WELSH STATUTORY INSTRUMENTS

2002 No. 1796 (W171)

COUNTRYSIDE, WALES

The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002

Made - - - -	*9th July 2002*
Coming into force - -	*1st August 2002*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 11 and 44 of the Countryside and Rights of Way Act 2000(**1**) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002 and shall come into force on 1st August 2002.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations:

"the Act" ("*y Ddeddf*") means the Countryside and Rights of Way Act 2000;

"appeal" ("*apêl*") means an appeal to the National Assembly under section 6 of the Act by a person having an interest in land against the showing of that land on a provisional map as registered common land or as open country;

"appeal form" ("*ffurflen apêl*")means a document which, when completed, contains the information specified in regulation 6(4);

"appeal period" ("*cyfnod apêl*") means, in relation to a provisional map, the period referred to in regulation 4(3)(d);

"appellant" ("*apelydd*") means a person who brings an appeal and, where two or more persons join in bringing an appeal, refers to all those persons jointly;

"appointed person" ("*person penodedig*") means a person appointed by the National Assembly under section 8 of the Act;

(**1**) 2000 c. 37. Section 45(1) defines "regulations" in Part I of the Act (as respects Wales) as regulations made by the National Assembly for Wales.

"Archaeological Trust" ("*Ymddiriedolaeth Archeolegol*") means the Clwyd-Powys Archaeological Trust, the Dyfed Archaeological Trust, the Glamorgan-Gwent Archaeological Trust or the Gwynedd Archaeological Trust;

"conclusive map" ("*map terfynol*") means a map prepared by the Council for the purpose of being issued in accordance with section 9(1), (2), (3) or (4) of the Act;

references to the "confirmation" ("*cadarnhau*") of a draft map are references to its confirmation in accordance with section 5(c) of the Act;

"the Council" ("*y Cyngor*") means the Countryside Council for Wales;

"draft map" ("*map drafft*") means a map issued by the Council under section 5(a) of the Act;

"draft map modification statement" ("*datganiad addasiad o fap drafft*") means a written statement prepared by the Council in accordance with regulation 7(3)(b) of the Draft Maps Regulations identifying modifications made to a draft map and the reasons for making them;

"the Draft Maps Regulations" ("*y Rheoliadau Mapian drafft*") means the Countryside Access (Draft Maps) (Wales) Regulations 2001(**2**);

"electronic communication" ("*cyfathrebu electronig*") means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) by means of a telecommunications system (within the meaning of the Telecommunications Act 1984(**3**)) or by other means but while in electronic form;

"electronic form" ("*ffurf electronig*") means a form capable of being stored on, transmitted to and from, and read by means of a computer;

"interest" ("*fuddiant*") has the meaning given by section 45(1) of the Act;

references to the "issue" ("*dyroddi*") of a provisional map or of a conclusive map (as the case may be) are references to its issue by the Council under section 5(d) or (e) of the Act or under section 9(1), (2), (3) or (4) of the Act, respectively;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales or, where a function of the National Assembly is being exercised by an appointed person, that person;

a "notice of issue" ("*hysbysiad dyroddi*") of a provisional map or of a conclusive map (as the case may be) means a notice published pursuant to regulation 4(2)(c) or regulation 8(2)(d), respectively;

"open country" ("*tir agored*") has the meaning given by section 1(2) of the Act;

"person" ("*person*") and "persons" ("*personau*") include individuals, corporations and unincorporated bodies;

"provisional map" ("*map dros dro*") means a draft map which has been confirmed by the Council in accordance with section 5(c) of the Act;

the "provisional period" ("*cyfnod dros dro*") means the period beginning when a provisional map is issued and ending when the conclusive map which relates to it is issued or, if more than one conclusive map relates to that provisional map, when the last of those conclusive maps is issued;

"registered common land" ("*tir comin cofrestredig*") has the meaning given by section 1(3) of the Act;

"relevant Archaeological Trust" ("*Ymddiriedolaeth Archeolegol perthnasol*") means, in relation to a provisional map or to a conclusive map (as the case may be), an Archaeological Trust whose area of responsibility includes an area contained in that map;

(**2**) S.I. 2001/4001 (W.329).
(**3**) 1984 c. 12.

