Method to Deposit a statement and plan or statutory declaration
Pursuant to section 31(6) Highways Act 1980

The above statutory provisions enable a person to deposit either a statement and plan or a statutory declaration with this Council, to state or solemnly declare the extent of public rights of way that may subsist in the subject land. The person may also state or declare that no public rights of way subsist in rest or all of the subject land. The statutory declaration would be in force for ten years and the statement for six years; and the plan annexed to either likewise.

The procedure is as follows:

1. Submit a request for a deposit, either by post (to the address in the footnote) or email. The request must include the following:
   (a) depositor’s name, address, post code, telephone number, fax number (if any) and e-mail address (if any)
   (b) any existing deposit number
   (c) a unique description of the land
   (d) the depositor’s legal interest in the land (freehold or leasehold estate)
   (e) the name, address and post code of the freeholder if not the depositor
   (f) Land Registry title numbers of all freehold estates in the land; and
   (g) Land Registry title number of any leasehold estate the depositor owns

2. A deposit number will be emailed or posted (by the same means as the request. The depositor will be informed what they need to do next.
3. On receipt of the deposit number, the depositor should submit either a statement and plan or a statutory declaration to the address specified in 2.

4. The Council will confirm receipt of the deposit and that the statement and plan or statutory declaration is valid or invalid. Reasons of invalidity would be specified. Confirmation will include a six digit Ordnance Survey map grid reference of a locus within the boundary of the land.

5. Once the deposit is valid, the depositor will be informed the official date of deposit and the date of the expiry of the statement and plan or of the statutory declaration.

It is to the benefit of the depositor to renew the statement, plan or declaration on or prior to the expiry date. The renewal method is the same as 1 to 5 above.

In the case of an invalid deposit or in the event that the Council has sound evidence that the statement, plan or declaration are incorrect or otherwise invalid, then the Council would serve 28 days notice on the depositor adducing reasons for any invalidity or error in the statement, plan or declaration. A satisfactory response must be served on the Council, at the appropriate offices, within 28 days of the service of that notice, else the deposit will be revoked.

Whilst section 31 does not impose a restriction on the class of person or body who may deposit a statement, plan or declaration, only freeholders may dedicate land to the highway and so specify the part of their land in which public rights of way subsist, if not already declared, agreed or acknowledged, but freeholders and leaseholders may specify the part of the land in which they have an interest in which they state or solemnly declare no public rights of way subsist.

**The statement to be deposited**

The statement must be witnessed by a person who is not a family relation to the depositor. The depositor must hold a legal interest in the land and the statement must adduce proof of that; for example, “Mr and Mrs … being the registered proprietors of the freehold estate registered at Land Registry under title number…”; returnable proof of that being submitted with the statement.

A plan must be deposited with the statement (see The plan…). The statement must refer to features and the legend on that plan. The references must be unambiguous.

**The statutory declaration to be deposited**

This declaration need not refer to or be accompanied by a plan. However, if the declaration is ambiguous or the land and features on it are not uniquely described,
then the declaration will be invalid. In practice, a plan would usually be annexed to
the declaration.

**The plan to be deposited**

The subject land must be clearly identified on either a scaled or dimensioned plan
that uniquely identifies the land. The land must be shown edged by a continuous
or broken line. The extents of any accepted public rights of way in the land must
be likewise unambiguously identified by line edging. Both lines must be unique
and not resemble any other lines on the plan. The lines may be black, grey or
coloured. The lines must visually contrast any other features shown on the plan.

The name of its cartographer must be stated on the plan, as must the plan number
(cartographer’s reference) and plan date of the format dd-month-yyyy; month
being the complete name of the month.

The legend of the plan must be clearly shown on the plan and described in the
statement or statutory declaration. The lines representing the boundary of the land
and the extent of any public rights of way should be of a clearly visible colour and
thickness (gauge). The statement, plan and declaration must define the lines as
being either:

(a) the precise boundary:
(b) edging, when the line abuts the exterior of the boundary of the land: or
(c) verging, when the line abuts the interior of the boundary of the land.

A precise boundary must be of a colour unique on the plan and must be as narrow
as visibly possible.

The depositor must sign the plan.