WELSH STATUTORY INSTRUMENTS

2006 No. 42 (W.8)

HIGHWAYS, WALES

The Public Rights of Way (Registers) (Wales) Regulations 2006

Made - - - -	*10 January 2006*
Coming into force - -	*15 January 2006*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon the Secretary of State by sections 31A and 121B of the Highways Act 1980 ("the 1980 Act")(**1**) and section 53B of the Wildlife and Countryside Act 1981 ("the 1981 Act")(**2**), and which are now exercisable by the National Assembly(**3**), hereby makes the following Regulations:

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Public Rights of Way (Registers) (Wales) Regulations 2006 and they come into force on 15 January 2006.

(2) In these Regulations—

"authority" ("*awdurdod*") means, in relation to—

(a) a section 31A register, the appropriate council;

(b) a section 53B register, the surveying authority; and

(c) a section 121B register, the council;

"register" ("*cofrestr*") means, as the case may be, a section 31A register, a section 53B register and a section 121B register;

"section 31A register" ("*cofrestr adran 31A*") means the register an authority is required to keep under section 31A of the 1980 Act (register of maps, statements and declarations);

"section 53B register" ("*cofrestr adran 53B*") means the register an authority is required to keep under section 53B of the 1981 Act (register of applications under section 53); and

"section 121B register" ("*cofrestr adran 121B*") means the register an authority is required to keep under section 121B of the 1980 Act (register of applications).

(**1**) 1980 c. 66, as inserted by section 57 of, and paragraphs 4 and 15 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37) respectively.
(**2**) 1981 c. 69, as inserted by section 51 of, and paragraph 2 of Schedule 5 to, the Countryside and Rights of Way Act 2000.
(**3**) The functions of the Secretary of State under these sections are exercisable by the National Assembly by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 99 of the Countryside and Rights of Way Act 2000.

(3) In these Regulations, a reference to a regulation is a reference to a regulation bearing that number in these Regulations.

Application

2.—(1) These Regulations apply in relation to Wales as set out in this regulation.

(2) In relation to a section 31A register, these Regulations apply where a map and statement—

(a) are deposited, or a declaration is lodged, with the authority under section 31(6) of the 1980 Act on or after 1 July 2006;

(b) were deposited with the authority before 1 July 2006 and a declaration relating thereto was lodged at the same time (or later) and which continues to have effect on 1 July 2006.

(3) In relation to a section 53B register, these Regulations apply where an application is made under section 53(5) of the 1981 Act—

(a) on or after 1 July 2006;

(b) before 1 July 2006, if the procedures under Schedule 15 to the 1981 Act have not been concluded by 1 July 2006.

(4) In relation to a section 121B register, these Regulations apply to an application to which section 121B of the 1980 Act applies.

Documents and information to be contained on a register

3.—(1) Where a map and statement to which these Regulations apply is deposited with, or a declaration to which these Regulations apply is lodged with, or an application to which these Regulations apply is made to, an authority, that authority—

(a) must record on the register the documents and information prescribed in paragraph (2) and, additionally, where regulation 4 or 5 applies, the information prescribed in that regulation; and

(b) may record on that register such other information as it thinks fit.

(2) The register must include—

(a) a copy of the map, statement, declaration or application (together with any map submitted with the application);

(b) a description of the intended effect of the map, statement, declaration or application;

(c) a description of the geographical location of the land to which the map, statement, declaration or application relates, which must include—

(i) a six-figure Ordnance Survey grid reference in respect of each end of the way or proposed way,

(ii) the address and postcode of the land on which the relevant part of the way or proposed way lies,

(iii) the name of the principal cities, towns and villages nearest to that land,

(iv) any locally-known name for the location, and

(v) the name of any community or town council established for the area in which the way or proposed way lies;

(d) subject to regulation 7, the name, address and postcode of the person who deposited the map and statement, lodged the declaration or made the application;

(e) the date on which the map, statement, declaration or application is received by the authority;

(f) the reference number allocated by the authority to a map and statement deposited with, a declaration lodged with, or an application made to, it; and

(g) a description of the job title of the person in the authority with responsibility for dealing with the matter, together with the authority's telephone number and e.mail address.

The section 53B register

4.—(1) In addition to the information prescribed in regulation 3, an authority must include on its section 53B register—

(a) the path number, where the way is already recorded on the definitive map;

(b) any date set by the authority for the determination of the application;

(c) the date on which the authority determines the application;

(d) the authority's decision on determining the application;

(e) where the authority is notified that the applicant has—

(i) made representations to the National Assembly in accordance with paragraph 3(2) of Schedule 14 to the 1981 Act (request for the National Assembly to direct the authority to determine an application within a specified period), or

(ii) served notice of appeal on the National Assembly and on the authority in accordance with paragraph 4(1) of Schedule 14 to the 1981 Act,

a statement to that effect; and, on being notified of the National Assembly's decision, a statement setting out the decision and the terms of any direction given;

(f) where practicable, the date, time and venue of any proposed hearing or inquiry; and

(g) where an order is made by the authority, a statement as to whether or not the order has been confirmed (with or without modifications) and, where it is confirmed, the confirmation date.

(2) Where an application to which these Regulations apply—

(a) does not result in an order coming into effect, the authority must, on its section 53B register, retain the information recorded in accordance with these Regulations;

(b) results in an order coming into effect (whether in the form requested in the application or as modified by the National Assembly), the authority may retain the recorded information for as long as it thinks fit and must do so for at least 5 working days following the date on which the definitive map and statement are modified.

The section 121B register

5.—(1) In addition to the information prescribed in regulation 3, the authority must include on its section 121B register—

(a) the date by when the authority intends to determine the application (if applicable);

(b) the date on which the authority determines the application;

(c) the authority's decision;

(d) the date on which an order is made and, where applicable, confirmed;

(e) where the authority is notified that the applicant has appealed to the National Assembly in accordance with section 121D of the 1980 Act, a statement to that effect; and, on being notified of the National Assembly's decision, a statement of the outcome of the appeal; and

(f) where practicable, the date, time and venue of any proposed hearing or inquiry.