



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART II

#### PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC

##### *Miscellaneous*

#### **66 Making of traffic regulation orders for purposes of conserving natural beauty, etc.**

- (1) In section 22 of the <sup>M1</sup>Road Traffic Regulation Act 1984 (traffic regulation for special areas in the countryside), in subsection (1)(a)—
  - (a) the words “(other than Greater London)” are omitted,
  - (b) at the end of paragraph (vi), the word “or” is omitted, and
  - (c) before the word “and” at the end of paragraph (vii) there is inserted—

“or

(viii) a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);”.
- (2) In subsection (2) of that section, for “the paragraphs of subsection (1) of that section” there is substituted “ paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act ”.
- (3) After subsection (4) of that section there is inserted—

“(5) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.”.
- (4) After that section there is inserted—

*Status: Point in time view as at 27/09/2005. This version of this cross heading contains provisions that are prospective.*

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**“22A Traffic regulation on certain roads for purpose of conserving natural beauty.**

- (1) This section applies to roads other than—
  - (a) roads to which section 22 of this Act applies,
  - (b) special roads, or
  - (c) any road which is a trunk road, a classified road, a GLA road, a cycle track, a bridleway or a footpath, as those expressions are defined by section 329 of the <sup>M2</sup>Highways Act 1980.
- (2) This Act shall have effect as respects roads to which this section applies as if, in relation to the making of provision with respect to vehicular traffic, the list of purposes for which a traffic regulation order under section 1 of this Act may be made, as set out in paragraphs (a) to (g) of subsection (1) of that section and referred to in section 6(1)(b) of this Act, included the purpose of conserving or enhancing the natural beauty of the area.
- (3) In subsection (2) above the reference to conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features.”

**Marginal Citations**

**M1** 1984 c. 27.

**M2** 1980 c. 66.

**67 Prohibition on driving mechanically propelled vehicles elsewhere than on roads.**

Schedule 7 (which makes amendments relating to the driving of mechanically propelled vehicles elsewhere than on roads) has effect.

**68 Vehicular access across common land etc.**

- (1) This section applies to a way which the owner or occupier (from time to time) of any premises has used as a means of access for vehicles to the premises, if that use of the way—
  - (a) was an offence under an enactment applying to the land crossed by the way, but
  - (b) would otherwise have been sufficient to create on or after the prescribed date, and to keep in existence, an easement giving a right of way for vehicles.
- (2) Regulations may provide, as respects a way to which this section applies, for the creation in accordance with the regulations, on the application of the owner of the premises concerned and on compliance by him with prescribed requirements, of an easement subsisting at law for the benefit of the premises and giving a right of way for vehicles over that way.
- (3) An easement created in accordance with the regulations is subject to any enactment or rule of law which would apply to such an easement granted by the owner of the land.
- (4) The regulations may in particular—

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- (a) require that, where an application is made after the relevant use of the way has ceased, it is to be made within a specified time,
- (b) specify grounds on which objections may be made and the procedure to apply to the making of objections,
- (c) require any matter to be referred to and determined by the Lands Tribunal, and make provision as to procedure and costs,
- (d) make provision as to the payment of any amount by the owner of the premises concerned to any person or into court and as to the time when any payment is to be made,
- (e) provide for the determination of any such amount,
- (f) make provision as to the date on which any easement is created,
- (g) specify any limitation to which the easement is subject,
- (h) provide for the easement to include any specified right incidental to the right of way,
- (i) make different provision for different circumstances.

(5) In this section—

“enactment” includes an enactment in a local or private Act and a byelaw, regulation or other provision having effect under an enactment;

“owner”, in relation to any premises, means—

- (a) a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the premises, whether in possession or in reversion, or
- (b) a tenant under a long lease, within the meaning of the <sup>M3</sup>Landlord and Tenant Act 1987;

“prescribed” means prescribed by regulations;

“regulations” means regulations made, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales.

(6) Regulations under this section shall be made by statutory instrument, and no such regulations shall be made by the Secretary of State unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

#### Commencement Information

- II** S. 68 wholly in force at 1.5.2001; s. 68 not in force at Royal Assent see s. 103(3); s. 68 in force for E. at 1.4.2001 by [S.I. 2001/114](#), [art. 2\(2\)\(c\)](#); s. 68 in force for W. at 1.5.2001 by [S.I. 2001/1410](#), [art. 2\(d\)](#)

#### Marginal Citations

- M3** 1987 c. 31.

## 69 Erection or improvement of stiles, etc.

(1) In section 147 of the 1980 Act (power to authorise erection of stiles etc on footpath or bridleway) after subsection (2) there is inserted—

“(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and

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in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.”

- (2) In subsection (5) of that section, at the end there is inserted “ or for the breeding or keeping of horses. ”
- (3) After that section there is inserted—

