

Statute Law (Repeals) (Wales) Bill

Response from the Open Spaces Society, 3 January 2023

1 The Open Spaces Society (OSS) was founded in 1865 and is Britain's oldest national conservation body. It campaigns to protect common land, village greens, open spaces and public paths, and people's rights to enjoy them.

2 We respond only on those matters which are within the competence of the society having regard to its objects. We note that the numbering of the questions is different between the consultation document and the response template. We have used the numbering in the former.

Countryside and Rights of Way Act 2000, sections 53-56

3 **Q25.** We warmly welcome the Welsh government's proposal to repeal the application to Wales of sections 53–56 of the Countryside and Rights of Way Act 2000. However, in our view, there is a serious omission. [Para.4](#) of Schedule 5 to the 2000 Act appears to have been overlooked. This provides, by prospectively inserting section 54A into the Wildlife and Countryside Act 1981, that no further definitive map modification orders are to be made under section 53(5) of the 1981 Act for the purpose of showing a way as a byway open to all traffic (BOAT). There is a varying power in regulations conferred on the Secretary of State (which we understand to be devolved in Wales). This provision is contingent on the cut-off date provisions in sections 53–56 of the 2000 Act, and is no longer necessary or desirable. We therefore ask that the text of section 54A inserted by paragraph 4 should be amended to refer in subsection (1) to a definitive map and statement *for land in England*.

4 We suggest that, as a matter of drafting improvement, in clause 50(3) of the Bill in relation to section 54(6) of the 2000 Act, and in clause 50(5), in relation to section 56(6) of the 2000 Act, the words 'made by the Secretary of State' in each place should also be repealed, because, following the enactment of clause 50, the only statutory instrument which can be made under section 54 or under section 56 will be one made by the Secretary of State.

Commons Act 1876 section 28

- 5 **Q31.** We are asked whether there are other provisions in primary legislation relating to Wales which appear to be suitable for repeal because they are now obsolete, spent, no longer of practical utility or have never been commenced.
- 6 We suggest section 28 of the Commons Act 1876, which requires triennial to quinquennial reports from the managers of allotted recreation grounds, with particulars of rents received. The reports are to be made to the Inclosure Commissioners (whose functions in Wales, we believe are now vested in the Welsh Ministers). No such reports have been required in living memory. Nor is it likely that rents now are received in relation to recreation grounds. The provision is no longer of any use.

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We are happy for our response to be made public.