WELSH STATUTORY INSTRUMENTS

2006 No. 3257 (W.297) (C.117)

COUNTRYSIDE, WALES

RIGHTS OF WAY, WALES

The Countryside and Rights of Way Act 2000 (Commencement No.9 and Saving) (Wales) Order 2006

Made - - - - 5 December 2006

The National Assembly for Wales, in exercise of the powers conferred upon it by section 103(3), (4) and (5) of the Countryside and Rights of Way Act 2000 ("the Act")(**1**), makes the following Order:

Title and application

1.—(1) The title of this Order is the Countryside and Rights of Way Act 2000 (Commencement No.9 and Saving) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

Appointed days

2. 6 December 2006 is the day appointed for the coming into force of—

(a) section 57 of the Act insofar as it gives effect to—

(i) paragraphs 1, 6 and 9(5) of Schedule 6 to the Act (provisions relating to rights of way improvement plans prepared under sections 60 and 61 of the Act) to the extent that they are not already in force in consequence of the Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004(**2**), and

(ii) paragraph 26 of Schedule 6 to the Act (miscellaneous functions of National Park authorities);

(b) section 69(1) and (3) of the Act (erection or improvement of stiles, etc.) insofar as it provides the power to issue guidance;

(c) section 102 of the Act (repeals) insofar as it gives effect to the entry relating to—

(i) section 193(2) of the Law of Property Act 1925 ("the 1925 Act")(**3**) in Part I of Schedule 16 to the Act to the extent that it is not already in force in consequence of

(**1**) 2000 c. 37.
(**2**) S.I. 2004/315 (W.33) (C.16).
(**3**) 1925 c. 20.

the Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004(**4**), and

(ii) paragraph 9 of Schedule 15 to the Wildlife and Countryside Act 1981(**5**) in Part II of Schedule 16 to the Act.

3. Insofar as it is not already in force, section 69 of the Act (erection or improvement of stiles, etc.) comes into force on 1 April 2007.

Saving

4. Notwithstanding the repeal of section 193(2) of the 1925 Act by article 2(c)(i) of this Order, any deed executed under that sub-section which is in force immediately before the coming into force of that article continues to have effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**6**)

D. Elis-Thomas
The Presiding Officer of the National Assembly

5 December 2006

(**4**) S.I. 2004/1489 (W.154) (C.59).
(**5**) 1981 c. 69.
(**6**) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Countryside and Rights of Way Act 2000 ("the Act") and clarifies the effect of previous commencements of other provisions.

This Order applies in relation to Wales.

Article 2 of this Order commences —

(a) section 57 of the Act insofar as it gives effect to paragraphs 1, 6 and 9(5) of Schedule 6 to the Act. The Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004 (S.I. 2004/315 (W.33) (C.16)) purported to bring into force paragraphs 1, 6 and 9(5) of Schedule 6 to the Act without expressly making provision to bring into force section 57 of the Act insofar as it gives effect to those paragraphs. Article 2(a)(i) of this Order brings into force the appropriate provisions insofar as they are not already in force in consequence of the earlier Order;

(b) section 57 of the Act insofar as it gives effect to paragraph 26 of Schedule 6 to the Act. This will extend the rights of way functions exercisable by National Park authorities to include the new rights of way functions referred to in that paragraph (article 2(a)(ii));

(c) the guidance-issuing powers under section 69(1) and (3) of the Act before the remainder of that section to enable the guidance to be prepared in time to be issued by the National Assembly for Wales ("the National Assembly") at the same time as the related provisions are brought into force (article 2(b));

(d) section 102 of the Act insofar as it gives effect to the entry relating to section 193(2) of the Law of Property Act 1925 ("the 1925 Act") contained in Part I of Schedule 16 to the Act. The Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004 (S.I. 2004/1489 (W.154) (C.59)) ("the No.5 Order") purported to bring into force the entry relating to section 193(2) of the Law of Property Act 1925 ("the 1925 Act") contained in Part I of Schedule 16 to the Act without expressly making provision to bring into force section 102 of the Act insofar as it gives effect to that entry. Article 2(c)(i) of this Order brings into force the appropriate provisions insofar as they are not already in force in consequence of the earlier Order; and

(e) section 102 of the Act insofar as it gives effect to the repeal of paragraph 9 of Schedule 15 to the Wildlife and Countryside Act 1981 contained in Part II of Schedule 16 to the Act. The repealed paragraph ceased to have practical effect on the commencement of paragraph 11(8) of Schedule 5 to the Act by article 2(a)(iii) of S.I. 2005/1314 (W.96) (C.58). The commencement of this repeal removes the provision from the statue book (article 2(c)(ii)).

Article 3 of this Order commences section 69 of the Act insofar as it is not already in force and insofar as it is not commenced by article 2 of this Order. Section 69 of the Act amends section 147 of the Highways Act 1980, which will require a local authority to have regard to the needs of people with mobility problems when it authorises the erection of new stiles, gates or other similar works on footpaths or bridleways. It will also require an authority to have regard to any guidance issued by the National Assembly.

The No.5 Order included a saving provision for any deed executed before the coming into force of the repeal of section 193(2) of the 1925 Act by that Order. For the avoidance of doubt as to the effect of the saving, article 4 of this Order repeats that saving.