

*Status: Point in time view as at 31/05/2005.*

*Changes to legislation: Countryside and Rights of Way Act 2000, Paragraph 11 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### DEFINITIVE MAPS AND STATEMENTS AND RESTRICTED BYWAYS

##### PART I

###### AMENDMENTS OF PART III OF WILDLIFE AND COUNTRYSIDE ACT 1981

- 11 (1) Schedule 15 to that Act (procedure in connection with certain orders) is amended as follows.
- (2) In paragraph 3, in sub-paragraph (1)(c) after “order” there is inserted “, which must include particulars of the grounds relied on,”.
- (3) In sub-paragraph (9) of that paragraph—
- (a) after “sub-paragraph” there is inserted “ (1)(c) or ”, and
- (b) after “limiting” there is inserted “ the grounds which may be relied on or ”.
- (4) In paragraph 7, in sub-paragraph (2) after “shall” there is inserted “, subject to sub-paragraph (2A),”.
- (5) After sub-paragraph (2) of that paragraph there is inserted—
- “(2A) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(a) or (b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications.”
- (6) In sub-paragraph (3) of that paragraph, for “the person appointed to hold the inquiry” there is substituted “ any person appointed to hold an inquiry ”.
- (7) In paragraph 8—
- (a) in sub-paragraph (2)(a) after “the proposal” there is inserted “, which must include particulars of the grounds relied on,”,
- (b) for sub-paragraph (2)(b) and (c) there is substituted—
- “(b) if any representation or objection duly made is not withdrawn (but subject to sub-paragraph (3)), hold a local inquiry or afford any person by whom any such representation or objection has been made an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
- (c) consider the report of any person appointed to hold an inquiry or to hear representations or objections.
- (3) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(b) if, in his opinion, no representation or objection

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which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his proposal.

(4) Sub-paragraph (2)(a) shall not be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under this paragraph.”

(8) Paragraph 9 is omitted and after paragraph 10 there is inserted—

*“ Hearings and local inquiries*

10A(1) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the <sup>M1</sup>Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section shall have effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State.

(3) Section 322A of the <sup>M2</sup>Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.”

**Commencement Information**

**I1** Sch. 5 para. 11 in force at 13.2.2004 for E. by S.I. 2004/292, art. 2(d)(iii) (with art. 3(1))

**I2** Sch. 5 para. 11 in force at 31.5.2005 for W. by S.I. 2005/1314, art. 2(a)(iii)

**Marginal Citations**

**M1** 1970 c. 70.

**M2** 1990 c. 8.

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