

**2004 No. 292 (C. 14)**

**RIGHTS OF WAY, ENGLAND**

**The Countryside and Rights of Way Act 2000  
(Commencement No. 4) Order 2004**

*Made - - - - - 5th February 2004*

The Secretary of State, in exercise of the powers conferred upon her by section 103(3) to (5) of the Countryside and Rights of Way Act 2000(a), hereby makes the following Order:

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 4) Order 2004.

(2) In this Order—

“the 1980 Act” means the Highways Act 1980(b); and

“the 1981 Act” means the Wildlife and Countryside Act 1981(c).

(3) This Order applies in relation to England only(d).

**Appointed day**

2. 13th February 2004 is the day appointed for the coming into force of the following provisions of the Countryside and Rights of Way Act 2000—

- (a) section 63 (removal of obstructions from highways);
- (b) section 70(1) (minor amendment of section 66(3) of the 1980 Act relating to works for safeguarding persons using footpaths);
- (c) section 70(3) (minor amendment of section 300 of the 1980 Act relating to the right of local authorities to use vehicles and appliances on footways and bridleways);
- (d) the following provisions of Part 1 of Schedule 5 (amendments of Part III of the 1981 Act relating to definitive maps and statements and restricted byways)—
  - (i) paragraph 8 (consolidation of definitive maps and statements);
  - (ii) paragraph 10 (amendment of Schedule 14 to the 1981 Act relating to applications for certain orders under Part III of that Act);
  - (iii) paragraph 11 (amendment of Schedule 15 to the 1981 Act relating to the procedure in connection with certain orders under Part III of that Act); and
- (e) paragraph 3 of Schedule 6 (amendment of section 31 of the 1980 Act relating to dedication of way as highway presumed after public use for 20 years).

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(a) 2000 c. 37.

(b) 1980 c. 66.

(c) 1981 c. 69.

(d) As to the exercise of the power to bring these provisions into force as regards Wales, *see* section 103(3) of the Countryside and Rights of Way Act 2000.

### **Transitional provisions**

3.—(1) The amendment of Schedule 15 to the 1981 Act, as mentioned in article 2(d)(iii) above, shall not apply in respect of orders made under Part III of that Act before 13th February 2004.

(2) The amendment of section 31 of the 1980 Act, as mentioned in article 2(e) above, shall not apply in a case where—

- (a) an owner or his predecessors in title have, more than six years before 13th February 2004, deposited a map and statement in accordance with section 31(6) of the 1980 Act; and
- (b) that owner or his predecessors in title have not, within the period of six years ending on 12th February 2004, lodged a statutory declaration (whether or not there has been a previous declaration) in accordance with section 31(6) of the 1980 Act.

5th February 2004

*Alun Michael*  
Minister of State  
Department for Environment, Food and Rural Affairs

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 13th February 2004 in relation to England the following provisions of the Countryside and Rights of Way Act 2000—

- (a) section 63 (removal of obstructions from highways);
- (b) section 70(1) which makes minor amendments to section 66(3) of the Highways Act 1980 (works for safeguarding persons using footpaths);
- (c) section 70(3) which amends section 300 of the Highways Act 1980 (right of local authorities to use vehicles and appliances on footpaths and bridleways);
- (d) paragraphs 8, 10, and 11 of Schedule 5 which amend Part III of the Wildlife and Countryside Act 1981 (public rights of way); and
- (e) paragraph 3 of Schedule 6 which amends section 31(6) of the Highways Act 1980 (dedication of way as highway presumed after public use for 20 years).

This Order contains transitional provisions (article 3).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Countryside and Rights of Way Act 2000 have been brought into force in England by commencement order made before the date of this Order.

### ENGLAND

<i>Provision</i>	<i>Date of Commencement</i>	<i>SI. No.</i>
Section 46(1)(b)	1.4.2001	2001/114
Section 46(3)(partially)	1.4.2001	
Section 57 (partially)	30.1.2001	
Section 57 (partially)	12.2.2003	2003/272
Sections 60 to 62	21.11.2002	2002/2833
Section 68	1.4.2001	2001/114
Section 70(2) and (4)	1.4.2001	
Section 72	30.1.2001	
Part IV (and Schedules 13,14 and 15)	1.4.2001	
Section 96	1.4.2001	
Section 97	1.4.2001	
Section 100 (partially)	30.1.2001	
Section 100(3)	1.4.2001	
Section 102 (partially)	30.1.2001	
Section 102 (partially)	1.4.2001	
Schedule 4, paragraphs 1,4,5 and 6	1.4.2001	
Schedule 6, paragraphs 1, 2, 5 (partially), 6, 8 (partially), 9 (partially), 11, 12 (partially), 13 (partially), 14 (partially), 17 (partially), 18 (partially), 19 (partially), 20, 21 (partially), 23 (partially), 24 (partially), 25 and 26	12.2.2003	2003/272
Schedule 6, paragraph 18(a) (partially)	30.1.2001	2001/114
Schedule 6 paragraph 19 (partially)	30.1.2001	
Schedule 16, Part I (partially)	1.4.2001	
Schedule 16, Part II (partially)	30.1.2001	
Schedule 16, Part II (partially)	1.4.2001	
Schedule 16, Parts V and VI	1.4.2001	

## WALES

The following commencement orders have been made—

the Countryside and Rights of Way Act 2000 (Commencement No. 1) (Wales) Order 2001 (S.I. 2001/203 (W.9) (C.10));

the Countryside and Rights of Way Act 2000 (Commencement No. 2) (Wales) Order 2001 (S.I. 2001/1410 (W.96) (C.50)); and

the Countryside and Rights of Way Act 2000 (Commencement No. 3) (Wales) Order 2002 (S.I. 2002/2615 (W.253) (C.82)).

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