
STATUTORY INSTRUMENTS

2005 No. 2459 (C.104)

COUNTRYSIDE, ENGLAND

The Countryside and Rights of Way Act
2000 (Commencement No 9) Order 2005

Made - - - - 31st August 2005

The Secretary of State, in exercise of the powers conferred upon her by section 103(3) and (4) of the Countryside and Rights of Way Act 2000(1), hereby makes the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No 9) Order 2005.

(2) In this Order—

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

“the 1980 Act” means the Highways Act 1980(2);

“the 1981 Act” means the Wildlife and Countryside Act 1981(3); and

(3) This Order applies in relation to England only(4).

Appointed days

2.—(1) 27th September 2005 is the day appointed for the coming into force of the following provisions—

(a) section 51 of the Act (amendments to the 1981 Act and other Acts) in so far as it gives effect to the provisions referred to in sub-paragraphs (b) and (c) below;

(b) paragraph 2 of Part I of Schedule 5 to the Act, to the extent that it inserts section 53B into the 1981 Act;

(c) paragraph 5 (insertion of subsections (7) and (8) into section 55 of the 1981 Act) of Part I of Schedule 5 to the Act; and

(1) 2000 c. 37.

(2) 1980 c. 66.

(3) 1981 c. 69.

(4) As to the exercise of the power to bring these provisions into force as regards Wales, see section 103(3) of the Countryside and Rights of Way Act 2000.

Status: Point in time view as at 31/08/2005.

Changes to legislation: There are currently no known outstanding effects for the The Countryside and Rights of Way Act 2000 (Commencement No 9) Order 2005. (See end of Document for details)

- (d) section 69(2) of the Act (amendment of section 147(5) of the 1980 Act relating to the interpretation of references to agricultural land and to land being brought into use for agriculture for the purposes of section 147 of the 1980 Act).
- (2) 27th September 2005 is also the day appointed for the coming into force of the following provisions, in so far as they are not already in force in consequence of the Countryside and Rights of Way Act 2000 (Commencement No 4) Order 2004(5)—
- (a) section 51 of the Act in so far as it gives effect to the provisions referred to in sub-paragraph (b) below;
 - (b) the following provisions of Part I of Schedule 5 to the Act—
 - (i) paragraph 8 (consolidation of definitive maps and statements);
 - (ii) paragraph 10 (amendment of Schedule 14 to the 1981 Act relating to applications for certain orders under Part III of that Act); and
 - (iii) paragraph 11 (amendment of Schedule 15 to the 1981 Act relating to the procedure in connection with certain orders under Part III of that Act);
 - (c) section 57 of the Act in so far as it gives effect to the provision referred to in sub-paragraph (d) below; and
 - (d) paragraph 3 of Part I of Schedule 6 (amendment of section 31 of the 1980 Act relating to dedication of way as highway presumed after public use for 20 years).

Jim Knight
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural
Affairs

31st August 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 27th September 2005, in relation to England—

- (a) section 51 of, and paragraphs 2 and 5 of Part I of Schedule 5 to, the Act, to the extent that these provisions insert the following sections or subsections into the Wildlife and Countryside Act 1981 (“the 1981 Act”)—
 - (i) section 53B, which provides for the keeping of a register with respect to applications under section 53(5) of the 1981 Act; and
 - (ii) subsections 55(7) and (8), which relate to the effect of orders made under section 55(5) of the 1981 Act; and
- (b) section 69(2) of the Act, which provides for the amendment of section 147(5) of the 1980 Act, with the effect that references to agricultural land and to land being brought into use for agriculture for the purposes of section 147 of the 1980 Act include land used or, as the case may be, land being brought into use for the breeding or keeping of horses.

The Countryside and Rights of Way Act 2000 (Commencement No 4) Order 2004 (SI 2004/292) (“the Commencement No 4 Order”) contains provisions to bring into force paragraphs 8, 10 and 11 of Part I of Schedule 5 to the Act and paragraph 3 of Part I of Schedule 6 to the Act (“the Scheduling provisions”) without express provision for bringing into force sections 51 and 57 of the Act (“the introducing provisions”) in so far as they give effect to the Scheduling provisions. This Order brings into force on 27th September 2005 in relation to England the Scheduling provisions and the introducing provisions in so far as they give effect to the Scheduling provisions, in so far as they are not already in force in consequence of the Commencement No 4 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:

ENGLAND

| <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 |
| Sections 12, 13, 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 | |
| Section 46(3) (remainder) | 19.9.2004 | 2004/2173 |

Status: Point in time view as at 31/08/2005.

Changes to legislation: There are currently no known outstanding effects for the The Countryside and Rights of Way Act 2000 (Commencement No 9) Order 2005. (See end of Document for details)

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I.No.</i> |
|--|-----------------------------|----------------|
| Section 57 (partially) | 30.1.2001 | 2001/114 |
| Section 57 (partially) | 12.2.2003 | 2003/272 |
| Sections 60 to 62 | 21.11.2002 | 2002/2833 |
| Section 63 | 13.2.2004 | 2004/292 |
| Section 68 | 1.4.2001 | 2001/114 |
| 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 | |
| Part IV (and Schedules 13, 14, and 15) | 1.4.2001 | |
| Section 96 | 1.4.2001 | |
| Section 97 | 1.4.2001 | |
| Section 100 (partially) | 30.1.2001 | |
| Section 100(3) | 1.4.2001 | |
| Section 102 (partially) | 30.1.2001 | |
| Section 102 (partially) | 1.4.2001 | |
| 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 8, 10 and 11 (partially) | 13.2.2004 | 2004/292 |
| 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 18(a) (partially) | 30.1.2001 | 2001/114 |
| Schedule 6, paragraph 19 (partially) | 30.1.2001 | |
| Schedule 16, Part I (partially) | 1.4.2001 | |
| Schedule 16, Part II (partially) | 30.1.2001 | |
| Schedule 16, Part II (partially) | 1.4.2001 | |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I.No.</i> |
|-----------------------------|-----------------------------|----------------|
| Schedule 16, Parts V and VI | 1.4.2001 | |

WALES

The following commencement orders have been made—

the Countryside and Rights of Way Act 2000 (Commencement No.1) (Wales) Order 2001 (S.I. [2001/203](#) (W.9) (C.10));

the Countryside and Rights of Way Act 2000 (Commencement No.2) (Wales) Order 2001 (S.I. [2001/1410](#) (W.96) (C.50));

the Countryside and Rights of Way Act 2000 (Commencement No.3) (Wales) Order 2002 (S.I. [2002/2615](#) (W.253) (C.82));

the Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004 (S.I. [2004/315](#) (W.33) (C.16));

the Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004 (S.I. [2004/1489](#) (W.154) (C.59));

the Countryside and Rights of Way Act 2000 (Commencement No.6) (Wales) Order 2005 (S.I. [2005/423](#) (W.41) (C.19)); and

the Countryside and Rights of Way Act 2000 (Commencement No.7) (Wales) Order 2005 (S.I. [2005/1314](#) (W.96) (C.58)).

Status:

Point in time view as at 31/08/2005.

Changes to legislation:

There are currently no known outstanding effects for the The Countryside and Rights of Way Act 2000 (Commencement No 9) Order 2005.