
WELSH STATUTORY INSTRUMENTS

2004 No. 315 (W.33) (C.16)

RIGHTS OF WAY, WALES

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

Made - - - - 10th February 2004

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by section 103(3) and (4) 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. 4) (Wales) Order 2004.

(2) This order applies to Wales.

Appointed day

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

- (a) section 63 of the Act (enforcement of duty to prevent obstructions on highways);
- (b) section 70(1) and (3) of the Act (minor amendments to the Highways Act 1980(2)); and
- (c) paragraphs 1, 6 and 9(5) of Schedule 6 to the Act (provisions relating to rights of way improvement plans prepared under sections 60 and 61 of the Act),

is 1st April 2004.

(1) 2000 c. 37.
(2) 1980 c. 66.

Status: This is the original version (as it was originally made).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).

10th February 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 1 April 2004, sections 63 and 70(1) and (3) of, and paragraphs 1, 6 and 9(5) of Schedule 6 to, the Countryside and Rights of Way Act 2000 (“the Act”) in relation to Wales.

Section 63 of the Act inserts sections 130A, 130B, 130C and 130D into the Highways Act 1980 (“the 1980 Act”). These provisions were introduced to strengthen the existing provisions relating to the removal of obstructions from rights of way. Where any person believes a local highway authority (“the authority”) is failing in its duty under section 130 of the 1980 Act to prevent, so far as possible, a right of way from being stopped-up or obstructed, section 130A enables that person to serve a notice on the authority requesting it to secure the removal of the obstruction. Where the person who served the notice is not satisfied that the obstruction has been removed, section 130B enables that person to seek a magistrates' court order to force the authority to act to secure the removal of the obstruction. Sections 130C and 130D provide associated procedural matters.

Section 70(1) of the Act extends a highway authority’s power under section 66(3) of the 1980 Act to provide and maintain safety features on footpaths by enabling the authority to provide and maintain posts and by extending the application of the section to cover bridleways.

Section 70(3) of the Act extends an authority’s power to use vehicles and appliances on footways, footpaths and bridleways by enabling the authority to use such vehicles and appliances for the purpose of preventing or removing obstructions, nuisances or other interferences.

Paragraphs 1, 6 and 9(5) of Schedule 6 to the Act require the body empowered to confirm (or, in the case of paragraph 1, to confirm or make) a public path creation, extinguishment or diversion order to consider any material provision of a rights of way improvement plan prepared under sections 60 and 61 of the Act where the proposed order affects land included in the plan. Sections 60 and 61 of the Act were commenced on 1 November 2002 by The Countryside and Rights of Way Act 2000 (Commencement No. 3) (Wales) Order 2002 (S.I. 2002/2615) (W.253) (C.82).

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)
68	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
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)

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<i>Section(s) or Schedule(s)</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
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 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)