
STATUTORY INSTRUMENTS

2011 No. 2019

The Access to the Countryside (Appeals against Works Notices) (England) Regulations 2011

PART 4

General

Consecutive and concurrent hearings and inquiries

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

Notification of appointment of assessor

39. Where the Secretary of State has appointed an assessor in respect of a hearing or inquiry, the inspector must, at the start of the hearing or inquiry, announce the appointment and the name of the assessor.

Further time and additional copies

40.—(1) The Secretary of State may, at any time and in any particular case, give directions setting later time limits than those prescribed in these Regulations for the taking of any step or the doing of anything 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 are to be construed accordingly.

(2) The Secretary of State or the inspector may, at any time before the point at which the consideration of evidence is closed, require any person making written representations or appearing at the hearing or inquiry (as the case may be) to supply copies of—

- (a) a statement of case or comments sent in accordance with regulations 9 or 11.
- (b) a proof of evidence sent in accordance with regulation 28; or
- (c) any other document or information sent to the Secretary of State or inspector before or during a hearing or inquiry.

(3) In paragraph (2) “the point at which the consideration of evidence is closed” means—

- (a) in the case of an appeal to be determined by written representations, the notification of a decision; and
- (b) in the case of an appeal to be determined by way of a hearing or inquiry, before the close of that hearing or inquiry.

(4) The Secretary of State may specify a reasonable time within which the copies referred to in paragraph (2) are to be received.

(5) Any person who is required to supply copies under paragraph (2) must ensure that the copies are received within the period specified.

Inspection and copying of documents

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

- (a) the notice of appeal given by the appellant pursuant to regulation 4(1);
- (b) the questionnaire completed by the appropriate authority pursuant to regulation 6(a) together with any documents referred to in it;
- (c) the notice given by the Secretary of State pursuant to regulation 7;
- (d) the representations, correspondence, statements of case and comments submitted by the appropriate authority pursuant to regulations 8, 9 and 11 respectively;
- (e) any further information provided by the appellant, the appropriate authority or an interested person pursuant to regulation 12;
- (f) any proof of evidence (together with any written summary) sent by or to the appropriate authority pursuant to regulation 28; or
- (g) any statement of common ground prepared by the appellant and the appropriate authority pursuant to regulation 29.

Changes of procedure

42.—(1) If, at any time before the Secretary of State or the inspector notifies a decision on the appeal under regulation 15, the Secretary of State or inspector 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 must arrange for the appeal to proceed by way of a hearing or inquiry.

(2) Paragraph (3) below applies at any time before the Secretary of State, under regulation 23 or 36, or an inspector, under regulation 24 or 37, notifies a decision on the appeal.

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

- (a) the Secretary of State must—
 - (i) notify the appellant, the appropriate authority, the local access forum and any interested person of such change, and
 - (ii) ensure that a copy of such notice is made available for inspection on a relevant website until the appeal is determined;
- (b) any step taken or thing done under these Regulations in relation to the former appeal procedure which could have been taken under any corresponding provision of these Regulations relating to the new appeal procedure is to be treated as if taken or done under that corresponding provision; and
- (c) the Secretary of State may give such consequential directions as to the procedure to be applied in relation to the appeal as may be considered necessary.

Recovery of jurisdiction

43. Where the appointment of an appointed person is revoked under paragraph 2(c) of Schedule 3 to the 2000 Act and no new appointment is made at the time of such revocation, the appeal is to 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 in relation to an appeal which falls to be determined by the Secretary of State is to be treated as if it had been taken or done in relation to such an appeal.

Procedure following quashing of a decision

44.—(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) must send to the appellant, the appropriate authority and any interested person a written statement of the matters with respect to which further representations are invited for the purposes of the Secretary of State’s further consideration of the appeal;
- (b) must afford to those persons the opportunity of making written representations to the Secretary of State in respect of those matters or of asking for the re-opening of the hearing or the inquiry; and
- (c) may, where appropriate, cause the hearing or inquiry to be re-opened.

(2) Where the hearing or inquiry is re-opened, paragraphs (2) to (9) of regulation 16 and paragraphs (2) to (9) of regulation 27, as the case may be, apply as if the references to a hearing or inquiry were references to a re-opened hearing or inquiry respectively.

(3) Those persons making representations or asking for the hearing or inquiry to be re-opened pursuant to an invitation under paragraph (1)(b) must 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).

Revocation

45. The Access to the Countryside (Means of Access, Appeals) (England) Regulations 2004(1) are revoked.