

Government Response: The Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2023

Technical Scrutiny point 1:

Paragraph 3.11.11 of Statutory Instrument Practice (5th Editions) provides that a preamble should recite every enabling provision that an SI derives its validity from or through. Paragraph 3.11.14, states, “The enabling provisions include all of those that make clear: what may, or must, be done; by what means something is to be done; and who is empowered to do it.”

Section 10(3) of the Countryside and Rights of Way Act 2000 states what Regulations can do. It is the definition of “regulations” in section 45(1) that empowers the Welsh Ministers to make regulations under section 10(3). It is the Welsh Government’s view that in this instance, section 45(1) of the Countryside and Rights of Way Act 2000 is properly cited as an enabling provision.