

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000
PART II : RIGHTS OF WAY
PROGRESS ON IMPLEMENTING PROVISIONS IN ENGLAND

Provision		Brought into force
sections 47–50 <i>schedule 5</i> paras 1, 3, 5, 6, 9, 12 – 17	Redesignation of roads used as public paths as restricted byways	<i>To be brought into force later in 2004</i>
section 51	<i>See Schedule 5 below</i>	
section 52	Restricted byways : power to amend existing legislation	31 Jan 2001
sections 53–56 <i>schedule 5</i> para 4	Extinguishment of unrecorded rights of way; BOATs not to be added to definitive map	<i>To be brought into force in 2005/6</i>
section 57	<i>See Schedule 6 below</i>	
section 58, 59	Application for public path creation order for purposes of Part I (access to the countryside)	30 Jan 2001
sections 60 – 62 <i>schedule 6</i> para 1, 6, 9(5)	Rights of way improvement plans	21 Nov 2002 (SI 2002/2833)
section 63	Enforcement of duty to prevent obstructions	13 Feb 2004 (SI 2004/292) 10 Mar 2004 (SI 2004/370)
section 64	Power to order offender to remove obstruction	30 Jan 2001
section 65	Power to remove overhanging vegetation obstructing horseriders	30 Jan 2001
section 66	Making of traffic regulation orders for purposes of conserving natural beauty or nature conservation	30 Jan 2001
section 67	<i>See Schedule 7 below</i>	
section 68	Vehicular access across common land	1 Apr 2001 (SI 2001/114)
section 69	Erection or improvement of stiles etc	<i>To be brought into force in 2005/6</i>
section 70(1), (3)	Extends scope of works for safeguarding public paths; extends right of local authorities to use vehicles on rights of way	13 Feb 2004 (SI 2004/292)
section 70(2), (4)	Removes limit on persons who may bring proceedings for failure to restore a public path by ploughing; extends defence to charge of driving or parking on a cycle track	1 Apr 2001 (SI 2001/114)

section 71	Reports on rights of way functions	<i>To be brought into force in 2005/6</i>
section 72	Interpretation of Part II	30 Jan 2001 (SI 2001/114)
<i>Schedule 5 Amendments relating to definitive maps and statements and restricted byways</i>		
para 2	Power to include modifications in other orders; register of applications under s.53	<i>To be brought into force in 2005</i>
para 7	Miscellaneous minor amendments re definitive maps and statements	<i>To be brought into force in 2005/6</i>
para 8	Consolidation of definitive maps and statements	13 Feb 2004 (SI 2004/292)
para 10	Directions by the Secretary of State to a local authority to make an order under schedule 14 to the Wildlife and Countryside Act 1981 can include a time within which an order is to be made	13 Feb 2004 (SI 2004/292)
para 11	Representations and objections to 1981 Act orders to include particulars of the grounds relied on; the Secretary of State may confirm a 1981 Act order without hearing representations or objections where none relates to an issue which would be relevant in determining an order; applies subsections (2) to (5) of the Local Government Act 1972 (giving of evidence at and defraying costs of inquiries) in relation to hearings (as well as local inquiries)	13 Feb 2004 (SI 2004/292)
<i>Schedule 6 Amendments relating to creation, stopping up and diversion of highways</i>		
para 2	Duty to have regard to agriculture, forestry and nature conservation when compulsory powers to create footpaths and bridleways are used	12 Feb 2003 (SI 2003/272)
para 3	Amends s.31(6) of the Highways Act 1980 to require maps to be deposited every ten (from six) years	13 Feb 2004 (SI 2004/292)
para 4	Register of maps, statements and declarations	<i>To be brought into force in 2005</i>
para 5	Highways maintainable at public expense created in consequence of a special diversion order or SSSI diversion	12 Feb 2003 (except for SSSIs) (SI 2003/272)
paras 7, 9(4), 10, 23(5)(a) and (c), (6), (10)	Right of landowners, lessees and occupiers of land used for agriculture, forestry or the breeding or keeping of horses to apply for extinguishment and diversion orders	<i>To be brought into force in 2005/6</i>
paras 8, 12	Crime prevention	12 Feb 2003 (so far as

		inserts Highways Act 1980 s 118B (SI 2003/272)
paras 9(1)–(3), 11	Authorities to certify that work to bring a diverted way into public use has been carried out	12 Feb 2003 (SI 2003/272)
paras 13, 14, 17	Exercise of powers for making public path extinguishment and diversion orders; powers of entry for purposes connected with diversion and extinguishment orders	12 Feb 2003 (SI 2003/272) <i>Except for ss. 118C, 119C and 119D orders</i>
para 15	Regulations with respect to applications for orders, including register of applications, right of appeal to the Secretary of State	<i>To be brought into force in 2005</i>
paras 16, 22	Temporary diversions for dangerous works	<i>To be brought into force in 2005</i>
paras 18, 19, 20, 21, 25, 26	Minor amendments	30 Jan 2001 (SI 2001/114); 12 Feb 2003 (SI 2003/272) <i>Except for s. 119D orders</i>
para 23(1)–(4), (5)(b), (7)-(9)	Amendments to Schedule 6 to the Highways Act 1980	12 Feb 2003 (SI 2003/272) <i>Except for s. 119D orders</i>
para 23(8)	Applies subsections (2) to (5) of the Local Government Act 1972 (giving of evidence at and defraying costs of inquiries) in relation to hearings (as well as local inquiries) held under Schedule 6 to the Highways Act 1980	12 Feb 2003 (SI 2003/272) <i>Except for s. 119D orders</i>
para 24	Delegation of function of making determination (inserts Schedule 12A into Highways Act 1980)	12 Feb 2003 (SI 2003/272) <i>Except for s. 119D orders</i>
<i>Schedule 7 Driving of mechanically propelled vehicles elsewhere than on roads</i>		
paras 1–5, 8, 9	Amends definition of mechanically propelled vehicle; substitutes new s.34 of the Road Traffic Act 1988	30 Jan 2001
<i>Schedule 16 Repeals, Part II Public rights of way and road traffic</i>		
Wildlife and Countryside Act 1981 sections 54, 56(5), 57(1), Schedule 15 para 9	<i>Not yet repealed</i>	
Transport and Works Act 1992 Schedule 2	<i>Not yet repealed</i>	
Road Traffic Regulation Act 1984 section 22(1)(a)	30 Jan 2001	
Highways Act 1980 section 134(5)	1 Apr 2001 (does not have effect in relation to any offence committed before 1 Apr 2001) (SI 2001/114)	