

**2003 No. 272 (C. 16)**

**RIGHTS OF WAY, ENGLAND**

**The Countryside and Rights of Way Act 2000  
(Commencement No. 3) Order 2003**

*Made - - - - - 11th February 2003*

The Secretary of State, in exercise of the powers conferred upon her by section 103(3) and (4) of the Countryside and Rights of Way Act 2000<sup>(a)</sup>, hereby makes the following Order:

**Citation and extent**

**1.**—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 3) Order 2003.

(2) In this Order—

“the Act” means the Countryside and Rights of Way Act 2000; and

“the 1980 Act” means the Highways Act 1980<sup>(b)</sup>.

(3) This Order applies in relation to England only<sup>(c)</sup>.

**Appointed day**

**2.** 12th February 2003 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 57 of the Act (amendments to the 1980 Act and other Acts) in so far as it gives effect to the provisions of Schedule 6 to the Act referred to in sub-paragraphs (b) to (s) below;
- (b) paragraphs 1, 6, and 9(5) (rights of way improvement plans);
- (c) paragraph 2 (duty to have regard to agriculture, forestry and nature conservation);
- (d) paragraph 5 (highways maintainable at public expense), except to the extent that the amendment made relates to a highway created in consequence of an SSSI diversion order<sup>(d)</sup>;
- (e) paragraph 8, to the extent that it inserts section 118B into the 1980 Act (stopping-up of certain highways for crime prevention etc.);
- (f) paragraph 9(1) to (3) (diversion of footpaths and bridleways);
- (g) paragraph 11 (diversion of footpaths and bridleways crossing railways);
- (h) paragraph 12, to the extent that it inserts section 119B into the 1980 Act (diversion of certain highways for purposes of crime prevention etc.);
- (i) paragraph 13(1) to (5) and (7) to (9) (exercise of powers of making public path extinguishment and diversion orders), except to the extent that the amendments made

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<sup>(a)</sup> 2000 c. 37.

<sup>(b)</sup> 1980 c. 66.

<sup>(c)</sup> As to the exercise of the power to bring these provisions into force as regards Wales, *see* section 103(3) of the Countryside and Rights of Way Act 2000.

<sup>(d)</sup> *See* the definition of “SSSI diversion order” inserted in section 329(1) of the 1980 Act by Schedule 6, paragraph 20(f) of the Act.

- relate to an SSSI diversion order or any order or confirmation of an order on appeal under section 121D(1) of the 1980 Act (as inserted by paragraph 15 of Schedule 6 to the Act);
- (j) paragraph 14 (supplementary provisions), except to the extent that the amendments made relate to an SSSI diversion order or any order made on an application or on an appeal under section 121D(1)(a) of the 1980 Act (as inserted by paragraph 15 of Schedule 6 to the Act);
  - (k) in paragraph 17 (powers of entry)—
    - (i) sub-paragraph (a); and
    - (ii) sub-paragraph (b), except to the extent that the amendment made relates to an SSSI diversion order;
  - (l) in paragraph 18 (regulations, schemes and orders)—
    - (i) sub-paragraph (a) in so far as the amendment made inserts a reference to sections 118B(4) and 119B(4) of the 1980 Act(a); and
    - (ii) sub-paragraph (b);
  - (m) paragraph 19 (revocation and variation of schemes and orders), except to the extent that the amendment made relates to an SSSI diversion order(b);
  - (n) paragraph 20 (interpretation);
  - (o) paragraph 21 (savings relating to telecommunications apparatus) except to the extent that the amendment made relates to an SSSI diversion order;
  - (p) paragraph 23(1) to (4), (5)(b), (7) (with the exception of paragraph 2A(1)(b) of Schedule 6 to the 1980 Act), (8) and (9) (provisions as to making, confirmation etc. of orders), except to the extent that the amendments made relate to an SSSI diversion order or a draft SSSI diversion order;
  - (q) paragraph 24 (delegation of functions of making determinations), except to the extent that the amendments made relate to an SSSI diversion order or any order made on an application or on an appeal under section 121D(1)(a) of the 1980 Act (as inserted by paragraph 15 of Schedule 6 to the Act);
  - (r) paragraph 25 (Norfolk and Suffolk Broads); and
  - (s) paragraph 26 (miscellaneous functions of National Park authorities).

