WELSH STATUTORY INSTRUMENTS

# 2005 No. 1314 (W.96) (C.58)

# RIGHTS OF WAY, WALES

## The Countryside and Rights of Way Act 2000 (Commencement No. 7) (Wales) Order 2005

*Made - - - - 10 May 2005*

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

### Title, application and interpretation

**1.**—(1) The title of this Order is the Countryside and Rights of Way Act 2000 (Commencement No. 7) (Wales) Order 2005.

(2) This Order applies in relation to Wales.

(3) In this Order—

"the 1980 Act" means the Highways Act 1980(**2**);

"the 1981 Act" means the Wildlife and Countryside Act 1981(**3**).

### Appointed days

**2.** 31 May 2005 is the day appointed for the coming into force of—

(a) section 51 of the Act (amendments relating to definitive maps and statements) insofar as it gives effect to the following provisions of Schedule 5 to the Act—

(i) paragraph 8 (consolidation of definitive maps and statements),

(ii) paragraph 10 (applications for certain orders under Part III),

(iii) paragraph 11 (procedure in connection with certain orders); and

(b) section 57 of the Act (creation, stopping up and diversion of highways) insofar as it gives effect to the following provisions of Schedule 6 to the Act—

(i) paragraph 2 (duty to have regard to agriculture, forestry and nature conservation),

(**1**) 2000 c. 37.
(**2**) 1980 c. 66.
(**3**) 1981 c. 69.

(ii) subject to article 5 of this Order, paragraph 3 (amendment of section 31 of the 1980 Act relating to the dedication of a way as highway presumed after public use for 20 years),

(iii) paragraph 9(1) to (3) (diversion of footpaths and bridleways),

(iv) paragraph 11 (diversion of footpaths and bridleways crossing railways),

(v) paragraph 14(1) and (4)(a) (supplementary provisions),

(vi) paragraph 20(a) to (c) (interpretation), and

(vii) paragraph 24 (delegation of function of making determination).

**3.** 15 July 2005 is the day appointed for the coming into force of section 57 of the Act (creation, stopping up and diversion of highways) insofar as it gives effect to the following provisions of Schedule 6 to the Act—

(a) insofar as it relates to a highway created in consequence of a special diversion order to which paragraph (c) of this article applies, paragraph 5 (highways maintainable at public expense),

(b) insofar as it inserts section 118B into the 1980 Act for the purposes of paragraph (1)(b) of that section, paragraph 8 (stopping up of certain highways which cross land occupied for the purposes of a school),

(c) insofar as it inserts section 119B into the 1980 Act for the purposes of paragraph (1)(b) of that section, paragraph 12 (diversion of certain highways which cross land occupied for the purposes of a school), and

(d) insofar as it relates to a provision brought into force by this article—

(i) paragraph 13(1) to (5) (except (5)(e)) and (7) to (9) (exercise of powers of making public path extinguishment or diversion orders),

(ii) insofar as it is not brought into force by article 2, paragraph 14 (supplementary provisions),

(iii) paragraph 17 (powers of entry),

(iv) in paragraph 18 (regulations, schemes and orders)—

(aa) sub-paragraph (a), to the extent that, in section 325(1)(d) of the 1980 Act, it inserts references to sections 118B(4) and 119B(4), and

(bb) sub-paragraph (b),

(v) paragraph 19 (revocation and variation of schemes and orders), to the extent that, in section 326(5) of the 1980 Act, it inserts references to a special extinguishment order and a special diversion order,

(vi) paragraph 20(d) and (e) (interpretation),

(vii) paragraph 21 (savings relating to telecommunications apparatus), to the extent that, in section 334(2) of the 1980 Act, it inserts references to a special extinguishment order and a special diversion order,

(viii) in paragraph 23 (provisions as to making, confirmation etc. of orders)—

(aa) sub-paragraph (1),

(bb) sub-paragraph (2)(a) and, to the extent that, in paragraph 1(1) and (2) of Schedule 6 to the 1980 Act, it inserts the reference to a special diversion order, sub-paragraph (2)(b),

(cc) sub-paragraph (3)(a) and, to the extent that, in paragraph 1(3A) of Schedule 6 to the 1980 Act, it inserts the reference to special diversion orders, sub-paragraph (3)(b),

(dd) sub-paragraph (4)(a) and, to the extent that, in paragraph 1(3B) of Schedule 6 to the 1980 Act, it inserts the reference to special diversion orders, sub-paragraph (4)(b),

(ee) to the extent that, in paragraph 2(2) and (3) of Schedule 6 to the 1980 Act, it inserts the reference to a special diversion order, sub-paragraph (5),

(ff) except insofar as it inserts paragraph 2A(1)(b) of Schedule 6 into the 1980 Act, sub-paragraph (7),

(gg) sub-paragraph (8), and

(hh) sub-paragraph (9)(a) and, to the extent that, in paragraph 3(2) of Schedule 6 to the 1980 Act, it inserts the reference to a special diversion order, sub-paragraph (9)(b).

**4.** 21 November 2005 is the day appointed for the coming into force of—

(a) section 51 of the Act (amendments relating to definitive maps and statements) insofar as it gives effect to paragraph 2 of Schedule 5 to the Act (register of applications under section 53); and

(b) section 57 of the Act (creation, stopping-up and diversion of highways) insofar as it gives effect to the following provisions of Schedule 6 to the Act-

(i) paragraph 4 (register of maps, statements and declarations), and

(ii) insofar as it inserts section 121B into the 1980 Act, paragraph 15 (register of applications).

**Transitional provisions**

**5.** Article 2(b)(ii) (amendment of section 31 of the 1980 Act) does not apply where—

(a) an owner has, or the owner's predecessors in title have, more than 6 years before 31 May 2005, deposited a map and statement in accordance with section 31(6) of the 1980 Act; and

(b) that owner has not, or the owner's predecessors in title have not, within the period of 6 years ending on 31 May 2005, lodged a statutory declaration (whether or not a previous declaration has been lodged) in accordance with section 31(6) of the 1980 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**).

*D. Elis-Thomas*
10 May 2005 — The Presiding Officer of the National Assembly

(**4**) 1998 c. 38.