescriptive rights

Legal terms for rights of way established by unrestricted public use. Such use must be without force, without secrecy, and not as a favour or by permission. See 'as of right'.

Private Rights

Access agreements between private parties and not registered with Highway Authority.

Private Highway
Highway Maintainable at Private Expense

Private Road
A road which is one or more of the following: -

- (a) Privately maintained highway. i. e. by prescription, tenure, enclosure, dedication.
- (b) Privately owned, may be a highway.
- (c) Private use road.

Due to this ambiguity, 'Private use', or 'Private maintenance' is a preferable term.

PRoW

Abbreviation for Public Rights of Way, all ways over which the public have a right to pass; Public Footpath, Bridleway, RUPP and BOAT, including those recorded on the definitive map.

Public Acts

The Acts of Parliament applying generally.

Public Carriage Road

A description of an all-purpose highway often found in older documents.

Public Footpath
RoW for use on foot only.

Public Highway
Highway Maintainable at Public Expense

Public Inquiry

A public investigation carried on by an independent inspector, the official way of examining evidence and letting anyone concerned in proposed changes have a say, and produce their own evidence.

Public Path

Defined by the National Park & Access to the Countryside Act 1949 as either a footpath or bridleway shown on the definitive map. See also: RUPP, BOAT - which are NOT Public Paths.

Public Path Order
Legal process by which some PRoW can be properly altered, created or removed .

Public Vehicular Rights

Rights for a member of the public to use any legal vehicle.

PvCR

Abbreviation for Private Carriage Road

PVR

Abbreviation for Public Vehicular Rights

Q

Quasi Judicial

Refers to decisions made by administrative tribunals or government officials to which the rules of natural justice apply. In judicial decisions, the principles of natural justice always apply. Between routine government policy decisions and the traditional court forums lies a hybrid, sometimes called a tribunal or "administrative tribunal" and not necessarily presided by judges. These operate as a government policy-making body at times but also exercise a licensing, certifying, approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person. Some law teachers suggest that there is no such thing as a "quasi-judicial" decision or body; the body or decision is either judicial or not.

Quiet Enjoyment

Quiet enjoyment: Implied obligations of a lessor that a lessee's peaceful enjoyment of the premises shall not be interfered with by the lessor or by any person who claims under him. "Quiet" is not restricted to an absence of noise; it has been interpreted as "uninterrupted".

When applied to highways, it means that we should be able to travel on byways without threat of hindrance.

R

RA

Ramblers Association

Ratione Tenurae Road

RT roads are not publicly maintainable but maintainable by the landowner (usually of adjacent land but not always) but open for public use

RB

Abbreviation for Restricted Byway

Reclassify / Reclassification

The process whereby RUPPs on the Definitive map are reconsidered by the Highway Authority and reclassified as BOAT, Bridleway or Footpath, depending on the evidence. Such changes do not remove any higher rights which may exist. A "reclassification order" means an order made under section 54(1)(b) of the Wildlife and Countryside Act 1981. Applications by individuals to have the recording of an existing route changed may be informally called 'reclassification'.

Repass

The right to use a highway is the right to pass and repass; inferring that there is not a limit on the frequency of this highway use.

Restricted Byway

A new class of highway that was created in 2006 by the Countryside & Rights of Way Act. All RUPPs became restricted byways with conclusive rights for non-motorised vehicles, pedestrians and horse riders. Rights for motor vehicles will be harder to ascertain than was the case for RUPPs.

Right of Way

Strictly any highway is a Right of Way; any route over which the public have a right to pass and repass without let or hindrance. However, the term Right of Way is more generally used to denote a highway shown on the definitive map & statement. See also: footpath, bridleway, RUPP, BOAT, RB.

Rights of Way Improvement Plan

The Rights of Way Improvement Plan required under the CROW Act. Local Rights of Way authorities are required to prepare these but not to implement them. The rationale for this is that the lack of funding enables them to raise funding privately.

Road Traffic Act 1930

The Act of Parliament that first made it an offence to drive a motor vehicle on a footpath or bridleway, A subsequent act is the RTA 88.

Road Traffic Act 1988

The Act of Parliament that that controls the use of vehicles on roads and other highways. It is section 34 of this act that makes it an offence to drive a motor vehicle on a footpath or bridleway. See also: RTA 30 and Road Traffic Act 1988 text at HMSO.

Road Traffic Regulation Act 1984

The Act of Parliament that controls how and when TROs can be applied to a highway

Road Used as Public Path

Originally defined by the National Parks and Access to Countryside Act 1949 and usually abbreviated to RUPP. This is a class of highway shown on the definitive map. Rights as for a bridleway, plus possible right for public with vehicles.

The CA 68 required that all RUPPs be reclassified as footpaths, bridleways or BOATs. The Wildlife Countryside Act 1981 has continued this requirement but under different criteria. Most RUPPs are carriageways but it cannot be assumed that all are without some additional supporting evidence. RUPPs have been re-designated as restricted byways under section 47 of the CRoW Act See also: road, UCR.

RoW

Abbreviation for Right of Way

RoWRC

The House of Commons RoW Review Committee.

RoWIP

Abbreviation for Rights of Way Improvement Plan

RT Road

Abbreviation for Ratione Tenurae Road, a public road maintained privately by reason of tenure. All RT roads are public carriageways, sometimes marked on the List of Streets.

