

SL(6)322 – The Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2023

Background and Purpose

These Regulations amend section 10(2) of the Countryside and Rights of Way Act 2000 (“the Act”) in relation to Wales.

Section 10(2) of the Act prescribes the time periods within which the Natural Resources Body for Wales (as the appropriate countryside body in relation to Wales) must conduct initial and subsequent reviews of maps issued by it in conclusive form under section 9 of the Act.

These Regulations amend section 10(2)(b)(ii) of the Act in order to extend the maximum interval between subsequent reviews following a first review, from 10 years after the previous review, to 15 years.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

We do not believe it is necessary to cite section 45(1) of the Countryside and Rights of Way Act 2000 in the preamble, as it provides the definition of “regulations” rather than any enabling power.

Could the Welsh Government provide an explanation?

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.



2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

We note the reasons provided by the Welsh Government for extending the subsequent review period. In particular, we note the following paragraphs in the Explanatory Memorandum:

“As part of its Access Reform Programme, the Welsh Government is considering proposals to move from a decadal review to a continuous review process. This SI changes the period for subsequent mapping reviews from 10 years to 15 years, which means the next review will be due in 2029. This avoids NRW expending unnecessary time and resources on a review process that is currently being considered for further reform, to introduce a continual review process.”

“NRW has advised that it does not have the resources and expertise to undertake these two tasks simultaneously (reviewing the current open access map under current statutory deadlines and moving to a continuous review process). Consequently, NRW requested that Welsh Government use the powers provided by CRow section 10(3) to set a new date of 2029 for completion of the next review of the open access mapping.”

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

We note that there has been no consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“As the Regulations provide a limited amendment, affecting a small number of individuals and does not reflect a major change in the Welsh Government’s policy, a formal public consultation did not take place. There was, however, engagement with NRW who is directly affected by the amendment.”

Welsh Government response

A Welsh Government response is required in relation to point one.

Legal Advisers

Legislation, Justice and Constitution Committee

22 February 2023

