

2006 No. 1172 (C. 39)

RIGHTS OF WAY, ENGLAND

**The Countryside and Rights of Way Act 2000 (Commencement
No.11 and Savings) Order 2006**

Made - - - -

18th April 2006

The Secretary of State, in exercise of the powers conferred upon her by section 103(3), (4) and (5) of the Countryside and Rights of Way Act 2000(a), makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 11 and Savings) Order 2006.

(2) In this Order—

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

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

“the appointed day” means the day appointed under article 2;

“relevant order” has the meaning given in section 48(10) of the Act;

“surveying authority” has the meaning given in section 66(1) of the 1981 Act(c).

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

Appointed day

2. 2nd May 2006 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 47 (redesignation of roads used as public paths);

(b) section 48 (restricted byway rights);

(c) section 49 (provisions supplementary to sections 47 and 48);

(d) section 50 (private rights over restricted byways);

(e) section 51 (which gives effect to Schedule 5) insofar as it relates to the provisions of Schedule 5 mentioned in paragraph (g) below;

(f) section 102 (which gives effect to Schedule 16) insofar as it relates to the entry in Part II of Schedule 16 referring to section 54 of the 1981 Act;

(a) 2000 c.37. Section 103(5) is to be read together with section 48(9) of the Act.

(b) 1981 c.69.

(c) The definition of “surveying authority” in section 66(1) of the 1981 Act was substituted by the Local Government Act 1985 (c.51), Schedule 3, paragraph 7, and amended by the Local Government (Wales) Act 1994 (c.19), Schedule 16, paragraph 65(8).

(d) As to the exercise of the power to bring these provisions into force in Wales, see section 103(3) of the Act.

- (g) in Schedule 5 (amendments relating to definitive maps and statements and restricted byways)—
 - (i) paragraph 1;
 - (ii) paragraphs 6 and 7;
 - (iii) paragraph 9; and
 - (iv) paragraphs 12 to 17.

Savings

3.—(1) Nothing in sections 47 or 48 of the Act shall affect the operation of section 53 or 54 of, or Schedule 14 or 15 to, the 1981 Act in relation to—

- (a) a relevant order made before the appointed day; or
- (b) an application made before the appointed day for a relevant order.

(2) In particular, where, before the appointed day, a surveying authority has made a relevant order under section 54 of the 1981 Act, but that order has not yet come into operation—

- (a) the order shall continue to have effect on and after the appointed day, and
- (b) the provisions of Schedule 15 to the 1981 Act^(a) shall continue to have effect in relation to the order,

as if section 54 had not been repealed.

Jim Knight

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

Date 18th April 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 2nd May 2006 in relation to England, the following provisions of the Countryside and Rights of Way Act 2000 relating to public rights of way: sections 47-51 and parts of Schedules 5 and 16.

This Order also contains savings in respect of certain orders relating to roads used as public paths made under sections 53 and 54 of the Wildlife and Countryside Act 1981, or applications made for such orders, before the coming into force of this 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:

(a) Schedule 15 to the 1981 Act has been amended by the Local Government Act 1985, Schedule 3, paragraph 7, the Local Government (Wales) Act 1994, Schedule 16, paragraph 65(11) and the Countryside and Rights of Way Act 2000, Schedule 5, paragraph 10.

<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
Section 2 (partially)	31.10.2005	2005/2752
Sections 12 to 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	2001/114
Section 46(3) (remainder)	19.9.2004	2004/2173
Section 51 (partially)	27.9.2005	2005/2459
Section 57 (partially)	30.1.2001	2001/114
Section 57 (partially)	12.2.2003	2003/272
Section 57 (partially)	27.9.2005	2005/2459
Sections 60 to 62	21.11.2002	2002/2833
Section 63	13.2.2004	2004/292
Section 68	1.4.2001	2001/114
Section 69(2)	27.9.2005	2005/2459
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	2001/114
Part IV (and Schedules 13, 14 and 15)	1.4.2001	2001/114
Section 96	1.4.2001	2001/114
Section 97	1.4.2001	2001/114
Section 100(1), (2), (4) and (5)(b)	30.1.2001	2001/114
Section 100(3)	1.4.2001	2001/114
Section 102 (partially)	30.1.2001	2001/114
Section 102 (partially)	1.4.2001	2001/114
Section 102 (partially)	31.10.2005	2005/2752
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 2 (partially) and 5	27.9.2005	2005/2459
Schedule 5, paragraphs 8 and 10, and 11 (partially)	13.2.2004	2004/292
Schedule 5, paragraph 11 (remainder)	27.9.2005	2005/2459
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 3 (remainder)	27.9.2005	2005/2459
Schedule 6, paragraph 18(a) (partially)	30.1.2001	2001/114
Schedule 6, paragraph 19 (partially)	30.1.2001	2001/114
Schedule 16, Part I (partially)	1.4.2001	2001/114
Schedule 16, Part I (partially)	31.10.2005	2005/2752
Schedule 16, Part II (partially)	30.1.2001	2001/114
Schedule 16, Part II (partially)	1.4.2001	2001/114
Schedule 16, Parts V and VI	1.4.2001	2001/114

WALES

The following commencement orders have been made—

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

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

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

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

The Countryside and Rights of Way Act (Commencement No.5) (Wales) Order 2004 (S.I. 2004/1489 (W.154) (C.59));

The Countryside and Rights of Way Act (Commencement No.6) (Wales) Order 2005 (S.I. 2005/423 (W.41) (C.19));

The Countryside and Rights of Way Act (Commencement No.7) (Wales) Order 2005 (S.I. 2005/1314 (W.96) (C.58)).

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