

*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 3: New Schedule 14A to the Wildlife and Countryside Act 1981

Irrelevant representations or objections and severance of orders

650. Paragraph 6 is a new provision that empowers the surveying authority to decide not to submit the order to the Secretary of State if they believe that nothing in any representation or objection would be relevant to the Secretary of State's decision to confirm the order. The authority must have regard to any guidance given by the Secretary of State and where the authority decide to exercise that power, they must inform the applicant and any person who made a representation or objection of their decision and the reasons for it. This measure is intended to reduce the number of instances where the Secretary of State has to review the authorities' decisions, which will reduce the administrative burden on both local authorities and the Secretary of State. (Paragraph 6 does not apply to modification consent orders.)
651. Paragraph 7 replicates the existing provision in paragraph 5 of Schedule 15 that enables an authority to sever an opposed order so that the Secretary of State need only consider the disputed element of the original order. Paragraph 8 extends this provision so that the authority is given discretion to sever an order where part of the order has attracted representations or objections that the authority considers are not relevant and not submit that part of the order, only submitting that part of the order that has attracted representations or objections that are relevant. In doing so the authority would have to have regard to any guidance issued by the Secretary of State and must inform the applicant and any person who made the representation or objection (and has not withdrawn it) of the reasons for its decision. This measure is intended to reduce the number of instances where the Secretary of State has to review the authorities' decisions, which will reduce the administrative burden on both local authorities and the Secretary of State. (Paragraphs 7 and 8 do not apply to modification consent orders.)