WELSH STATUTORY INSTRUMENTS

2009 No. 2983 (W.260)

LOCAL GOVERNMENT, WALES

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009

Made - - - -	*10 November 2009*
Laid before the National Assembly for Wales - -	*11 November 2009*
Coming into force - -	*2 December 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on the National Assembly for Wales by sections 13, 105 and 106 of the Local Government Act 2000(**1**) and now vested in them(**2**).

Title and commencement

1. The title of these Regulations is The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009 and they come into force on 2 December 2009.

Amendment

2. The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007(**3**) are amended as follows.

3. In Part D of Schedule 1 (functions not to be the responsibility of an authority's executive), omit paragraph 18.

4. In Schedule 2 (functions which may be, but need not be, the responsibility of an authority's executive)—

(a) for paragraph 18 substitute—

"**18.** Any of the following functions in respect of highways—

(a) the making of agreements for the execution of highways works(**4**);

(**1**) 2000 c. 22.
(**2**) The powers of the National Assembly for Wales are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
(**3**) S.I. 2007/399 (W. 45).
(**4**) Section 278 of the Highways Act 1980 (c. 66) was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).

(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (**5**) (creation of highways)—

(i) section 25 — creation of footpath, bridleway or restricted byway by agreement;

(ii) section 26 — compulsory powers for creation of footpaths, bridleways or restricted byways;

(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)(**6**)—

(i) section 116 — power of magistrates' court to authorise stopping up or diversion of highway;

(ii) section 117 — application for order under section 116 on behalf of another person;

(iii) section 118 — stopping up of footpaths, bridleways and restricted byways;

(iv) section 118ZA — application for a public path extinguishment order;

(v) section 118A — stopping up of footpaths, bridleways and restricted byways crossing railways;

(vi) section 118B — stopping up of certain highways for purposes of crime prevention etc;

(vii) section 118C — application by proprietor of school for special extinguishment order;

(viii) section 119 — diversion of footpaths, bridleways and restricted byways;

(ix) section 119ZA — application for a public path diversion order;

(x) section 119A — diversion of footpaths, bridleways and restricted byways crossing railways;

(xi) section 119B — diversion of certain highways for purposes of crime prevention etc;

(xii) section 119C — application by proprietor of school for special diversion order;

(xiii) section 119D — diversion of certain highways for protection of sites of special scientific interest;

(xiv) section 120 — exercise of powers of making public path extinguishment and diversion orders;

(xv) section 121B — register of applications;

(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—

(i) section 130 — protection of public rights;

(ii) sections 139 — control of builders' skips;

(iii) section 140 — removal of builders' skips;

(**5**) 1980 c. 66.
(**6**) Sections 118ZA, 118B, 118C, 119ZA, 119B, 119C, 119D and 121B were inserted by section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37). Sections 118A and 119A were inserted by section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c. 42).