

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 7: Ascertainment of rights of way

Part 2: New Schedule 13A to the Wildlife and Countryside Act 1981

Failure by an authority to conduct a preliminary assessment

627. Paragraph 3 of Schedule 13A provides a right of application to the magistrates' court for anyone who has applied for an order modifying the definitive map, where a surveying authority have not carried out the preliminary assessment of an application within 3 months of receiving it. Under sub-paragraph (1), the applicant must give notice to the surveying authority of the intention to apply to the magistrates' court. The application to the court may then, under sub-paragraph (2), be made after 1 month has passed since the giving of notice to the authority, but not after more than 6 months have passed.
628. Under sub-paragraph (3) the magistrates' court may order the authority to take specified steps in relation to the application for an order modifying the definitive map within a reasonable period. There is provision, in sub-paragraph (5), for the authority or applicant to appeal to the Crown Court against the decision of the magistrates' court. Sub-paragraph (6) provides that any order of the magistrates' court will not take effect until 21 days after it has been made or, if there is an appeal, until the appeal is determined or withdrawn.