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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Restricted Byways (Application and Consequential  
Amendment of Provisions) Regulations 2006**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006.

(2) Subject to paragraph (3), these Regulations shall come into force in England on the day on which sections 47 to 50 of the Countryside and Rights of Way Act 2000 come into force in England.

(3) Regulation 2 and the Schedule so far as they relate to—

- (a) section 59 of the Wildlife and Countryside Act 1981<sup>(1)</sup>, or
- (b) section 33 of the Road Traffic Act 1988<sup>(2)</sup>,

shall come into force in England two months after the day on which sections 47 to 50 of the Countryside and Rights of Way Act 2000 come into force in England.

(4) Subject to paragraph (5), these Regulations shall come into force in Wales on the day on which sections 47 to 50 of the Countryside and Rights of Way Act 2000 come into force in Wales.

(5) Regulation 2 and the Schedule so far as they relate to—

- (a) section 59 of the Wildlife and Countryside Act 1981, or
- (b) section 33 of the Road Traffic Act 1988,

shall come into force in Wales two months after the day on which sections 47 to 50 of the Countryside and Rights of Way Act 2000 come into force in Wales.

**Application and amendment of provisions**

2.—(1) The provisions set out in column 1 of Part I or II of the Schedule which relate to—

- (a) highways, or highways of a particular description,
- (b) things done on or in connection with highways, or highways of a particular description, or
- (c) the creation, stopping up or diversion of highways, or highways of a particular description,

shall also apply in relation to restricted byways.

(2) In consequence of the coming into force of sections 47 to 50 of the Countryside and Rights of Way Act 2000 or of paragraph (1) above, the provisions mentioned in column 2 of Part I or II of the Schedule shall have effect with the amendments there specified.

**Disapplication and amendment of section 47 of the Highways Act 1980**

3.—(1) Section 47 of the Highways Act 1980<sup>(3)</sup> shall not apply in relation to restricted byways and in consequence that section is amended in accordance with paragraph (2).

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(1) 1981 c.69.  
(2) 1988 c.52.  
(3) 1980 c.66.

(2) In subsection (2) of that section, for “footpath or bridleway” there is substituted “footpath, bridleway or restricted byway”(4).

[Parliamentary Under Secretary] [Minister] of  
State  
Department for Environment, Food and Rural  
Affairs

Date

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(4) “Restricted byway” is defined in section 329(1) of the Highways Act 1980, as amended by the Countryside and Rights of Way Act 2000, Schedule 5, paragraph 16(a).