
WELSH STATUTORY INSTRUMENTS

2002 No. 1794

**The Countryside Access (Appeals
Procedures) (Wales) Regulations 2002**

Part VI

MISCELLANEOUS

Withdrawal of an appeal

29.—(1) The appellant may withdraw an appeal by giving notice in writing to the National Assembly of a wish to do so.

(2) The National Assembly must, as soon as reasonably practicable after receiving notice of withdrawal of an appeal, give notice of that fact to all those persons to whom a notice was given under regulation 5(1).

Change to the form of an appeal

30. If at any time it appears to the National Assembly that it is more appropriate that the appeal should be determined in a way which is different from the form which was notified under regulation 5, it may determine that the appeal is to continue in a form other than that notified and may give any consequential guidance as to the procedure to be applied in relation to the appeal, including identifying any steps which are required to be taken by the parties under these Regulations which are to be deemed to have already been taken and varying as necessary the time within which any such step which has not already been taken.

Further or different procedures

31. The National Assembly may, if the circumstances relating to a particular appeal make it necessary, require any specified steps to be taken, either in addition to, or in substitution for, those prescribed by these Regulations and may extend the time prescribed by these Regulations, or otherwise required under these Regulations, for the taking of any step but must, before doing so, unless the effect is limited to an extension of time, consult the appellant and the respondent and may consult any interested person and must consider the representations made by any person consulted as to the desirability of such a requirement.

Notification of appointment of an assessor

32. Where the National Assembly exercises its power under paragraph 4(3) of Schedule 3 to the Act to appoint an assessor to assist an appointed person in the determination of an appeal, it must notify the appellant, the respondent and any interested person of the name of the assessor and the matters on which the assessor has been appointed to advise the appointed person.

Site inspections

33.—(1) The appointed person may at any time make an unaccompanied inspection of the land without giving notice of an intention to do so to the appellant or the respondent.

(2) During an inquiry or hearing or after the close of an inquiry or hearing, the appointed person:

(a) may, after announcing during the inquiry or hearing the date and time at which the inspection is proposed to be made, inspect the land in the company of the appellant, the respondent and any interested person; and

(b) must make such an inspection if so requested by the appellant or the respondent before or during an inquiry or hearing.

(3) If an appeal is being determined on the basis of written representations, the appointed person:

(a) may, after giving the appellant and the respondent reasonable notice in writing of an intention to do so, inspect the land in the company of the appellant, the respondent and any interested person; and

(b) must make such an inspection if so requested by the appellant or the respondent before the appointed person makes a decision.

(4) An appellant must take such steps as are reasonably within the appellant's power to enable the appointed person to obtain access to the land to be inspected.

(5) The appointed person is not to be bound to defer an inspection of the kind referred to in paragraphs (2) or (3) where any person mentioned in those paragraphs is not present at the time appointed.

Joint hearings or inquiries

34. Where two or more appeals give rise to a common issue or issues or, in the case of appeals under section 6 of the Act, relate to the same provisional map, the National Assembly may hold a joint hearing or inquiry relating to those appeals if in its opinion it is desirable to do so and, in such a case, the National Assembly must exercise its powers under regulation 31 with a view to modifying the provisions of these Regulations to such extent as is necessary in consequence of the decision to hold a joint hearing or inquiry.

Use of electronic communication

35.—(1) Any document required or authorised to be sent by one person to another under the provisions of these Regulations may, as an alternative to any other method, be sent by means of an electronic communication, provided the person who sends the document has reasonable grounds for believing that the document will come to the attention of the person to whom it is sent, in legible form, within a reasonable time.

(2) Where, under these Regulations, there is a requirement that a copy of a statement, representation, notice or other document should be sent to the National Assembly then, if that copy is sent in electronic form, any further requirement that more than one copy should be sent is to be disregarded.

Publication of decisions on appeals under section 6 of the Act

36. The National Assembly must, unless it is not reasonably practicable to do so, publish on an internet web-site which it maintains notice of every decision made under these Regulations in relation to an appeal under section 6 of the Act and continue to do so until the conclusive map to which the appeal relates is issued.