"relevant draft map" ("*map drafft perthnasol*") means, in relation to a provisional map, a draft map which, on being confirmed, included land now included in that provisional map;

"relevant local authority" ("*awdurdod lleol perthnasol*") means, in relation to a provisional map or to a conclusive map (as the case may be), a county or county borough council whose area includes an area contained in that map;

"relevant National Park authority" ("*awdurdod Parc Cenedlaethol*") means, in relation to a provisional map or to a conclusive map (as the case may be), a National Park authority for a National Park whose area includes an area contained in that map; and

"section 4(2) land" ("*tir adran 4(2)*") means the registered common land and open country in respect of which the Council is required to prepare maps in accordance with section 4(2) of the Act.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(3) In reckoning any period which is expressed in these Regulations to be a period from a given date, that date is to be excluded and, where, apart from this paragraph, the day or the last day on which anything may be done or is required to be done under, or pursuant to, these Regulations is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement may be satisfied by doing it on the first day thereafter which is not one of the days before-mentioned.

Form of provisional maps

3.—(1) The Council may, for the purpose of discharging its duty to issue a provisional map under section 5(d) or (e) of the Act, or for any purpose incidental thereto, produce and publish copies of that provisional map in such form, including electronic form, as it may determine and any such copy published by or with the authority of the Council is to be deemed to be identical to the provisional map unless the contrary is shown.

(2) The Council may, for the purpose of illustrating the existence and extent of the section 4(2) land shown on one or more provisional maps, and for the purpose of making available for inspection copies of the provisional map in accordance with regulation 4(2)(a) and (b), or for complying with a request of a kind referred to in regulation 4(3)(h), produce and publish copies of provisional maps showing such section 4(2) land at a scale of less than 1:10,000 but not less than 1:25,000.

(3) Copies of provisional maps produced under paragraph (1):

(a) must clearly identify the classes of section 4(2) land and other features which are identified, in accordance with regulations 3(6) and 7(3) of the Draft Maps Regulations, on the provisional map of which they are copies, by the use of different colours, shading, lines and symbols, but the colours (if any), shading, lines or other symbols used to do so need not be identical to those used for that purpose on that provisional map; and

(b) are not to be regarded as evidence of the contents of those provisional maps.

Issue of provisional maps

4.—(1) The Council is to be taken to have discharged its duty under section 5(d) or (e) of the Act (as the case may be) to issue a provisional map when it first publishes a notice of issue of that provisional map in accordance with paragraph (2)(c) of this regulation.

(2) The Council must not publish a notice of issue of a provisional map until it has:

(a) made such arrangements as are within its power for a copy of that provisional map and, if the draft map on which it is based was confirmed with modifications, a copy of the draft map modification statement, in printed form and, where possible in electronic form, to be available for inspection by members of the public at all reasonable times (subject, in the case of inspection at offices other than its own, to such requirements for the making of appointments to do so as the relevant authority may require) throughout the appeal period at:

(i) the head office of the Council and the local office of the Council, not including any office which is not open during normal office hours, which is nearest to the area to which the provisional map relates; and

(ii) the head office of each relevant local authority and relevant National Park authority, if any;

(b) despatched a copy of that provisional map, together with any draft map modification statement which relates to it, either in printed form to a scale of not less than 1:25,000 or, if the Council and the recipient agree, in electronic form, together with a notice containing the same information as that required to be contained in the notice of issue of that provisional map, to each of the organisations specified in Schedule 1 to these Regulations and to such other persons as it considers appropriate;

(c) published the notice of issue of that provisional map in at least one daily newspaper circulating throughout that part of Wales which includes the area to which that map relates and such other newspapers or publications circulating in that part of Wales as the Council thinks fit;

(d) sent a copy of the notice of issue of that provisional map to each of the public libraries listed in Schedule 2, accompanied by a request that it be displayed to the public at that library;

(e) sent the National Assembly a copy of the notice of issue of that provisional map and notified the National Assembly when and in what newspaper it intends to publish that notice.

