
WELSH STATUTORY INSTRUMENTS

2004 No. 1489 (W.154) (C.59)

COUNTRYSIDE, WALES

The Countryside and Rights of Way Act 2000
(Commencement No. 5) (Wales) Order 2004

Made - - - -

8 June 2004

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

Citation and application

1.—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 5) (Wales) Order 2004.

(2) This Order applies to Wales.

Appointed day

2. The day appointed for the coming into force of—

(a) section 18 of the Act (Wardens);

(b) section 20 of the Act (Codes of conduct and other information); and

(c) section 46(1)(a) of, and, insofar as it relates thereto, Part I of Schedule 16 to, the Act (repeal of section 193(2) of the Law of Property Act 1925 (“the 1925 Act”)(2))

is 21 June 2004.

Saving

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

(1) 2000 c. 37.

(2) 1925 c. 20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

8 June 2004

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 21 June 2004, sections 18, 20 and 46(1)(a) of, and, insofar as it relates to the repeal of section 193(2) of the Law of Property Act 1925, Part I of Schedule 16 to, the Countryside and Rights of Way Act 2000 (“the Act”).

Section 18 of the Act enables access authorities to appoint wardens in respect of access land so as to give advice to access users and land owners and to secure compliance with byelaws, with restrictions set out in Schedule 2 to the Act and with any restriction or exclusion imposed under Chapter II of the Act.

Section 20 of the Act imposes a duty on the Countryside Council for Wales (“the CCW”) to issue a code of conduct for the guidance of users of the right of access and persons interested in access land (such as farmers, landowners and commoners). The section also requires the CCW to take such steps as it considers expedient to ensure that the public are informed of the extent, and means, of access to access land and that both the public and persons interested in access land are informed of their rights and obligations under the statutory right of access.

Section 46 of, and Part I of Schedule 16 to, the Act effect repeals consequent on the provisions of Part I of the Act. Section 46(1)(a) of the Act provides for the repeal of section 193(2) of the Law of Property Act 1925 (which allows the owners of common land to execute a deed of dedication so that the common will become subject to the right of access for air and exercise provided for in section 193(1) of the 1925 Act). This power is no longer needed now that the power to dedicate access over land contained in section 16 of the Act is in operation. Section 16 of the Act was commenced on 30 January 2001 by section 103(2) of the Act and The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003 (S.I. 2003/135) (W.9) provide the procedures for dedicating land.

Article 3 of this Order contains a saving provision to enable existing deeds executed under the 1925 Act to remain in force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Act referred to in the Table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

<i>Section(s) or Schedule(s)</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
46(1)(b)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
46(3) (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
57 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
60 and 61	1 November 2002	S.I. 2002/2615 (W.253) (C.82)
63	1 April 2004	S.I. 2004/315 (W.33) (C.16)
68	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
70(1) and (3)	1 April 2004	S.I. 2004/315 (W.33) (C.16)

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<i>Section(s) or Schedule(s)</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
70(2) and (4)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
72	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Part IV (sections 82 to 93) (and, accordingly, Schedules 13, 14 and 15)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
96	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
99	30 January 2001	S.I. 2001/203 (W.9) (C.10)
102 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 4, paragraphs 1, 4, 5 and 6	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 6, paragraphs 1, 6 and 9(5)	1 April 2004	S.I. 2004/315 (W.33) (C.16)
Schedule 6, paragraphs 18(a) and 19 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 16, Parts I and II (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 16, Parts V and VI.	1 May 2001	S.I. 2001/1410 (W.96) (C.50)