

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU****LEGISLATION COMMITTEE REPORT****The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations
2003**

These contain procedural matters in respect of the making of dedication instruments for “access land” under the Countryside and Rights of Way Act 2000.

Standing Order 11.5

The Assembly is invited to pay attention to the following drafting defects which have been acknowledged on behalf of the Minister and which are to be corrected by means of a memorandum of corrections.

1. In regulation 3(l) “4(2)” should be “4(4)”. This had been corrected in an earlier draft but has not been corrected in the version laid before the Assembly.
2. Regulation 8 needs to be clarified so that the provision for “writing” to include computer format does not derogate from the intended effect of regulation 3(a) that a dedication instrument is to be a paper document.
3. Regulation 8 needs to be amended so that paragraph (2) does not have the unintended effect of disapplying, in relation to regulation 5(4), the provision in 8(1) which allows a document to be sent by post.

Observations

Preamble – footnote (a) needs to identify the definitions of “prescribed” and “regulations” in section 45 to indicate how the enabling powers are vested in the Assembly.

Regulation 2 – numbering of paragraph (1) not appropriate as there is no paragraph (2).

Regulation 2 - opening wording “Unless otherwise stated” does not seem relevant.

Regulation 2 – in the definition of “electronic communication” a footnote is needed for the chapter number of the Act.

Regulation 7(4) - since section 16(6)(c) is only a regulation making power it would have been more appropriate to refer to paragraph (2) of regulation 7.

These points would be capable of correction by memorandum of corrections.

Mick Bates AM
Chair, Legislation Committee

17 December 2002