(3) A notice of issue of a provisional map must:

(a) identify the area to which the provisional map relates;

(b) state whether or not the draft map to which the provisional map relates was confirmed with modifications;

(c) state that the effect of the provisional map is, subject to any modifications made as a result of appeals relating to it, to show the areas of section 4(2) land over which the public will, subject to such exceptions and restrictions as the Act provides, be entitled to exercise a right of access under section 2 of the Act when that section comes into force;

(d) state that any person with an interest in any land shown on that map as registered common land or as open country may, no later than the end of a period specified in the notice, which must be a period expiring no earlier than three months after the date on which a notice of issue of that provisional map was first published in accordance with paragraph 2(c), appeal to the National Assembly against the showing of that land on the map as registered common land or open country, by sending or delivering an appeal form to the National Assembly so as to be received by the National Assembly within that period;

(e) give particulars of means by which a person who wishes to bring such an appeal may obtain an appeal form;

(f) state the address of the National Assembly to which an appeal form is to be sent or delivered;

(g) give particulars of the means by which members of the public may inspect the provisional map and, if the draft map to which the provisional map relates was confirmed with modifications, the draft map modifications statement;

(h) state that any person who has an interest in any land shown on that provisional map as section 4(2) land may, by a request in writing to the Council which identifies the nature of that interest and the land to which it relates, and which is received by the Council before the end of the appeal period, require the Council to provide that person, free of charge, with one copy of the provisional map or of an extract from the provisional map showing the land to which the request relates and, if that part of the draft map showing the land to which the request relates was confirmed with modifications, a copy of the draft map modifications statement or of that part which refers to the land to which the request relates, which copy or copies must be in printed form or, if the Council and that person agree, in electronic form;

(i) state the address to which any request under sub-paragraph (h) should be sent.

(4) Any notice published in accordance with paragraph (2)(c) or sent in accordance with paragraph (2)(d) may, in addition to such information as is required to be included under paragraph (3), include such further information as the Council thinks fit.

General duty to inform the public of the provisions of provisional maps

5.—(1) The Council must consider and give effect to such steps as are reasonable in order to inform the public of the contents of provisional maps and must in particular consider the desirability of:

(a) making available during the provisional period, so far as is practicable, information published on any website they maintain on the internet which:

(i) is equivalent to that shown on provisional maps, but shown by means of smaller scale maps; and

(ii) includes that contained in any draft map modification statements which relate to them; and

(b) bringing to the attention of those appearing to have an interest in land shown as section 4(2) land on a provisional map, by whatever means are appropriate, the fact that such map has been issued and where it can be inspected.

(2) The duty imposed by paragraph (1) is to be without prejudice to the duties of the Council under regulation 4 but any failure on the part of the Council to discharge the duty imposed by paragraph (1) in relation to a provisional map is not to invalidate the issue of that provisional map by the Council or any other action required to be taken by the Council or the National Assembly under these Regulations.

Appeals by persons having an interest in land included on a provisional map

6.—(1) Subject to paragraphs (2) and (3), an appeal may only be brought by sending or delivering to the National Assembly a completed appeal form which is received before the end of the appeal period.

(2) Subject to paragraph (3), an appeal may also be brought by sending or delivering to the National Assembly a completed appeal form which is received after the end of the appeal period if the National Assembly considers that it was not reasonably practicable for the appellant to comply with the requirements of paragraph (1) and provided the completed appeal form is received within such further period after the end of the appeal period as the National Assembly considers reasonable in the circumstances.