

Draft Regulations laid before Parliament under section 52(7) of the Countryside and Rights of Way Act 2000 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

HIGHWAYS, ENGLAND AND WALES

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

*Made - - - - 2006
Coming into force in accordance with regulation 1*

These Regulations are made in exercise of the powers conferred by section 52(1)(a) and (b) of the Countryside and Rights of Way Act 2000(1).

It appears to the Secretary of State that the amendments set out in column 2 of the Schedule to these Regulations are appropriate in consequence of the coming into force of sections 47 to 50, or provision made by virtue of section 52(1)(a), of that Act.

In accordance with section 52(3)(a) of that Act she has consulted the National Assembly for Wales.

In accordance with section 52(8) of that Act a document giving details of that consultation and stating that no representations have been received from the National Assembly for Wales has been laid before each House of Parliament.

In accordance with section 52(7) of that Act a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State makes the following Regulations:

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(2), or
- (b) section 33 of the Road Traffic Act 1988(3),

(1) 2000 c.37.
(2) 1981 c.69.
(3) 1988 c.52.

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⁽⁴⁾ shall not apply in relation to restricted byways and in consequence that section is amended in accordance with paragraph (2).

(2) In subsection (2) of that section, for “footpath or bridleway” there is substituted “footpath, bridleway or restricted byway”⁽⁵⁾.

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

Date

(4) 1980 c.66.

(5) “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).

SCHEDULE

Regulation 2

APPLICATION AND AMENDMENT OF PROVISIONS

PART I

ACTS

<i>Column 1</i> <i>Provisions applying in relation to restricted byways</i>	<i>Column 2</i> <i>Amendments</i>
Defence Act 1842(6), sections 16 and 17.	<p>Section 16 (principal officers may authorize persons to survey and mark out lands, etc, and treat with owners for the absolute purchase therefore, etc) is renumbered as subsection (1) of that section and—</p> <p>(a) in that subsection, after “bridle-roads” there is inserted “or any restricted byways”, and</p> <p>(b) after that subsection, there is inserted—</p> <p style="padding-left: 40px;">“(2) In this section and section 17, “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”</p> <p>In section 17 (when footpaths, etc, are stopped up, other paths to be made in lieu thereof)—</p> <p>(a) for “or bridle-road” there is substituted “, bridle-road or restricted byway”, and</p> <p>(b) for “or road” there is substituted “, road or restricted byway”.</p>
Harbours Act 1964(7), sections 14, 16 and 17, paragraph 7A of Schedule 2 and paragraph 12 of Schedule 3.	<p>In section 14 (ministers’ powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency, &c), in subsection (5A)(8), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p> <p>In section 16 (ministers’ powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, &c, of harbours), in subsection (7A)(9), for “or bridleway” there is substituted “, bridleway or restricted byway”.</p>

(6) 1842 c.94.

(7) 1964 c.40.

(8) Section 14(5A) of the Harbours Act 1964 was inserted by the Transport and Works Act 1992 (c.42), Schedule 3, paragraph 1(1) and (7).

