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STATUTORY INSTRUMENTS

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**2004 No. 2173 (C. 93 )**

**COUNTRYSIDE, ENGLAND**

The Countryside and Rights of Way Act  
2000 (Commencement No. 5) Order 2004

Made - - - - 21st August 2004

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>(1)</sup> (“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.5) Order 2004.

(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<sup>(2)</sup>.

**Appointed days**

2.—(1) 19th September 2004 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 2 (rights of public in relation to access land) in so far as it relates to any access land—
  - (i) which is access land by virtue of section 1(1)(a) or (b); and
  - (ii) which lies within an area covered by one of the maps in conclusive form issued by the Countryside Agency for the purposes of Part I on 4th May 2004 and 2nd June 2004;
- (b) section 12 (effect of right of access on rights and liabilities of owners);
- (c) section 13 (occupiers' liability);
- (d) section 14 (offence of displaying on access land notices deterring public use);
- (e) section 18 (wardens);
- (f) section 20 (codes of conduct and other information);

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<sup>(1)</sup> 2000 c. 37.

<sup>(2)</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.

- (g) section 46(3) (which introduces Schedule 4) in so far as it relates to the provisions in Schedule 4 referred to in sub-paragraph (i) below;
  - (h) Schedule 2 (restrictions to be observed by persons exercising right of access); and
  - (i) paragraphs 2 (amendment to the Forestry Act 1967(3)) and 3 (amendment to the Agriculture Act 1967(4)) of Schedule 4.
- (2) The day appointed for the coming into force of section 2 in so far as it relates to any access land—
- (i) which is access land solely by virtue of section 1(1)(e); and
  - (ii) which lies within an area covered by one of the maps in conclusive form referred to in paragraph (1)(a)(ii) above,
- is 19th September 2004 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Part I under section 16 (dedication of land as access land), whichever is the later.

*Alun Michael*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

21st August 2004

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(3) 1967 c. 10.  
(4) 1967 c. 52.

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## 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.

Apart from minor and consequential amendments, it brings into force on 19th September 2004 the following provisions of the Act:

(1) section 2 (which introduces a new right of access to access land) in so far as it relates to access land which is shown as open country or registered common land on a map in conclusive form and which lies within an area covered by one of the maps in conclusive form issued by the Countryside Agency on 4th May 2004 and 2nd June 2004 (such maps relate to the south east area of England and the lower north west area of England, respectively),

(2) sections 12 and 13 which relate to the effect of the right of access on the rights and liabilities of owners and occupiers,

(3) section 14 which creates an offence of displaying on access land notices deterring public use,

(4) section 18 which enables wardens to be appointed as respects access land,

(5) section 20 which requires the Countryside Agency to issue a code of conduct and other information about access land, and

(6) Schedule 2 which contains general restrictions to be observed by persons exercising their right of access on access land.

The Order also brings into force section 2 of the Act in so far as it relates to access land which is dedicated as access land under section 16, which is not also shown as open country or registered common land on a map in conclusive form, but which lies within an area covered by one of the maps in conclusive form referred to in paragraph (1) above. The day appointed for section 2 in relation to such land is 19th September 2004 or the end of a period of six months beginning with the day on which the land is dedicated under section 16, whichever is the later.

The electronic version of the maps in conclusive form, referred to in paragraph (1) above, may be inspected at the offices of the Countryside Agency at John Dower House, Crescent Place, Cheltenham GL50 3RA, 5th Floor, 1 Redcliff Street, Bristol BS1 6NP, and 7th Floor, Bridgewater House, Whitworth Street, Manchester M1 6LT (telephone 0845 100 3298). Copies of the maps at a reduced scale may be inspected on the Countryside Agency’s website ([www.countryside.gov.uk/access/mapping](http://www.countryside.gov.uk/access/mapping)). For information about where printed copies of such maps can be inspected and obtained, telephone 0845 100 3298.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Countryside and Rights of Way Act 2000 have been brought into force in England by commencement order made before the date of this Order:

*Status: This is the original version (as it was originally made).***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	
Section 57 (partially)	12.2.2003	2003/272
Sections 60 to 62	21.11.2002	2002/2833
Section 63	13.2.2004	2004/292
Section 68	1.4.2001	2001/114
Section 70(1) and (3)	13.2.2004	2004/292
Section 70(2) and (4)	1.4.2001	2001/114
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	
Schedule 4, paragraphs 1, 4, 5 and 6	1.4.2001	
Schedule 5, paragraphs 8, 10 and 11 (partially)	13.2.2004	2004/292
Schedule 6, paragraphs 1, 2, 5 (partially), 6, 8 (partially), 9 (partially), 11, 12 (partially), 13 (partially), 14 (partially), 17 (partially), 18 (partially), 19 (partially), 20, 21 (partially), 23 (partially), 24 (partially), 25 and 26	12.2.2003	2003/272
Schedule 6, paragraph 3 (partially)	13.2.2004	2004/292
Schedule 6, paragraph 18(a) (partially)	30.1.2001	2001/114
Schedule 6, paragraph 19 (partially)	30.1.2001	
Schedule 16, Part I (partially)	1.4.2001	

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 16, Part II (partially)	30.1.2001	
Schedule 16, Part II (partially)	1.4.2001	
Schedule 16, Parts V and VI	1.4.2001	

## **WALES**

The following commencement orders have been made—

the Countryside and Rights of Way Act 2000 (Commencement No.1) (Wales) Order 2001 ([S.I. 2001/203](#) ([W.9](#)) ([C.10](#)));

the Countryside and Rights of Way Act 2000 (Commencement No.2) (Wales) Order 2001 ([S.I. 2001/1410](#) ([W.96](#)) ([C.50](#)));

the Countryside and Rights of Way Act 2000 (Commencement No.3) (Wales) Order 2002 ([S.I. 2002/2615](#) ([W.253](#)) ([C.82](#)));

the Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004 ([S.I. 2004/315](#) ([W.33](#)) ([C.16](#))); and

the Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004 ([S.I. 2004/1489](#) ([W.154](#)) ([C.59](#))).