

Government Circular No. 112/70.

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PUBLIC RIGHTS OF WAY ACTS 1961 AND 1970

**Public Rights of Way
(Applications to Tribunal)
Regulations 1970**

Approved by Tynwald : 8th December, 1970

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**ISLE OF MAN
TO WIT**

By His Excellency Sir Peter Hyla Gawne Stallard, K.C.M.G., C.V.O., M.B.E.,
Lieutenant Governor of the said Isle, &c., &c., &c.

PUBLIC RIGHTS OF WAY ACTS 1961 AND 1970

Public Rights of Way (Applications To Tribunal) Regulations 1970

I, the said Lieutenant Governor, in pursuance of the powers conferred upon me by section 2(4) of the Public Rights of Way Act 1961 as amended by the Public Rights of Way Act 1970 DO HEREBY make the following Regulations:—

TIME FOR DELIVERY AND FORM OF APPLICATION

1. (1) Any owner, lessee or occupier of affected land wishing to apply to the Tribunal for a declaration under the provisions of section 5(8) of the Act shall within six weeks of the date of the posting of the copy of the petition notice and regulations pursuant to the provisions of section 5(7) of the Act deliver to the Secretary five copies of his application.

(2) Every application shall be signed by the applicant or by his advocate and shall contain, and contain only—

- (a) the name and address for service of the applicant ;
- (b) a statement specifying the land to which the application relates ;
- (c) the declaration or declarations sought under the said section 5(8) ; and
- (d) a statement in a summary form of the material facts on which the applicant relies in support of his application, but not the evidence by which the same are to be proved.

(3) Every application shall when necessary be divided into paragraphs and numbered consecutively. Dates, sums and numbers shall be expressed in figures and not in words.

(4) An application may be made jointly by any two or more of the persons referred to in paragraph (1) of this regulation.

TIME FOR DELIVERY OF APPLICATION TO THE BOARD

2. The Secretary shall within two weeks of the receipt of the application delivered in accordance with the provisions of the preceding regulation deliver to the Board a copy thereof.

WITHDRAWAL OF APPLICATION

3. (1) Any person making an application under regulation 1 above may at any time prior to the hearing of such application withdraw, or, where the application is a joint application, withdraw from, the said application by delivering a written statement to that effect to the Secretary.

(2) Where a person withdraws, or withdraws from, an application under the preceding paragraph the Tribunal may order the person so withdrawing to pay such costs as have necessarily been incurred in consequence of his having made the said application.

(3) The provisions of paragraphs (2) and (3) of regulation 7 of these Regulations shall apply to costs awarded under the preceding paragraph of this regulation as they do to costs awarded under paragraph (1) of the said regulation 7.

PARTIES TO THE HEARING OF AN APPLICATION

4. The persons entitled to be parties to the hearing of an application shall be the Board, the owner, lessee or occupier of affected land who has made an application under regulation 1 above, and has not withdrawn, or withdrawn from, that application under regulation 3 above and any owner, lessee or occupier of land affected by a declaration made under section 5(10) and (11) of the Act and who appears before the Tribunal.

SUMMONS TO ENFORCE ATTENDANCE

5. (1) The Tribunal may upon request by any party to the hearing of an application issue under the hand of the Chairman, or deputy Chairman, a summons in the form set out in the Schedule to these Regulations requiring any person whom the Tribunal considers may be able to assist in the determination of the matter before it to appear and give evidence or produce any documents in his possession or under his control at such time and place as may be specified therein.

(2) A summons issued under these Regulations shall be served personally by the coroner or lockman of the Sheading in which the person to whom it is addressed resides.

EVIDENCE ON OATH

6. The Tribunal may take evidence on oath, and, for that purpose, the Chairman, or deputy Chairman, of the Tribunal may administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter in which he is examined.

COSTS

7. (1) The Tribunal may make orders as to the costs of the hearing of an application and of the parties to such hearing and as to the parties by whom such costs shall be paid.

(2) In making any order under the provisions of the preceding paragraph the Tribunal may—

- (a) specify the amount of costs so incurred, whereupon the Chairman, or deputy Chairman, shall certify the same; or
- (b) order the costs to be taxed.

(3) Any amount of costs certified or taxed in accordance with the provisions of the preceding paragraph shall be recoverable from the party required to make payment summarily as a civil debt.

(4) The provisions of the Witnesses Allowances Order 1970 shall apply to witnesses who attend any proceedings before the Tribunal in like manner as they apply to the attendance of witnesses before any court as if the definition of court in the said Order included a reference to the Tribunal.

EXTENSION OF TIME

8. The Tribunal may extend any period of the time laid down by these Regulations within which any act shall be done.

INTERPRETATION

9. (1) In these Regulations unless the context otherwise requires the following expressions have the meanings hereby assigned to them —

“ Act ” means the Public Rights of Way Act 1961 as amended by the Public Rights of Way Act, 1970 ;

“ affected land ” means such land as is called affected land in section 5(1) of the Act.

“ Secretary ” means the person appointed as Secretary of the Tribunal under the provisions of section 2(5) of the Act.

(2) The Interpretation Act 1970 shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Tynwald.

TITLE AND COMMENCEMENT

10. These Regulations may be cited as the Public Rights of Way (Applications to Tribunal) Regulations 1970 and shall come into operation on the date upon which the same shall be approved by resolution of Tynwald.

GIVEN under my hand this 9th day of November, 1970.

P. H. G. STALLARD,

Lieutenant Governor.

SCHEDULE

Regulation 5

FORM

**PUBLIC RIGHTS OF WAY ACTS 1961 AND 1970
BEFORE THE PUBLIC RIGHTS OF WAY TRIBUNAL**

In the matter of an alleged public right of way over land namely —

(1) [specify the land to which the petition/application relates]

It is ordered that _____ attend
before the tribunal on _____ the _____ day of _____
19 _____, at _____ and then and there submit
to be examined on oath or affirmation on behalf of _____
touching the matters before the said Tribunal.

And it is further ordered that the said
do at the time and place aforesaid produce and deliver to the said
arbitration the papers, documents and writing hereafter mentioned, that is
to say —

Dated the _____ day of _____ 19 _____ .

(Signed)
Chairman/Deputy Chairman.