

Countryside and Rights of Way Act 2000 (CROW) Sections 47-51 & 102

The CROW Act 2000 (Commencement No.11 and Savings) Order 2006 was published on 19th April 2006 and set 2nd May 2006 as the commencement date for sections 47-51 and 102 of the CROW Act 2000:

- Section 47 introduced a new class of highway called '**restricted byway**', with all ways shown on local authorities' definitive maps as Roads Used as Public Paths (RUPPs) statutorily reclassified as restricted byways. The duty to reclassify RUPPs was also removed.
- Section 48 defines restricted byways rights as:
 - a right of way on foot;*
 - a right of way on horseback or leading a horse;*
 - a right of way for vehicles other than mechanically propelled vehicles such as pedal cycles and horse drawn vehicles.*
 - a highway over which the public have restricted byway rights, with or without the right to drive animals of any description along the highway, but no other rights of way.*
- Section 49 makes all Restricted Byways maintainable at the public expense.
- Section 50 grants private rights of passage for all kinds of traffic over a restricted byway for owners and occupiers of adjacent or adjoining properties, where it is necessary for the "reasonable enjoyment and occupation of the premises."
- (Section 102 repeals other Acts of Parliament to facilitate restricted byways coming into force.)

The Restricted Byway Regulations

Detailed regulations are required to implement the restricted byway provision, to be made under section 52 of the Countryside and Rights of Way Act 2000 (restricted byways: power to amend existing legislation). The regulations necessary to implement the restricted byway provisions were also brought into force on the 2 May 2006. These regulations amend existing highways legislation, ensuring that restricted byways operate sensibly within the existing framework of relevant legislation.

The regulations also enable restricted byways to be created from scratch. This new power will help local authorities to improve their rights of way networks by enabling them to insert links between fragmented sections of rights of way and create circular routes. It will also help to reduce or avoid potential conflicts and provide safer routes.

Transitional Arrangements

It is required that any outstanding definitive map modification orders to reclassify RUPPs must be processed to a final determination, echoing section 48(9) of the CROW Act.

Any RUPP that is the subject of such an outstanding application or undetermined order will be treated as a restricted byway from 2nd May 2006, as stated in section 47 of the CROW Act. This is with the exception that where a RUPP has already been reclassified as a BOAT, bridleway or footpath before the date of commencement, reclassification is not affected and the way will not become a restricted byway.

Further Information

CROW Act 2000:

<http://www.opsi.gov.uk/acts/acts2000/20000037.htm>

NERC:

<http://www.defra.gov.uk/wildlife-countryside/cl/nerc06.htm>