*Alun Michael*  
Minister of State,

11th February 2003

Department for Environment, Food and Rural Affairs

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(a) The references in paragraph 18(a) of Schedule 6 to the Act to sections 118, 118A, 119 and 119A of the 1980 Act were brought into force on 30th January 2001 by article 2(1)(e) of S.I. 2001/114 (C. 4).

(b) The references in paragraph 19 of Schedule 6 to the Act to a rail crossing extinguishment order, a public path diversion order and a rail crossing diversion order were brought into force on 30th January 2001 by article 2(1)(f) of S.I. 2001/114 (C. 4).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 12th February 2003, in relation to England, section 57 of, and Schedule 6 to, the Countryside and Rights of Way Act 2000 (“the Act”) to the extent that those provisions insert the following sections into the Highways Act 1980 (“the 1980 Act”)—

- (a) section 118B which provides for the stopping-up of certain highways for the purposes of crime prevention or the protection of pupils or staff of schools (article 2(e)); and
- (b) section 119B which provides for the diversion of certain highways for similar purposes (article 2(h)).

This Order also brings into force—

- (a) the consequential amendments in Schedule 6 to the Act relating to the above sections;
- (b) consequential provisions relating to rights of way improvement plans (article 2(b)); (the duty to prepare rights of way improvement plans in sections 60 to 62 of the Act was commenced on 21st November 2002 by S.I. 2002/2833 (C. 89));
- (c) paragraph 2 of Schedule 6 to the Act, replacing section 29 of the 1980 Act imposing a duty on councils, in the exercise of their functions under Part III of the 1980 Act, to have due regard to agriculture, forestry and nature conservation (article 2(c)); and
- (d) minor amendments to the 1980 Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

### ENGLAND

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 46(1)(b)	1.4.2001	2001/114
Section 46(3) (partially)	1.4.2001	
Section 57 (partially)	30.1.2001	
Sections 60 to 62	21.11.2002	2002/2833
Section 68	1.4.2001	2001/114
Section 70(2) and (4)	1.4.2001	
Section 72	30.1.2001	
Part IV (and Schedules 13, 14 and 15)	1.4.2001	
Section 96	1.4.2001	
Section 97	1.4.2001	
Section 100 (partially)	30.1.2001	
Section 100(3)	1.4.2001	
Section 102 (partially)	30.1.2001	
Section 102 (partially)	1.4.2001	
Paragraphs 1, 4, 5 and 6 of Schedule 4	1.4.2001	
Paragraph 18(a) of Schedule 6 (partially)	30.1.2001	
Paragraph 19 of Schedule 6 (partially)	30.1.2001	
Part I of Schedule 16 (partially)	1.4.2001	
Part II of Schedule 16 (partially)	30.1.2001	
Part II of Schedule 16 (partially)	1.4.2001	
Parts V and VI of Schedule 16	1.4.2001	

## WALES

1. The provisions specified in the above table, except for sections 60 to 62, section 97 and section 100 were brought into force on 1st May 2001 by the Countryside and Rights of Way Act 2000 (Commencement No. 2) (Wales) Order 2001 (S.I. 2001/1410 (W. 96) (C. 50)).
2. The Countryside and Rights of Way Act 2000 (Commencement No. 3) (Wales) Order 2002 (S.I. 2002/2615 (W. 253) (C. 82)) brought into force sections 60 and 61 of the Act on 1st November 2002.
3. The Countryside and Rights of Way Act 2000 (Commencement No. 1) (Wales) Order 2001 (S.I. 2001/203 (W. 9) (C. 10)) brought into force section 99 of the Act on 30th January 2001.

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