



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

The Countryside Access (Draft Maps) (Wales) Regulations 2001

Background

These Regulations set out procedures and requirements for the preparation, issue and confirmation of draft maps under the Countryside and Rights of Way Act 2000.

Standing Order 11.5

The drafting points set out below are matters to which the Committee may need to invite the Assembly to pay special attention. They would accordingly need to be referred to the Minister for comment in accordance with SO 11.4.

It is considered that these points are capable of correction by means of a memorandum of corrections, however. Thus, subject to an appropriate memorandum of corrections being laid, the Committee will not need to report these matters under SO 11.5.

Regulations 3(8) and 4(1)(a)(b)

The provision in regulation 3(8) for an illustrative map, is discretionary.

It is thus queried how the duty to issue a draft map can, in regulation 4(1)(a) and (b), be required to be fulfilled by the issue of copies of a map produced under regulation 3(8).

Regulation 6(1)

This provides that the Council must consider any representations received by it if requirements (a) – (e) are met.

Set out in this form, this gives the appearance of contradicting section 5(b) of the Act which requires the Council to consider all representations received by it.

It is considered that requirements (a) – (e) should, in pursuance of the enabling power in section 11(2)(f), be expressed in the form of requirements as to the manner in which representations are to be made.

Additionally, some minor drafting points have been drawn to the attention of the drafting lawyer.

Mick Bates AM
Chair, Legislation Committee

27 November 2001