WELSH STATUTORY INSTRUMENTS

2005 No. 1154 (W.71)

COUNTRYSIDE, WALES

The Countryside Access (Appeals Procedures) (Wales) (Amendment) Regulations 2005

Made - - - -	*12 April 2005*
Coming into force - -	*29 April 2005*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 32 and 44 of the Countryside and Rights of Way Act 2000 ("the Act")(**1**), hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Countryside Access (Appeals Procedures) (Wales) (Amendment) Regulations 2005 and come into force on 29 April 2005.

(2) These Regulations apply to Wales.

(3) In these Regulations, words or phrases have the meaning given to them in the Act and in the Countryside Access (Appeals Procedures) (Wales) Regulations 2002 (referred to in these Regulations as "the Regulations")(**2**).

Amendment of the Regulations to provide a fast-track determination of a section 25(1)(a) appeal

2.—(1) Delete regulation 1(2) of the Regulations and substitute—

"(2) Subject to paragraph (3), these Regulations apply to an appeal in Wales.

(3) Part VA of these Regulations only applies to a section 25(1)(a) appeal.

(4) Parts I, VA and VI of these Regulations apply to a section 25(1)(a) appeal in Wales; and, for the purposes of a section 25(1)(a) appeal, a reference to an "appeal" in Parts I and VI of these Regulations is to be read as a reference to a section 25(1)(a) appeal.".

(2) In regulation 2(1) of the Regulations, after the definition of—

(a) "the Council", add—

(**1**) 2000 c. 37.
(**2**) S.I. 2002/1794 (W.169), as amended by S.I. 2003/142 (W.14).

""electronic communication" ("cyfathrebiad electronig") has the meaning given in section 15(1) of the Electronic Communications Act 2000;"(**3**); and

(b) "section 4(2) land", add—

""section 25(1)(a) appeal" ("apêl o dan adran 25(1)(a)") means an appeal under section 30(3) of the Act against a decision of a relevant authority not to act in accordance with an application for a direction under section 25(1)(a) of the Act;".

3. After regulation 28 of the Regulations (Notification of decision), insert—

"PART VA

APPEAL AGAINST DECISION OF A RELEVANT AUTHORITY NOT TO ACT IN ACCORDANCE WITH AN APPLICATION FOR A DIRECTION UNDER SECTION 25(1)(a) OF THE ACT

28A. This Part applies to a section 25(1)(a) appeal unless the National Assembly determines or requires otherwise in accordance with these Regulations.

28B.—(1) The National Assembly must, on the day on which it receives a completed appeal form from the appellant (or on the first working day thereafter where the National Assembly receives it on a day which is not a working day), send a copy of that form, together with details of the procedure to be followed in the determination of the appeal, to—

(a) the relevant authority;

(b) the access authority (if different to the relevant authority); and

(c) a local access forum established under section 94 of the Act whose area of operation includes the land to which an appeal relates,

by electronic communication or facsimile transmission, except that, where it is not reasonably practicable for the National Assembly to comply with this requirement within the specified time, it must do so as soon as reasonably practicable thereafter.

(2) Where a relevant authority receives a form sent to it pursuant to paragraph (1), it must set out its statement of case and send it (or, if the statement of case has been set out by completing the relevant section of the form, send the completed form) to the National Assembly by electronic communication or facsimile transmission before the end of the second working day after the day on which the form was received by the relevant authority.

Arrangement and notification of hearing

28C. The National Assembly must, before the end of the next working day after the day on which it receives the relevant authority's statement of case pursuant to regulation 28B(2) or, where it is not reasonably practicable to do so, as soon as reasonably practicable thereafter—

(a) make appropriate arrangements for a hearing to be held;

(b) by telephone, electronic communication, facsimile transmission or first class post, notify the appellant and the relevant authority of the date, time and place of the hearing; and

(c) unless it is not reasonably practicable to do so, ensure that the information referred to in paragraph (b), together with a copy of the completed appeal form (and the

(**3**) 2000 c. 7.