

**EXPLANATORY MEMORANDUM TO THE
THE ACCESS TO THE COUNTRYSIDE (MEANS OF ACCESS, APPEALS)
(ENGLAND) REGULATIONS 2004**

2004 No. 3305

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 provide for the period within which and the manner in which appeals are to be brought and considered under section 38(1) of Part I of the Countryside and Rights of Way Act 2000 (“the Act”); Part I of the Act relates to access to the countryside.

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

3.1 None

4. Legislative Background:

4.1 Part I of the Act makes new provision for public access to the countryside.

Chapter III of Part I of the Act makes provision for the means of access to land in respect of which the public have the right of access.

Under sections 36(3) and 37(1) of the Act, notices may be served on the owner or occupier of that land concerning the carrying out of works with respect to the means of access to that land. Section 38(1) of the Act gives a right of appeal to the owner or occupier in respect of these notices.

These Regulations (which are the first use of the powers in section 38(6) of the Act) provide for the period within which these appeals are to be brought and for the necessary procedures for making and considering these appeals.

5. Extent:

5.1 These Regulations apply to England.

6. European Convention on Human Rights:

Not applicable

7. Policy background:

7.1 These Regulations provide for the necessary time limits and procedures for appeals under section 38(1) of the Act as mentioned above. These procedures broadly follow the appeal procedures contained in the Access to the Countryside (Exclusions and

Restrictions) (England) Regulations 2003 (S.I. 2003/2713) relating to appeals under section 30 of the Act.

It is anticipated that most appeals mentioned in these Regulations will be delegated under section 8(1) of the Act to inspectors of the Planning Inspectorate Executive Agency.

The Government has consulted publicly on the proposals for these Regulations.

8. Impact:

8.1 A regulatory impact assessment has not been prepared as it has no impact on business, charities or voluntary bodies.

9. Contact:

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