
STATUTORY INSTRUMENTS

2003 No. 2713

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

PART III

APPEALS

CHAPTER VI

General

Notification of appointment of assessor

65. Where the Secretary of State has appointed an assessor in respect of a hearing or inquiry, the inspector shall, at the commencement of the hearing or inquiry, announce the name of the assessor and the fact of his appointment.

Further time and additional copies

66.—(1) The Secretary of State may, at any time and in any particular case, give directions setting later time limits than those prescribed by Part III of these Regulations for the taking of any step or the doing of any thing which is required or enabled to be taken or done by virtue of these Regulations; and references in these Regulations to a period within which any step or thing is required or enabled to be taken or done shall be construed accordingly.

(2) The Secretary of State or an inspector, may, at any time before the notification of her or his decision in the case of an appeal to be determined by way of written representations or (in the case of a hearing or inquiry) before the close of a hearing or inquiry, request from any person making written representations or appearing at the hearing or inquiry (as the case may be)—

- (a) further written representations or evidence, or (in the case of a hearing or inquiry) oral evidence with regard to any matter on which she or he requires further information; and
- (b) copies of (as appropriate)—
 - (i) a statement of case or comments sent in accordance with regulation 25 or 27;
 - (ii) a proof of evidence sent in accordance with regulation 47; or
 - (iii) any other document or information sent to the Secretary of State or inspector before or during a hearing or inquiry;

and may specify a reasonable time within which such representations or copies must be received by her or him, and any person so requested shall ensure that the representations or copies are received within the period specified.

Inspection and copying of documents

67. The relevant authority shall afford any person who so requests, an opportunity, at such time and place as the relevant authority may reasonably determine, to inspect and, where practicable, take copies of—

- (a) the notice of appeal submitted by the appellant pursuant to regulation 20(1) or 56(1);
- (b) the questionnaire completed by the authority pursuant to regulation 22(a) together with any documents referred to in it;
- (c) any representations made to the authority in respect of matters mentioned in regulation 22(b)(i) or (ii);
- (d) the notice given by the Secretary of State pursuant to regulation 23;
- (e) all documents submitted by the authority pursuant to regulation 24, 25(a), 27(b) and 56(4);
- (f) the statement of case submitted by the appellant pursuant to regulation 25 (b), the comments submitted by the appellant pursuant to regulation 27(a) and the further information provided by the appellant, the authority or an interested person pursuant to regulation 28;
- (g) any representations made to the Secretary of State in respect of the appeal under regulation 25(c);
- (h) any proof of evidence (together with any written summary) sent by or to the authority pursuant to regulation 47; or
- (i) any statement of common ground prepared by the appellant and the authority pursuant to regulation 48.

Changes of procedure

68.—(1) If, at any time before the Secretary of State or the inspector, in either case under regulation 31, notifies her or (as the case may be) his decision on an appeal, the appellant, the relevant authority or the Secretary of State wishes the appeal to be determined no longer by way of written representations but instead by way of a hearing or inquiry, the Secretary of State shall arrange for the appeal to proceed by way of a hearing or inquiry.

(2) Paragraphs (3) and (4) apply at any time before the Secretary of State, under regulation 40 or 54, or an inspector, under regulation 41 or 55, notifies her or (as the case may be) his decision on an appeal.

(3) If the appellant or the relevant authority wishes an appeal to be determined no longer by way of a hearing or inquiry but instead by way of written representations, the Secretary of State shall consult the other party, and, if both that party and the Secretary of State agree to such a change in procedure, the Secretary of State shall arrange for the appeal to be determined by way of written representations.

(4) If the appellant, the relevant authority or the Secretary of State wishes an appeal to be determined—

- (i) no longer by way of a hearing but instead by way of an inquiry, or
- (ii) no longer by way of an inquiry but instead by way of a hearing,

the Secretary of State shall, after consulting the other party or, where the Secretary of State wishes the appeal procedure to be changed, both the parties, decide whether the hearing or inquiry (as the case may be) should be no longer proceed and an inquiry or hearing (as appropriate) be held instead.

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

- (a) the Secretary of State shall—

- (i) notify the appellant, the relevant authority and any interested person in respect of the appeal of such change, and
 - (ii) ensure that a copy of such notice is available for inspection on a [^{F1}relevant website] until the appeal is determined; and
- (b) in relation to the conduct of the appeal thereafter—
- (i) any step taken or thing done under these Regulations in relation to the former appeal procedure which could have been taken done under any corresponding provision of these Regulations relating to the new appeal procedure shall have effect as if taken or done under that corresponding provision, and
 - (ii) 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.

F1 Words in [reg. 68\(5\)\(a\)\(ii\)](#) substituted (1.10.2011) by [The Access to the Countryside \(Exclusions and Restrictions\) \(Amendment\) \(England\) Regulations 2011 \(S.I. 2011/2021\)](#), [regs. 1\(1\), 27](#)

Recovery of jurisdiction

69. Where the appointment of an appointed person is revoked under paragraph 2(c) of Schedule 3 to the Act and no new appointment is made at the time of such revocation, the appeal shall proceed as an appeal which falls to be determined by the Secretary of State instead of as a transferred appeal, and any step taken or thing done under these Regulations in relation to the transferred appeal which could have been taken or done in relation to an appeal which falls to be determined by the Secretary of State shall have effect as if it had been taken or done in relation to such an appeal.

Procedure following quashing of a decision

70.—(1) Where the decision of the Secretary of State or an inspector in respect of an appeal is quashed in proceedings before any court, the Secretary of State—

- (a) shall send to the appellant, the relevant authority and any interested person a written statement of the matters with respect to which further representations are invited for the purposes of her further consideration of the appeal;
- (b) shall afford to those persons the opportunity of making written representations to her in respect of those matters or of asking for the re-opening of the hearing or the inquiry, and
- (c) may, as she thinks fit, cause the hearing or inquiry to be re-opened and, if she re-opens the hearing or inquiry, paragraphs (3) to (8) of regulation 32 and paragraphs (3) to (8) of regulation 45 shall apply as if the references to a hearing or inquiry were references to a re-opened hearing or inquiry respectively.

(2) Those persons making representations or asking for the inquiry to be re-opened under paragraph (1)(b) shall ensure that such representations or requests are received by the Secretary of State within three weeks of the date of the written statement sent under paragraph (1)(a).

Changes to legislation:

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