



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART I

ACCESS TO THE COUNTRYSIDE

CHAPTER I

RIGHT OF ACCESS

Maps

4 Duty to prepare maps

- (1) It shall be the duty of the Countryside Agency to prepare, in respect of England outside Inner London, maps which together show—
 - (a) all registered common land, and
 - (b) all open country.
- (2) It shall be the duty of the Countryside Council for Wales to prepare, in respect of Wales, maps which together show—
 - (a) all registered common land, and
 - (b) all open country.
- (3) Subsections (1) and (2) have effect subject to the following provisions of this section and to the provisions of sections 5 to 9.
- (4) A map prepared under this section must distinguish between open country and registered common land, but need not distinguish between different categories of open country.
- (5) In preparing a map under this section, the appropriate countryside body—

- (a) may determine not to show as open country areas of open country which are so small that the body consider that their inclusion would serve no useful purpose, and
- (b) may determine that any boundary of an area of open country is to be treated as coinciding with a particular physical feature (whether the effect is to include other land as open country or to exclude part of an area of open country).

5 Publication of draft maps

The appropriate countryside body shall—

- (a) issue in draft form any map prepared by them under section 4,
- (b) consider any representations received by them within the prescribed period with respect to the showing of, or the failure to show, any area of land on the map as registered common land or as open country,
- (c) confirm the map with or without modifications,
- (d) if the map has been confirmed without modifications, issue it in provisional form, and
- (e) if the map has been confirmed with modifications, prepare a map incorporating the modifications, and issue that map in provisional form.

6 Appeal against map after confirmation

- (1) Any person having an interest in any land may appeal—
 - (a) in the case of land in England, to the Secretary of State, or
 - (b) in the case of land in Wales, to the National Assembly for Wales,against the showing of that land on a map in provisional form as registered common land or as open country.
- (2) An appeal relating to the showing of any land as registered common land may be brought only on the ground that the land is not registered common land.
- (3) An appeal relating to the showing of any land as open country may be brought only on the ground that—
 - (a) the land does not consist wholly or predominantly of mountain, moor, heath or down, and
 - (b) to the extent that the appropriate countryside body have exercised their discretion under section 4(5)(b) to treat land which is not open country as forming part of an area of open country, the body ought not to have done so.
- (4) On an appeal under this section, the Secretary of State or the National Assembly for Wales may—
 - (a) approve the whole or part of the map which is the subject of the appeal, with or without modifications, or
 - (b) require the appropriate countryside body to prepare under section 4 a new map relating to all or part of the area covered by the map which is the subject of the appeal.

7 Appeal procedure

- (1) Before determining an appeal under section 6, the Secretary of State or the National Assembly for Wales may, if he or it thinks fit—

- (a) cause the appeal to take, or continue in, the form of a hearing, or
- (b) cause a local inquiry to be held;

and the appeal authority shall act as mentioned in paragraph (a) or (b) if a request is made by either party to the appeal to be heard with respect to the appeal.

(2) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply to a hearing or local inquiry held under this section as they apply to a local inquiry held under that section, but as if—

- (a) references in that section to the person appointed to hold the inquiry were references to the Secretary of State or the National Assembly for Wales, and
- (b) references in that section to the Minister causing an inquiry to be held were references to the Secretary of State or the Assembly.

(3) Where—

- (a) for the purposes of an appeal under section 6, the Secretary of State or the National Assembly for Wales is required by subsection (1)—
 - (i) to cause the appeal to take, or continue in, the form of a hearing, or
 - (ii) to cause a local inquiry to be held, and
- (b) the inquiry or hearing does not take place, and
- (c) if it had taken place, the Secretary of State or the Assembly or a person appointed by the Secretary of State or the Assembly would have had power to make an order under section 250(5) of the Local Government Act 1972 requiring any party to pay the costs of the other party,

the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.

(4) This section has effect subject to section 8.

8 Power of Secretary of State or Assembly to delegate functions relating to appeals

(1) The Secretary of State or the National Assembly for Wales may—

- (a) appoint any person to exercise on his or its behalf, with or without payment, the function of determining—
 - (i) an appeal under section 6, or
 - (ii) any matter involved in such an appeal, or
- (b) refer any matter involved in such an appeal to such person as the Secretary of State or the Assembly may appoint for the purpose, with or without payment.

