WELSH STATUTORY INSTRUMENTS

2003 No. 135 (W.9)

COUNTRYSIDE, WALES

The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003

Made - - - -	*28th January 2003*
Coming into force - -	*1st March 2003*

The National Assembly for Wales ("the National Assembly") makes the following Regulations in exercise of the powers conferred on it under sections 16 and 44 of the Countryside and Rights of Way Act 2000(**1**) and all other powers enabling it in that behalf:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003 and come into force on 1st March 2003.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations:

"the Act" ("*y Ddeddf*") means the Countryside and Rights of Way Act 2000;

"amending dedication instrument" ("*offeryn cyflwyno sy'n diwygio*") means an instrument by which, in accordance with the provisions of these Regulations, the general restrictions to be observed by persons exercising the right of access may, in relation to land dedicated under section 16(1) of the Act for the purposes of Part I of the Act, be removed, relaxed or further relaxed.

"the Council" ("*y Cyngor*") means the Countryside Council for Wales;

"dedication instrument" ("*offeryn cyflwyno*") means an instrument by which, in accordance with the provisions of these Regulations, land may be dedicated under section 16(1) of the Act for the purposes of Part I of the Act; and

"electronic communication" ("*cyfathrebu electronig*") has the meaning assigned to that term in section 15(1) of the Electronic Communications Act 2000(**2**).

(**1**) 2000 c. 37. Section 16(1) and 16(2) provide for steps to be "prescribed". Section 16(6) provides for regulations to be made for certain purposes. "Prescribed" means prescribed by regulations and "regulations" means, as respects Wales, regulations made by the National Assembly for Wales (*see* section 45(1)).

(**2**) 2000 c. 7.

Form and content of dedication instruments

3. A dedication instrument must:

(a) be in writing, either in the English language or the Welsh language or, if prepared in bilingual form, in both;

(b) state that it is made under section 16(1) of the Act and that its effect, when it comes into force in accordance with regulation 5 of these Regulations, will be to dedicate the land to which it relates for the purposes of Part I of the Act;

(c) identify the land to be dedicated by reference to a plan or map annexed to the instrument:

(i) to a scale of not less than 1:10,000;

(ii) on which the boundaries of the land to be dedicated are clearly marked; and

(iii) on which the position of sufficient Ordnance Survey National Grid lines or identifiable geographical features are shown as to enable the general location of the land to be ascertained;

(d) state the name, address and post code of all persons who are making the dedication;

(e) state the nature of the interest which each person making the dedication has in the land being dedicated, and, if any such interest is a legal term of years absolute, the date when that term is to expire;

(f) where the interest of any person making the dedication does not relate to the whole of the land being dedicated, identify the extent of the land to which that person's interest relates by reference to boundaries clearly marked on the plan or map annexed to the instrument pursuant to paragraph (c);

(g) state the name, address and post code of all persons, other than those who are making the dedication, who are consenting to it;

(h) state the nature of the interest which each person consenting to the dedication has in the land being dedicated and, where that interest does not relate to the whole of the land being dedicated, identify the extent of the land to which that interest relates either by description in words or by reference to the plan or map annexed to the instrument;

(i) contain a declaration by or on behalf of the persons making the dedication that to the best of the knowledge and belief of those persons there are no persons other than those identified in accordance with paragraph (d) who are required by section 16(1) of the Act to join in the dedication and no persons, other than those identified in accordance with paragraphs (d) and (g) who are required by section 16(2) of the Act either to join in the dedication or consent to it;

(j) state whether, in relation to any of the land to be dedicated, the persons making the dedication intend that there should be a removal or a relaxation of any of the general restrictions to be observed by persons exercising the right of access set out in paragraph 1, 4 or 5 of Schedule 2 to the Act and, if so:

(i) identify, by reference to the paragraph number and, in the case of paragraph 1, the sub-paragraph letter, which of the restrictions are to be removed or, as the case may be, relaxed;

(ii) in the case of a restriction which is to be relaxed, the extent of the relaxation;

(iii) whether, in relation to each restriction which is to be removed or to be relaxed, the removal or relaxation is to apply to the whole of the land to be dedicated and, if not, to which part or parts of the land it is to apply; and

(iv) identify, by reference to boundaries clearly marked on the plan or map annexed to the instrument pursuant to paragraph (c), or a separate plan or map to no less a scale

annexed to the instrument for the purposes of this paragraph, the part or parts of the land to which the removal or relaxation of the restrictions are to apply;

(k) contain a declaration of consent to the terms of the instrument signed by, or by some person authorised to sign on behalf of, each of the persons identified pursuant to paragraph (g); and

(l) contain, immediately before the place where it is to be signed when executed, a declaration that the provisions of regulation 4(4) have been complied with.

Execution of a dedication instrument

4.—(1) A dedication instrument is executed by being:

(a) signed by, or by some person authorised to sign on behalf of, the person or persons who are making the dedication; and

(b) dated with the date on which it is signed or, if it is signed by different persons on different days, the date on which it is signed by the last of those persons.

(2) If a person signs a dedication instrument on behalf of a person who is making the declaration, the signature must be preceded by a statement identifying the person on whose behalf the dedication instrument is being signed and a declaration that the person who is signing the dedication instrument is authorised to do so on behalf of that person.

(3) The date referred to in paragraph (1)(b) is, for the purposes of these Regulations, the date of execution of the dedication instrument.

(4) A dedication instrument may not be signed by any person pursuant to paragraph (1) unless a draft of the instrument was sent, so as to be received in every case not less than 3 months before it is so signed, to each of the following:

(a) the access authority or access authorities in respect of the land to which the draft instrument relates;

(b) the Council;

(c) the National Assembly;

(d) if any part of the land to which the draft instrument relates consists of woodland, the Forestry Commissioners; and

(e) where the interest in the land of any of the persons who are to make the dedication is, when the instrument is executed, subject to any charge by way of legal mortgage, the mortgagee.

Effect of dedication instruments

5.—(1) Subject to paragraph (3), a dedication instrument which has been executed in accordance with regulation 4 comes into force 6 months from its date of execution.

(2) A dedication instrument, when it has come into force in accordance with paragraph (1), has the effect of dedicating the land to which it relates for the purposes of Part I of the Act.

(3) A dedication instrument does not come into force unless it has, in accordance with paragraph (4), been lodged with the access authority in respect of the land to which it relates, or if there is more than one such access authority, with one of them.

(4) A dedication instrument is lodged with an access authority by sending or delivering the original to that authority so that it is received by the access authority within 1 month of its date of execution and any dedication instrument received by an access authority after the expiry of that period is of no effect.

(5) In the event of an access authority receiving a dedication instrument after the expiry of the period referred to in paragraph (4), it must immediately inform each of the persons identified in it as