
STATUTORY INSTRUMENTS

2003 No. 2713

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

PART III

APPEALS

CHAPTER V

*Appeal against a decision of a relevant authority not to act in
accordance with an application for a direction under section 25(1)(a)*

Notice of appeal etc.

56.—(1) An appeal to the Secretary of State under section 30 against a decision of the relevant authority not to act in any respect in accordance with an application for a direction under section 25(1)(a) 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.

(3) The Secretary of State shall, on the day on which she receives notice of an appeal (or on the first working day thereafter where she receives it on a day which is not a working day) send a copy of the notice to the relevant authority by electronic communication or facsimile transmission, except that where it is not reasonably practicable for the Secretary of State to comply with this requirement within the specified time she shall do so as soon as reasonably practicable thereafter.

(4) Where a relevant authority receives a notice of appeal pursuant to paragraph (3) they shall submit their statement of case by completing the relevant section of the notice and shall then send the notice, as amended, to the Secretary of State by electronic communication or facsimile transmission before the end of the second working day after the day on which they received it.

Arrangement and notification of hearing

57. The Secretary of State shall, before the end of the next working day after the day on which she has received an amended notice of appeal from a relevant authority pursuant to regulation 56(4) or, where it is not reasonably practicable to do so, as soon as reasonably practicable thereafter—

- (a) make appropriate arrangements for a hearing to be held;
- (b) notify the appellant and the authority, by telephone, electronic communication, facsimile transmission or first class post, of the date, time and place of the hearing; and
- (c) ensure that the information referred to in sub-paragraph (b) and a copy of the amended notice of appeal are available for inspection on a [^{F1}relevant website] until the appeal is determined.

F1 Words in [reg. 57\(c\)](#) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), [regs. 1\(1\)](#), [23](#)

Consecutive and concurrent hearings

58. The Secretary of State may arrange for two or more appeals to be heard consecutively or concurrently where they relate to the same area of land or to areas of land which she considers to be in such proximity as to make it expedient for the hearings to be held consecutively or concurrently.

Appearances at hearing

59.—(1) The persons entitled to appear at the hearing are—

- (a) the appellant; and
- (b) the relevant authority;

but the inspector may permit any other person to appear in person or be represented by any other person.

(2) Any person entitled or permitted to appear may appear in person or be represented by any other person.

Procedure at hearing

60.—(1) The inspector shall determine the procedure at a hearing.

(2) A hearing shall take the form of a discussion led by an inspector, and cross-examination shall not be permitted unless the inspector considers that cross-examination is required to ensure a thorough examination of the main issues.

(3) At the start of the hearing the inspector, after announcing his name and the fact of his appointment and requiring the relevant authority to sign the amended notice of appeal, shall identify what are, in his opinion, the main issues to be considered at the hearing and any matters on which he requires further explanation from any person appearing at the hearing; but this shall not preclude the addition in the course of the hearing of other issues for consideration or any person appearing at the hearing from referring to issues which they consider relevant to the consideration of the appeal but which were not issues so identified by the inspector.

(4) The appellant and the relevant authority shall be entitled to give, or to call another person to give, oral evidence, and any other person may give, or call another person to give, oral evidence if so permitted by an inspector at his discretion, but notwithstanding any such entitlement or permission, the inspector may, at any stage in the proceedings refuse to permit the giving of evidence or presentation of any other matter which he considers to be irrelevant or repetitious.

(5) Where the inspector refuses to permit the giving of oral evidence, the person wishing to give, or call any other person to give, evidence may submit to him any evidence or other matter in writing before the close of the hearing.

(6) The inspector may require any person appearing or present at the hearing who, in his opinion, is behaving in a disruptive manner to leave the hearing; and the inspector may then refuse to permit that person to return or permit him to return only on such conditions as he may specify, but any such person may submit to the inspector any evidence or other matter in writing before the close of the hearing.

(7) The inspector may—

- (a) proceed with a hearing in the absence of any person entitled to appear at it;

- (b) take into account any written representations or evidence or any other document received by him from any person before a hearing opens or during the hearing provided he discloses it at the hearing; and
- (c) at any time adjourn a hearing, and, if the date, time and place of the adjourned hearing are announced at the hearing before the adjournment, no further notice shall be required.

Notification of decision—appeals determined by the Secretary of State

61.—^{F2}(1) Where a hearing has been held for the purposes of an appeal determined by the Secretary of State she shall, within forty-eight hours of the close of the hearing, notify her decision on the appeal to the appellant, the relevant authority and any ^{F3}... other person who appeared at the hearing by sending to them a copy of the amended notice of appeal with her decision endorsed on it.

^{F4}(2) The Secretary of State shall ensure that, as soon as practicable after any notification has been given under paragraph (1), a copy of the amended notice of appeal with her decision endorsed on it is made available for inspection on ^{F5}a relevant website] for a period of three months.]

- F2** Reg. 61(1): reg. 61 renumbered as reg. 61(1) (24.4.2006) by [The Access to the Countryside \(Exclusions and Restrictions\) \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/990\)](#), regs. 1, **2(2)**
- F3** Word in reg. 61(1) omitted (24.4.2006) by virtue of [The Access to the Countryside \(Exclusions and Restrictions\) \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/990\)](#), regs. 1, **2(3)**
- F4** Reg. 61(2) inserted (24.4.2006) by [The Access to the Countryside \(Exclusions and Restrictions\) \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/990\)](#), regs. 1, **2(4)**
- F5** Words in reg. 61(2) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), regs. 1(1), **24**

Notification of decision—transferred appeals

62.—(1) Where a hearing has been held for the purposes of a transferred appeal the inspector shall—

- (a) unless it is not reasonably practicable to do so, announce his decision on the appeal at the close of the hearing; and
- (b) within forty-eight hours of the close of the hearing, notify his decision on the appeal to the appellant, the relevant authority and any other person who appeared at the hearing, by sending to them a copy of the amended notice of appeal with his decision endorsed on it.

(2) The Secretary of State shall ensure that, as soon as practicable after any notification has been given under paragraph (1), a copy of the amended notice of appeal ^{F6}with the inspector's decision endorsed on it] is made available for inspection on ^{F7}a relevant website] for a period of three months.

- F6** Words in reg. 62(2) inserted (24.4.2006) by [The Access to the Countryside \(Exclusions and Restrictions\) \(England\) \(Amendment\) Regulations 2006 \(S.I. 2006/990\)](#), regs. 1, **2(5)**
- F7** Words in reg. 62(2) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), regs. 1(1), **25**

Extension of time

63. The Secretary of State may, at any time and in any particular case, extend the time within which any of the requirements in regulation 56 must be complied with.

Changes of procedure

64.—(1) The Secretary of State may, at any time before the close of a hearing held under this Chapter, notify the appellant and the relevant authority that the appeal is no longer to be determined in accordance with the provisions of this Chapter but instead by way of written representations, or by way of a hearing or inquiry, in accordance with the provisions of Chapters I to IV of this Part as if the appeal were an appeal against a decision of a relevant authority not to grant a direction under section 24 or 25(1)(b).

(2) Where the appeal procedure is changed by the Secretary of State under this regulation the Secretary of State shall—

- (a) notify the appellant, the relevant authority and any interested person of such change, and
- (b) ensure that a copy of such notice is available for inspection on a [^{F8}relevant website] until the appeal is determined; and

the Secretary of State may give any consequential directions as to the procedure to be applied in relation to the appeal as she may consider necessary.

F8 Words in [reg. 64\(2\)\(b\)](#) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), [regs. 1\(1\)](#), [26](#)

Changes to legislation:

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