



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Local access forums*

#### **94 Local access forums**

- (1) The appointing authority for any area shall in accordance with regulations establish for that area, or for each part of it, an advisory body to be known as a local access forum.
- (2) For the purposes of this section—
  - (a) the local highway authority is the appointing authority for their area, except any part of it in a National Park, and
  - (b) the National Park authority for a National Park is the appointing authority for the National Park.
- (3) A local access forum consists of members appointed by the appointing authority in accordance with regulations.
- (4) It is the function of a local access forum, as respects the area for which it is established, to advise—
  - (a) the appointing authority,
  - (b) any body exercising functions under Part I in relation to land in that area,
  - (c) if the appointing authority is a National Park authority, the local highway authority for any part of that area, and
  - (d) such other bodies as may be prescribed,as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The bodies mentioned in paragraphs (a) to (d) of subsection (4) shall have regard, in carrying out their functions, to any relevant advice given to them by a local access forum under that subsection or any other provision of this Act.
- (6) In carrying out its functions, a local access forum shall have regard to—
  - (a) the needs of land management,
  - (b) the desirability of conserving the natural beauty of the area for which it is established, including the flora, fauna and geological and physiographical features of the area, and
  - (c) guidance given from time to time by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (7) Subsection (1) does not apply to the council of a London borough or to any part of their area unless the council so resolve.
- (8) The Secretary of State, as respects England, or the National Assembly for Wales, as respects Wales, if satisfied that no local access forum is required for any area or part of any area, may direct that subsection (1) is not to apply in relation to that area or part.
- (9) Before giving a direction under subsection (8) as respects an area or part of an area, the Secretary of State or the National Assembly for Wales must consult the appointing authority for the area and the appropriate countryside body.
- (10) In this section—
  - “appropriate countryside body” has the same meaning as in Part I;
  - “local highway authority” has the same meaning as in the 1980 Act;
  - “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.

## **95 Local access forums: supplementary**

- (1) Regulations under section 94 may in particular include provision—
  - (a) as to the appointment as members of a local access forum of persons appearing to the appointing authority to be representative of persons of any specified description or of any specified body;
  - (b) as to the establishment by appointing authorities of joint local access forums.
- (2) The regulations must provide for the appointment of persons appearing to the appointing authority to be representative of—
  - (a) users of local rights of way or the right conferred by section 2(1);
  - (b) owners and occupiers of access land or land over which local rights of way subsist;
  - (c) any other interests especially relevant to the authority’s area.
- (3) In subsection (2)—
  - “access land” has the same meaning as in Part I;
  - “local rights of way” has the meaning given by section 60(5), but as if the references there to a local highway authority and their area were references to an appointing authority and their area.

- (4) The Secretary of State and the National Assembly for Wales, in making regulations under section 94 containing such provision as is mentioned in subsection (2), must have regard to the desirability of maintaining a reasonable balance between the number of members of any local access forum appointed in accordance with paragraph (a) and in accordance with paragraph (b) of subsection (2).
- (5) Regulations under section 94 may include such supplementary or incidental provision as appears to the Secretary of State or National Assembly for Wales (as the case may be) to be necessary or expedient.
- (6) For the purposes of section 94, the Broads are to be treated as a National Park and the Broads Authority as a National Park authority.
- (7) In subsection (6) “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.
- (8) Regulations under section 94 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.

#### *Management agreements*

### **96 Management agreements**

In section 39 of the 1981 Act (management agreements with owners and occupiers of land)—

- (a) in subsection (1) the words “both in the countryside and” are omitted, and
- (b) at the end of subsection (5) (authorities which may enter into management agreements) there is inserted—
  - “(d) as respects any land in England, the Countryside Agency;
  - (e) as respects any land in Wales, the Countryside Council for Wales;
  - (f) as respects land in any area of outstanding natural beauty designated under section 82 of the Countryside and Rights of Way Act 2000 for which a conservation board has been established under section 86 of that Act, that board.”

#### *Norfolk and Suffolk Broads*

### **97 Duty of public bodies etc. regarding the Broads**

In Part IV of the Norfolk and Suffolk Broads Act 1988, before section 18 there is inserted—

#### **“17A General duty of public bodies etc**

- (1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority shall have regard to the purposes of—
  - (a) conserving and enhancing the natural beauty of the Broads;
  - (b) promoting the enjoyment of the Broads by the public; and
  - (c) protecting the interests of navigation.

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- (2) The following are relevant authorities for the purposes of this section—
- (a) any Minister of the Crown,
  - (b) any public body,
  - (c) any statutory undertaker,
  - (d) any person holding public office.
- (3) In subsection (2)—
- “public body” includes
- (a) a county council, district council or parish council;
  - (b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;
  - (c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;
- “public office” means—
- (a) an office under Her Majesty;
  - (b) an office created or continued in existence by a public general Act; or
  - (c) an office the remuneration in respect of which is paid out of money provided by Parliament.”

