

Schedule 2

Regulation 18

AMENDMENTS TO THE COUNTRYSIDE ACCESS (APPEALS PROCEDURES) (WALES) REGULATIONS 2002

1. In regulation 2(1), add to the definition of “appeal”, after “Act”:
“or a reference under section 29(2) of the Act.”
2. Delete Regulation 4, and substitute:

“4.—(1) Subject to paragraph (2), the respondent must, within 14 days of receiving from the National Assembly a copy of the appeal form, send to the National Assembly and to the appellant:
 - (a) a statement as to whether it will oppose the appeal and, if so, its grounds for doing so;
 - (b) a statement as to whether it wishes to be heard by a person appointed by the National Assembly in connection with the appeal (rather than that the appeal be determined on the basis of written representations) and, if so, whether it wishes to be heard at a local inquiry or, alternatively, at a hearing;
 - (c) copies of any relevant correspondence between the appellant and the respondent;
 - (d) copies of any representations made to the respondent by any person other than the appellant in respect of the decision on the part of the respondent to which the appeal relates, and
 - (e) any further information required by the National Assembly to be provided.(2) In the case of an appeal under section 6 of the Act, the respondent:
 - (a) must, in addition, send to the National Assembly, within the period specified in paragraph (1), a copy of an extract showing that part of the provisional map to which the appeal relates;
 - (b) need not send the statements referred to in paragraph (1)(a) and (1)(b) within the period specified in paragraph (1) but must do so before the expiry of the period specified in regulation 5(2)(a) or 5(2)(b) (whichever is the later) and must, at the same time, send the National Assembly any further information which the National Assembly has, by that time, required the respondent to provide; and
 - (c) if it does not, within the period specified in paragraph (1) send the National Assembly the statements referred to in paragraph (1)(a) and (1)(b), must, instead, send the National Assembly, within that period, a statement containing an indication as to whether it will oppose the appeal and, if so, its likely grounds for doing so.”
3. Delete regulation 5(2)(a) and substitute:
“(a) the expiry of 35 days from the date on which the National Assembly sent a copy of the completed appeal form to the respondent in accordance with regulation 3; or”.
4. In regulation 6(1)—
 - (a) add, at the start of sub-paragraph (a):
“except in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act,”
 - (b) add, after sub-paragraph (c):
“(d) in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act, give notice to:

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- (i) the access authority;
 - (ii) the relevant local access forum;
 - (iii) any person who has made representations to the relevant authority in relation to the direction to which the appeal relates in accordance with the provisions of the Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003; and
 - (iv) any other person to whom the National Assembly considers it appropriate to give notice.”
5. In the opening words of regulation 6(2), add, after “under paragraph (1)(c)”:
“or (1)(d)”.
6. For regulation 6(2)(c), substitute:
“(c) the grounds on which the appeal has been brought, or, in the case of an appeal brought under section 6 of the Act, a statement of which of the grounds specified in section 6(3) it has been brought under.”
7. In regulation 6(4), for “in accordance with paragraph (1)(a), (b) or (c)”, substitute:
“in accordance with paragraph (1)(a), (b), (c) or (d).”
8. In regulation 12(1)(c), add, after “interested person”:
“and, in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act, any person to whom notice was given under regulation 6(1)(d),”
9. Add, at the beginning of regulation 12(1)(d):
“except in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act.”
10. Add, at the beginning of regulation 22(6)(a):
“except in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act.”
11. For regulation 22(6)(b), substitute:
“(b) not less than 2 weeks before the date fixed for the holding of the inquiry, to send a notice of the inquiry to such persons or classes of persons as it judges appropriate but which must include, in the case of an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act, any person to whom notice was given under regulation 6(1)(d).”
12. Substitute for the heading of regulation 36 (and for the corresponding entry in the Arrangement of Regulations):

“Publication of decisions on appeals”

13. Substitute for regulation 36:
- “36. The National Assembly must, unless it is not reasonably practicable to do so, publish, on a web-site which it maintains, notice of every decision made under these Regulations:
- (a) 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;

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- (b) in relation to an appeal under section 30(3) of the Act or a reference under section 29(2) of the Act and continue to do so for at least six months from the date of the decision.”