



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART II

PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC

Public rights of way and definitive maps and statements

52 Restricted byways: power to amend existing legislation

- (1) The Secretary of State may by regulations—
- (a) provide for any relevant provision which relates—
 - (i) to highways or highways of a particular description,
 - (ii) to things done on or in connection with highways or highways of a particular description, or
 - (iii) to the creation, stopping up or diversion of highways or highways of a particular description,not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and
 - (b) make in any relevant provision such amendments, repeals or revocations as appear to him appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of paragraph (a) or subsection (6)(a).
- (2) In this section—
- “relevant provision” means a provision contained—
 - (a) in an Act passed before or in the same Session as this Act, or
 - (b) in any subordinate legislation made before the passing of this Act;
 - “relevant Welsh provision” means a provision contained—
 - (a) in a local or private Act passed before or in the same Session as this Act and relating only to areas in Wales, or

Status: This is the original version (as it was originally enacted).

- (b) in any subordinate legislation which was made before the passing of this Act and which the National Assembly for Wales has power to amend or revoke as respects Wales.
- (3) In exercising the power to make regulations under subsection (1), the Secretary of State—
 - (a) may not make provision which has effect in relation to Wales unless he has consulted the National Assembly for Wales, and
 - (b) may not without the consent of the National Assembly for Wales make any provision which (otherwise than merely by virtue of the amendment or repeal of a provision contained in an Act) amends or revokes subordinate legislation made by the Assembly.
- (4) The National Assembly for Wales may submit to the Secretary of State proposals for the exercise by the Secretary of State of the power conferred by subsection (1).
- (5) The powers conferred by subsection (1) may be exercised in relation to a relevant provision even though the provision is amended or inserted by this Act.
- (6) As respects Wales, the National Assembly for Wales may by regulations—
 - (a) provide for any relevant Welsh provision which relates—
 - (i) to highways or highways of a particular description,
 - (ii) to things done on or in connection with highways or highways of a particular description, or
 - (iii) to the creation, stopping up or diversion of highways or highways of a particular description,not to apply, or to apply with or without modification, in relation to restricted byways or to ways shown in a definitive map and statement as restricted byways, and
 - (b) make in any relevant Welsh provision such amendments, repeals or revocations as appear to the Assembly appropriate in consequence of the coming into force of sections 47 to 50 or provision made by virtue of subsection (1)(a) or paragraph (a).
- (7) Regulations under this section shall be made by statutory instrument, but no such regulations shall be made by the Secretary of State unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.
- (8) Where the Secretary of State lays before Parliament the draft of an instrument containing regulations under subsection (1) in respect of which consultation with the National Assembly for Wales is required by subsection (3)(a), he shall also lay before each House of Parliament a document giving details of the consultation and setting out any representations received from the Assembly.