

**PLEASE NOTE:** The following information is intended for guidance only. It is not a full statement of the law. If you require more detailed information you are advised to contact a solicitor.

Landowners can make applications to Bath and North East Somerset Council (“the Authority”) to make deposits that help protect their land against public rights being accrued.

Under section 31 of the Highways Act 1980, a route can become a public right of way if it: *“...has been actually enjoyed by the public as of right and without interruption for a full period of 20 years...unless there is sufficient evidence that there was no intention during that period to dedicate it.”*

Additionally, under section 15 of the Commons Act 2006, any member of the public can apply to have land registered as a Town or Village Green (TVG) if: *“...a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years”* and either they continue to do so at the time of the TVG application or the TVG application is made within one years of use ceasing.

The Authority has a statutory duty to process claims to record public rights of way and register land as Town or Village Green. Section 31(6) of the Highways Act 1980 allows landowners to deposit Statement Applications setting out what rights of way they admit exist and for Declaration Application to be made stating that no additional public rights of way have been dedicated since the deposit of the Statement Application. There is no time limit for public rights of way claims but the relevant 20-year period would have to pre-date the depositing of the Statement Application if a Declaration Application was subsequently deposited. Additionally, if documentary evidence comes to light that shows that a public right of way came into existence at some time in the past, then a claim can still be made to have it recorded on the Definitive Map and Statement.

Section 15A of the Commons Act 2006 allows landowners to include sections in their application to bring an end to any period during which persons may have indulged as of right in lawful sports and pastimes on the land. As stated above, claims to register land as Town or Village Green must be made within one year of use ceasing.

If the landowner follows this with a declaration and renews the Landowner Deposit every 20 years, any public use of the land during the period of the declaration(s) will not count towards the 20 years necessary to establish new rights. This gives the landowner an effective way of protecting their property against new rights being accrued. Once lodged with the Authority, the application becomes a public document and is available for public inspection. Both the Country Land and Business Association and the National Farmers’ Union have promoted wide use of these applications.

An application consists of several 'Parts' and the **basic procedure** for making an application is as follows:

First, an applicant needs to submit a Statement Application containing Parts A, B and F; this applicant can also include Parts D and E.

- 'Part A' provides details of who is making a deposit and to what area of land the deposit relates.
- 'Part B' provides details of what public rights of way (PROW) already exist over the land to which the application relates. The completed 'Part B' must be accompanied by a recent or current Ordnance Survey map at a scale of at least 1:10,560. The map should be carefully marked with the precise route of all public rights of way but not marked with routes that are solely permissive. The map must also show the boundary of the land to which the application relates in coloured edging. Applicants should check the Definitive Map and Statement to see what PROWs are already recorded and applicants may also wish to:
  - a) Check legal documents such as Inclosure Awards which may indicate that other PROW exist which are not shown on the Definitive Map;
  - b) Consult the list of publicly maintainable highways held by the Authority under section 36(6) of the Highways Act 1980 to identify unmetalled roads which may be recorded there, but not shown on the Definitive Map. Your map should show any public roads as well as PROWs;
  - c) 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;
  - d) Check with the Authority to see if there are any claimed routes over your land.
- 'Part D' brings to an end any period of use during which members of the public can use the land in a way which would contribute towards Town or Village Green rights being created. Including 'Part D' is optional; however, the Authority recommends including this section.
- 'Part E' allows an applicant to provide any additional information relevant to their application. Including 'Part E' is optional.
- 'Part F' states that the facts and matters contained in the application are true.

Secondly, an applicant needs to submit a subsequent Declaration Application containing Parts A, C and F; an applicant can also include Parts D and E.

- Parts A, D, E and F serve the same purposes as outlined above.
- Part C states that no additional ways have been dedicated over the land since the application was initially deposited.

This Declaration Application including 'Part C' must be dated and deposited at least a day after the Statement Application but in any case, it must be deposited

within 20 years of depositing the Statement Application. Many applicants choose to deposit the Declaration Application including 'Part C' shortly after the Statement Application to ensure that they have demonstrated a lack of intention to dedicate any new rights of way even if they forget to make another Declaration Application including 'Part C' in the future. In either case, subsequent Declaration Applications including 'Part C' need to be submitted to the Authority not longer than 20 years after the date of the previous application for the process to remain valid.

Please note that the Parts below will need to be retyped to suit your particular application; crossing out and handwritten additions which are not individually initialled can lead to uncertainty about whether these changes were made before or after the deposit has been signed. Applications must be substantially in the same form as the examples below, with such insertions or omissions as are necessary in any particular case, and you may wish to consider consulting a solicitor to ensure that they are accurate and compliant.

### Fees

Applications must be accompanied with the appropriate fee. The Authority's fees for registering applications are reviewed annually and these fees for 2024/25 are as follows:

Item	Details	Cost
Statement Registration	Registration of the initial statement including Part B for a single contiguous block of land*	£251
Additional Parcel Registration	Inclusion of each additional separate block of land to the initial statement	£32
Declaration Registration	Registration of the follow up declaration including Part C for a single contiguous block of land*	£251
Additional Parcel Registration	Inclusion of each additional separate parcel of land to the follow up declaration	£32

\*A single contiguous block of land is defined as a single area of land not broken or separated by land in the possession of another person. For example, two fields separated by a hedge or fence would constitute a single block of land but two fields separated by a road would constitute two blocks of land.

