

A member of the public (the complainant) serves notice on the Chief Executive of the relevant local authority (i.e. the county council or the unitary authority) to state whether the way is publicly maintainable. The notice must be in writing and should be sent by recorded delivery. The complainant should



Within one month of the date notice:

The local authority admits that the way is publicly maintainable.

The local authority doesn't reply or denies that the way is publicly maintainable.



Within six months of the date notice:

If the authority has not put the way back into repair the complainant may* apply to the magistrates' court for an Order requiring the local authority to repair the way**

If the authority has not put the way back into repair the complainant may* apply to the Crown Court for an Order requiring the local authority to repair the way**



If the magistrates' court or the Crown Court makes an Order requiring the local authority to put the way back into repair and the works are not carried out within the time specified in the Order, the complainant may apply to the magistrates' court for another Order, or for authorisation for him or herself to carry out the works and claim back the reasonable cost of so doing from the local authority.

*The applicant isn't obliged to apply to the courts if the way remains out of repair when the six months expires. He or she may simply abandon the procedure.

** Legal advice should always be taken before making an application to a court because of the risk of an award of costs if the application fails.