
STATUTORY INSTRUMENTS

2003 No. 2713

**The Access to the Countryside (Exclusions
and Restrictions) (England) Regulations 2003**

PART II

EXCLUSIONS AND RESTRICTIONS

Notice of exclusion or restriction of access under section 22

4.—(1) Notice given by an entitled person to the relevant authority under section 22(1) for the purpose of excluding or restricting the right of access to any land shall state—

- (a) the name and postal address of the entitled person;
- (b) the nature of the entitled person's interest in the land;
- (c) the location and extent of the land to be affected by the exclusion or restriction, sufficiently to enable it to be identified by the authority, whether by marking it on a map or otherwise;
- (d) the days and, if for less than twenty-four hours in a single day, the times during which the exclusion or restriction is to apply; and
- (e) the purpose of the exclusion or restriction and, in the case of a restriction, the nature of it.

(2) Notice of any information under paragraph (1) may be given to a relevant authority by instalments, and shall be regarded as having been received by the authority when they have received all the required information.

(3) Notice of the information referred to in paragraph (1)(a) and (b) shall be given to the relevant authority in writing.

(4) Notice of the information referred to in paragraph (1)(c), (d) and (e) shall be given to the relevant authority in writing or, subject to paragraph (8), by telephone.

(5) Subject to paragraph (6), notice given by an entitled person under paragraph (1) excluding or restricting access shall not have effect until the expiry of five working days after the day on which it is received by the relevant authority.

(6) Notice given by an entitled person under paragraph (1) excluding or restricting the right of access for no more than four hours, or for no more than five days in relation to not more than five hectares of land, shall not have effect unless—

- (a) the notice is received by the relevant authority not less than two hours before the time at which the exclusion or restriction is to commence, and
- (b) the exclusion or restriction will not prevent access to any other land to which there is a right of access at such time.

(7) Notice given under paragraph (1), other than notice of an exclusion or restriction mentioned in paragraph (6), may be withdrawn by the entitled person by further notice to the relevant authority in writing or, subject to paragraph (8), by telephone, provided that such notice is received by the authority not less than two working days before the time at which the exclusion or restriction is to commence.

(8) Where, pursuant to this regulation, notice of any matter is given by telephone, it shall not be effective unless the relevant authority indicate during the course of the telephone conversation in which the information is given to them that they are satisfied as to the identity of the person giving it, and—

- (a) in the case of any information given for the purposes of paragraph (1)(c), that the location and extent of the land are sufficiently described to enable the authority to identify the land;
- (b) in the case of any information given for the purposes of paragraph (1)(e), that it is sufficient to enable the authority to understand the purpose of the exclusion or restriction in question and, in the case of a restriction, the nature of it.

Restriction on the right of access with dogs

5.—(1) Any restriction on the right of access which is imposed by the owner of any land under section 23(1) or (2) shall only be effective if notice is given by that person to the relevant authority in accordance with paragraphs (2) and (3).

(2) Notice given by the owner of the land for the purposes of paragraph (1) shall be in writing and shall state—

- (a) his name and postal address;
- (b) the nature of his interest in the land to which the restriction will apply;
- (c) the location and extent of the land to be affected by the restriction, sufficiently to enable it to be identified by the relevant authority, whether by marking it on a map or otherwise;
- (d) the period of the restriction;
- (e) whether the restriction is imposed under section 23(1) or under section 23(2); and
- (f) that—
 - (i) in the case of a restriction to be imposed under section 23(1), the land is a moor managed for the breeding and shooting of grouse and will remain so during the period referred to in sub-paragraph (d); or
 - (ii) in the case of a restriction to be imposed under section 23(2), the land will be used in connection with lambing during the period referred to in that sub-paragraph.

(3) Notice given by the owner of land for the purposes of paragraph (1) shall not have effect so as to restrict the right of access earlier than—

- (a) in the case of a restriction to be imposed under section 23(1), the expiry of one calendar month from the day on which it is received by the relevant authority; and
- (b) in the case of a restriction to be imposed under section 23(2), the expiry of five working days from that day.

(4) Notice given under paragraph (1) may be withdrawn by the person who gave it or, where he has ceased to hold the land, by his successor in title, by means of further notice to the relevant authority in writing or, subject to paragraph (5), by telephone, provided that, in the case of a restriction imposed under section 23(2), such notice is received by the authority not less than two working days before the time at which the restriction is to commence.

(5) Where, pursuant to paragraph (4), notice withdrawing any notice under paragraph (1) is given by telephone, it shall not be effective unless the relevant authority indicate during the course of the telephone conversation in which the information is given to them that they are satisfied as to the identity of the person giving it.

