

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL ACCESS FORUMS (ENGLAND) REGULATIONS 2007**

**2007 No. 268**

**1.** 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations relate to the administration and operation of local access forums (“forums”) established under section 94 of the Countryside and Rights of Way Act 2000 (“the CROW Act”). This instrument, which applies to England only, revokes and re-enacts with modifications, the Local Access Forums (England) Regulations 2002 (SI 2002/1836) (the “2002 Regulations”) (as amended by regulation 18 of the Access to the Countryside (Exclusions and Restrictions)(England) Regulations 2003 (SI 2003/2713)), which are revoked.

2.2 The Regulations provide for the more efficient administration of forums, prescribe additional bodies to which it is the function of forums to give advice and prescribe an additional matter on which forums can give advice.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 Section 94 of the CROW Act requires local highway authorities and National Park authorities (“appointing authorities”) to establish advisory bodies known as local access forums. It is the function of forums to advise certain specified bodies (and such other bodies as may be prescribed) on the improvement of public access to land in their area for open-air recreation and the enjoyment of the area, and on such other matters as may be prescribed. Such bodies must have regard, in carrying out their functions, to any relevant advice given to them by a forum.

4.2 Parts 1 and 2 of this instrument largely re-enact the provisions in the 2002 Regulations concerning the establishment, administration and conduct of forums.

4.3 Part 3 (regulations 14 to 18) introduces new powers for appointing authorities to change the organisational structure and geographical coverage of forum(s) to better suit changing local needs.

4.4 In Part 4, regulation 19 places a new duty on authorities to supply Natural England with information regarding forums; regulation 21 prescribes additional bodies to which it is the function of forums to give advice, and regulation 22 prescribes an additional matter on which it is the function of forums to advise. This additional matter will enable forums to give advice on public access to land for purposes other than recreation.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Government values the potential contribution which forums can make to decision-making on access and open-air recreation issues, and would support forums in earning a reputation for themselves as a source of independent, incisive, informed and influential advice. Research carried out on behalf of the then Countryside Agency identified a series of improvements to the regulatory framework, which would help forums to operate more effectively and efficiently. These were subject to public consultation in Autumn 2005. The public consultation revealed a high level of support for the regulatory modifications enacted in this instrument – a total of 123 out of 126 responses supported at least some, or all, of the proposals.

7.2 The Regulations improve the administration and operation of forums by introducing greater flexibility for appointing authorities in carrying out their functions, and by placing a new duty on authorities to supply Natural England with basic information on their forum(s). This information will be used to improve communications with forums. In future more decision-making bodies (conservation boards established under section 86 of the CROW Act, parish and town councils and Sport England) will benefit from receiving advice from forums, and forums will be able to advise on public access issues in a more holistic way - for example by advising on the improvement of public access on foot, bicycle or horseback for functional purposes (e.g. to get to a place of work or local amenities).

## **8. Impact**

8.1 A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary bodies is foreseen.

8.2 The impact on the public sector is beneficial. Appointing authorities will be able to administer their forums more efficiently and all the bodies to which forums give advice will in future benefit from receiving more holistic and rounded advice.

## **9. Contact**

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