RTA 30

Abbreviation for Road Traffic Act 1930

RTA 88

Abbreviation for Road Traffic Act 1988

RTRA 84

Abbreviation for Road Traffic Regulation Act 1984, sets rules for TROs

RUPP

Abbreviation for Road Used as Public Path.

RUPP/V

Abbreviation for RUPP with vehicular rights, RUPPs may have VR depending on evidence

RW21STC

Abbreviation for Rights of Way in the 21st Century

S

S 116

Abbreviation for Section 116 - a road closure order made under the Highways Act 1980.

S 118

Abbreviation for Section 118 - Stopping up of footpaths and bridleways under Highways Act 1980

S 53

Abbreviation for WCLA 81 section 53, a DMMO upgrade a DM way

S 54

Abbreviation for WCLA 81 section 54 RUPP reclassification order

Serve

The process of issuing a legal notice on an individual, corporate body or local authority. In Rights of Way notices are usually served on either a landowner or a Highway Authority. See also: DMMO, objection

SSSI

Site of Special Scientific Interest.

Statute

The laws contained in an Act of Parliament.

Statutory Authority

The authority charged with overseeing a process.

Statutory Nuisance

Any obstruction or encroachment onto the highway can be a statutory nuisance to highway users. The EPA 1990 defines the criteria for such nuisances. An individual can take action against a nuisance including abatement or deviation provided they are personally affected

Statutory Objector

Someone who has registered their objection to a proposal with the local authority.

Statutory Undertaker

Service suppliers such as Water Board, Electricity Supplier, etc

Stile

A stepped structure that allows passage over a fence or wall.

Stop Up

The legal process of removing public rights from a highway. It can either remove all rights, in which case the route ceases to be a highway, or it can be subject to the reservation of a footpath, bridleway or restricted byway. See also: cease to maintain order

Stopping Up Order

A legal order made by a magistrate, usually upon the application of a Highway Authority, which stops up a highway or a portion of highway.

Surfaced

Road dressed with stone, tarmac or similar.

T

T&CPA 90

Town & Country Planning Act 1990

Tarmac

Tarmacadam, used to seal roads. Strictly, most modern 'tarmac' is Asphalt.

Tarred Unclassified County Road

Tippex

An unofficial procedure used in the past to save many HAs the trouble of an s116, when applied to the List of Streets

TPCA

Abbreviation for Town Police Clauses Act, (covers many highway activities)

Track

Narrow or unmade road

Traffic

Traffic Regulation Order

An order made under RTRA 84 to control any type of traffic including pedestrians. Such an order can prohibit the use of a highway by all or specific classes of traffic and can affect such things as one-way streets and speed limits. In Rights of Way most TROs are used to prevent use of highways by either motor vehicles or all vehicles.

TRF

Abbreviation for Trail Riders Fellowship

TRO

Abbreviation for Traffic Regulation Order

TUCR

Abbreviation for Tarred Unclassified County Road

U

UCR

Abbreviation for Unclassified County Road

Unclassified County Road

Every Highway Authority is required to keep a list of streets. Some of the highways on this list will be classified as A B or C roads depending upon their importance, but the minor roads (often shown white on a map) are unclassified.

Unlocked Gate

A particularly contentious form of obstruction. Gates can be legally authorised on public paths but not on carriageways. The only way that a gate (even an unlocked one) can be legal on a carriageway is if the route was dedicated with the gate as a limitation of use which is very unusual. However, gates are necessary for stock control and allowing stock to escape is both irresponsible and dangerous. This is such a difficult issue that even the Country Code is at odds with the legal position!

Unsealed Road

Any road without a sealed (i. e. tarmac or concrete) surface

Unsealed UnClassified Road

Unsealed road with lower status than a C road.

Unsurfaced Road

Road in natural condition, earth or unlaidd stone road

UUCR

Abbreviation for Unsealed UnClassified Road (nb. not restricted to unsurfaced or unmetalled road)

V

Vehicle

An apparatus for carrying goods, travellers or providing a service. This includes sledges, bicycles, prams, wheelbarrows, sedan chairs, and litters; as well as carts, cars and motorcycles. Legally almost all vehicles are carriages.

Vehicular Right of Way

Right of way with vehicular rights.

Vehicular Rights

The right to use a vehicle on a right of way.

Voluntary Restraint

Voluntary Restraints of motorised use are agreed by LARA

VR

Abbreviation for either of the following depending on context: -

(a) Voluntary Restraint agreed by LARA

(b) Vehicular Rights

VRoW

Abbreviation for Vehicular Right of Way, a Carriageway

W

W&CA 81

Abbreviation for the Wildlife & Countryside Act 1981.

Waymarking

The use of symbols indicating status and direction of rights of way in situ.

White Road

An (un-sealed) road described by an uncoloured line in the on OS Landranger series, often but not necessarily with PVR

Wildlife and Countryside Act 1981

The current Act of Parliament that controls how the definitive map & statement are maintained and modified. See also: DMMO, footpath, bridleway, RUPP, BOAT

WLCA 81

Abbreviation for the Wildlife & Countryside Act 1981

WTRA

The Welsh Trail Riders Association.

X,Y,Z