(9) Section 16(7A) of the Harbours Act 1964 was inserted by the Transport and Works Act 1992, Schedule 3, paragraph 2(1) and (5).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applying in relation to restricted byways</i>	<i>Amendments</i>
	<p>In section 17 (procedure for making harbour revision and empowerment orders), in subsections (2A) and (2B)(10), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”.</p> <p>In section 57 (interpretation), in subsection (1), after the definition of “provisional order”, there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.</p> <p>In Schedule 2 (object for whose achievement harbour revision orders may be made), in paragraph 7A(11), for “or bridleways” there is substituted “, bridleways or restricted byways”.</p> <p>In Schedule 3 (procedure for making harbour revision and empowerment orders)(12), in paragraph 12, for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.</p>
Countryside Act 1968(13), section 27.	<p>In section 27 (signposting)(14)—</p> <p>(a) in subsections (1), (2), (4), (5) and (6), for “bridleway or”, in each place where it occurs, there is substituted “bridleway, restricted byway or”, and</p> <p>(b) in subsection (8), after “so used”, there is inserted “, and “restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000”.</p>
Chronically Sick and Disabled Persons Act 1970(15), section 20.	<p>In section 20 (use of invalid carriages on highways), in subsection (2)(16), in the definition of “footway”, after “Highways Act</p>
<p>(10) Subsections (2A) and (2B) of section 17 of the Harbours Act 1964 were inserted by the Transport and Works Act 1992, Schedule 3, paragraph 3.</p> <p>(11) Paragraph 7A of Schedule 2 to the Harbours Act 1964 was inserted by the Transport and Works Act 1992, Schedule 3, paragraph 9.</p> <p>(12) Schedule 3 of the Harbours Act 1964 was substituted by the Harbour Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/3445), Schedule 3.</p> <p>(13) 1968 c.41.</p> <p>(14) Section 27 of the Countryside Act 1968 was amended by the Highways Act 1980 (c.66), Schedule 24, paragraph 17, the Wildlife and Countryside Act 1981(c.69), section 65, and the Road Traffic Regulation Act 1984 (c.27), Schedule 14.</p> <p>(15) 1970 c.44.</p> <p>(16) Section 20(2) of the Chronically Sick and Disabled Persons Act 1970 was amended by the Highways Act 1980 (c.66), Schedule 24, paragraph 19.</p>	

- 1980” insert “or a restricted byway within the meaning of Part 2 of the Countryside and Rights of Way Act 2000”.
- Local Government Act 1972⁽¹⁷⁾, section 187. In section 187 (powers of district council or Welsh principal council as regards footpaths and bridleways)—
- (a) in subsection (3), for “and bridleways” there is substituted “, bridleways and restricted byways”, and
 - (b) after that subsection, there is inserted—
“^(3A) ”Restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”.
- Highways Act 1980⁽¹⁸⁾, sections 25 to 28, 36, 42, 43, 72 and 115A, sections 115B and 115C (so far as they relate to footpaths, bridleways and footways in relation to which no pedestrian planning order or traffic order is in force), sections 118, 118A, 119, 119A, 120, 121, 135, 146, 275 and 300, Schedule 6 and paragraph 3(3) of Schedule 12A. In section 25 (creation of footpath or bridleway by agreement)⁽¹⁹⁾—
- (a) in subsections (1), (4), (5) and (6), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and
 - (b) in the sidenote, for “or bridleway” there is substituted “, bridleway or restricted byway”.
- In section 26 (compulsory powers for creation of footpaths and bridleways)⁽²⁰⁾—
- (a) in subsections (1), (2), ^(3A) and (5), for “or bridleway”, in each place where it occurs, there is substituted “bridleway or restricted byway”, and
 - (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
- In section 27 (making up of new footpaths and bridleways)—
- (a) in subsections (1) and (5)(a), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and
 - (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
- In section 28 (compensation for loss caused by a public path creation order), in subsection (4), for “or bridleway” there is substituted “, bridleway or restricted byway”.

⁽¹⁷⁾ 1972 c.70.

⁽¹⁸⁾ 1980 c.66.

⁽¹⁹⁾ Section 25 of the Highways Act 1980 was amended by the Wildlife and Countryside Act 1981, section 64.

⁽²⁰⁾ Section 26 of the Highways Act 1980 was amended by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 1.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177

In section 36 (highways maintainable at public expense), in subsections (2) and (3A)(21), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.

In section 42 (power of district councils to maintain certain highways), in subsection (2), before the word “and” immediately following paragraph (b), there is inserted—

“(ba) restricted byways.”.

In section 43 (power of parish and community councils to maintain footpaths and bridleways)

-
- (a) in subsections (1) and (2), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and
 - (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 72 (widening of highways), in subsection (2)(22), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.

In section 115A (scope of Part 7A)(23), in subsection (1), after paragraph (a) there is inserted—

“(aa) to a restricted byway;”.

In section 115B (provision etc of services and amenities by councils), in subsection (6), before the word “or” immediately following paragraph (b) there is inserted—

“(ba) on, in or over a restricted byway;”.

In section 115C (provision of recreation and refreshment facilities by councils), in subsection (4), after paragraph (b) there is inserted—

“(ba) on a restricted byway; or”.