Applications for a direction under section 24 or 25

6.—(1) An application by a person interested in any land for a direction under section 24 or 25 shall be made to the relevant authority in writing and shall state—

- (a) the name and postal address of the applicant;
- (b) the nature of the applicant's interest in the land and, if the applicant is a person whose interest in the land is solely as a holder of rights of common, the nature of those rights;
- (c) the location and extent of the land, sufficiently to enable it to be identified by the authority, whether by marking it on a map or otherwise;
- (d) the period of the exclusion or restriction to be provided for by the direction, except where that period is to be determined by the applicant in accordance with the direction;
- (e) the purpose of the exclusion or restriction and, in the case of a restriction, the nature of it;
- (f) the reason (or reasons) why the applicant considers that such exclusion or restriction is necessary; and
- (g) if the applicant is an entitled person for the purposes of section 22, the total number of days in respect of which he has exercised, or proposes to exercise, the right conferred by that section in each calendar year in respect of which the direction is being sought and the purpose for which he has exercised, or proposes to exercise, that right.

(2) An application made by a person under paragraph (1) may be withdrawn by that person by notice in writing given to the relevant authority at any time before the date on which the application is determined by the authority.

Notices relating to periods during which exclusions or restrictions are to apply

7.—(1) Subject to paragraph (3), where a direction is given by a relevant authority under section 24, 25 or 26, or by the Secretary of State under section 28, so as to exclude or restrict the right of access to any land during a period to be determined by a relevant person, notice of the period so determined shall be given by the relevant person to the authority or the Secretary of State and the direction shall have no effect until—

- (a) the expiry of five working days after the day on which notice of that period given by the relevant person is received by the authority or the Secretary of State; or
- (b) such other time after the day on which the notice is received by the authority or the Secretary of State as may be specified in the direction.

(2) Notice given under paragraph (1) shall be given in writing or, if so permitted by the direction, by telephone.

(3) Where, pursuant to paragraph (2), notice is given by telephone, it shall not be effective unless the relevant authority indicate during the course of the telephone conversation in which the information is given to them that they are satisfied as to the identity of the person giving it.

(4) In this regulation, "relevant person" means—

- (a) in the case of a direction under section 24, the person who applied for the direction;
- (b) in the case of a direction under section 25 or 26, a person specified in the direction; and
- (c) in the case of a direction under section 28, a person authorised by the Secretary of State.

Applications for a direction under section 24 or 25 by holders of rights of common

8.—(1) A person who is interested in any land only as the holder of rights of common may not apply for a direction under section 24 or 25 excluding access to that land.

(2) Any such person may only apply for a direction under section 24 or 25 restricting access to that land if—

- (a) the restriction is necessary for the purposes of any use of the land in exercise of his rights of common; and
- (b) the restriction would only restrict access to the land for the whole or part of the period in which he is entitled to exercise such rights.

(3) A person making an application in accordance with paragraph (2) shall submit in support of his application a certified copy of the entry in respect of his rights of common over the land to which his application relates which appears in the register maintained under the Commons Registration Act 1965⁽¹⁾ in respect of that land, save that this requirement shall not apply where the person making the application has complied with it when making a previous application in respect of the land in question.

Consultation on proposals for long-term exclusions or restrictions

9.—(1) For the purposes of consulting a local access forum under section 27(1), the relevant authority shall supply the forum with—

- (a) a copy of any application for the direction to which the consultation relates; and
- (b) information regarding the nature and purpose of the proposed direction.

(2) Before giving a direction under section 28 for the purposes of defence which will, indefinitely or for a period which exceeds (or may exceed) six months, exclude or restrict the right of access in relation to any land in an area in which there is a local access forum, the Secretary of State shall consult the forum.

(3) Where a relevant authority proposes to give a direction under section 24, 25 or 26, or the Secretary of State proposes to give a direction under section 28 for the purposes of defence which (in any such case) will exclude or restrict access to any land indefinitely or for a period which exceeds (or may exceed) six months, they or he, as the case may be, shall publish a notice which—

- (a) describes the area of land to which the proposed direction will relate sufficiently to identify it;
- (b) describes the nature and purpose of the proposed direction;
- (c) states where documents relating to the proposed direction may be inspected and copies of them may be obtained; and
- (d) states that representations with regard to the proposed direction may be made by any person in writing to the authority or the Secretary of State, as appropriate, by such date as is specified in the notice, which date shall not be earlier than a date two weeks after the date on which the notice is published by the authority or, as the case may be, the Secretary of State.

(4) A relevant authority or the Secretary of State shall not be required to publish a notice under paragraph (3) where they or he (as the case may be) considers that it is not in the public or defence interest that the information referred to in that paragraph should be disclosed.

(5) The notice referred to in paragraph (3) shall be published by being made available for inspection on a website maintained by or on behalf of—

- (a) in the case of a proposed direction under section 24, 25 or 26, the relevant authority, or
- (b) in the case of a proposed direction under section 28 for the purposes of defence, the Secretary of State,

until such time as the application for the direction in question is determined.

