WELSH STATUTORY INSTRUMENTS

2007 No. 306 (W.25)

ENVIRONMENTAL PROTECTION, WALES

The Highways Act 1980 (Gating Orders) (Wales) Regulations 2007

Made - - - -	*6 February 2007*
Coming into force - -	*19 February 2007*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 129C, 129E and 129F of the Highways Act 1980(**1**) makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Highways Act 1980 (Gating Orders) (Wales) Regulations 2007.

(2) These Regulations come into force on 19 February 2007.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Highways Act 1980;

"communications provider" ("*darparydd dull cyfathrebu*") has the meaning given in section 405 of the Communications Act 2003(**2**);

"fire and rescue authority" ("*awdurdod tân ac achub*") has the meaning given in section 1 of the Fire and Rescue Services Act 2004(**3**);

"local access forum" ("*fforwm mynediad lleol*") means a local access forum established under section 94 of the Countryside and Rights of Way Act 2000(**4**);

"Welsh Ambulance Services NHS trust" ("*Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru*") means the Welsh Ambulance Services National Health Service Trust established by the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998 (S.I. 1998/678);

(**1**) 1980 c. 66. Sections 129A to 129G were inserted by section 2 of the Clean Neighbourhoods and Environment Act 2005 (c. 16).
(**2**) 2003 c. 21.
(**3**) 2004 c. 21.
(**4**) 2000 c. 37.

"affected highway" ("*priffordd yr effeithir arni*") means the highway which is the subject of a gating order or a proposal for a gating order;

"statutory undertaker" ("*ymgymerwr statudol*") has the meaning given in section 98(6) of the Environmental Protection Act 1990(**5**).

Publicity relating to a proposal for the making of a gating order

3. Before making a gating order under section 129A of the Act, a council must—

(a) cause to be published on its website a notice—

(i) identifying the affected highway by—

(aa) name or description; and

(bb) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;

(ii) setting out the general effect of the gating order being made;

(iii) identifying alternative routes (if any) which would be available to pedestrians and vehicular traffic if the proposed order were to be made;

(iv) setting out a draft of the proposed order; and

(v) inviting written representations as to whether or not a gating order should be made, within such period as is specified in the notice (being a period of not less than 28 days from the date on which the notice is first published in accordance with this paragraph);

(b) cause to be posted at all public access points to the affected highway such notices as it considers sufficient to draw to the attention of members of the public using that highway the effect of the proposed order being made.

4. Copies of the notice referred to in regulation 3(a) must be given by the council to—

(a) all the occupiers of premises adjacent to or adjoining the affected highway;

(b) every community council through whose area the affected highway passes;

(c) every chief officer of a police force through whose police area the affected highway passes;

(d) every fire and rescue authority through whose area the affected highway passes;

(e) the Welsh Ambulance Services NHS trust;

(f) any local access forum through whose area the affected highway passes;

(g) any statutory undertaker who maintains services in the locality in which the affected highway is situated;

(h) any provider of gas, electricity or water services in the locality in which the affected highway is situated;

(i) any communications provider in the locality in which the affected highway is situated;

(j) any person who the council reasonably considers might be affected by the proposed order;

(k) any person who requests a copy of the notice; and

(l) any person who has asked to be notified of any proposed gating orders.

(**5**) 1990 c. 43.

Representations relating to the making of a gating order

5. A council must consider any representations received by it within the period specified in accordance with regulation 3(a)(v) before making a gating order.

Public inquiries relating to the making of a gating order

6.—(1) Subject to paragraph (2) the council may cause a public inquiry to be held in relation to a proposed gating order.

(2) The council must cause a public inquiry to be held if—

(a) the chief officer of a police force through whose police area the affected highway passes;

(b) a fire and rescue authority through whose area the affected highway passes; or

(c) the Welsh Ambulance Services NHS trust,

objects to the proposed gating order.

Making of a gating order

7. A council must not make a gating order before—

(a) the expiration of 28 days, beginning on the day on which notice is first published in accordance with regulation 3;

(b) the conclusion of any public inquiry held under regulation 6.

Content of gating orders

8. A gating order must—

(a) identify the affected highway by—

(i) name or description; and

(ii) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;

(b) contain a statement to the effect that the council has satisfied itself in respect of the matters set out in section 129A(3) of the Act;

(c) specify the times, days or periods in respect of which the public right of way over the affected highway is restricted;

(d) specify the description of persons (if any) who are excluded from the effect of the restriction imposed by the order.

Publicity relating to the variation and revocation of gating orders

9. Before varying or revoking a gating order, the council must—

(a) cause to be published on its website a notice—

(i) identifying the affected highway by—

(aa) name or description; and

(bb) a six-figure Ordnance Survey grid reference in respect of each end of the affected highway;

(ii) setting out the general effect of the proposed variation or revocation (as the case may be) of the gating order being made;

(iii) setting out, in the case of a proposal to vary a gating order, a draft of the order as it would be if the variation proposed was made; and