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WELSH STATUTORY INSTRUMENTS

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**2009 No. 2983**

**The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009**

**Amendment**

**4.** In Schedule 2 (functions which may be, but need not be, the responsibility of an authority's executive)—

(a) for paragraph 18 substitute—

“**18.** Any of the following functions in respect of highways—

- (a) the making of agreements for the execution of highways works<sup>(1)</sup>;
- (b) the functions contained in the following provisions of Part III of the Highways Act 1980 <sup>(2)</sup> (creation of highways)—
  - (i) section 25 — creation of footpath, bridleway or restricted byway by agreement;
  - (ii) section 26 — compulsory powers for creation of footpaths, bridleways or restricted byways;
- (c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)<sup>(3)</sup>—
  - (i) section 116 — power of magistrates' court to authorise stopping up or diversion of highway;
  - (ii) section 117 — application for order under section 116 on behalf of another person;
  - (iii) section 118 — stopping up of footpaths, bridleways and restricted byways;
  - (iv) section 118ZA — application for a public path extinguishment order;
  - (v) section 118A — stopping up of footpaths, bridleways and restricted byways crossing railways;
  - (vi) section 118B — stopping up of certain highways for purposes of crime prevention etc;
  - (vii) section 118C — application by proprietor of school for special extinguishment order;
  - (viii) section 119 — diversion of footpaths, bridleways and restricted byways;
  - (ix) section 119ZA — application for a public path diversion order;
  - (x) section 119A — diversion of footpaths, bridleways and restricted byways crossing railways;

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(1) Section 278 of the Highways Act 1980 (c. 66) was substituted by section 23 of the New Roads and Street Works Act 1991 (c. 22).

(2) 1980 c. 66.

(3) Sections 118ZA, 118B, 118C, 119ZA, 119B, 119C, 119D and 121B were inserted by section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37). Sections 118A and 119A were inserted by section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c. 42).

- (xi) section 119B — diversion of certain highways for purposes of crime prevention etc;
- (xii) section 119C — application by proprietor of school for special diversion order;
- (xiii) section 119D — diversion of certain highways for protection of sites of special scientific interest;
- (xiv) section 120 — exercise of powers of making public path extinguishment and diversion orders;
- (xv) section 121B — register of applications;
- (d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—
  - (i) section 130 — protection of public rights;
  - (ii) sections 139 — control of builders' skips;
  - (iii) section 140 — removal of builders' skips;
  - (iv) section 140A(4) — builders' skips: charges for occupation of the highway;
  - (v) section 142 — licence to plant trees, shrubs etc in a highway;
  - (vi) section 147 — power to authorise erection of stiles etc on footpath or bridleway;
  - (vii) section 147ZA(5) — agreements relating to improvements for benefit of persons with mobility problems;
  - (viii) section 149 — removal of things so deposited on highways as to be a nuisance etc;
  - (ix) section 169 — control of scaffolding on highways;
  - (x) section 171 — control of deposit of building materials and making of excavations in streets;
  - (xi) section 171A(6) and regulations made under that section — works under s169 or s171: charge for occupation of the highway;
  - (xii) section 172 — hoardings to be set up during building etc;
  - (xiii) section 173 — hoardings to be securely erected;
  - (xiv) section 178 — restriction on placing of rails, beams etc over highways;
  - (xv) section 179 — control of construction of cellars etc under street;
  - (xvi) section 180 — control of openings into cellars etc under streets, and pavement lights and ventilators;
- (e) exercising functions under section 34 of the Wildlife and Countryside Act 1981(7) (limestone pavement orders); and
- (f) exercising functions under section 53 of the Wildlife and Countryside Act 1981(8) (duty to keep definitive map and statement under continuous review).”;

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(4) Section 140A was inserted by the New Roads and Street Works Act 1991 (c. 22) (section 168 and Part 1 of Schedule 8).

(5) Section 147ZA was inserted by section 69(3) of the Countryside and Rights of Way Act 2000 (c. 37).

(6) Section 171A was inserted by the New Roads and Street Works Act 1991 (c. 22) (section 168 and Part 1 of Schedule 8).

(7) 1981 c. 69. Section 34 was amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16). By section 27AA of the 1981 Act section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.

(8) Section 53 was amended by the Countryside and Rights of Way Act 2000 (c. 37) (section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c. 16) (section 70).

(b) for paragraph 24 substitute—

“**24.** Functions in respect of gambling under the following provisions of the Gambling Act 2005<sup>(9)</sup>—

- (a) section 29 — licensing authority information;
- (b) section 30 — other exchange of information;
- (c) section 166 — resolution not to issue casino licences;
- (d) section 212 and regulations made under that section — fees;
- (e) section 284 — removal of exemption;
- (f) section 304 — authorised persons;
- (g) section 346 — prosecutions by licensing authority;
- (h) section 349 — three-year licensing policy;
- (i) section 350 — exchange of information;
- (j) Part 5 of Schedule 11 — registration with local authority.”.

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<sup>(9)</sup> 2005 c. 19.