In section 118 (stopping up of footpaths and bridleways)—

- (a) in subsection (1), for “or bridleway” there is substituted “, bridleway or restricted byway”, and

(21) Section 36(3A) of the Highways Act 1980 was inserted by the Transport and Works Act 1992 (c.42), section 64(4).

(22) Section 72(2) of the Highways Act 1980 was amended by the Environment Act 1995 (c.25), Schedule 24.

(23) Sections 115A, 115B and 115C of the Highways Act 1980 were inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c.30), Schedule 5, Part 1.

- (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 118A (stopping up of footpaths and bridleways crossing railways)(**24**)—

- (a) in subsection (1), for “or bridleway” there is substituted “, bridleway or restricted byway”, and
- (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 119 (diversion of footpaths and bridleways)(**25**)—

- (a) in subsections (1), (3), (7) and (9), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”,
- (b) in subsection (9), for “and bridleways” there is substituted “, bridleways and restricted byways “, and
- (c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 119A (diversion of footpaths and bridleways crossing railways)(**26**)—

- (a) in subsections (1), (6), (7), (9)(b) and (11), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”,
- (b) in subsection (11), for “and bridleways” there is substituted “, bridleways and restricted byways”, and
- (c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 119B (diversion of certain highways for purposes of crime prevention, etc)(**27**), in subsection (14)—

- (a) for “and bridleways” there is substituted “, bridleways and restricted byways”, and
- (b) in paragraph (a) for “or bridleway” there is substituted “, bridleway or restricted byway”.

(24) Section 118A of the Highways Act 1980 was inserted by the Transport and Works Act 1992, Schedule 2, paragraph 3.

(25) Section 119(1) of the Highways Act 1980 was amended by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 5, and the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 9.

(26) Section 119A of the Highways Act 1980 was inserted by the Transport and Works Act 1992, Schedule 2, paragraph 4 and amended by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 11.

(27) Section 119B of the Highways Act 1980 was inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 12.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177

In section 119E (provisions supplementary to section 119D)(**28**), in subsection (6)—

- (a) for “and bridleways” there is substituted “, bridleways and restricted byways”, and
- (b) in paragraph (a), for “or bridleway” there is substituted “, bridleway or restricted byway”.

In section 120 (exercise of powers of making public path extinguishment and diversion orders), in subsections (1) and (3), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.

In section 121 (supplementary provisions as to public path extinguishment and diversion orders), in subsection (2)(b), for the words from “a footpath” to “byway or” there is substituted “a footpath, bridleway or restricted byway included a reference to”.

In section 135 (authorisation of other works disturbing footpath or bridleway)(**29**)—

- (a) in subsections (1)(b), (3)(c) and (7), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and
- (b) in the sidenote, for “or bridleway” there is substituted “, bridleway or restricted byway”.

In section 146 (duty to maintain stiles etc on footpaths and bridleways)(**30**)—

- (a) in subsections (1) and (2)(a) and (b), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”, and
- (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 275 (contributions by councils and local planning authorities towards expenses incurred in connection with footpaths and bridleways)—

- (a) for “and bridleways”, in each place where it occurs, there is substituted “, bridleways and restricted byways”, and

(28) Sections 119D and 119E of the Highways Act 1980 were inserted by the Countryside and Rights of Way Act 2000, Schedule 6, paragraph 12.

(29) Section 135 of the Highways Act 1980 was substituted by the Rights of Way Act 1990 (c.24), section 1.

(30) Section 146(2)(a) of the Highways Act 1980 was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 25.

- (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In section 300 (right of local authorities to use vehicles and appliances on footways and bridleways)(31)—

- (a) in subsection (1), for “or bridleways”, in both places where it occurs, there is substituted “, bridleways or restricted byways”, and
- (b) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.

In Schedule 6 (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways)(32)—

- (a) in the heading to the Schedule and the headings to each of Parts 1 and 2, for “AND BRIDLEWAYS” there is substituted “, BRIDLEWAYS AND RESTRICTED BYWAYS”, and
- (b) in paragraph 1(3)(c)(i), for “or bridleway” there is substituted “, bridleway or restricted byway”.

In Schedule 12A (further powers of highway authorities and councils in relation to interference with highways)(33), in paragraph 3(3), for “or bridleway” there is substituted “, bridleway or restricted byway”.

