

2020 No. 723 (W. 161)

COUNTRYSIDE, WALES

**The Countryside Access (Local
Access Forums) (Wales)
(Coronavirus) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make non-textual amendments to the Countryside Access (Local Access Forums) (Wales) Regulations 2001 (“the 2001 Regulations”) to ensure that Local Access Forums (“LAFs”) are able to continue to meet and take decisions during the period of disruption caused by the coronavirus pandemic. Other than Regulations 1 and 6, these Regulations cease to have effect on 30 April 2021. Regulation 1 and 6 cease to have effect two years after they come into force.

Regulation 2 of these Regulations enables LAFs to hold remote meetings as opposed to having to have them in a single physical location.

Regulation 3 makes provision about temporary appointments to LAFs, by giving the appointing authorities the power to choose not to exercise the requirements in regulations 7(a) and (b) in relation to appointments made during the period beginning with the day these Regulations come into force and ending at the end of 30 April 2021. It further provides that such appointments may only be made for a term of up to 9 months from the date of the appointment. The purpose of this provision is to allow any LAF members that have recently come to the end of their term of appointment to be reappointed quickly and simply if it is not possible to conduct a full recruitment round at present.

Regulation 4 allows papers for meetings to be sent electronically.

Regulation 5 allows the election of the Chair or Deputy Chair to be undertaken by means other than secret ballot, if that is not an option for them and allows the LAFs to decide on their own procedure.

Regulation 6 allows the person presiding to exclude the public from a particular item of business if he considers it appropriate to do so.

Regulation 7 provides that for the purpose of calculating the 12 month period for which a member has not attended meetings before membership may be terminated, the period between the day these Regulations come into force and ending with the first day after Day One on which a meeting of the forum, or any committee of the forum, is held is not to be taken into consideration.

Regulation 8 requires annual reports approved after 31 March 2020 and before 30 April 2021 to be published on the appointing authority's website.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Access Forums) (Wales)
(Coronavirus) Regulations 2020**

<i>Made</i>	<i>9 July 2020</i>
<i>Laid before Senedd Cymru</i>	<i>13 July 2020</i>
<i>Coming into force</i>	<i>4 August 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 94 and 95(5) of the Countryside and Rights of Way Act 2000⁽¹⁾.

Title, application, commencement, expiry and interpretation

1.—(1) The title of these Regulations is the Countryside Access (Local Access Forums) (Wales) (Coronavirus) Regulations 2020. These Regulations come into force on 4 August 2020.

(2) These Regulations, other than regulation 6 and this regulation, cease to have effect on 30 April 2021.

(3) Regulation 6 and this regulation cease to have effect two years after coming into force.

(4) In these Regulations, “the 2001 Regulations” means the Countryside Access (Local Access Forums) (Wales) Regulations 2001⁽²⁾.

Meetings held before the end of 30 April 2021

2. The 2001 Regulations are to be read as if after regulation 2 there were inserted—

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- (1) 2000 c. 37. The powers of the National Assembly for Wales under section 94 of the Countryside and Rights of Way Act 2000 were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (2) S.I. 2001/4002 (W. 330).

“Remote attendance at meetings

2A.—(1) A meeting of a forum or a committee of a forum may be held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility also enables those persons to see each other).

(2) In these Regulations, references to the attendance or presence of a person at a meeting includes, in relation to a meeting which is held by the means described in paragraph (1), attendance by the use of those means.”

3. The 2001 Regulations are to be read as if after regulation 7 there were inserted—

“Temporary appointment provisions

7A.—(1) The following provisions relate to an appointment made during the period beginning with the day these Regulations come into force and ending at the end of 30 April 2021.

(2) In regulations 7(a) and (b) of the 2001 Regulations, “must” is to be read as “may”.

(3) If an appointing authority does not exercise either one or both powers in regulations 7(a) and (b), regulation 4(3) is to be read as if for the words “3 years from the date of the first meeting of the forum” there were substituted “9 months beginning with the first day of the person’s membership”.

4. Regulation 10(2)(c) (papers for meetings) is to be read, in relation to a meeting held before the end of 30 April 2021, as if for the words from “are delivered” to the end there were substituted “are sent by post to each member of the forum at such address as the member may specify for the purpose, so as to be delivered in the normal course of posting at least seven clear days before the date of a meeting; or are sent electronically to each member at least seven clear days before the date of a meeting.”

5. Regulation 12 (election of chair and deputy chair) is to be read as if—

- (a) in paragraph (2), for “by secret ballot” there were substituted “using such procedure as the forum may decide”;
- (b) paragraphs (4) to (6) were omitted.

6. Regulation 15 (conduct of meetings) is to be read as if—

- (a) in paragraph (2), for the words from “shall be open to the public” to the end there were

substituted “if the meeting is open to the public, the person presiding may, if a particular item of business to be considered at the meeting makes it appropriate for the public to be excluded during consideration of that item of business, rule that the public are to be excluded”;

(b) after paragraph (2) there were inserted—

“(2A) In paragraphs (1) and (2), the references to the place or places at which meetings are to be held are not limited to a single physical location.”;

(c) in paragraph (10), for “of those members present” there were substituted “, or such other method of voting as the forum may decide, by those members present”;

(d) after paragraph (10) there were inserted—

“(11) If a vote is necessary on the question of the method of voting the forum is to use, the person presiding is to determine the method of voting on that question.”

Failure of members to attend meetings

7. Regulation 14 of the 2001 Regulations (termination of membership of forums) is to be read as if, after paragraph (1) there were inserted—

“(1A) In relation to any particular member of a forum, the period of 12 months specified in paragraph (1)(g) is not to include the period—

- (a) beginning with the day on which the Countryside Access (Local Access Forums) (Wales) (Coronavirus) Regulations 2020 come into force (“Day One”), and
- (b) ending with the first day after Day One on which a meeting of the forum, or any committee of the forum, is held.”

Annual reports by appointing authorities

8. Regulation 16 of the 2001 Regulations (annual reports) is to be read as if for paragraph (3) there were substituted—

“(3) An annual report approved after 31 March 2020 and before the end of 30 April 2021 must be published by the appointing authority on its website.”

Hannah Blythyn

Deputy Minister for Housing and Local Government,
under the authority of the Minister for Housing and
Local Government, one of the Welsh Ministers
9 July 2020