(1) 1965 c. 64.

(6) Where a notice is published under paragraph (3), the relevant authority or the Secretary of State (as the case may be) shall send a copy of the notice to the persons specified in the Schedule to these Regulations.

(7) A notice referred to in paragraph (3) may relate to more than one proposal.

Time for determination of applications for a direction under section 24 or 25

10.—(1) Where an application for a direction under section 24 or 25 is made before the right of access comes into force, a relevant authority shall determine the application within six weeks of receiving it or within any such longer period, as may have been determined by the Secretary of State, notice of which has been given to the authority by the Secretary of State and details of which have been published by her.

(2) Subject to paragraph (3), a relevant authority shall determine any other application for a direction under section 24 or 25 within six weeks of receiving it, or within such longer period as may have been agreed between the authority and the applicant.

(3) Paragraph (2) shall not apply where a relevant authority is required by section 27(1) to consult a local access forum before giving such a direction, and in any such case the authority shall determine an application referred to in paragraph (2) within four months of receiving it, or within such longer period as may have been agreed between the authority and the applicant.

Notification by relevant authorities of directions and decisions

11. A relevant authority shall—

- (a) in relation to an application for a direction under section 24 or 25, as soon as practicable notify the applicant of the decision which they have taken in respect of the application and, where they have given such a direction, supply a copy of the direction to—
 - (i) the applicant, and
 - (ii) the access authority for the area in which the land to which the direction relates is situated;
- (b) where they have given a direction under section 25 other than on an application by a person interested in the land to which the direction relates, or a direction under section 26, notify—
 - (i) the owner of the land, if it is reasonably practicable to do so, and
 - (ii) the access authority for the area in which the land to which the direction relates is situated;
- (c) notify the access authority of any notice given to them for the purposes of regulation 5(1);
- (d) notify the relevant advisory body of any decision which they have taken—
 - (i) to give a direction under section 26, or
 - (ii) not to act in accordance with any advice given to them by that body in considering whether to give a direction under that section,and, where they have given such a direction, supply a copy of it to the relevant advisory body; and
- (e) in relation to any decision which they have taken in respect of a proposed direction or the review of a direction following consultation with a local access forum under section 27(1) or regulation 15(1)(a) respectively, notify the forum by supplying them with a copy of the direction.

Notification by the Secretary of State of directions

12. Where the Secretary of State has given a direction under section 28 for the purposes of defence, he shall notify—

- (a) the relevant authority;
- (b) the access authority for the area in which the land to which the direction relates is situated; and
- (c) the owner of the land, if it is reasonably practicable to do so.

Revocation or variation of directions

13.—(1) Before revoking or varying, in accordance with section 27(2), a direction given under section 24 or a direction given under section 25 on the application of a person interested in the land to which the direction relates, a relevant authority shall, if it is reasonably practicable to do so, provide the person on whose application the direction was made or his successor in title with the information specified in paragraph (3).

(2) Where, in accordance with section 27(6), a relevant authority consults the relevant advisory body before revoking or varying (in accordance with section 27(2)), a direction given under section 26, the authority shall provide the advisory body with the information specified in paragraph (3).

(3) The information referred to in paragraphs (1) and (2) is—

- (a) a statement of the relevant authority's reasons for the proposed revocation or variation; and
- (b) in the case of a proposed variation, a description of the variation.

(4) Where the relevant authority decide, after consultation in accordance with section 27(5) or (6), as appropriate, not to revoke or vary the direction, they shall notify the applicant or his successor in title or the relevant advisory body, as the case may be, of that decision as soon as practicable after they have made it.

Reviews of directions

14. Where, in accordance with section 27(3), a relevant authority review a direction given under section 24, 25 or 26 or, in accordance with section 28(4), the Secretary of State reviews a direction given under section 28 for the purposes of defence, they or he (as the case may be) shall, having regard to the interest of the public in having access to the land to which the direction relates—

- (a) consider whether the exclusion or restriction is still necessary for the purpose for which the direction was given; and
- (b) if so, consider whether the extent of the exclusion or the nature of the restriction remains appropriate for the purpose for which the direction was given.

Consultation on reviews by relevant authorities of directions excluding or restricting access on a long-term basis

15.—(1) Before reviewing, in accordance with section 27(3), a direction given under section 24, 25 or 26 a relevant authority shall—

- (a) consult the local access forum;
- (b) in the case of a direction under section 24 or a direction under section 25 given on the application of a person interested in the land to which the direction relates, consult, if it is reasonably practicable to do so, the person on whose application the direction was given or his successor in title;

- (c) in the case of a direction under section 26, consult the relevant advisory body;
- (d) publish a notice which states—
 - (i) that the authority propose to review the direction in question,
 - (ii) where documents relating to the proposed review may be inspected and copies of them may be obtained, and
 - (iii) that representations in writing with regard to the proposed review may be made by any person to the authority by such date as is specified in the notice, which date shall not be earlier than a date two weeks after the date on which the notice is published.