**“147ZA Agreements relating to improvements for benefit of persons with mobility problems.**

- (1) With respect to any relevant structure, a competent authority may enter into an agreement with the owner, lessee or occupier of the land on which the structure is situated which provides—
- (a) for the carrying out by the owner, lessee or occupier of any qualifying works and the payment by the competent authority of the whole or any part of the costs incurred by him in carrying out those works, or
  - (b) for the carrying out by the competent authority of any qualifying works at their own expense or subject to the payment by the owner, lessee or occupier of the whole or any part of the costs incurred in carrying out those works.
- (2) In this section—
- (a) “competent authority” has the same meaning as in section 147 above,
  - (b) “relevant structure” means a stile, gate or other structure which—
    - (i) is authorised by a condition or limitation subject to which the public right of way over the footpath or bridleway was created, or
    - (ii) is authorised under section 147 above,
 but does not include a structure to which an agreement falling within section 146(5)(b) above relates, and
  - (c) “qualifying works”, in relation to a relevant structure, means works for replacing or improving the structure which will result in a structure that is safer or more convenient for persons with mobility problems.
- (3) An agreement under this section may include such conditions as the competent authority think fit.
- (4) Those conditions may in particular include conditions expressed to have enduring effect—
- (a) for the maintenance of the structure as replaced or improved, and
  - (b) for enabling the public right of way to be exercised without undue inconvenience to the public.
- (5) Where an agreement under this section has been entered into in relation to any structure—
- (a) the public right of way is to be deemed to be subject to a condition that the structure as replaced or improved may be erected and maintained in accordance with the agreement so long as any conditions included by virtue of subsection (4) above are complied with,
  - (b) in a case falling within subsection (2)(b)(i) above, as from the effective date the previous condition or limitation relating to the relevant structure shall cease to have effect, and

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- (c) in a case falling within subsection (2)(b)(ii) above, as from the effective date the previous authorisation under section 147 above shall cease to have effect in relation to the relevant structure.
- (6) In subsection (5) above “the effective date” means—
  - (a) the first anniversary of the day on which the agreement was entered into, or
  - (b) such earlier date as may be specified for the purposes of this subsection in the agreement.
- (7) For the purposes of section 143 above, any stile, gate or other structure replaced or improved in pursuance of an agreement under this section is to be deemed to be erected under this section only if any conditions included by virtue of subsection (4) above are complied with.
- (8) A competent authority may not enter into an agreement under this section except with the consent of every owner, lessee or occupier of the land on which the relevant structure is situated who is not a party to the agreement.
- (9) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of this section; and in exercising their powers under this section competent authorities shall have regard to any such guidance issued to them.”
- (4) In section 146 of the 1980 Act (duty to maintain stiles etc. on footpaths and bridleways) in subsection (5), before the word “or” at the end of paragraph (a) there is inserted—
  - “(aa) if any conditions for the maintenance of the structure imposed by virtue of subsection (4) of section 147ZA below are for the time being in force under that section.”.
- (5) In section 344 of the 1980 Act (application to Isles of Scilly) in subsection (2)(a) after “147,” there is inserted “ 147ZA, ”.

#### **Commencement Information**

**I2** S. 69(2) in force at 27.9.2005 for E. by S.I. 2005/2459, art. 2(1)(d)

## **70 Minor amendments.**

- (1) In section 66(3) of the 1980 Act (works for safeguarding persons using footpaths)—
  - (a) after “footpath” there is inserted “ or bridleway ”, and
  - (b) after “barriers,” there is inserted “ posts, ”.
- (2) In section 134 of that Act, subsection (5) (which limits the persons who may bring proceedings for failure to restore a public path disturbed by ploughing etc.) is omitted.
- (3) In section 300 of that Act (right of local authorities to use vehicles and appliances on footways and bridleways), in subsection (1) after “verges,” there is inserted “ for preventing or removing obstructions to them or otherwise preventing or abating nuisances or other interferences with them, ”.
- (4) In section 21(2)(b) of the <sup>M4</sup>Road Traffic Act 1988 (defence to charge of driving or parking on cycle track for highway authority vehicles), after “verges” there is inserted

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“ , or the preventing or removing of obstructions to the cycle track or the preventing or abating in any other way of nuisances or other interferences with the cycle track, ”.

#### Commencement Information

- I3** S. 70 partly in force; s. 70 not in force at Royal Assent see s. 103(3); s. 70(2)(4) in force for E. at 1.4.2001 by S.I. 2001/114, art. 2(2)(d) (with art. 3); s. 70(2)(4) in force for W. at 1.5.2001 by S.I. 2001/1410, art. 2(e) (with art. 3)
- I4** S. 70(1) in force at 13.2.2004 for E. by S.I. 2004/292, art. 2(b)
- I5** S. 70(1)(3) in force at 1.4.2004 for W. by S.I. 2004/315, art. 2(b)
- I6** S. 70(3) in force at 13.2.2004 for E. by S.I. 2004/292, art. 2(c)

#### Marginal Citations

- M4** 1988 c. 52.

PROSPECTIVE

## 71 Reports on functions relating to rights of way.

- (1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may make regulations requiring local highway authorities of a description specified in the regulations to publish reports on the performance of any of their functions so far as relating to local rights of way (whether or not those functions are conferred on them as highway authorities).
- (2) Subsection (1) is without prejudice to section 230 of the <sup>M5</sup>Local Government Act 1972 (reports and returns).
- (3) Regulations under subsection (1) may prescribe the information to be given in such reports and how and when reports are to be published.
- (4) Regulations under subsection (1) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
  - “local highway authority” has the same meaning as in the 1980 Act, except that it does not include Transport for London; and
  - “local rights of way” has the same meaning as in section 60.

#### Marginal Citations

- M5** 1972 c. 70.

## 72 Interpretation of Part II.

- (1) In this Part, unless a contrary intention appears—
  - (a) “restricted byway” and “restricted byway rights” have the meaning given by section 48(4);

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(b) expressions which are defined for the purposes of Part III of the 1981 Act by section 66(1) of that Act have the same meaning as in that Part.

(2) In this Part any reference to a highway includes a reference to part of a highway.

#### Commencement Information

**I7** S. 72 wholly in force at 1.5.2001; s. 72 not in force at Royal Assent see s. 103(3); s. 72 in force for E. at 30.1.2001 by S.I. 2001/114, art. 2(1)(b); s. 72 in force for W. at 1.5.2001 by S.I. 2001/1410, art. 2(f)

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