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STATUTORY INSTRUMENTS

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**2004 No. 3305**

The Access to the Countryside (Means of  
Access, Appeals) (England) Regulations 2004

PART 3

DETERMINATION OF APPEALS

CHAPTER III

*Appeals to be determined by way of an inquiry*

**Proofs of evidence**

**28.**—(1) Subject to paragraph (2), where the appellant or the access authority propose to give, or to call another person to give, evidence at the inquiry by reading a proof of evidence he or they shall send two copies of the proof of evidence, together with any written summary accompanying it, to the Secretary of State; and the Secretary of State shall, as soon as practicable after receipt, send to the appellant or the authority, as appropriate, a copy of the other's proof of evidence together with any written summary accompanying it.

(2) A written summary shall be required where the proof of evidence in question exceeds one thousand five hundred words.

(3) The appellant and the access authority shall ensure that the proof of evidence and any summary shall be received by the Secretary of State no later than –

- (a) four weeks before the date fixed for the holding of the inquiry; or
- (b) where a timetable has been arranged pursuant to regulation 26 which specifies a date by which the proof of evidence and any summary shall be received by the Secretary of State, that date.

(4) Where a written summary is provided in accordance with paragraph (1), only that summary shall be read at the inquiry, unless the inspector permits or requires otherwise.

(5) Any person required by this regulation to send copies of a proof of evidence to the Secretary of State shall send with them the same number of copies of the whole (or the relevant part) of any document referred to in the proof of evidence.