

<p><b>CYNULLIAD CENEDLAETHOL CYMRU</b></p>		<p><b>NATIONAL ASSEMBLY FOR WALES</b></p>
<p><b>OFFERYNNAU STATUDOL</b></p>		<p><b>STATUTORY INSTRUMENTS</b></p>
<p><b>2001 Rhif (Cy. )</b></p>		<p><b>2001 No. (W. )</b></p>
<p><b>, CYMRU</b></p>		<p><b>COUNTRYSIDE , WALES</b></p>
<p><b>Rheoliadau *** 2001</b></p>		<p><b>The Local Access Forums (Wales) Regulations 2001</b></p>
<p><b>NODYN ESBONIADOL</b>  <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)</i></p>		<p><b>EXPLANATORY NOTE</b>  <i>(This note does not form part of the Regulations)</i></p>
		<p>Section 94(1) of the Countryside and Rights of Way Act 2000 ("the Act") requires a local access forum ("forum") to be established by local highway authorities or, where the area to be covered by a forum is the responsibility of a National Park, the National Park authority ("appointing authorities").</p> <p>Where a forum is established for part of their area, the authority establishing it is under a duty to establish a further forum or forums for the remaining part or parts of their area.</p> <p>A joint local access forum may be established by two or more authorities if they consider it appropriate to do so.</p> <p>Local access forums will advise bodies exercising functions conferred by the Act on issues concerning the improvement of public access to land and such other matters as are prescribed by these, or future, Regulations.</p>

Sections 94 and 95 of the Act empower the National Assembly for Wales to make regulations to provide for the establishment and operation of a forum.

In exercise of these powers, these Regulations provide the procedure to be followed by the appointing authority in establishing, and for the appointment of members to, a forum, provide rules governing the procedures of forums extend the prescribed matters on which they are required to give advice.

Regulation 3 lays down the procedures under which appointing authorities are required to establish forums.

Regulation 4 fixes the limits to the size of forums.

Regulations 5 enables an appointing authority to vary the size of a forum during its term.

Regulations 6 to 9 set out the provisions relating to the appointment of members of forums.

Regulations 10 and 11 provide for the administration of a forum and for the appointment of a Secretary for this purpose and for the provision of financial support for the activities of forums.

Regulation 12 lays down the procedure for the election of a Chair of a forum.

Regulation 13 provides for the establishment by a forum of committees.

Regulation 14 deals with the circumstances under which a person's membership of a forum terminates and provides for the filling of casual vacancies.

Regulations 15 and 16 make provision relating to the functions of a forum including extending the functions of forums so as to supplement those otherwise provided by the Act.

Regulation 17 provides for annual reports to be prepared in relation to forums.

Regulation 18 provides for the provision to the National Assembly of information relating to the membership and activities of forums.

Regulation 19 provides that the proceedings of forums are to be conducted in accordance with the rules set out in the Schedule to these Regulations.

**OFFERYNNAU  
STATUDOL**

**STATUTORY  
INSTRUMENTS**

**2001 Rhif (Cy. )**

**2001 No. (W. )**

**, CYMRU**

**COUNTRYSIDE, WALES**

**Rheoliadau \*\*\* 2001**

**The Local Access Forums (Wales) Regulations  
2001**

*Wedi'u gwneud 2001*

*Made 2001*

*Yn dod i rym 2001*

*Coming into force 2001*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 94 and 95 of the Countryside and Rights of Way Act 2000(a) and all other powers enabling it in that behalf :

### **Citation, commencement and application**

1.- (1) These Regulations may be cited as The Local Access Forums (Wales) Regulations 2001 and shall come into force on \_\_\_\_\_.

(2) These Regulations apply to Wales.

### **Interpretation**

2.- (1) Unless otherwise stated, in these Regulations:

"access land" has the meaning given in section 95(3) of the Act;

"the Act" means the Countryside and Rights of Way Act 2000;

"annual report" means the report prepared by the relevant authority under Regulation 17(1);

"appointing authority" has the meaning given in section 94(2) of the Act but includes, where the context so requires, one or more appointing authorities acting jointly with respect to a forum established under Regulation 3(5) in accordance with such arrangements as are agreed between the relevant appointing authorities for that purpose;

"forum" means a local access forum established under section 94(1) of the Act and includes a joint access forum similarly established;

"local rights of way" has the meaning given in section 95(3) of the Act;

"the National Assembly" means the National Assembly for Wales;

(2) Unless the context otherwise requires, in these Regulations :

- a. any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations;

- b. any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation;
- c. any reference to a Schedule is a reference to the Schedule to these Regulations; and
- d. any reference in the Schedule to a numbered paragraph is a reference to the paragraph bearing that number in the Schedule and any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph.

