



Department  
for Environment  
Food & Rural Affairs

# Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises

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## Cover note

The purpose of this guidance is set out in its introduction. As noted on the cover page, neither sections 118ZA and 119ZA of the Highways Act 1980 (which introduce the new 'right to apply') nor section 54B of the Wildlife and Countryside Act 1981 (which introduces the new 'modification by consent' process) are yet in force. Therefore, until these sections are in force, this guidance applies only where local authorities choose to consider diverting or extinguishing a right of way under s119 and s118 respectively of the Highways Act 1980.

In line with the statement by Baroness Williams in the *Extracts from Hansard 23 March 2016* Defra will review the effectiveness of the guidance within two years.

When 118ZA and 119ZA of the Highways Act are brought into force this guidance will be incorporated into the new guidance for the 'right to apply' and published on gov.uk. Until that time, it is issued directly to local authorities as a standalone document which can be added to existing guidance (if any) on authority's own websites as appropriate.