
STATUTORY INSTRUMENTS

2005 No. 2459 (C.104)

COUNTRYSIDE, ENGLAND

The Countryside and Rights of Way Act
2000 (Commencement No 9) Order 2005

Made - - - - 31st August 2005

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⁽¹⁾, 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 9) Order 2005.

(2) In this Order—

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

“the 1980 Act” means the Highways Act 1980⁽²⁾;

“the 1981 Act” means the Wildlife and Countryside Act 1981⁽³⁾; and

(3) This Order applies in relation to England only⁽⁴⁾.

Appointed days

2.—(1) 27th September 2005 is the day appointed for the coming into force of the following provisions—

(a) section 51 of the Act (amendments to the 1981 Act and other Acts) in so far as it gives effect to the provisions referred to in sub-paragraphs (b) and (c) below;

(b) paragraph 2 of Part I of Schedule 5 to the Act, to the extent that it inserts section 53B into the 1981 Act;

(c) paragraph 5 (insertion of subsections (7) and (8) into section 55 of the 1981 Act) of Part I of Schedule 5 to the Act; and

(1) 2000 c. 37.

(2) 1980 c. 66.

(3) 1981 c. 69.

(4) 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.

(d) section 69(2) of the Act (amendment of section 147(5) of the 1980 Act relating to the interpretation of references to agricultural land and to land being brought into use for agriculture for the purposes of section 147 of the 1980 Act).

(2) 27th September 2005 is also the day appointed for the coming into force of the following provisions, in so far as they are not already in force in consequence of the Countryside and Rights of Way Act 2000 (Commencement No 4) Order 2004(5)—

- (a) section 51 of the Act in so far as it gives effect to the provisions referred to in subparagraph (b) below;
- (b) the following provisions of Part I of Schedule 5 to the Act—
 - (i) paragraph 8 (consolidation of definitive maps and statements);
 - (ii) paragraph 10 (amendment of Schedule 14 to the 1981 Act relating to applications for certain orders under Part III of that Act); and
 - (iii) paragraph 11 (amendment of Schedule 15 to the 1981 Act relating to the procedure in connection with certain orders under Part III of that Act);
- (c) section 57 of the Act in so far as it gives effect to the provision referred to in subparagraph (d) below; and
- (d) paragraph 3 of Part I of Schedule 6 (amendment of section 31 of the 1980 Act relating to dedication of way as highway presumed after public use for 20 years).

31st August 2005

Jim Knight
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 27th September 2005, in relation to England—

- (a) section 51 of, and paragraphs 2 and 5 of Part I of Schedule 5 to, the Act, to the extent that these provisions insert the following sections or subsections into the Wildlife and Countryside Act 1981 (“the 1981 Act”)—
 - (i) section 53B, which provides for the keeping of a register with respect to applications under section 53(5) of the 1981 Act; and
 - (ii) subsections 55(7) and (8), which relate to the effect of orders made under section 55(5) of the 1981 Act; and
- (b) section 69(2) of the Act, which provides for the amendment of section 147(5) of the 1980 Act, with the effect that references to agricultural land and to land being brought into use for agriculture for the purposes of section 147 of the 1980 Act include land used or, as the case may be, land being brought into use for the breeding or keeping of horses.

The Countryside and Rights of Way Act 2000 (Commencement No 4) Order 2004 ([SI 2004/292](#)) (“the Commencement No 4 Order”) contains provisions to bring into force paragraphs 8, 10 and 11 of Part I of Schedule 5 to the Act and paragraph 3 of Part I of Schedule 6 to the Act (“the Scheduling provisions”) without express provision for bringing into force sections 51 and 57 of the Act (“the introducing provisions”) in so far as they give effect to the Scheduling provisions. This Order brings into force on 27th September 2005 in relation to England the Scheduling provisions and the introducing provisions in so far as they give effect to the Scheduling provisions, in so far as they are not already in force in consequence of the Commencement No 4 Order.

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:

ENGLAND

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 2 (partially)	19.9.2004	2004/2173
Section 2 (partially)	14.12.2004	2004/3088
Section 2 (partially)	28.5.2005	2005/827
Section 2 (partially)	28.8.2005	2005/1901
Sections 12, 13, 14, 18 and 20	19.9.2004	2004/2173
Section 46(1)(b)	1.4.2001	2001/114
Section 46(3) (partially)	1.4.2001	
Section 46(3) (remainder)	19.9.2004	2004/2173

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
Section 57 (partially)	30.1.2001	2001/114
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 2	19.9.2004	2004/2173
Schedule 4, paragraphs 1, 4, 5 and 6	1.4.2001	2001/114
Schedule 4, paragraphs 2 and 3	19.9.2004	2004/2173
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	
Schedule 16, Part II (partially)	30.1.2001	
Schedule 16, Part II (partially)	1.4.2001	

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I.No.</i>
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 \(W.33\) \(C.16\)](#));

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

the Countryside and Rights of Way Act 2000 (Commencement No.6) (Wales) Order 2005 (S.I. [2005/423 \(W.41\) \(C.19\)](#)); and

the Countryside and Rights of Way Act 2000 (Commencement No.7) (Wales) Order 2005 (S.I. [2005/1314 \(W.96\) \(C.58\)](#)).