
STATUTORY INSTRUMENTS

2002 No. 1710

The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002

PART III

APPEALS AGAINST PROVISIONAL MAPS

CHAPTER V

General

Further time and additional copies

56.—(1) The Secretary of State may, at any time and in any particular case, give directions setting later time limits than those prescribed by 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 may, at any time before the notification of her 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 the 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 requires further information; and
- (b) copies of (as appropriate)—
 - (i) a statement of case or comments sent in accordance with regulation 21 or 23, respectively;
 - (ii) a proof of evidence sent in accordance with regulation 48; or
 - (iii) any other document or information sent to the Secretary of State before or during a hearing or inquiry;

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

Inspection and copying of documents

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

- (a) the notice of appeal submitted by the appellant pursuant to regulation 16(1);
- (b) the Agency's completed questionnaire (together with any documents referred to in it);
- (c) the notice given by the Secretary of State pursuant to regulation 19;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (d) all documents submitted by the Agency pursuant to regulation 20, 21(a), 23(b) or 24;
- (e) the statement of case submitted by the appellant pursuant to regulation 21(b);
- (f) any representations made to the Agency in respect of the showing of, or the failure to show, the appeal land as registered common land or open country on a map in draft form;
- (g) any representations made to the Secretary of State in respect of the appeal under regulation 21(c);
- (h) any proof of evidence (together with any written summary) sent by or to the Agency pursuant to regulation 48(1); or
- (i) any statement of common ground prepared by the appellant and the Agency pursuant to regulation 49.

Changes of procedure

58.—(1) If, at any time before the Secretary of State or the inspector, in either case under regulation 27, notifies her or (as the case may be) his decision on an appeal, the appellant, the Agency 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 38 or 54, or an inspector, under regulation 39 or 55, notifies her or (as the case may be) his decision on an appeal.

(3) If the appellant or the Agency 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 Agency 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 proceed no further 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 Agency and any other person who has made representations in respect of the appeal of such change; and
- (ii) ensure that a copy of such notice is available for inspection on a website maintained by the Planning Inspectorate Executive Agency 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 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 as she may consider necessary.

Recovery of jurisdiction

59. 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

60.—(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 Agency and any other persons who appeared at the hearing or inquiry or who has made representations to the Secretary of State in respect of the appeal under regulation 21(c), 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, where she re-opens the hearing or inquiry, paragraphs (2), (5) and (6) of regulation 28 and paragraphs (3), (6) and (7) of regulation 43 shall apply as if the references to a hearing or inquiry were 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).

Use of electronic communications

61.—(1) Any requirement imposed by or under these Regulations as to the giving or sending by one person to another of a notice or other document may be met by means of an electronic communication if—

- (a) the use of such a communication results in the information contained in that notice or document being available to the other person in all material respects as it would appear in a notice or document given or sent in printed form; and
- (b) the other person has consented to the information being made available to him by such means.

(2) Where under paragraph (1) an electronic communication is used for the purposes of giving or sending a notice or document—

- (a) any requirement for the notice or document to be given or sent by a particular time shall be met in respect of the electronic communication only if the conditions mentioned in paragraph (1) are met by that time; and
- (b) any requirement for more than one copy of the notice or document to be sent on any single occasion may be complied with by a single such communication.

(3) For the purposes of paragraph (1)(a), “in all material respects” means in all respects material to an exact reproduction of the content of the information as it would appear in a notice or document given or sent in printed form.

(4) In this regulation—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽¹⁾; and
- (b) “requirement” includes any condition of an authorisation.

⁽¹⁾ 2000 c. 7.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2013/1798 reg. 6\(b\)](#)