

---

STATUTORY INSTRUMENTS

---

**2004 No. 3305**

The Access to the Countryside (Means of Access, Appeals) (England) Regulations 2004

PART 1

PRELIMINARY

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Access to the Countryside (Means of Access, Appeals) (England) Regulations 2004 and shall come into force on 6th January 2005.

(2) These Regulations apply in relation to England only<sup>(1)</sup>.

**Interpretation**

2. In these Regulations —

“the Act” means the Countryside and Rights of Way Act 2000;

“appeal land” means the land which is the subject of the appeal;

“the appellant” means the person giving notice of appeal to the Secretary of State under regulation 4;

“appointed person” means a person appointed by the Secretary of State under section 8 of the Act to determine an appeal or any matter involved in such an appeal and having the powers conferred by paragraphs 3 and 4 of Schedule 3 to the Act<sup>(2)</sup>;

“assessor” means a person appointed by the Secretary of State under paragraph 4(3) of Schedule 3 to the Act to sit with an inspector at a hearing or inquiry and advise the inspector on any matter arising;

“document” includes a photograph, map or plan;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(3)</sup>;

“hearing” means a hearing in relation to which these Regulations apply;

“inquiry” means a local inquiry in relation to which these Regulations apply;

“inspector” means —

(a) an appointed person; or

(b) a person holding a hearing or inquiry and making a report to the Secretary of State in order for her to determine the appeal;

---

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

(2) Section 8 of, and Schedule 3 to, the Act are applied to appeals under section 38(1) of the Act by section 38(5) of the Act.

(3) 2000 c. 7.

“interested person” means—

- (a) a person who has made representations to the access authority as mentioned in regulation 6(b) unless that person has notified the Secretary of State under regulation 7(1)(j) that he wishes his representations to be disregarded;
- (b) a person who has made further representations to the Secretary of State under regulation 7(1)(k); or
- (c) a person who has made representations to the Secretary of State under regulation 7(1)(l);

“local access forum” means the local access forum for the area in which the appeal land is situated;

“pre-inquiry meeting” means a meeting held before an inquiry to consider what may be done to ensure that the inquiry is conducted efficiently and expeditiously and, where two or more such meetings are held, references to the conclusion of a pre-inquiry meeting are references to the conclusion of the final meeting;

“start date” means, in relation to any given appeal, the date specified by the Secretary of State under regulation 7(1)(a);

“statement of case” means a written statement containing full particulars of the case which a person proposes to put forward, at a hearing or inquiry or by written representations, in relation to the appeal, and includes copies of any supporting documents which that person intends to refer to or put in evidence;

“transferred appeal” means an appeal or any matter involved in an appeal, in respect of which the Secretary of State has exercised her power under section 8 of the Act to appoint a person to determine the appeal or the matter (as the case may be) on her behalf; and

“written representations” includes supporting documents.

### **Use of electronic communications**

**3.—(1)** Any requirement imposed 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 document —

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