Wildlife and Countryside Act 1981(34), sections 59 and 62. In section 59 (prohibition on keeping bulls on land crossed by public rights of way), in subsection (1), after “right of way to which this Part applies” there is inserted “or a restricted byway”.

In section 62 (appointment of wardens for public rights of way), after “bridleway” there is inserted “, restricted byway”.

Telecommunications Act 1984(35), Schedule 2 (so far as it relates to footpaths and bridleways). In Schedule 2 (the telecommunications code)—

- (a) in sub-paragraph (1) of paragraph 1, in the definition of “maintainable highway”, for “or bridleway” there is substituted “, bridleway or restricted byway”,

(31) Section 300(1) of the Highways Act 1980 was amended by the Countryside and Rights of Way Act 2000, section 70(3).

(32) Paragraph 1(3) of Schedule 6 to the Highways Act 1980 was substituted by the Wildlife and Countryside Act 1981, Schedule 16, paragraph 6(2).

(33) Schedule 12A to the Highways Act 1980 was inserted by the Rights of Way Act 1990, section 4.

(34) 1981 c.69.

(35) 1984 c.12.

- (b) in that sub-paragraph, at the appropriate place there is inserted—
 - ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”, and
- (c) in paragraph 2(8)(a), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”.

Road Traffic Regulation Act 1984⁽³⁶⁾, In section 15 (duration of orders and notices section 15 (so far as it relates to footpaths, under section 14)⁽³⁷⁾, in subsection (1)(a), bridleways, cycle tracks and byways open to all traffic), section 22A, section 58 (so far as it relates to public paths) and section 127.

In section 22A (traffic regulation on certain roads for purpose of conserving natural beauty)⁽³⁸⁾, in subsection (1)(c), after “bridleway” there is inserted “, a restricted byway”.

In section 58 (consents for purposes of section 57(1)), in subsection (1)(b)—

- (a) for “or in a public path” there is substituted “in a public path or in a restricted byway”, and
- (b) for “road or path” there is substituted “road, path or way”.

In section 127 (footpaths, bridleways and byways open to all traffic)—

- (a) in subsections (1) and (4), after “bridleway”, in both places where it occurs, there is inserted “, restricted byway”, and
- (b) in the sidenote, after “bridleways” there is inserted “, restricted byways”.

In section 142 (general interpretation of Act), after the definition of “public service vehicle” there is inserted—

““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.

⁽³⁶⁾ 1984 c.27.

⁽³⁷⁾ Section 15 of the Road Traffic Regulation Act 1984 was inserted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), Schedule 1.

⁽³⁸⁾ Section 22A of the Road Traffic Regulation Act 1984 was inserted by the Countryside and Rights of Way Act 2000, section 66(4).

Road Traffic Act 1988**(39)**, section 33.

In section 33 (control of use of footpaths and
bridleways for motor vehicle trials)—

- (a) in subsections (1), (2) and (4), for “or
bridleway”, in each place where it occurs,
there is substituted “, bridleway or
restricted byway”,
- (b) in subsection (4), for “or bridleways”
there is substituted “, bridleways or
restricted byways”,
- (c) after subsection (5), there is inserted—
“(6) In this section “restricted byway”
means a way over which the public have
restricted byway rights within the meaning
of Part 2 of the Countryside and Rights of
Way Act 2000, with or without a right to
drive animals of any description along the
way, but no other rights of way.”; and
- (d) in the sidenote, for “and bridleways”
there is substituted “, bridleways and
restricted byways”.

Town and Country Planning Act 1990**(40)**,
sections 257 to 261 and Schedule 14 (so far as
they relate to footpaths and bridleways).

In section 257 (footpaths and bridleways
affected by development: orders by other
authorities)—

- (a) in subsections (1), (2)(b) and (c) and (3),
for “or bridleway”, in each place where it
occurs, there is substituted “, bridleway
or restricted byway”, and
- (b) in the sidenote, for “and bridleways”
there is substituted “, bridleways and
restricted byways”.

In section 258 (extinguishment of public rights
of way over land held for planning purposes),
in subsection (1), for “or bridleway” there is
substituted “, bridleway or restricted byway”.

