
STATUTORY INSTRUMENTS

2003 No. 2713

**The Access to the Countryside (Exclusions
and Restrictions) (England) Regulations 2003**

PART III

APPEALS

CHAPTER I

Initial stages of all appeals (other than an appeal against a decision of a relevant authority not to act in accordance with an application for a direction under section 25(1)(a))

Interpretation

19. In this Part—

“appeal land” means the land which is the subject of an appeal;

“appeal period” means the period referred to in regulations 20(1) and 56(1);

“appointed person” means a person appointed by the Secretary of State under section 8 to determine an appeal or any matter involved in such an appeal and having the powers conferred by paragraphs 3 and 4 of Schedule 3 to the Act;

“assessor” means a person appointed by the Secretary of State under paragraph 4(3) of Schedule 3 to the Act to sit with an inspector at a hearing or inquiry and advise the inspector on any matter arising;

“document” includes a photograph, map or plan;

“hearing” means a hearing in relation to which this Part applies;

“inquiry” means a local inquiry in relation to which this Part applies;

“inspector” means—

(a) an appointed person; or

(b) a person holding a hearing or inquiry and making a report to the Secretary of State in order for her to determine the appeal;

“interested person” means a person who has made representations to the Secretary of State in respect of the appeal pursuant to regulation 25(c);

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done to ensure that the inquiry is conducted efficiently and expeditiously and, where two or more such meetings are held, references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“prescribed period” means a period prescribed by these Regulations as one within which certain requirements so prescribed are to be met;

“proof of evidence” means a proof of evidence sent to the Secretary of State in accordance with regulation 47;

“questionnaire” means a document, in a form supplied by the Secretary of State, seeking information relating to the appeal;

[^{F1}“relevant website” means a website maintained by the Secretary of State for purposes which include making available for inspection certain notices, decisions and notifications relating to an appeal under this Part;]

“start date” means the date on which certain prescribed periods are to begin, and, in relation to any given appeal, means the date specified by the Secretary of State under regulation 23(1) (a) in her written notice to the appellant and the relevant authority under that regulation;

“statement of case” means a written statement containing full particulars of the case which a person proposes to put forward, at a hearing or inquiry or by written representations, in relation to the appeal, and includes copies of any supporting documents which that person intends to refer to or put in evidence;

“statement of common ground” means a written statement which is prepared jointly by the appellant and the relevant authority pursuant to regulation 48, and contains agreed factual information about the appeal;

“transferred appeal” means an appeal or any matter involved in an appeal, in respect of which the Secretary of State has exercised her power in section 8 to appoint a person to determine the appeal or the matter (as the case may be) on her behalf, and in relation to any such appeal, references in these Regulations to a decision on appeal shall be construed as references to a decision on the appeal or the matter involved in an appeal (as the case may be) which that person has been appointed to determine; and

“written representations” includes supporting documents.

<p>F1 Words in reg. 19 inserted (1.10.2011) by The Access to the Countryside (Exclusions and Restrictions) (Amendment) (England) Regulations 2011 (S.I. 2011/2021), regs. 1(1), 11</p>

Notice of appeal

20.—(1) Any appeal to the Secretary of State under section 30 against a decision of a relevant authority not to act in any respect in accordance with—

- (a) an application made by the appellant for a direction under section 24 or 25(1)(b); or
- (b) any representations made by the appellant on being consulted by the authority under section 27(5);

shall be made by notice given to the Secretary of State, on a form obtained from her, within six weeks of the date on which the authority issued the decision.

(2) If the appellant wishes to withdraw the appeal before it is determined, he shall do so by giving notice to the Secretary of State in writing before the appeal is determined, and the Secretary of State shall, as soon as practicable, send a copy of that notice to the relevant authority.

Notification of receipt of documents etc.

21. The Secretary of State shall, as soon as practicable after she has received all the information required to enable her to entertain the appeal, notify the appellant and relevant authority of this in writing and send a copy of the notice of appeal to the authority.

Preliminary information to be supplied by the relevant authority

22. The relevant authority shall ensure that, within two weeks of the receipt by them of notification in accordance with regulation 21, the following have been received by the Secretary of State and a copy has been received by the appellant—

- (a) a completed questionnaire (which shall also state the date on which it is sent to the Secretary of State) together with a copy of each document referred to in it;
- (b) the names and addresses of any person who made representations to the authority in respect of—
 - (i) where a decision not to act in any respect in accordance with an application made by the appellant for a direction under section 24 or 25(1)(b) is the subject of the appeal, that application, or
 - (ii) where a decision not to act in any respect in accordance with any representations made by the appellant on being consulted by the authority under section 27(5) is the subject of the appeal, those representations or the review under section 27(3); and
- (c) details of the time and place at which the authority intends to make documents available for the purpose of regulation 67.

