
STATUTORY INSTRUMENTS

2003 No. 2713

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

PART III

APPEALS

CHAPTER IV

Appeals to be determined by way of an inquiry

Procedure after inquiry—appeals to be determined by the Secretary of State

52.—(1) This regulation applies where an inquiry has been held for the purposes of any appeal determined by the Secretary of State.

(2) After the close of an inquiry the inspector shall make a report in writing to the Secretary of State which shall include his conclusions and his recommendations or his reasons for not making any recommendations.

(3) Where an assessor has been appointed, he shall, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise.

(4) Where an assessor makes such a report, the inspector shall append it to his own report and shall state in his own report how far he agrees or disagrees with the assessor's report and, where he disagrees with the assessor, his reasons for that disagreement.

(5) When making her determination the Secretary of State may disregard any written representations, evidence or other document received after the close of the inquiry.

(6) If, after the close of the inquiry, the Secretary of State—

(a) differs from the inspector on any matter of fact mentioned in, or appearing to her to be material to, a conclusion reached by the inspector; or

(b) takes into consideration any new evidence or new matter of fact,

and is for that reason disposed to disagree with a recommendation made by the inspector, she shall not come to a decision which is at variance with that recommendation without first notifying the appellant and the relevant authority and any other person who appeared at the inquiry of her disagreement and the reasons for it, and affording them an opportunity of making written representations to her or of asking for the re-opening of the inquiry.

(7) Those persons making written representations or requesting that the inquiry be re-opened under paragraph (6) shall ensure that such representations or requests are received by the Secretary of State within three weeks of the date of the Secretary of State's notification under that paragraph.

(8) The Secretary of State may, if she thinks fit, cause an inquiry to be re-opened, and she shall do so if asked by the appellant or the relevant authority in the circumstances mentioned in paragraph (6) and within the period mentioned in paragraph (7); and where an inquiry is re-opened (whether by the same or a different inspector)—

Changes to legislation: *There are currently no known outstanding effects for the The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, Section 52. (See end of Document for details)*

- (a) the Secretary of State shall send to the persons who appeared at the inquiry a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of regulation 45 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, Section 52.