### **Establishment of a forum**

**3.-** (1) Subject to paragraph (3) of this Regulation, an appointing authority must establish a forum or forums for the whole of the area for which it is the appointing authority.

(2) An appointing authority may either establish a single forum for the whole of the area for which it is the appointing authority or, alternatively, a number of forums, each for such part of the area for which it is the appointing authority as it thinks fit.

(3) The duty imposed on an appointing authority by paragraph (1) of this Regulation does not apply to the area for which it is the appointing authority or to a part of that area if there is in force in relation to that area or that part of that area a direction given by the National Assembly under section 94(8) of the Act.

(4) The appointing authority must discharge the duty imposed by paragraph (1) of this Regulation within one calendar year of the date on which these Regulations come into force.

(5) An appointing authority may, with respect to any area for which it is the appointing authority or part of that area, discharge the duty imposed by paragraph (1) of this Regulation by appointing a forum jointly with one or more other appointing authorities, in accordance with such arrangements as it may make with such other appointing authority or authorities, in respect of an area which includes that area or part of that area.

(6) Where the appointing authority considers it appropriate to establish a forum for part of its area, it shall, in considering the area over which that forum

shall cover, consult with such local authorities and other bodies as it thinks fit.

### **Membership of a forum**

**4.-** (1) A forum must consist of a Chair appointed in accordance with Regulation 12 together with not less than 10 and not more than 25 other members.

(2) A person's membership of a forum commences when the appointing authority confirms that person's appointment in writing and shall be for such period fixed by the appointing authority on the date the forum first meets, being a period of not more than three years.

(3) A member shall be eligible for re-appointment.

(4) A person appointed as a member of a forum continues to be a member until the end of the term of the forum unless that person's membership terminates in accordance with Regulation 14.

**5.-** (1) An appointing authority may, in addition to appointing members in order to fill casual vacancies in the membership of a forum, at any time appoint further members to a forum provided the total number of members, excluding the Chair, does not as a result exceed 25.

(2) When a casual vacancy arises in the membership of a forum, the appointing authority may refrain from appointing a member to fill that vacancy provided the membership of the forum, excluding the Chair, does not as a result fall below 10.

(3) Before an appointing authority exercises its power under paragraph (1) to appoint a further member or members of a forum in addition to any required to fill a casual vacancy, or its power under paragraph (2) to refrain from appointing a member to fill a casual vacancy in the membership of a forum, it must, before doing so, consult the forum and such other bodies as it thinks fit.

**6.-** (1) Where the area of a forum falls entirely within the area of the appointing authority, that authority must appoint one (but may not appoint more than one member) to a forum who is either an officer or member

of the appointing authority.

(2) Where the area of a forum falls within the area of more than one appointing authority, each appointing authority in respect of that forum must appoint one (but may not appoint more than one member) who is either an officer or member of that appointing authority.

**7.** When considering what persons to appoint as members of a forum, an appointing authority:

- a. must consult such individuals and organisations having an interest in the functions of the forum as it thinks fit;
- b. may place an advertisement in a newspaper circulating in the locality of the forum giving persons an opportunity of expressing an interest in becoming a member of a forum;
- c. may invite any organisation having an interest in the functions of the forum to nominate a person for consideration by the appointing authority for membership of the forum;
- d. must have regard to the desirability of appointing persons who reside in or are otherwise particularly familiar with the area of who have any other interests especially relevant to the area of the forum;
- e. must ensure that the membership of the forum achieves a reasonable balance between the interests of users of local rights of way or the rights of access conferred by section 2(1) of the Act and of owners and occupiers of access land or land over which local rights of way subsist;
- f. must have regard to the need to ensure, so far as is reasonably practicable, a fair balance between persons of different genders, races, ages, disabilities and other characteristics.

**8.** An appointing authority must not appoint as a member of a forum any person who appears to the authority to have or to be likely to have such pecuniary or other interest in the matters on which the forum is required to advise which is likely to have a substantially adverse affect on the ability of that person properly and effectively to discharge the function of a member of the forum.

