



Landowner Statements & Declarations

Section 31(6) of the Highways Act 1980

General Guidance Notes: Applicable from 1st October 2013

Anyone seeking to apply to deposit a statement, plan or lodge a declaration under Section 31(6) of the Highways Act 1980 may wish to seek independent legal advice. However, suggested procedures, including tips about how to complete an application form are outlined below. Please refer to the 'Guidance for the completion of form CA16' published by the Department for Environment Food & Rural Affairs for a more detailed explanation.

1. A landowner should complete application form CA16 adding or omitting the relevant particulars.
2. The application must be signed by every owner of the land to which the application relates, or by a duly authorised representative who is entitled to dispose of the fee simple in the land. If the form is signed by an authorised representative, proof of that authorisation must be submitted with the application.
3. The statement sets out the land in question and admits what ways (if any) have been dedicated as highways over that land. Along with the application this must be deposited with the relevant surveying authority, in this case Cornwall Council.
4. The statement must be accompanied by a plan at a scale of not less than 6 inches to 1 mile (effectively 1:10,560 or larger, i.e., 1:10,000, 1:5000, or 1:2500) showing the boundary of land to which the statement relates in coloured edging and identifying any ways that are acknowledged as public rights of way. To confirm the existence of rights of way may require consulting the Definitive Map. Information about arranging to view and/or purchase copies of the Definitive Map for Cornwall can be found here: <http://www.cornwall.gov.uk/default.aspx?page=12899>
5. Please note the existence of a public right of way that already exists, whether formally recorded or not, will not be affected in any way if it is omitted from a plan. However, manually drawing a path that is not recorded as a right of way may be used as evidence that it has been dedicated as a public right of way.

6. The new regulations require the applicant to sign a 'Statement of Truth' (Part F of Form CA16). This places a burden on the applicant to ensure the information contained in submissions is accurate and carries a penalty if not made honestly.
7. The application must be accompanied by the appropriate fee.
8. Within 20 years from the date of deposit the landowner should follow up their original statement by lodging a declaration. This has the effect of confirming or acknowledging any changes or additions to rights of way over the land since the date of the previous deposit, or lodgement of a previous declaration.
9. It is not possible to simultaneously deposit a highways statement and lodge a highways declaration in relation to the same land. In order for a declaration to be effective as evidence against presumed dedication, the lodging of a declaration must take place after the deposit of a statement, but no more than 20 years later.
10. In respect of declarations under section 31(6) of the 1980 Act reference may be made to a map previously deposited in accordance with these Regulations, or a map deposited in accordance with section 31(6) of the 1980 Act before 1st October 2013.
11. In the absence of proof of a contrary intention, such a declaration is sufficient to negative the intention of the owner or their successors in title to dedicate any such additional way as a highway.
12. A new declaration needs to be submitted to the highway authority not more than 20 years after the date of the previous submission for the rebuttal of rights to remain valid.
13. The application form in the 2013 Regulations only applies to applications made on or after 1st October 2013. The new procedure does not apply to any statement or declaration made before that date.
14. Remember to keep copies of the documents submitted for your own property records.