



House of Commons

NOTICES OF AMENDMENTS

given on

Tuesday 11 March 2014

For other Amendment(s) see the following page(s):
Deregulation Bill Committee 36-40

PUBLIC BILL COMMITTEE

DEREGULATION BILL

Designation of rights over unsealed ways

John Hemming

NC2

To move the following Clause:—

- ‘(1) Every way to which this section applies shall be designated for inclusion on the definitive map as a restricted byway, subject to subsections (3) to (8).
- (2) In respect of any way designated as a restricted byway under subsection (1) unrecorded public rights to use mechanically propelled vehicles shall be extinguished.
- (3) Subsection (1) applies to any unsealed way which immediately before the commencement of this section is not shown in any definitive map and statement as a public right of way but is included in the List of Streets held by the relevant authority under section 36(6) of the Highways Act 1980.
- (4) Subsection (1) shall come into force one year after commencement but at any time within that year (or within such time as may be prescribed under Regulations made under section 56A of the Countryside and Rights of Way Act 2000 the surveying authority may, in respect of any way to which subsection (1) would otherwise apply, designate that way—
 - (a) as being necessary to the ordinary road network for use by the public in mechanically propelled vehicles; or
 - (b) as being more properly designated as a footpath or bridleway taking into account all known evidence of historic rights; or
 - (c) as carrying no public rights taking into account all known evidence of historic rights,
 and in such cases subsection (1) shall only apply as provided for within the Regulations.
- (5) If at commencement exercise of rights to use mechanically propelled vehicles—

Deregulation Bill, *continued*

- (a) is reasonably necessary to enable a person with an interest in land to obtain access to it; or
 - (b) would have been reasonably necessary to enable that person to obtain access to a part of that land if the person had an interest in that part only, the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.
- (6) Subsection (1) shall not apply where public rights to use mechanically propelled vehicles can be shown to exist under the provisions set out in subsections 67(2)(a), (c) or (d) of the Natural Environment and Rural Communities Act 2006.
- (7) (a) Nothing in this section shall affect the operation of section 53 of, or Schedule 14 or 15 to, the Wildlife and Countryside Act 1981 (“the 1981 Act”) in relation to—
- (i) a relevant order made before commencement; or
 - (ii) an application made before commencement for a relevant order, however
 - (a) in the event of the order being confirmed as determining the existence of public rights to use mechanically propelled vehicles this section shall instead apply, and
 - (b) in the event of the order being confirmed as determining the existence of public footpath or bridleway rights this section shall be of no effect.
- (b) In this subsection “relevant order” means an order that is made under section 53 of the 1981 Act and contains modifications relating to that way by virtue of subsection (3)(c)(i) or (3)(c)(ii) of that Act.
- (8) In this section “unsealed” means a way whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material.’.
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