**9.** Before appointing a person as a member of a forum the appointing authority must require that person to provide it with such information as it may reasonably

require for the purpose of assessing that person's suitability to be a member of that forum.

### **Administration of a forum**

**10.-** (1) The appointing authority must in relation to each forum appoint a person to act as its Secretary (who shall not be a member of the forum) and to be responsible for the administration of a forum.

(2) Notwithstanding the generality of paragraph (1), the duties of the Secretary include -

- a. arranging meetings and the drawing-up, keeping, production and submission to the next meeting, of minutes;
- b. managing any financial resources provided to the forum for its use in the exercise of its functions;

(c) ensuring that -

- i. notice of a proposed meeting;
- i. a copy of the agenda drawn-up by the Secretary in consultation with the Chair and specifying the principal business proposed to be transacted at a meeting; and
- ii. any other papers relevant to a meeting;

are delivered, either in person or by post to such address as a member may specify for the purpose, to each member of the forum so as to be received (or in the case of delivery by post so as to be delivered in the normal course of posting) at least seven clear days before the date of a meeting;

(d) drawing to the attention of the forum the provisions of any national codes of practice, guidance issued by the Countryside Council for Wales and statutory requirements to which the forum is to have regard when exercising its functions;



(3) The Secretary must be present at all meetings of a forum and may attend meetings of any committee established under Regulation 13.

(4) In the event of the temporary incapacity of the Secretary the appointing authority must appoint an acting Secretary to discharge the duties of the Secretary during the period of that incapacity.

**11.** The appointing authority must defray all reasonable expenses (other than loss of earnings and other costs directly related to a person's employment) incurred by a forum in discharging its functions including such expenses reasonably and necessarily incurred by the Chair, Secretary and members of the forum in attending meetings.

### **Appointment of Chair**

**12.-** (1) The Secretary must, within 28 days of the date on which the appointment of all the members of a forum takes effect, or of any vacancy in the post of Chair, call a meeting of the forum at which the sole business to be conducted is the election of a Chair.

(2) The Chair shall be a member of the forum to which they are to be elected Chair and shall be elected by the other members of the forum by secret ballot.

(3) The Secretary must preside at the meeting called under paragraph (1) of this Regulation and must conduct the election of the Chair.

(4) If the result of the first or any subsequent ballot is that a candidate receives the votes of more than one-half of the members voting the Secretary must declare that person elected.

(5) If the result of the first or any subsequent ballot is that no candidate receives the votes of more than one-half of the members voting the Secretary must conduct a further ballot excluding the candidate who received the lowest number of votes at the previous ballot.

(6) In the event that on any ballot there is an equality of votes between two candidates and the number of votes which they each receive is less than that received by any other candidate the Secretary must determine by lot which of them is to be excluded from

any further ballot.

### **Establishment of a committee by a forum**

**13.-** (1) The members of a forum may, with the agreement of the chair, establish such committee or committees of members as they think fit.

(2) Subject to anything contained in these Regulations to the contrary, where a committee is established, the manner in which it is chaired, the appointment of its members, and its terms of reference shall be decided by the members of the forum which established it.

### **Termination of membership**

**14.-** (1) A person's membership of a forum, including that of the Chair, terminates on the happening of any of the following events:

- a. the expiration of the term of membership;
- b. the death of the member;
- c. the receipt by the Secretary of written notice of resignation of a member;
- d. the giving by the appointing authority of written notice to a member that, in the opinion of the authority, the circumstances are such that had the authority been considering whether to appoint that person as a member of the forum it would have been prevented from doing so by the provisions of Regulation 8;
- e. the giving by the appointing authority, after having consulted the forum as to the proposed action, of written notice to a member of specified circumstances which, in the opinion of the authority, make it desirable in the interests of the effective conduct of the functions of the forum that the person in question should cease to be a member;
- f. the election of the member as a member of the appointing authority or the appointment of the member as an officer of the appointing authority or, where a forum has been established by more than one appointing authority, of any of those authorities;
- g. the failure of a member to attend any meeting of a forum, or meeting of any committee of the

forum, over a continuous period of 6 months unless the member has, following a written request to the appointing authority made within that period and specifying the reasons for the request, been granted leave of absence by the appointing authority for such period as the appointing authority may think fit in which case the period of 6 months specified in this paragraph is not to include any period to which such leave of absence relates.

(2) The Secretary must notify the appointing authority of any vacancy in the membership of the forum of which the appointing authority are not or may not otherwise be aware and an appointing authority which becomes aware of any such vacancy must, subject to Regulation 5, appoint a person to fill that vacancy.