(2) A relevant authority shall not be required to publish a notice under sub-paragraph (d) of paragraph (1) where they consider that it is not in the public interest that the information referred to in that sub-paragraph should be disclosed.

(3) The notice referred to in paragraph (1)(d) shall be published by being made available for inspection on a website maintained by or on behalf of the relevant authority until the review has been completed.

(4) The relevant authority shall send a copy of the notice referred to in paragraph (1)(d) to the persons specified in the Schedule to these Regulations.

(5) A notice referred to in paragraph (1)(d) may relate to more than one direction.

Consultation on reviews by the Secretary of State of directions excluding or restricting access on a long-term basis

16.—(1) Before reviewing, in accordance with section 28(4), a direction given under section 28 the Secretary of State shall—

- (a) consult the local access forum; and
- (b) publish a notice which states—
 - (i) that the Secretary of State proposes to review the direction in question,
 - (ii) where documents relating to the proposed review may be inspected and copies of them may be obtained, and
 - (iii) that representations in writing with regard to the proposed review may be made by any person to the Secretary of State by such date as is specified in the notice, which date shall not be earlier than a date two weeks after the date on which the notice is published.

(2) The Secretary of State shall not be required to publish a notice under sub-paragraph (b) of paragraph (1) where he considers that it is not in the public or defence interest that the information referred to in that sub-paragraph should be disclosed.

(3) The notice referred to in paragraph (1)(b) shall be published by being made available for inspection on a website maintained by or on behalf of the Secretary of State until the review has been completed.

(4) The Secretary of State shall send a copy of the notice referred to in paragraph (1)(b) to the persons specified in the Schedule to these Regulations.

(5) The notice referred to in paragraph (1)(b) may relate to more than one direction.

Informing the public of exclusions or restrictions

17.—(1) The Agency shall, as soon as practicable, make available on a website maintained by them details of—

- (a) any exclusion or restriction of the right of access under section 22 or 23 other than an exclusion or restriction referred to in regulation 4(6); and
- (b) any direction given by the relevant authority under section 24, 25 or 26 or any direction given by the Secretary of State under section 28 for the purposes of defence, other than a direction to which paragraph (3) applies.

(2) The Agency shall not be required to make available any information under paragraph (1) where they consider that it is not in the public or defence interest that the information should be disclosed.

(3) Where any direction given by the relevant authority under section 24, 25 or 26 or any direction given by the Secretary of State under section 28 for the purposes of defence provides for the period during which it is to have effect to be notified to the authority or, as the case may be, the Secretary of State, the Agency shall, as soon as practicable after any such notification has been given, make details of the exclusion or restriction imposed by the direction, and of the period referred to in the notification, available for inspection on such a website, provided that not less than five working days' notice of the notification has been given to the authority.

(4) Where the details of any notice or direction have been made available in accordance with paragraph (1) or (3), the Agency shall ensure that such details shall remain available until such time as the exclusion or restriction of the right of access referred to in the notice or direction ceases to have effect.

(5) The Secretary of State, a National Park Authority and the Forestry Commissioners shall assist the Agency in carrying out their duty under paragraph (1) or (3) by supplying to the Agency in writing any relevant information concerning any exclusion, restriction or direction referred to in these paragraphs as soon as reasonably practicable after they have received notification of the exclusion or restriction or given the direction, as the case may be.

Amendment of the Local Access Forums (England) Regulations 2002

18. After regulation 8 of the Local Access Forums (England) Regulations 2002(2) (inspection of minutes and other documents after meetings of a local access forum) there shall be inserted the following regulation—

“Restriction on access to documents of a local access forum

8A.—(1) Where, pursuant to any provision specified in paragraph (2), a relevant authority or the Secretary of State (as the case may be) has decided not to publish a notice of a kind mentioned in that provision on the grounds that it is not in the public or defence interest that the information contained in it should be disclosed, any part of the documents mentioned in regulations 7(3) and 8(1) and (2) of these Regulations that relates to such information shall not be open to inspection by members of the public.

(2) The provisions mentioned in paragraph (1) are—

- (a) regulation 9(4) of the Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003 (consultation on proposals for long-term exclusions or restrictions),
- (b) regulation 15(2) of those Regulations (consultation on reviews by relevant authorities of directions excluding or restricting access on a long-term basis), and
- (c) regulation 16(2) of those Regulations (consultation on reviews by the Secretary of State of directions excluding or restricting access on a long-term basis).

(3) In paragraph (1) “a relevant authority” has the meaning given by section 21(5) and (6).”.