

**Step by step guide for landowners preparing maps,  
statements and statutory declarations under  
The Highways Act 1980 s.31(6)**

1. Obtain a recent or current map at the largest scale available of the entire area that you own. (The Act specifies a scale of 1:10,000 and this is the minimum recommended.)
2. Examine the definitive map and statement to ascertain what public rights of way are already recorded over your land, and their precise routes. This should avoid the need to rectify mistakes after the map, statement and statutory declaration have been formally submitted. You can examine the map yourself, or Hartlepool Borough Council can carry out a standard search of the definitive map for you. This service includes marking on your map the routes of all recorded and claimed rights of way. Please contact the rights of way section to request a search, or to arrange an appointment to examine the map yourself.
3. It is also advisable, though not necessary:
  - (a) to check the status of any paths, tracks, farm roads or short cuts on your land to ascertain whether the public has been using them for 20 years or more;
  - (b) to check legal documents such as inclosure awards which may indicate that other public rights of way exist which are not shown on the definitive map;
  - (c) to consult the list of publicly maintainable highways held by the county surveyor under s.36(6) of the Highways Act 1980 to identify unmetalled roads, which may be recorded there, and not on the definitive map. Your map should show any roads that are highways as well as the public rights of way;
  - (d) to consult the parish council or local user groups to see whether there are any other paths likely to be claimed which you may wish to recognise. The rights of way section may also have records of possible claims - contact them for further information.
4. Carefully mark on the map the precise route of all public rights of way shown on the definitive map or otherwise acknowledged by you to exist.
5. Except as indicated below, you should not try to deny the existence of any public rights of way shown on the definitive map. As a matter of law the definitive map provides conclusive evidence of the existence and status of any public right of way shown on it until the map is altered by a formal definitive map modification order or public path order.
6. If you have made an application for a definitive map modification order to amend the map and statement in relation to any way shown on it, this may be referred to in the statement and statutory declaration.

For example:

*The way coloured [something other than green] on the said map is recorded on the definitive map as a bridleway, but I do not accept that the map and statement are correct and have applied under s.53 of the Wildlife and Countryside Act 1981 to Hartlepool Borough Council for a definitive map modification order to be made to [state the effect of the order applied for].*

7. If you wish to divert or extinguish a public right of way, you should apply for a public path order. Unofficial diversions should not be shown; the effect of the statutory declaration would be to confer public right of way status on such routes. The route on the definitive map will still remain a public right of way.

8. Draw up the statement and statutory declaration following the model documents shown below. Please note that these examples are not forms to fill in – you will need to have them retyped, and you may wish to consider consulting a solicitor to ensure that they are accurate. The statement should be signed before a witness, and the statutory declaration must be declared before a commissioner for oaths, solicitor or JP. The statement should be made first and the statutory declaration shortly afterwards. The owner of the land concerned (i.e. the person who is for the time being entitled to dispose of the fee simple in the land) should make the statutory declaration. This includes the tenant for life (land held under a strict settlement) or the trustees (land held under a trust for sale). If an estate is divided, then it is important that the appropriate person makes the declaration for each part of the estate in each case.

9. Submit the statement with the map and statutory declaration to the Countryside Access Officer, Hartlepool Borough Council (see addresses below). If the rights of way section has not already checked the map, they will check it against the definitive map and may contact you to clarify any areas of uncertainty. Further maps as necessary should accompany subsequent statutory declarations.

10. Keep copies of maps, statements and declarations with the title deeds for the property or land or charge certificates for future reference. Make a note to renew the statutory declaration within six years.

11. If there are tracks that cross the land which are not admitted to be public rights of way, it may be useful to place notices to make clear that this is the position.

12. Do **not** show on the map any permissive paths that are the subject of a formal agreement with the Borough Council or any other permissive paths, unless it is intended that they should be dedicated as public rights of way. If you wish to advise the county council of the existence of such paths you should

provide a separate map showing these paths only and stressing that it is not intended to dedicate such paths as public rights of way. You should also consider placing notices on these paths to make it clear that use is with the permission of the landowner.

For further advice and information on the preparation of the statement and statutory declaration, to arrange for a search of the definitive map or for further advice and information on any other rights of way matters contact the Countryside Access Officer on 01429 523524

Email to [rightsofway@hartlepool.gov.uk](mailto:rightsofway@hartlepool.gov.uk)

Or write to:

Countryside Access  
FREEPOST RRKX-EAEY-YBZK  
Heritage and Countryside Section  
Regeneration and Neighbourhoods Department  
Hartlepool Borough Council  
Edgar Philips Building  
Lynn Street Depot, Lynn Street  
Hartlepool  
TS24 7DS