(2) Schedule 3 has effect with respect to appointments under subsection (1)(a).

9 Maps in conclusive form

(1) Where—

- (a) the time within which any appeal under section 6 may be brought in relation to a map in provisional form has expired and no appeal has been brought, or
- (b) every appeal brought under that section in relation to a map has—
 - (i) been determined by the map or part of it being approved without modifications, or
 - (ii) been withdrawn,

Status: This is the original version (as it was originally enacted).

the appropriate countryside body shall issue the map (or the part or parts of it that have been approved without modifications) as a map in conclusive form.

(2) Where—

- (a) every appeal brought under section 6 in relation to a map in provisional form has been determined or withdrawn, and
- (b) on one or more appeals, the map or any part of it has been approved with modifications,

the appropriate countryside body shall prepare a map which covers the area covered by the map in provisional form (or the part or parts of the map in provisional form that have been approved with or without modifications) and incorporates the modifications, and shall issue it as a map in conclusive form.

- (3) Where either of the conditions in subsection (1)(a) and (b) is satisfied in relation to any part of a map in provisional form, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue that part of the map as a map in conclusive form.
- (4) Where on an appeal under section 6 part of a map in provisional form has been approved with modifications but the condition in subsection (2)(a) is not yet satisfied, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue a map which covers the area covered by that part of the map in provisional form and incorporates the modifications, and to issue it as a map in conclusive form.
- (5) Where a map in conclusive form has been issued in compliance with a direction under subsection (3) or (4), subsections (1) and (2) shall have effect as if any reference to the map in provisional form were a reference to the part not affected by the direction.
- (6) A document purporting to be certified on behalf of the appropriate countryside body to be a copy of or of any part of a map in conclusive form issued by that body for the purposes of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

10 Review of maps

- (1) Where the appropriate countryside body have issued a map in conclusive form in respect of any area, it shall be the duty of the body from time to time, on a review under this section, to consider—
 - (a) whether any land shown on that map as open country or registered common land is open country or registered common land at the time of the review, and
 - (b) whether any land in that area which is not so shown ought to be so shown.
- (2) A review under this section must be undertaken—
 - (a) in the case of the first review, not more than ten years after the issue of the map in conclusive form, and
 - (b) in the case of subsequent reviews, not more than ten years after the previous review.
- (3) Regulations may amend paragraphs (a) and (b) of subsection (2) by substituting for the period for the time being specified in either of those paragraphs such other period as may be specified in the regulations.

11 Regulations relating to maps

- (1) Regulations may make provision supplementing the provisions of sections 4 to 10.
- (2) Regulations under this section may in particular make provision with respect to—
 - (a) the scale on which maps are to be prepared,
 - (b) the manner and form in which they are to be prepared and issued,
 - (c) consultation with access authorities, local access forums and other persons on maps in draft form,
 - (d) the steps to be taken for informing the public of the issue of maps in draft form, provisional form or conclusive form,
 - (e) the manner in which maps in draft form, provisional form or conclusive form are to be published or to be made available for inspection,
 - (f) the period within which and the manner in which representations on a map in draft form may be made to the appropriate countryside body,
 - (g) the confirmation of a map under section 5(c),
 - (h) the period within which and manner in which appeals under section 6 are to be brought,
 - (i) the advertising of such an appeal,
 - (j) the manner in which such appeals are to be considered,
 - (k) the procedure to be followed on a review under section 10, including the issue of maps in draft form, provisional form and conclusive form on a review, and
 - (l) the correction by the appropriate countryside body of minor errors or omissions in maps.
- (3) Regulations made by virtue of subsection (2)(b) or (e) may authorise or require a map to be prepared, issued, published or made available for inspection in electronic form, but must require any map in electronic form to be capable of being reproduced in printed form.
- (4) Regulations made by virtue of subsection (2)(k) may provide for any of the provisions of this Chapter relating to appeals to apply (with or without modifications) in relation to an appeal against a map issued in provisional form on a review.