



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 6

RIGHTS OF WAY

Rights of way and mechanically propelled vehicles

70 Supplementary

- (1) In section 53(3) of the Wildlife and Countryside Act 1981 (modification of definitive map and statement in consequence of certain events)—
 - (a) in paragraph (b) (expiration of period raising a presumption of dedication), after “public path” insert “or restricted byway”, and
 - (b) in paragraph (c)(i) (discovery of evidence of right of way), after “public path” insert “, a restricted byway”.
- (2) Amend section 34 of the Road Traffic Act 1988 (c. 52) (prohibition of driving mechanically propelled vehicles elsewhere than on roads) as follows.
- (3) In subsection (2), omit “(subject to section 34A of this Act)”.
- (4) After subsection (2) insert—

“(2A) It is not an offence under this section for a person with an interest in land, or a visitor to any land, to drive a mechanically propelled vehicle on a road if, immediately before the commencement of section 47(2) of the Countryside and Rights of Way Act 2000, the road was—

 - (a) shown in a definitive map and statement as a road used as a public path, and
 - (b) in use for obtaining access to the land by the driving of mechanically propelled vehicles by a person with an interest in the land or by visitors to the land.”

Status: This is the original version (as it was originally enacted).

- (5) In subsection (6), for “and section 34A of this Act do” substitute “does”.
- (6) In subsection (7), insert at the appropriate place in the alphabetical order—
- ““interest”, in relation to land, includes any estate in land and any right over land (whether exercisable by virtue of the ownership of an estate or interest in the land or by virtue of a licence or agreement) and, in particular, includes rights of common and sporting rights;”.
- (7) After subsection (7) insert—
- “(8) A person—
- (a) entering any land in exercise of rights conferred by virtue of section 2(1) of the Countryside and Rights of Way Act 2000, or
- (b) entering any land which is treated by section 15(1) of that Act as being accessible to the public apart from that Act,
- is not for the purposes of subsection (2A) a visitor to the land.”
- (8) In Schedule 7 to the Countryside and Rights of Way Act 2000 (c. 37), omit paragraphs 6 and 7.