Notification of start of appeal etc.

23.—(1) The Secretary of State shall, as soon as practicable after receipt of the information required to be supplied by the relevant authority in accordance with regulation 22, notify in writing the appellant, the authority and any other person who has made representations to the authority in respect of the appeal land of—

- (a) the start date;
 - (b) whether the appeal will take the form of a hearing or inquiry or will be determined on the basis of written representations;
 - (c) whether the appeal will be determined by the Secretary of State or by an inspector;
 - (d) the reference number allocated to the appeal;
 - (e) the address (including an e-mail address) to which written communications to the Secretary of State about the appeal are to be sent; and
 - (f) the time and place where documents relating to the appeal are to be made available for the purposes of regulation 67.
- (2) A notice under paragraph (1) shall—
- (a) state the name of the appellant and the location and extent of the appeal land, sufficiently to enable it to be identified;
 - (b) state that the appeal is in respect of the decision of a relevant authority not to act in accordance with—
 - (i) an application made by the appellant for a direction under section 24 or 25(1)(b), or
 - (ii) representations made by the appellant on being consulted under section 27(5) in respect of the proposed revocation or variation of such a direction,and provide a brief description of such application or representations;
 - (c) state that the relevant authority—
 - (i) has sent to the Secretary of State and the appellant the name and address of any person, other than the appellant, who made representations to the relevant authority in respect of the matters mentioned in regulation 22(b)(i) or (ii), and

- (ii) is required to send a copy of such representations to the Secretary of State and the appellant;
 - (d) state that, if any such persons wish their representations to be disregarded by the Secretary of State for the purposes of the appeal, they should notify the Secretary of State in writing of this within six weeks of the start date;
 - (e) state that a person who has made any such representations may make further representations in writing to the Secretary of State in respect of the appeal by ensuring that they are received by the Secretary of State within six weeks of the start date;
 - (f) state that any other person may also make representations in writing to the Secretary of State in respect of the appeal by ensuring that they are received by the Secretary of State within such time; and
 - (g) if there is to be a hearing or inquiry, state that any person, other than the appellant or a relevant authority, may be heard with the permission of the inspector and that such permission shall not be unreasonably withheld.
- (3) The Secretary of State shall ensure that a copy of the notice of appeal is available for inspection on a [^{F2}relevant website] until the appeal is determined.

F2 Words in [reg. 23\(3\)](#) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), [regs. 1\(1\), 12](#)

Supply of further information by the relevant authority

24. The relevant authority shall ensure that, within two weeks of the start date, the Secretary of State and the appellant have received copies of—

- (a) any representations made to the relevant authority in respect of—
 - (i) the application made by the appellant for a direction under section 24 or 25(1)(b), or
 - (ii) any representations made by the appellant on being consulted by the authority under section 27(5) or the review under section 27(3),
 where a decision not to act in any respect in accordance with such application or representations is or are the subject of the appeal; and
- (b) any correspondence between the appellant and the relevant authority relating to such application or representations made by the appellant.

Submission of statements of case etc.

25. Within six weeks of the start date—

- (a) the relevant authority shall ensure that the Secretary of State has received two copies of their statement of case;
- (b) the appellant shall ensure that the Secretary of State has received two copies of his statement of case; and
- (c) any other person who wishes to make representations to the Secretary of State in respect of the appeal shall ensure that the Secretary of State has received three copies of such representations.

Copies of documents etc.

26.—(1) The Secretary of State shall, as soon as practicable after receipt of copies of the documents referred to in regulation 25—

- (a) send to the appellant a copy of any statement of case submitted by the relevant authority under regulation 25(a);
 - (b) send to the relevant authority a copy of any statement of case submitted by the appellant under regulation 25(b); and
 - (c) send to the appellant and the relevant authority a copy of any representations submitted by any interested person.
- (2) The Secretary of State shall, as soon as practicable after the receipt of any further information required under regulation 28, send a copy of the documents received—
- (a) in the case of information received from the appellant or the relevant authority, to the other party; and
 - (b) in the case of information received from any interested person, to the appellant and the relevant authority.

Comments on statement of case etc.

27. Within nine weeks of the start date—

- (a) the appellant shall ensure that the Secretary of State has received any comments which he may wish to make on—
 - (i) the relevant authority’s statement of case, or
 - (ii) any representations made by any interested person; and
- (b) the relevant authority shall ensure the Secretary of State has received any comments which they may wish to make on the appellant’s statement of case or any such representations.

Provision of further information

28. The Secretary of State, or the inspector, may require such further information as she or he may specify from—

- (a) the appellant or the relevant authority in respect of their statement of case;
- (b) any interested person,

and all such information shall be provided in writing within such period as the Secretary of State, or the inspector, may reasonably require.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, CHAPTER I.