
WELSH STATUTORY INSTRUMENTS

2001 No. 1410 (W. 96) (C. 50)

COUNTRYSIDE, WALES

**The Countryside and Rights of Way Act 2000
(Commencement No. 2) (Wales) Order 2001**

Made - - - - *5th April 2001*

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⁽¹⁾.

Citation, interpretation and application

1.—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 2) (Wales) Order 2001.

(2) In this Order:

“the Act” (“*y Ddeddf*”) means the Countryside and Rights of Way Act 2000 and unless otherwise stated references to sections, Parts and Schedules are references to sections and Parts of, and Schedules to, the Act;

“the 1980 Act” (“*Deddf 1980*”) means the Highways Act 1980⁽²⁾;

“the 1981 Act” (“*Deddf 1981*”) means the Wildlife and Countryside Act 1981⁽³⁾;

(3) This Order applies to Wales.

Appointed day

2. May 2001 is the day appointed on which the following provisions of the Act come into force:—

- (a) section 46(1)(b) (repeals of sections 61 to 63 of the National Parks and Access to the Countryside Act 1949⁽⁴⁾);
- (b) section 46(3) (which introduces Schedule 4) in so far as it relates to the provisions of Schedule 4 referred to in sub-paragraph (j) below;
- (c) section 57 (amendments to the 1980 Act and other Acts) in so far as it gives effect to the substitutions referred to in sub-paragraphs (k) and (l) below;
- (d) section 68 (vehicular access across common land);

(1) 2000 c. 37
(2) 1980 c. 66
(3) 1981 c. 69
(4) 1949 c. 97

- (e) section 70(2) and (4) (minor amendments);
- (f) section 72 (interpretation provisions of Part II);
- (g) Part IV (designation and management of areas of outstanding natural beauty) (and accordingly Schedules 13, 14 and 15);
- (h) Section 96 (amendments to section 39 of the 1981 Act);
- (i) Section 102 in so far as it relates to the provisions in Schedule 16 referred to in subparagraphs (m) to (q) below ;
- (j) paragraphs 1, 4, 5 and 6 of Schedule 4;
- (k) paragraph 18(a) of Schedule 6 (amendments to the 1980 Act) to the extent that in section 325(1)(d) of the 1980 Act it substitutes for “118, 119,” references to sections 118, 118A, 119 and 119A;
- (l) paragraph 19 of Schedule 6 to the extent that in section 326(5) of the 1980 Act it substitutes for “a public path diversion order” references to a rail crossing extinguishment order, a public path diversion order and a rail crossing diversion order;
- (m) Part I of Schedule 16 (repeals relating to access to the countryside) except in so far as it repeals:
 - (i) section 193(2) of the Law of Property Act 1925⁽⁵⁾;
 - (ii) paragraph 35A of Schedule 17 to the Local Government Act 1972⁽⁶⁾; and
 - (iii) paragraph 13 of Schedule 6 to the Local Government (Wales) Act 1994⁽⁷⁾;
- (n) Part II of Schedule 16 (repeals relating to public rights of way and road traffic) in so far as it repeals part of section 22(1)(a) of the Road Traffic Regulation Act 1984⁽⁸⁾;
- (o) Part II of Schedule 16 in so far as it repeals section 134(5) of the 1980 Act;
- (p) Parts III and IV of Schedule 16 (repeals relating to sites of special scientific interest and wildlife); and
- (q) Parts V and VI of Schedule 16 (repeals relating to areas of outstanding natural beauty and the 1981 Act).

Transitional provision

3. The repeal of section 134(5) of the 1980 Act commenced by article 2(e) and (o) shall not have effect in relation to any offence under section 134 of that Act committed before 1 May 2001.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁹⁾.

5th April 2001

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

(5) 1925 c. 20
 (6) 1972 c. 70
 (7) 1994 c. 19
 (8) 1984 c. 27
 (9) 1998 c. 38

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1 May 2001 certain provisions of the Countryside and Rights of Way Act 2000 (“the Act”) in relation to Wales, namely:

(1) section 57, in relation to paragraphs 18 and 19 of Schedule 6 (which amend the Highways Act 1980),

(2) paragraphs 18(a) and 19 of Schedule 6 to the extent that they make changes relating to rail crossing extinguishment and diversion orders,

(3) section 68 (which relates to vehicular access over common land),

(4) section 72 (which contains interpretation provisions for Part II of the Act),

(5) Part IV of, and Schedules 13 and 14 to, the Act (which amend the law relating to areas of outstanding natural beauty),

(6) section 102 (which introduces the repeals Schedule) in relation to certain repeals in Schedule 16,

(7) certain other minor and consequential amendments to the law.

Article 3 of the Order ensures that section 134(5) of the Highways Act 1980 (which limits the persons who may prosecute an offence under section 134(4) of that Act) will continue to apply in relation to offences committed before 1 May 2001.