(3) If a member of a forum is elected Chair of that forum the appointing authority must, subject to Regulation 5, appoint a person as a member of the forum as if the person elected Chair had ceased to be a member of the forum.

### **Functions of a forum**

**15.** A forum must meet at intervals of not more than three months.

**16.** In addition to discharging the function prescribed by section 94(4) of the Act, a forum must advise the bodies prescribed by that provision in relation to:

- a. the improvement of public access to land in ways which are sustainable and contribute to the social and economic well-being of the local community without prejudicing nature conservation;
- b. the closure or diversion of rights of way and on developing good practice for walkers and other persons pursuing recreational interests;
- c. the facilitation of the implementation of the right of access to open countryside; and
- d. the improvement of the rights of way network.

### **Annual reports**

**17.-** (1) An appointing authority must, in relation to

each forum for which it is the appointing authority, prepare and approve, as soon as reasonably practicable after 31 March in each year, an annual report.

(2) An annual report prepared under paragraph (1) of this Regulation must include -

- a. information relating to the performance of the forum's functions during the twelve-month period ending on the date referred to in paragraph (1) of this Regulation; and
- b. a programme of works which has been agreed between the forum and the appointing authority which the forum plans to undertake during the twelve months commencing immediately after that date.

(3) A copy of the annual report must, when it has been approved, be made available for inspection by members of the public at the offices of the appointing authority during normal office hours free of charge.

(4) An appointing authority must, on application by any member of the public, provide that person with a copy of any annual report prepared and approved under this Regulation, or of any part thereof, on payment of the cost of postage and such further sum not exceeding 10 pence per page as the appointing authority may require.

### **Notification of appointments etc.**

**18.** The appointing authority must:

- a. notify the Countryside Council for Wales (the Council) of the names and addresses of all persons appointed to be members (including Chairs) of forums and of any changes in the membership of those forums;
- b. send to the Council a copy of each annual report when approved; and
- c. provide the Council on request with such other information as to the activities of any forum as the Council may reasonably require.

		<p><b>Meetings and proceedings</b></p> <p><b>19.</b> Proceedings of forums must be conducted in accordance with the rules set out in the Schedule to these Regulations which rules also apply to proceedings of committees unless it appears from the context that they do not so apply.</p>
Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b).		Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b).
[ ] 2001		[ ] 2001
Llywydd Y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

(a) 2000 c.37

(b) 1998 c.38

**RULES AS TO MEETINGS AND PROCEEDINGS  
OF A FORUM**

1. Subject to the requirements of Regulation 15, meetings of the forum may be held on such days and at such places as may be agreed by the members.
2. [Provisions relating to public access to meetings and documents of a forum will be inserted here].
3. No business may be conducted by a forum unless the number of members present, excluding the Chair, exceeds one-third of the total membership.
4. Subject to anything contained in these Regulations to the contrary, a forum may regulate its own procedure.
5. The proceedings of any meeting shall not be invalidated if any person so entitled fails to receive any notice or other documents relevant to the meeting concerned which are otherwise required to be delivered or sent under these Regulations.
6. At any meeting of the forum, the person who is to preside (the "person presiding") is -
  - a. if present, the Chair;
  - b. if the Chair is absent, such member as the members present choose.
7. If a requisition for a meeting of the forum, signed by at least one-third of the total number of members appointed to that forum (excluding the Chair), is presented to the Secretary, the Secretary must notify the Chair and must make arrangements to hold a meeting as soon as is reasonably practicable.
8. The minutes of the proceedings of a meeting (which shall include the names of those members present and absent) shall be drawn-up, submitted for agreement at the next meeting and be signed by the person presiding at that next meeting.
9. The Chair may invite observers and/or advisers to a meeting, and those invited may, if the chair considers it

appropriate, contribute to the proceedings of the forum.

10. A representative of the National Assembly for Wales and/or Countryside Council for Wales may attend any meeting of the forum or of a committee established by that forum as an observer.

11. When the Chair considers it appropriate to put any question to a vote the Chair must formulate that question, in writing if requested, and any vote is to be by show of hands of those members present, except that the Chair (but not a person presiding in the absence of the Chair) is not entitled to vote.

12. If there is an equality of votes the person presiding is to have a casting vote which, if that person is not the Chair, is to be in addition to any vote which that person may otherwise have cast.