

This Statutory Instrument has been made in consequence of defects in S.I. 2011/2019 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2012 No. 67

COUNTRYSIDE, ENGLAND

**The Access to the Countryside (Appeals against Works Notices)
(England) (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>12th January 2012</i>
<i>Laid before Parliament</i>		<i>16th January 2012</i>
<i>Coming into force</i>	- -	<i>15th February 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 38(6), 44(2) and 45(1) of the Countryside and Rights of Way Act 2000(a) and section 316(1) of, and paragraph 4(5) of Schedule 20 to, the Marine and Coastal Access Act 2009(b), makes the following Regulations.

Citation, commencement and application

1. These Regulations—
 - (a) may be cited as the Access to the Countryside (Appeals against Works Notices) (England) (Amendment) Regulations 2012;
 - (b) come into force on 15th February 2012; and
 - (c) apply in relation to England only.

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

- 2.—(1) The Access to the Countryside (Appeals against Works Notices) (England) Regulations 2011(c) are amended as follows.
 - (2) In Part 2 (initial stages of appeal) —
 - (a) in regulation 4 (manner and period for appeal), in paragraph (4), delete sub-paragraph (b) and the preceding “, or”; and
 - (b) for regulation 6 (preliminary information to be supplied by the appropriate authority) substitute —

(a) 2000 c. 37. Section 45(1) contains a definition of “regulations” for the purposes of Part 1 of the 2000 Act. Schedule 20 to the 2009 Act needs to be read together with Part 1 of the 2000 Act (as well as with Part 9 of the 2009 Act). Section 1 of the 2000 Act was modified in its application to land which is coastal margin by Part 4 of the Schedule to S.I. 2010/558, and Schedule 1 to the 2000 Act was modified in its application to land which is coastal margin by Part 1 of the Schedule to S.I. 2010/558.

(b) 2009 c. 23.

(c) S.I. 2011/2019.

“Preliminary information to be supplied by the appropriate authority

6. The appropriate authority must ensure that, within two weeks of its receipt of the notification in accordance with regulation 5, it duly completes the questionnaire mentioned in regulation 5(2) and sends it to the Secretary of State, and must further ensure that the appellant receives —

- (a) a copy of that completed questionnaire (which must also state the date on which it was sent to the Secretary of State), together with a copy of each document referred to in it;
- (b) the name and address of any person who made representations to the appropriate authority in respect of the notice appealed;
- (c) the address of the local access forum; and
- (d) details of the time during which, and the place at which, the appropriate authority intends to make documents available for the purpose of regulation 41 (inspection and copying of documents).”.

(3) In Part 3 (determination of appeals), in Chapter 1 (appeals to be determined on the basis of written representations) —

- (a) before regulation 13 (site inspections), insert —

“Scope of Chapter 1

12A. This Chapter applies where the Secretary of State has given a notice under regulation 7(1)(b) that the appeal will be determined on the basis of written representations.”;

and

- (b) in regulation 15 (notification of a decision), in paragraph (1), for “an appeal” substitute “the appeal”.

12th January 2012

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Access to the Countryside (Appeals against Works Notices) (England) Regulations 2011 (S.I. 2011/2019), which came into force on 1st October 2011; they correct certain minor drafting defects in, and make certain minor clarifications to, those earlier Regulations.

A separate Impact Assessment has not been produced in respect of these Regulations, because the Impact Assessment which was prepared for Part 9 (coastal access) of the Marine and Coastal Access Act 2009 examined the impact of the implementation of Part 9, of which these Regulations form part. In so far as these Regulations have effect in relation to the right of access under Part 1 (access to the countryside) of the Countryside and Rights of Way Act 2000 as it applies in relation to land which is open country or registered common land (as defined by section 1(2) and (3) of that Act), no burden on the private, voluntary or public sector is foreseen.

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