
STATUTORY INSTRUMENTS

2001 No. 114 (C.4)

COUNTRYSIDE, ENGLAND

The Countryside and Rights of Way Act
2000 (Commencement No. 1) Order 2001

Made - - - - 22nd January 2001

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by section 103(3), (4) and (5) of the Countryside and Rights of Way Act 2000⁽¹⁾ (“the Act”), 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. 1) Order 2001.

(2) In this Order references to sections, Parts and Schedules are references to sections and Parts of, and Schedules to, the Act.

(3) This Order applies in relation to England only⁽²⁾.

Appointed days

2.—(1) 30th January 2001 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 57 (amendments to the 1980 Act⁽³⁾ and other Acts) in so far as it gives effect to the substitutions referred to in sub-paragraphs (e) and (f) below;
- (b) section 72 (interpretation provisions of Part II);
- (c) section 100 (application of the Act to the Isles of Scilly) except subsections (3) and (5)(a);
- (d) section 102 (which introduces Schedule 16) in so far as it relates to:
 - (i) the provision in Schedule 16 referred to in sub-paragraph (g) below; and
 - (ii) Parts III and IV of Schedule 16 (repeals relating to sites of special scientific interest and wildlife);

⁽¹⁾ 2000 c. 37.

⁽²⁾ As to the exercise of the power to bring these provisions into force as regards Wales, see section 103 of the Act.

⁽³⁾ See the definition of the 1980 Act in section 104 of the Countryside and Rights of Way Act 2000.

- (e) 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;
 - (f) 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; and
 - (g) 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(4).
- (2) 1st April 2001 is the day appointed for the coming into force of the following provisions of the Act—
- (a) section 46(1)(b) (repeals of sections 61 to 63 of the National Parks and Access to the Countryside Act 1949(5));
 - (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 68 (vehicular access across common land);
 - (d) section 70(2) and (4) (minor amendments);
 - (e) Part IV (designation and management of areas of outstanding natural beauty) (and accordingly Schedules 13, 14 and 15);
 - (f) section 96 (amendments to section 39 of the 1981 Act(6));
 - (g) section 97 (duties of public bodies regarding the Norfolk and Suffolk Broads);
 - (h) section 100(3) (application of provisions relating to areas of outstanding natural beauty to the Isles of Scilly);
 - (i) section 102 in so far as it relates to the provisions in Schedule 16 referred to in sub-paragraphs (k) to (m) below;
 - (j) paragraphs 1, 4, 5 and 6 of Schedule 4;
 - (k) Part 1 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(7);
 - (ii) paragraph 35A of Schedule 17 to the Local Government Act 1972(8); and
 - (iii) paragraph 13 of Schedule 6 to the Local Government (Wales) Act 1994(9);
 - (l) Part II of Schedule 16 in so far as it repeals section 134(5) of the 1980 Act; and
 - (m) 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(2)(d) and (1) shall not have effect in relation to any offence under section 134 of that Act committed before 1st April 2001.

(4) 1984 c. 27.

(5) 1949 c. 97.

(6) See the definition of the 1981 Act in section 104 of the Countryside and Rights of Way Act 2000.

(7) 1925 c. 20.

(8) 1972 c. 70.

(9) 1994 c. 19.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions.

22nd January 2001

Michael Meacher
Minister of State
Department of the Environment, Transport and
the Regions

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Countryside and Rights of Way Act 2000 (“the Act”) in relation to England only.

It brings into force on 30th January 2001 the following provisions of the Act:

(1) section 57 in relation to paragraphs 18(A) and 19 of Schedule 6 which amend the Highways Act 1980, and which are also commenced, but only to the extent that they make changes relating to rail crossing extinguishment and diversion orders,

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

(3) section 100 (which relates to the application of the Act to the Isles of Scilly) with the exception of subsections (3) and (5)(a), and

(4) section 102 (which introduces the repeals Schedule) in relation to certain repeals in Schedule 16 which are also commenced.

Apart from minor and consequential repeals and amendments, the Order also brings into force on 1st April 2001:

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

(2) Part IV of and Schedules 13 and 14 to the Act which amend the law relating to areas of outstanding natural beauty and section 100(3) which applies those provisions to the Isles of Scilly, and

(3) section 97 which places a duty on public bodies in relation to the Norfolk and Suffolk Broads.

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