In section 259 (confirmation of orders made by
other authorities), in subsection (3)(a), for “or
bridleway” there is substituted “, bridleway or
restricted byway”.

In section 260 (electronic communications
apparatus: orders by or on application of
other authorities), in subsection (1)(b), for “or
bridleway” there is substituted “, bridleway or
restricted byway”.

In section 261 (temporary stopping up
of highways for mineral workings), in

(39) 1988 c.52.

(40) 1990 c.8.

subsection (2), for “or bridleway”, in each place where it occurs, there is substituted “, bridleway or restricted byway”.

In section 336 (interpretation), in subsection (1), after the definition of “restoration condition” there is inserted—
““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.

In Schedule 14 (procedure for footpaths and bridleways orders), in paragraph 1(2)(c)(i), for “or bridleway” there is substituted “, bridleway or restricted byway”.

Water Industry Act 1991(41), Schedule 11 (so far as it relates to footpaths and bridleways).

In Schedule 11 (orders conferring compulsory works powers)—

- (a) in paragraph 1(1)(c)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”,
- (b) in paragraph 5(1)(b)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”, and
- (c) in paragraph 10, after the definition of “powers of compulsory acquisition” there is inserted—
““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.

Water Resources Act 1991(42), Schedule 19 (so far as it relates to footpaths and bridleways).

In Schedule 19 (orders conferring compulsory works powers)—

- (a) in paragraph 1(1)(c)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”,
- (b) in paragraph 5(1)(b)(ii), for “or bridleway”, in both places where it occurs, there is substituted “, bridleway or restricted byway”, and
- (c) in paragraph 10, after the definition of “powers of compulsory acquisition” there is inserted—
““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.

(41) 1991 c.56.

(42) 1991 c.57.

Transport and Works Act 1992(43), sections 47 and 48.	In section 47 (stopping up and diversion of crossings)— <ul style="list-style-type: none"> (a) in subsection (2), for “or bridleway” there is substituted “, bridleway or restricted byway”, and (b) after that subsection, there is inserted— <ul style="list-style-type: none"> “(3) “Restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”. <p>In section 48 (footpaths and bridleways over railways)—</p> <ul style="list-style-type: none"> (a) in subsection (1)(a), for “or bridleway” there is substituted “, bridleway or restricted byway “, (b) in subsection (8), after the definition of “operator” there is inserted— <ul style="list-style-type: none"> ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.”, and (c) in the sidenote, for “and bridleways” there is substituted “, bridleways and restricted byways”.
---	---

PART II

SUBORDINATE LEGISLATION

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applying in relation to restricted byways</i>	<i>Amendments</i>
Motor Vehicle (Competitions and Trials) Regulations 1969(44), paragraph (14) of Schedule 2.	In paragraph (14) of Schedule 2 (particulars to be given in the application for authorisation), for sub-paragraph (ix) there is substituted— <ul style="list-style-type: none"> “(ix) (with arrows marked “F”, “B” or “RB”) lengths of any public highway which are footpaths, bridleways or restricted byways (within the meaning of Part 2 of the Countryside and Rights of Way Act 2000) forming part of the route.”.
Local Authorities (Publicity Account) (Exemption) Order 1987(45), paragraph 7 of the Schedule.	In paragraph 7 of the Schedule (descriptions of exempt publicity), for “or bridleway” there is substituted “, bridleway or restricted byway”.

(43) 1992 c.42.

(44) S.I. 1969/414, amended by S.I. 1982/1103; there are other amending instruments but none is relevant.

