
STATUTORY INSTRUMENTS

2003 No. 2713

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

PART III

APPEALS

CHAPTER IV

Appeals to be determined by way of an inquiry

Procedure after inquiry—transferred appeals

53.—(1) This regulation applies for the purposes of an inquiry held for the purposes of a transferred appeal.

(2) Where an assessor has been appointed he shall, after the close of the inquiry, make a report in writing to the inspector in respect of the matters on which he was appointed to advise, and the inspector shall state in the notification of his decision pursuant to regulation 55 that such a report was made.

(3) When making his decision the inspector may disregard any written representations or evidence or other document received after the close of the inquiry.

(4) If, after the close of the inquiry, an inspector proposes to take into consideration any new evidence or any new matter of fact which was not raised at the inquiry, and which he considers to be material to his decision, he shall not come to a decision without first—

- (a) notifying the persons entitled to appear at the inquiry who appeared at it of the matter in question; and
- (b) affording them an opportunity of making written representations to him or of asking for the inquiry to be re-opened;

and they shall ensure that such written representations are received by the Secretary of State within three weeks of the date of the notification.

(5) An inspector may, if he thinks fit, cause an inquiry to be re-opened, and he shall do so if asked by the appellant or the relevant authority in the circumstances and within the period mentioned in paragraph (4); and where an inquiry is re-opened—

- (a) the inspector shall send to the persons entitled to appear at the inquiry who appeared at it a written statement of the matters with respect to which further evidence is invited; and
- (b) paragraphs (3) to (8) of regulation 45 shall apply as if the references to an inquiry were references to a re-opened inquiry.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003, Section 53.