

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU****LEGISLATION COMMITTEE REPORT****The Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations
2003**

These contain procedures for the implementation of powers in the Countryside and Rights of Way Act 2000 whereby rights to “access land” may be excluded or restricted.

Standing Order 11.5

The Assembly is invited to pay attention to the following minor drafting defects which have been acknowledged on behalf of the Minister. Items 2-5 had been corrected by the drafting lawyer but the version submitted to the Committee, which is stated to be the version laid before the Assembly, is not the corrected version. All of the defects are capable of correction by memorandum of corrections.

1. In the definition of “relevant local access forum” in regulation 2(1) the reference to a direction needs to refer, additionally, to a proposed direction. This is to ensure that the definition operates in relation to provisions such as regulation 6(3).
2. In regulation 7 “8(4)” should be “6(4)”.
3. In regulation 9(3), paragraphs (a) – (c) have the cumulative effect of referring to an exclusion or restriction operating for 6 months or less. This provision thus needs to be redrafted to simply state this.
4. In regulation 9(4) the drafting needs to make it clear that the exclusions or restrictions referred to are those operating for more than 6 months or those operating for recurring periods during an overall period of 2 or more years.
5. In regulation 12(1)(e) “8(3)” should be “6(3)”.

6. In regulation 13(1) the reference to a notification requirement imposed by “these Regulations” should refer to a notification requirement imposed by a direction.

Observations

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

Regulation 2(1) – the opening wording “Unless otherwise stated” does not appear to be relevant.

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Chair, Legislation Committee

17 December 2002