(45) S.I. 1987/2004.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applying in relation to restricted byways</i>	<i>Amendments</i>
Road Traffic (Temporary Restrictions) Procedure Regulations 1992(46), regulations 2, 4 and 11.	<p>In paragraph (1) of regulation 2 (general interpretation), after “cycle track” there is inserted “, restricted byway”.</p> <p>In regulation 4 (footpaths, bridleway, cycle tracks and byway open to all traffic), for “or byway open to all traffic”, in each place where it occurs, there is substituted “, byway open to all traffic or restricted byway”.</p> <p>In regulation 11 (footpaths, bridleways, cycle tracks and byways open to all traffic), for “or byway open to all traffic” there is substituted “, byway open to all traffic or restricted byway”.</p>
Rail Crossing Extinguishment and Diversion Orders Regulations 1993(47), regulation 1 and Schedules 1, 2 and 3.	<p>In paragraph (2) of regulation 1 (citation, commencement and interpretation), for “and bridleways”, in each place where it occurs, there is substituted “, bridleways and restricted byways”.</p> <p>In the forms set out in Schedule 1—</p> <p>(a) for “and/or bridleways”, in each place where it occurs, there is substituted “, bridleways and/or restricted byways”, and</p> <p>(b) after “bridleway”, in each place where it occurs, there is inserted “or restricted byway”.</p> <p>In the forms set out in Schedule 2 and Schedule 3, after “[bridleway]”, in each place where it occurs, there is inserted “[restricted byway]”.</p>
Town and Country Planning (Public Path Orders) Regulations 1993(48), regulation 1 and Schedules 1 and 2.	<p>In paragraph (2) of regulation 1 (citation, commencement and interpretation), in the definition of “public path order”, for “and bridleways” there is substituted “, bridleways and restricted byways”.</p> <p>In forms 1 and 2 of Schedule 1 (forms of public path order) and forms 1 and 2 of Schedule 2 (forms of notice), after “[bridleway]” in each place where it occurs there is inserted “[restricted byway]”.</p>
Public Path Orders Regulations 1993(49), regulations 1 and 3 and Schedules 1 and 2.	<p>In paragraph (2) of regulation 1 (citation, commencement and interpretation), for “and</p>

(46) S.I. 1992/1215, to which there are amendments not relevant to these Regulations.

(47) S.I. 1993/9; relevant amending instruments are S.I. 1997/2971 and 1999/416.

(48) S.I. 1993/10; relevant amending instruments are S.I. 1995/451 and 1997/2971.

(49) S.I. 1993/11; relevant amending instruments are S.I. 1995/451, 1997/2971 and 1999/416.

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applying in relation to restricted byways</i>	<i>Amendments</i>
	bridleways” in each place where it occurs, there is substituted “, bridleways and restricted byways”.
	In paragraph (1) of regulation 3 (notices of order), for “and bridleways” there is substituted “, bridleways and restricted byways”.
	In Schedules 1 and 2 (forms of order and forms of notice of orders), after “[bridleway]”, in each place where it occurs, there is inserted “[restricted byway]”.
Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993(50), Schedules 1, 3, 5, 7 and 8.	In Schedule 1 (notation to be used on definitive maps), in paragraph (c) for “road used as a public path” there is substituted “restricted byway”.
	In Schedule 3 (form of reclassification order), Schedule 5 (form of notice of modification or reclassification order), Schedule 7 (form of application for modification order), and Schedule 8 (form of notice of application for modification order), after “[bridleway]”, in each place where it occurs, there is inserted “[restricted byway]”.
	In Schedule 3, for the words “road[s] used as [a] public path[s]”, there is substituted “way[s]”.
	In Schedule 5, before the words “road used as a public path”, there is inserted “way formerly classified as a”.
Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993(51), regulation 2.	In paragraph (1) of regulation 2 (interpretation and application)— (a) in the definition of “public path”, after “bridleway” there is inserted “, restricted byway”; (b) after the definition of “public path order” there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000”.
Hedgerows Regulations 1997(52), Schedule 1.	In paragraph 8(a) of Part 2 of Schedule 1 (additional criteria for determining “important”

(50) S.I. 1993/12, amended by S.I. 1997/2971; there are other amending instruments but none is relevant.

(51) S.I. 1993/407, to which there are amendments not relevant to these Regulations.