If the Declaration Application (including 'Part C') is made within seven days of the Statement Application (containing 'Part B') then the Authority will waive the fee which would otherwise be payable on this Declaration Application.

Payment can be made via cheque or credit/debit card. Cheques should be made payable to '*Bath and North East Somerset Council*', marked '*YF2 LLF10 PR11 No VAT*' on the reverse and enclosed with the Landowner Deposit. Alternatively, payment can be made electronically [here](#); please state 's31(6)' followed by your name/company name in the reference box.

Landowner Deposits should be sent to:

Public Rights of Way Team  
 Bath and North East Somerset Council  
 Lewis House  
 Manvers Street  
 Bath  
 BA1 1JG

In accordance with the legislation, the Authority will add a copy of the application to the Statutory Register, publish notice of the making of the application on the Authority's website and serve notice of the making of the application on interested parties.

**The information contained within this pack is intended for guidance only; it is not a full statement of the law. It is the responsibility of landowners and their agents to ensure that the completed Landowner Deposit is accurate and statutorily compliant. Registration of the Landowner Deposit by the Authority does not constitute a guarantee of its validity and the Authority cannot accept any responsibility for defaults in Landowner Deposits received. Furthermore, no reminders will be issued by the Authority and it is the landowners' responsibility to submit declarations within the defined timescales.**

If you require more detailed information you are advised to contact a solicitor. These applications are governed by the 'Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013' and Form CA16 below contains the statutory guidance from within these Regulations. Further guidance relating to the making of deposits is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/232195/pb13886-commonsact-cra-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/232195/pb13886-commonsact-cra-guidance.pdf)

## FORM CA16

### Application Form for Deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006

1. Guidance relating to completion of this form is available from <http://defra.gov.uk/rural/protected/greens/>. Please refer to these separate notes when completing this form.
2. Parts A and F must be completed in all cases.
3. The form must be signed and dated by, or by a duly authorised representative of, every owner of land to which the application relates who is an individual, and by the secretary or some other duly authorised officer of every owner of land to which the application relates which is a body corporate or an unincorporated association.
4. In the case of land in joint ownership all the joint owners must complete paragraphs 2 and 3 of Part A and complete and sign the application in Part F, unless a duly authorised representative completes and signs the form on behalf of all the owners of the land. Paragraph 3 should be completed in full to clearly explain the capacity of each applicant e.g. trustee, landowner's managing agent, executor.
5. 'Owner' is defined in section 61(3) of the Commons Act 2006 and section 31(7) of the Highways Act 1980 and means, broadly, a legal owner of the freehold interest in the land.
6. Where the application relates to more than one parcel of land, a description of each parcel should be completed to clearly identify which statement and/or declaration relates to which parcel of land. This may require the insertion of additional wording. See separate notes for further guidance. Multiple parcels of land should be clearly identified by coloured edging on any accompanying map.
7. Where a statement or declaration requires reference to colouring shown on an accompanying map or previously lodged map, the colouring must be clearly specified and must match that shown on the relevant map. For example, if a footpath is specified in a Part C declaration as shown coloured brown, the accompanying map or previously deposited map referred to must reflect that colouring.
8. An application must be accompanied by an ordnance map, or (in respect of declarations under Part C or statements under Part D of this form) refer to a map previously deposited in accordance with the Commons (Registration of Town or Village Greens) Dedicated Highways (Landowner Statements and Declaration) (England) Regulations 2013 or (if deposited before 1st October 2013) in accordance with section 31(6) of the Highways Act 1980. Any accompanying map must be an ordnance map at a scale of not less than 1:10,560 showing the boundary of the land to which the application relates in coloured edging.
9. An application must be accompanied by the requisite fee – please ask the appropriate authority for details.

## PART A

### **PART A: Information relating to the application and land to which the application relates**

*(all applicants must complete this Part)*

1. Name of appropriate authority to which the application is addressed:
2. Name and full address (including postcode) of applicant:
3. Status of applicant (tick relevant box or boxes):

I am

- (a)  the owner of the land(s) described in paragraph 4.
- (b)  making this application and the statements/declarations it contains on behalf of *[insert name of owner]* who is the owner of the land(s) described in paragraph 4 and in my capacity as *[insert details]*.

4. Insert description of the land(s) to which the application relates (including full address and postcode):
5. Ordnance Survey six-figure grid reference(s) of a point within the area of land(s) to which the application relates (if known):
6. This deposit comprises the following statement(s) and/or declarations (delete Parts B, C, or D where not applicable):

## PART B

### **PART B: Statement under section 31(6) of the Highways Act 1980**

[I am/[*insert name of owner*] is] the owner of the land describe in paragraph 4 of Part A of this form and shown [*insert colouring*] on the map accompanying this statement.

