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WELSH STATUTORY INSTRUMENTS

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**2003 No. 142**

**The Countryside Access (Exclusion or  
Restriction of Access) (Wales) Regulations 2003**

**Part II**

**DISCRETIONARY EXCLUSION OR RESTRICTION OF ACCESS**

**Exclusion or restriction of access at the discretion of the entitled person**

**3.—**(1) An entitled person who wishes to exclude or restrict access to an area of access land under section 22 of the Act (exclusion or restriction of access at the discretion of owner and others) must, in order to do so, comply with the requirements of this regulation.

(2) The entitled person must give notice in writing to the relevant authority, which must include:

- (a) the name, address and postcode of the entitled person;
- (b) if the entitled person is giving notice through an agent, the name, address and postcode of that agent;
- (c) a statement of the nature of the entitled person's interest in the land;
- (d) a description (whether by map or otherwise) of the location and extent of the land which is sufficiently detailed to enable the relevant authority to identify the land;
- (e) a statement whether the entitled person wishes to exclude access or, alternatively, to restrict it and, if to restrict it, details of the restriction; and
- (f) the dates on which the exclusion or restriction is to apply and, if the entitled person wishes the exclusion or restriction to last for less than the whole of any day, the times between which the exclusion or restriction are to operate on that day.

(3) Unless paragraph (4) or (6) applies, notice must be given in writing so that it is received by the relevant authority at least 5 days before any day on which any exclusion or restriction is to operate.

(4) This paragraph applies if:

- (a) the entitled person has given notice in writing to the relevant authority which includes the information referred to in sub-paragraphs (a) to (e) of paragraph (2) but which does not include the information referred to in sub-paragraph (f) of that paragraph; and
- (b) at least 5 days has elapsed since that notice was received by the relevant authority.

(5) If paragraph (4) applies, the entitled person may exclude or restrict access in accordance with the notice referred to in paragraph (4)(a) and the further notice referred to in this paragraph by giving the relevant authority notice of the information referred to in sub-paragraph (f) of paragraph (2), in writing or orally (including by telephone), so that it is received by the relevant authority on or before the last working day before the exclusion or restriction is intended to apply.

(6) This paragraph applies if the relevant authority:

- (a) has received notice, whether in writing or not, which includes the information referred to in sub-paragraphs (a) to (f) of paragraph (2);

- (b) decides that it was not reasonably practicable for the entitled person to comply with the requirements of paragraph (3) or (4) of this regulation; and
- (c) communicates that decision to the entitled person or, where the entitled person gave notice through an agent, that agent.

(7) Where paragraph (6) applies, the exclusion or restriction is to take effect no earlier than the time when the relevant authority communicates the decision referred to in paragraph (6)(c) to the entitled person or the entitled person's agent, as the case may be.

(8) As soon as possible after reaching a decision in accordance with paragraph (6)(b), a relevant authority must, unless it has already done so by the communication referred to in paragraph (7), confirm that decision in writing to the entitled person.

(9) An entitled person who has given notice in accordance with paragraph (2) but who no longer wishes the exclusion or restriction to which it relates to take effect may, subject to paragraph (10), give the relevant authority notice in writing of that fact, and, if it is received by the relevant authority at least 2 working days before the day on which the exclusion or restriction was to apply, the original notice will then be of no effect.

(10) Paragraph (9) does not apply in relation to any land if the entitled person has, since 1st January of that year, already given 5 notices to the relevant authority in question under that paragraph in relation to that land or to land which includes that land.