

2003 No. 1591

COUNTRYSIDE, ENGLAND

**The Access to the Countryside (Correction of Provisional
and Conclusive Maps) (England) Regulations 2003**

<i>Made</i> - - - - -	<i>17th June 2003</i>
<i>Laid before Parliament</i>	<i>19th June 2003</i>
<i>Coming into force</i> - -	<i>21st July 2003</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 11(1) and (2)(h) and (l), 44(2) and 45(1)(a) of the Countryside and Rights of Way Act 2000(b), and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Access to the Countryside (Correction of Provisional and Conclusive Maps) (England) Regulations 2003 and shall come into force on 21st July 2003.

(2) These Regulations apply in relation to England only(c).

Interpretation

2.—(1) In these Regulations—

“the Agency” means the Countryside Agency;

“conclusive map” means a map issued by the Agency in conclusive form under section 9;

“the Maps Regulations” mean the Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002(d);

“provisional map” means a map issued by the Agency in provisional form under section 5(d) or (e); and

“reduced scale map” means, in relation to a provisional or conclusive map, a copy of that map in printed or electronic form which is on a smaller scale than the scale of the provisional or conclusive map (or any part of it) but—

(a) for the purposes of the deposit of relevant extracts pursuant to regulation 12 of the Maps Regulations (deposit of reduced scale maps derived from provisional maps with commons registration authorities), is on a scale of not less than 1/10,000, and

(b) for all other purposes, is on a scale of not less than 1/25,000.

(a) *see*, in section 45(1), the definition of “prescribed”.

(b) 2000 c. 37.

(c) Regulations made by the Secretary of State may be made only as respects England: *see* section 45(1) for the meaning of “regulations”.

(d) S.I. 2002/1710, amended by S.I. 2003/32.

(2) In these Regulations references to sections are references to sections of the Countryside and Rights of Way Act 2000.

Correction of provisional maps

3. Subject to regulation 5, where—

- (a) a map issued in draft form under section 5(a) has been confirmed with modifications under section 5(c), but any such modification is not incorporated, or accurately incorporated, in the provisional map issued under section 5(e), or
- (b) a provisional map contains an error or omission arising from an inaccuracy in any Ordnance Survey data used in preparing the map issued in draft form under section 5(a) from which the provisional map was derived,

the Agency may correct the provisional map for the purpose of ensuring the modification is incorporated, or accurately incorporated, or (as the case may be) for the purpose of rectifying the error or omission.

Correction of conclusive maps

4. Subject to regulation 5, where a provisional map has been approved with modifications under section 6(4)(a), but any such modification is not incorporated, or accurately incorporated, in the conclusive map issued under section 9(2) or issued in compliance with a direction under section 9(4), the Agency may correct the conclusive map for the purpose of ensuring the modification is incorporated or accurately incorporated.

Time limits for correction of provisional and conclusive maps

5.—(1) The Agency may not correct a provisional map under regulation 3 or a conclusive map under regulation 4 after the expiry of a period of three months beginning with the date of issue of the map to which the correction relates.

(2) Notwithstanding the expiry of the period mentioned in paragraph (1), where a provisional map has been issued before 21st July 2003 the Agency may, on or before 21st October 2003, correct the map under regulation 3 in so far as the correction consists of the omission of land from the map.

Informing the public of the correction of maps

6.—(1) Where the Agency have corrected a provisional map under regulation 3 or a conclusive map under regulation 4, they shall, as soon as reasonably practicable on or after the date of the correction, publish a notice which—

- (a) states the date on which the correction is made,
- (b) describes the area of land to which the correction relates,
- (c) describes in general terms the effect of the correction,
- (d) explains that the map to which the correction relates is henceforth to be treated as corrected to the extent described, and
- (e) explains where further information about the correction can be obtained from the Agency.

(2) The notice referred to in paragraph (1) shall be published—

- (a) in such local or regional newspapers circulating in the area of land to which the map relates as the Agency consider necessary for informing the public of the making of the correction; and
- (b) by being made available for inspection on a website maintained by the Agency for the period during which the map remains current.

(3) In paragraph (2)(b) the reference to the period during which the map remains current has the meaning given by regulation 2(2)(a) and (b) of the Maps Regulations (general interpretation).

Informing specified persons of the correction of maps

7.—(1) Where the Agency have corrected a provisional map under regulation 3, they shall, as soon as reasonably practicable on or after the date on which the correction is made, send a copy of the notice mentioned in regulation 6(1) to each person having an interest in any land to which the correction relates, other than any person whom it is not reasonably practicable to identify.

(2) Where the Agency have corrected a conclusive map under regulation 4, they shall, as soon as reasonably practicable on or after the date on which the correction is made, send a copy of the notice mentioned in regulation 6(1) to each person who was required under regulation 27, 38(2), 39(2), 54(2) or 55(2) (as the case may be) of the Maps Regulations (notification of appeal decisions) to be notified of a decision on an appeal relating to an area of land to which the correction relates.