*(delete wording in square brackets as appropriate and/or insert information as required)*

[Ways shown [*insert colouring*] on the accompanying map are byways open to all traffic.]

[Ways shown [*insert colouring*] on the accompanying map are restricted byways.]

[Ways shown [*insert colouring*] on the accompanying map are public bridleways.]

[Ways shown [*insert colouring*] on the accompanying map are public footpath.]

No [other] ways over the land shown [*insert colouring*] on the accompanying map has been dedicated as highways.

*(delete wording in square brackets as appropriate and/or insert information as required)*

## PART C

### PART C: Declaration under section 31(6) of the Highways Act 1980

1. [I am/[*insert name of owner*] is] the owner of the land described in paragraph 4 of Part A of this form and shown [*insert colouring*] on the map [accompanying this declaration/lodged with [*insert name*] Council on [*insert day, month, year*]].  
(delete wording in square brackets as appropriate and/or insert information as required)
2. On the [*insert day*] day of [*insert month, year*] [I/my/[*insert name of owner's*] predecessor in title [*insert name*] deposited with [*insert name*] Council, being the appropriate council, a statement accompanied by a map showing [my/[*insert name of owner's*]] property [*insert colouring*] which stated that:  
  
[the ways shown [*insert colouring*] on that map [and on the map accompanying this declaration] had been dedicated as byways open to all traffic.]  
  
[the ways shown [*insert colouring*] on that map [and on the map accompanying this declaration] had been dedicated as restricted byways.]  
  
[the ways shown [*insert colouring*] on that map [and on the map accompanying this declaration] had been dedicated as public bridleways.]  
  
[the ways shown [*insert colouring*] on that map [and on the map accompanying this declaration] had been dedicated as public footpaths.]  
  
[no [other] ways had been dedicated as highways over [my/[*insert name of owner's*]] property].  
(delete wording in square brackets as appropriate and/or insert information as required)
- [3. On the [*insert day*] day of [*insert month, year*] [I/my/[*insert name of owner's*] predecessor in title [*insert name*]] deposited with [*insert name*] Council, being the appropriate council, a declaration dated [*insert day, month, year*], stating that no additional ways [other than those marked in the appropriate colour on the map accompanying that declaration] had been dedicated as [byways open to all traffic] [restricted byways] [bridleways] [footpaths] since the deposit of the statement referred to in paragraph 2 above.]  
(delete wording in square brackets as appropriate and/or insert information as required)
4. No additional ways have been dedicated over the land [*insert colouring*] on the map [accompanying this declaration/referenced in paragraph 1 above] since the statement dated [*insert day, month, year*] referred to in paragraph 2 above [since the date of the declaration referred to in paragraph 3 above] [other than those [byways open to all traffic] [restricted byways] [bridleways] [footpaths] marked in the appropriate colour on the map accompanying this declaration] and at the present time [I/[*insert name of owner*]] [have/had] no intention of dedicating any more public rights of way over [my/the] property.  
(delete wording in square brackets as appropriate and/or insert information as required)



## PART D

### **PART D: Statement under section 15A(1) of the Commons Act 2006**

[I am/[insert name of owner] is] the owner of the land described in paragraph 4 of Part A of this form and shown [insert colouring] on the map [accompanying this statement/deposited with [insert name] Council on [insert day, month, year]].

[I/[insert name of owner]] [wish/wishes] to bring to an end any period during which persons may have indulged as of right in lawful sports and pastimes on the whole or any part of the land shown [insert colouring] on the [accompanying map/map referred above].

*(delete wording in square brackets as appropriate and/or insert information as required)*

## PART E

**PART E: Additional information relevant to the application  
(insert any additional information relevant to the application)**

## PART F

### **PART F: Statement of Truth (all applicants must complete this Part)**

**WARNING: If you dishonestly enter information or make a statement that you know is, or might be, untrue misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.**

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS FORM ARE TRUE.**

**Signature (of the person making the statement of truth):**

**Print full name:**

**Date:**

**You should keep a copy of the completed form.**

**Data Protection Act 2018 - Fair Processing Notice**

The purpose of this Fair Processing Notice is to inform you of the use that will be made of your personal data, as required by the Data Protection Act 2018.

The appropriate authority (see explanation of definition in above guidance notes) in England is the data controller in respect of any personal data that you provide when you complete this form.

The information that you provide will be used by the appropriate authority in its duties to process applications to deposit statements, maps and declarations under section 31(6) the Highways Act 1980 and statements under section 15A(1) of the Commons Act 2006. The information you provide will also be used by the appropriate authority in its duty to update the registers in which details of such deposits are recorded under the Dedicated Highways (Registers under Section 31A of the Highways Act 1980) (England) Regulations 2007 and the Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013.

The appropriate authority is required by the legislation above to maintain a register which holds information provided in this form, which can be inspected online or in person by members of the public on request. It may also be required to release information, including personal data and commercial information, on request under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000. However, the appropriate authority will not permit any unwarranted breach of confidentiality nor will they act in contravention of their obligations under the Data Protection Act 2018.