
WELSH STATUTORY INSTRUMENTS

2006 No. 2992 (W.279) (C.106)

RIGHTS OF WAY, WALES

The Natural Environment and Rural Communities
Act 2006 (Commencement) (Wales) Order 2006

Made - - - - 15 November 2006

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by section 107(4)(b) of the Natural Environment and Rural Communities Act 2006(1):

Title, application and interpretation

1.—(1) The title of this Order is the Natural Environment and Rural Communities Act 2006 (Commencement) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order, “the Act” (“*y Ddeddf*”) means the Natural Environment and Rural Communities Act 2006.

Commencement of Part 6 of the Act

2. Part 6 (rights of way) comes into force on 16 November 2006.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

15 November 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

(1) 2006 c. 16
(2) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force Part 6 of the Natural Environment and Rural Communities Act 2005 (“the Act”), which comprises sections 66 to 72 of the Act.

Sections 66 to 71 of the Act amend the law in relation to rights of way and mechanically propelled vehicles.

Section 66 restricts the creation of rights of way for mechanically propelled vehicles. Section 67 ends certain existing but unrecorded public rights of way for mechanically propelled vehicles. Sections 68 and 69 amend the Highways Act 1980 (c. 66). Section 68 makes provision with respect to the presumed dedication of a restricted byway in appropriate circumstances after 20 years' use by non-mechanically propelled vehicles (such as pedal cycles). Section 69 concerns presumed dedication and applications under section 53 of the Wildlife and Countryside Act 1981 (c. 69), and clarifies that, where a right of the public to use a way is brought into question by an application to modify the definitive map and statement, the date on which the right of the public is brought into question is to be treated as being the date on which the application is made. Section 70 makes supplementary provision and section 71 is an interpretation provision.

The definitive map and statement for an area is the legal record of public rights of way prepared and kept under review by the surveying authority for that area (the county council or county borough council whose area includes that area). The definitive map and statement may be viewed at council offices during all reasonable hours.

Section 72 inserts new sections 22BB and 22BC into the Road Traffic Regulation Act 1984 (c. 27) (“the 1984 Act”), which give a National Park authority power to make traffic regulation orders and other traffic-related orders under the 1984 Act in relation to roads in the National Park that are either byways open to all traffic, footpaths or bridleways or unsealed carriageways. The new sections give the National Assembly the power to make regulations to modify the application of the 1984 Act in relation to certain orders made by National Park authorities under the new sections.. The National Assembly does not propose to exercise this power at this time.

More detailed explanation of the provisions can be found in the Explanatory Notes for the Act, which are available from The Stationery Office, PO Box 29, Norwich NR3 1GN (or online at www.opsi.gov.uk).

The following Commencement Orders have been made under the Act by the Department for Environment, Food and Rural Affairs, some provisions of which have effect in Wales —

The Natural Environment and Rural Communities Act 2006 (Commencement No.1) Order 2006 (S.I. 2006/1176) (C.40).

The Natural Environment and Rural Communities Act 2006 (Commencement No.2) Order 2006 (S.I. 2006/1382) (C.47).

The Natural Environment and Rural Communities Act 2006 (Commencement No. 3 and Transitional Provisions) Order 2006 (S.I. 2006/2541) (C.86).