Supply of modified reduced scale maps to certain bodies and to members of the public

8.—(1) Subject to paragraph (3), the Agency shall, as soon as reasonably practicable on or after the date on which a correction is made to a provisional map under regulation 3 or a conclusive map under regulation 4, ensure that the documents mentioned in paragraph (2) are provided to—

- (a) any access authority, local access forum and parish council exercising functions for the area of land to which the correction relates,
- (b) those persons listed in paragraph 1 or 2 of the Schedule to these Regulations in the case of a correction to a provisional or conclusive map, respectively, and
- (c) those persons who, under regulation 8(1)(b) or (2)(b) of the Maps Regulations (supply of reduced scale maps to certain bodies and to members of the public) (a), have been sent a reduced scale map derived from the provisional or conclusive map to which the correction relates.

(2) The documents which must be provided are—

- (a) a copy of the notice published under regulation 6 to which the correction relates, and
- (b) a map on the same scale as the reduced scale map supplied under regulation 8 of the Maps Regulations showing the location and extent of the land to which the correction relates.

(3) Where, under regulation 8 of the Maps Regulations, a person has been sent a reduced scale map relating to only part of the area of land to which the map relates, the Agency shall provide the documents mentioned in paragraph (2) only where the correction relates to an area of land in that part.

Modifications to reduced scale maps available for inspection and deposited with authorities

9. The Agency shall, as soon as reasonably practicable on or after the date on which a correction is made to a provisional map under regulation 3 or a conclusive map under regulation 4—

- (a) ensure that any reduced scale map derived from the provisional or conclusive map to which the correction relates and made available for inspection under regulation 9 of the Maps Regulations (reduced scale maps on the internet) is modified to show the effect of the correction, and
- (b) take all such steps as are reasonably practicable to ensure that any reduced scale map derived from the provisional or conclusive map to which the correction relates and deposited under regulation 10, 11 or 12 of those Regulations (deposit of reduced scale maps with local, National Park, library and commons registration authorities) is modified to show the effect of the correction.

(a) Regulation 8 of the Maps Regulations is amended by regulation 2 of the Access to the Countryside (Provisional and Conclusive Maps) (England) (Amendment) Regulations 2003 (S.I. 2003/32).

Time limit for appeals against provisional maps

10. Where a correction made under regulation 3 consists of the showing of additional land on a provisional map, regulation 16 of the Maps Regulations (notice of appeal against provisional map) shall be construed, in so far as that regulation relates to an appeal against the showing of any of the additional land on the provisional map, as if for the requirement in paragraph (1) of that regulation to appeal within three months of the date of the issue of the provisional map there were substituted a requirement to appeal within three months of the date on which the correction is made.

17th June 2003

Alun Michael
Minister of State,
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 8

PERSONS TO BE SENT MODIFIED REDUCED SCALE MAPS

1. British Association for Shooting and Conservation,
British Mountaineering Council,
Countryside Council for Wales (in respect of any map which relates to land adjoining land in Wales),
Country Land and Business Association,
English Nature,
Historic Buildings and Monuments Commission for England,
Moorland Association,
National Farmers' Union,
Open Spaces Society,
Ramblers' Association,
Royal Institution of Chartered Surveyors,
Secretary of State for Defence,
Tenant Farmers Association.
2. Countryside Council for Wales (in respect of any map which relates to land adjoining land in Wales),
English Nature,
Historic Buildings and Monuments Commission for England,
Ordnance Survey,
Secretary of State for Defence.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part I of the Countryside and Rights of Way Act 2000 establishes a new regime for access to the countryside. Under Part I maps prepared by the Countryside Agency (“the Agency”) will show registered common land and open country. The Access to the Countryside (Provisional and Conclusive Maps) (England) Regulations 2002 (S.I. 2002/1710, amended by S.I. 2003/32) made provision (in relation to England) in respect of the publication of maps issued in provisional and conclusive form (referred to in these Regulations as a “provisional map” and a “conclusive map” respectively).

These Regulations, which apply in relation to England only, make provision for the correction of provisional and conclusive maps in certain circumstances.

Regulations 3 and 4 prescribe the circumstances in which provisional and conclusive maps may be corrected by the Agency, and regulation 5 provides time limits for making such corrections. Regulation 6 requires the Agency to publicise the correction of a provisional or conclusive map. Under regulation 7 persons having an interest in any land to which the correction of a provisional map relates and persons interested in an appeal decision relating to land to which the correction of a conclusive map relates are required to be notified of the correction.

Regulation 8 requires that persons who have been sent a “reduced scale map” (a copy of a provisional or conclusive map on a smaller scale) to which a correction relates are given information about how the correction affects the map. Regulation 9 provides for the modification of any reduced scale map which is derived from a provisional or conclusive map to which a correction relates and which is made available on the internet, in local authority offices, in libraries and at locations where the map can be compared with registers of common land.

Regulation 10 provides a time limit for appealing against the showing of additional land on a provisional map where such a map has been corrected under regulation 3.

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

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