*Town and village greens*

**98 Registration of town and village greens**

- (1) Section 22 of the Commons Registration Act 1965 (interpretation) is amended as follows.
- (2) In subsection (1), in the definition of “town or village green” for the words after “lawful sports and pastimes” there is substituted “or which falls within subsection (1A) of this section.”
- (3) After that subsection there is inserted—
- “(1A) Land falls within this subsection if it is land on which for not less than twenty years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either—
- (a) continue to do so, or
  - (b) have ceased to do so for not more than such period as may be prescribed, or determined in accordance with prescribed provisions.
- (1B) If regulations made for the purposes of paragraph (b) of subsection (1A) of this section provide for the period mentioned in that paragraph to come to an end unless prescribed steps are taken, the regulations may also require registration authorities to make available in accordance with the regulations, on payment of any prescribed fee, information relating to the taking of any such steps.”

## Supplementary

### 99 Wales

- (1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999—
  - (a) the reference to the 1980 Act is to be treated as referring to that Act as amended by this Act, and
  - (b) the reference to the 1981 Act is to be treated as referring to that Act as amended by this Act.
- (2) In that Schedule, at the end of the list of Public General Acts there is inserted—

**“Countryside and Rights of Way Act 2000 (c. 37) Schedule 11.”**
- (3) Subsection (1), and the amendment made by subsection (2), do not affect the power to make further Orders varying or omitting the references mentioned in subsection (1) or the provision inserted by subsection (2).

### 100 Isles of Scilly

- (1) Subject to the provisions of any order under this section, the following provisions of this Act do not apply in relation to the Isles of Scilly—
  - (a) Part I; and
  - (b) sections 58 to 61 and 71.
- (2) The Secretary of State may by order made by statutory instrument provide for the application of any of the provisions mentioned in subsection (1) in relation to the Isles of Scilly, subject to such modifications as may be specified in the order.
- (3) Part IV applies in relation to the Isles of Scilly subject to such modifications as may be specified in an order made by the Secretary of State by statutory instrument.
- (4) Before making an order under subsection (2) or (3), the Secretary of State shall consult the Council of the Isles of Scilly.
- (5) In section 344 of the 1980 Act (application to the Isles of Scilly)—
  - (a) in subsection (2)(a) for “121” there is substituted “121E, 130A to 130D”, and
  - (b) before “146” there is inserted “137ZA(4)”.

### 101 Expenses

There shall be paid out of money provided by Parliament—

- (a) any increase attributable to this Act in the sums required by the Secretary of State for making grants to the Countryside Agency or English Nature,
- (b) any administrative expenses of a Minister of the Crown which are attributable to this Act,
- (c) any other expenditure of a Minister of the Crown or government department which is attributable to this Act,
- (d) any increase attributable to this Act in the sums which under any other enactment are payable out of money so provided.

**102 Repeals**

The enactments mentioned in Schedule 16 are repealed to the extent specified.

**103 Commencement**

- (1) The following provisions of this Act come into force on the day on which this Act is passed—
  - section 81(2) and (3),
  - this section, and
  - section 104.
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - section 1 and Schedule 1,
  - sections 3 to 11 and Schedule 3,
  - sections 15 to 17,
  - section 19,
  - Chapters II and III of Part I,
  - sections 40 to 45,
  - section 52,
  - sections 58 and 59,
  - sections 64 to 67 and Schedule 7 (apart from paragraphs 6 and 7 of that Schedule),
  - Part III (apart from section 81(2) and (3)), and Schedules 8, 9, 10, 11 and 12 and Parts III and IV of Schedule 16,
  - sections 94 and 95, and
  - section 98.
- (3) The remaining provisions of this Act come into force on such day as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order made by statutory instrument appoint.
- (4) Different days may be appointed under subsection (3) for different purposes or different areas.
- (5) An order under subsection (3) may contain such transitional provisions or savings (including provisions modifying the effect of any enactment) as appear to the Secretary of State or the National Assembly for Wales (as the case may be) to be necessary or expedient in connection with any provision brought into force by the order.

**104 Interpretation, short title and extent**

- (1) In this Act—
  - “the 1980 Act” means the Highways Act 1980;
  - “the 1981 Act” means the Wildlife and Countryside Act 1981;
  - “local access forum” means a local access forum established under section 94.

- (2) Any reference in this Act, or in any enactment amended by this Act, to the commencement of any provision of this Act is, in relation to any area, a reference to the commencement of that provision in relation to that area.
- (3) This Act may be cited as the Countryside and Rights of Way Act 2000.
- (4) Subject to the following provisions of this section, this Act extends to England and Wales only.
- (5) The following provisions extend also to Scotland—
  - sections 67 and 76;
  - in Schedule 7, paragraphs 3 and 5 to 7;
  - in Schedule 10, paragraph 2.
- (6) Paragraph 1 of Schedule 10 extends to Scotland only.
- (7) The provisions of Schedule 8 and of so much of Part III of Schedule 16 as relates to the enactments referred to in paragraphs 2 and 3 of Schedule 8 have the same extent as the enactments which they amend or repeal.