



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART I

#### ACCESS TO THE COUNTRYSIDE

#### CHAPTER III

#### MEANS OF ACCESS

#### **38 Appeals relating to notices.**

- (1) Where a notice under section 36(3) or 37(1) has been given to a person in respect of any land, he or any other owner or occupier of the land may appeal against the notice—
  - (a) in the case of land in England, to the Secretary of State, and
  - (b) in the case of land in Wales, to the National Assembly for Wales.
- (2) An appeal against a notice under section 36(3) may be brought on any of the following grounds—
  - (a) that the notice requires the carrying out of any works which are not necessary for remedying a breach of the agreement,
  - (b) that any of the works have already been carried out, and
  - (c) that the period specified in the notice as that before the end of which the works must be carried out is too short.
- (3) An appeal against a notice under section 37(1) may be brought on any of the following grounds—
  - (a) that the notice requires the carrying out of any works which are not necessary for giving the public reasonable access to the access land in question,
  - (b) in the case of works to provide a means of access, that the means of access should be provided elsewhere, or that a different means of access should be provided, and
  - (c) that any of the works have already been carried out.

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**Changes to legislation:** *Countryside and Rights of Way Act 2000, Section 38 is up to date with all changes known to be in force on or before 13 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) View outstanding changes*

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- (4) On an appeal under this section, the Secretary of State or the National Assembly for Wales may—
  - (a) confirm the notice with or without modifications, or
  - (b) cancel the notice.
- (5) Sections 7 and 8 (and Schedule 3) have effect in relation to an appeal under this section as they have effect in relation to an appeal under section 6.
- (6) Regulations may make provision as to—
  - (a) the period within which and manner in which appeals under this section are to be brought,
  - (b) the advertising of such an appeal, and
  - (c) the manner in which such appeals are to be considered.
- (7) Where an appeal has been brought under this section against a notice under section 36(3) or 37(1), the access authority may not exercise their powers under section 36(5) or section 37(5) (as the case may be) pending the determination or withdrawal of the appeal.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)