(52) S.I. 1997/1160, to which there are amendments not relevant to these Regulations.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions applying in relation to restricted byways</i>	<i>Amendments</i>
	hedgerows), for “a road used as a public path, within the meaning of section 54 (duty to reclassify roads used as public paths) of the Wildlife and Countryside Act 1981” there is substituted “a restricted byway within the meaning of Part 2 of the Countryside and Rights of Way Act 2000”.
Water (Compulsory Works Powers) (Notice) Regulations 1999 ⁽⁵³⁾ , regulation 2.	In regulation 2 (notice to be given to prescribed persons), for “or bridleway” there is substituted “, bridleway or restricted byway”.
Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 ⁽⁵⁴⁾ rules 4 and 10 and Schedules 3 and 5	In paragraph (1) of rule 4 (interpretation and notices)— (a) for the definition of “byway” there is substituted— ““byway” means— (a) a way shown and described as a byway open to all traffic in a definitive map and statement, as defined in section 53(1) of the Wildlife and Countryside Act 1981 ⁽⁵⁵⁾ ; or (b) a restricted byway;”; (b) after the definition of “representation” there is inserted— ““restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;”.
	In Schedule 3 (forms of notice), in form 4— (a) after “/bridleway” there is inserted “/ restricted byway”; and (b) in note (a), for “or bridleway” there is substituted “, bridleway or restricted byway.
Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ⁽⁵⁶⁾ , Schedule 1, paragraph I, column 1.	In Schedule 1 (functions not to be the responsibility of an authority’s executive), in paragraph I relating to miscellaneous functions— (a) in the entries in column 1 for items 1, 19, 20 and 31, for “or bridleway”, in each

⁽⁵³⁾ S.I. 1999/221.

⁽⁵⁴⁾ S.I. 2000/2190, to which there are amendments not relevant to these Regulations.

⁽⁵⁵⁾ 1981 c.69. Section 53(1) was amended by the Countryside and Rights of Way Act 2000 (c.37), Schedule 5, Part I, paragraph 1.

⁽⁵⁶⁾ S.I. 2000/2853. Relevant amending instruments are S.I. 2001/2831, 2004/2748, 2005/714.

- place where it occurs, there is substituted “, bridleway or restricted byway”; and
- (b) in the entries in column 1 for items 2, 4 and 8, for “and bridleways”, in each place where it occurs, there is substituted “, bridleways and restricted byways”, and
 - (c) the entries in columns 1 and 2 for item 27 are deleted.
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 52 of the Countryside and Rights of Way Act 2000 (“the 2000 Act”). Section 52 enables the Secretary of State to make regulations providing for any existing legislation applying to highways, or to highways of a particular kind (such as footpaths or bridleways) to apply, or to be excluded from applying, to restricted byways or ways shown in a definitive map and statement (within the meaning of section 53(1) of the Wildlife and Countryside Act 1981) as restricted byways. It also includes power to make amendments which are consequential upon either the coming into force of sections 47 to 50 of the 2000 Act or the application of existing legislation to restricted byways.

A restricted byway is a new class of highway established by sections 47 to 50 of the 2000 Act. Section 47(2) of the 2000 Act provides that every way which, immediately before the commencement of that section, is shown in any definitive map and statement as a road used as a public path, shall be treated instead as shown as a restricted byway. A restricted byway is defined in section 48(4) of the 2000 Act as a highway over which the public have restricted byway rights with or without the right to drive animals. Restricted byway rights include a right of way on foot, on horseback or leading a horse and a right of way for vehicles other than mechanically propelled vehicles.

Regulation 2 of these Regulations provides that the provisions of Acts and subordinate legislation relating to highways, or highways of a particular description, which are set out in column 1 of the Schedule, shall apply to restricted byways. In consequence of the application of those provisions to restricted byways, or of the coming into force of sections 47 to 50 of the 2000 Act, amendments are made to provisions of Acts and subordinate legislation as specified in column 2 of the Schedule.

Regulation 3 provides that section 47 of the Highways Act 1980, under which a highway authority may apply to a magistrates’ court for an order that a highway shall cease to be maintainable at the public expense, is not to apply in relation to restricted byways, and amends that section accordingly.

Sections 47 to 50 of the 2000 Act are to be commenced separately in England and Wales by orders to be made by the Secretary of State and the National Assembly for Wales respectively. These Regulations come into force in each country on the same date as sections 47 to 50 of the 2000 Act come into force, except that the application of section 59 of the Wildlife and Countryside Act 1981 and section 33 of the Road Traffic Act 1988 in relation to restricted byways, and consequential amendments to those sections, come into force in each country two months after that date.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 No. 1177