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## SCHEDULES

### SCHEDULE 5

#### DEFINITIVE MAPS AND STATEMENTS AND RESTRICTED BYWAYS

#### PART II

##### AMENDMENTS OF OTHER ACTS

###### *National Parks and Access to the Countryside Act 1949 (c. 97)*

- 12 (1) Section 51 of the National Parks and Access to the Countryside Act 1949 (general provisions as to long-distance routes) is amended as follows.
- (2) In subsection (2)(a), for the words from “any public path” to the end there is substituted “ any highway along which the route passes and which is a public path, a restricted byway or a way shown in a definitive map and statement as a restricted byway or byway open to all traffic; ”.
- (3) In subsection (5), for the words from “existing public paths” to “route passes” there is substituted “ existing highways falling within paragraph (a) of that subsection ”.
- (4) After that subsection there is inserted—
- “(6) In this section—
- “definitive map and statement” has the same meaning as in Part III of the Wildlife and Countryside Act 1981; and
- “restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000.”

#### Commencement Information

- I1** Sch. 5 para. 12 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)
- I2** Sch. 5 para. 12 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

- 13 (1) Section 57 of that Act (penalty for displaying on footpaths notices deterring public use) is amended as follows.
- (2) In subsection (1), for “road used as a public path” there is substituted “ restricted byway ”.
- (3) In subsection (3), for “or road used as a public path” there is substituted “ restricted byway or byway open to all traffic ”.
- (4) After that subsection there is inserted—
- “(4) In this section—

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“byway open to all traffic” has the same meaning as in Part III of the Wildlife and Countryside Act 1981;

“restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000.”

**Commencement Information**

- I3** Sch. 5 para. 13 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)  
**I4** Sch. 5 para. 13 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

*Countryside Act 1968 (c. 41)*

- 14 In section 41(11) of the Countryside Act 1968 (power to make byelaws and related provision about wardens)—
- (a) for “road used as a public path” there is substituted “restricted byway”, and
  - (b) after “27(6) of the Act of 1949” there is inserted “and section 48(4) of the Countryside and Rights of Way Act 2000”.

**Commencement Information**

- I5** Sch. 5 para. 14 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)  
**I6** Sch. 5 para. 14 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

*Highways Act 1980 (c. 66)*

- 15 In section 116 of the 1980 Act (power of magistrates’ court to authorise stopping up or diversion of highway) in subsection (4), for “or bridleway” there is substituted “, bridleway or restricted byway”.

**Commencement Information**

- I7** Sch. 5 para. 15 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)  
**I8** Sch. 5 para. 15 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

- 16 In section 329 of the 1980 Act (interpretation)—
- (a) in subsection (1) after the definition of “reconstruction” there is inserted—
 

““restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;”,
  - (b) in subsection (2) for “either “bridleway” or “footpath”” there is substituted ““bridleway”, “footpath” or “restricted byway””.

**Commencement Information**

- I9** Sch. 5 para. 16 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)  
**I10** Sch. 5 para. 16 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

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*Criminal Justice and Public Order Act 1994 (c. 33)*

- 17 In section 61 of the Criminal Justice and Public Order Act 1994 (power to remove trespassers on land), in paragraph (b)(i) of the definition of “land” in subsection (9) for the words from “it falls” to “public path)” there is substituted “ it is a footpath, bridleway or byway open to all traffic within the meaning of Part III of the Wildlife and Countryside Act 1981, is a restricted byway within the meaning of Part II of the Countryside and Rights of Way Act 2000 ”.

**Commencement Information**

- I11** Sch. 5 para. 17 in force at 2.5.2006 for E. by S.I. 2006/1172, art. 2(g)(iv)  
**I12** Sch. 5 para. 17 in force at 11.5.2006 for W. by S.I. 2006/1279, art. 2(g)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)