

Statutory Instrument 2001 No. 3301

The Access to the Countryside (Maps in Draft Form) (England) Regulations 2001

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STATUTORY INSTRUMENTS

2001 No. 3301

COUNTRYSIDE, ENGLAND

The Access to the Countryside (Maps in Draft Form) (England) Regulations 2001

<i>Made</i>	<i>28th September 2001</i>
<i>Laid before Parliament</i>	<i>9th October 2001</i>
<i>Coming into force</i>	<i>1st November 2001</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 5(b), 11(1), (2) and (3), 44(2) and 45(1)[1] of the Countryside and Rights of Way Act 2000[2], and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Access to the Countryside (Maps in Draft Form) (England) Regulations 2001 and shall come into force on 1st November 2001.

(2) These Regulations extend to England only[3].

Interpretation

2. - (1) In these Regulations -

"the Agency" means the Countryside Agency;

"parish council" has the same meaning as in Part I of the Local Government Act 1972[4];

"proper officer" shall be construed in accordance with section 270(3) of the Local Government Act 1972; and

"reduced scale map" means, in relation to a map issued by the Agency in draft form, a copy in printed or electronic form of the map which may be on a smaller scale than the scale of the map (or of any part of the map) issued in draft form but -

(a) for the purposes of regulation 11, must be on a scale of not less than 1/10,000, and

(b) for all other purposes, must be on a scale of not less than 1/25,000.

(2) In these Regulations references to sections are references to sections of the Countryside and Rights of Way Act 2000.

Preparation and scale of maps in draft form

3. - (1) Any map prepared by the Agency under section 4 and issued in draft form shall -

(a) be on a scale of not less than 1/10,000,

(b) be in electronic form,

(c) use the same notation to show all registered common land, and

(d) use the same notation to show all open country.

(2) The scale of any part of any such map may vary, provided each part is on a scale of not less than 1/10,000.

Consultation on maps in draft form

4. - (1) Subject to paragraph (3), where the Agency have issued a map in draft form they shall, as soon as reasonably practicable on or after the date of issue, send to the persons specified in the Schedule to these Regulations -

(a) in the case of those persons specified in Part I of the Schedule, the Countryside Council for Wales and the Historic Buildings and Monuments Commission for England, one reduced scale map, and

(b) in the case of all other persons specified in the Schedule, two reduced scale maps.

(2) The Agency shall at the same time send to the persons specified in the Schedule -

(a) an invitation to make representations with respect to the showing of, or the failure to show, any area of land on the map in draft form as registered common

land or as open country, and

(b) the information required by paragraph (1)(a) and (d) to (j) of regulation 5 to be contained in the notice published in accordance with that regulation in relation to that map.

(3) Where the functions of a person specified in Part I of the Schedule relate to only part of the area of land covered by the map in draft form, the Agency may send to that person a reduced scale map relating to only that part.

Informing the public of the issue of maps in draft form

5. - (1) Where the Agency have issued a map in draft form, they shall, as soon as reasonably practicable on or after the date of issue, publish a notice which -

(a) states the date of issue,

(b) describes the area of land to which the map in draft form relates,

(c) invites representations with respect to the showing of, or the failure to show, any area of land on the map in draft form as registered common land or as open country,

(d) states where (in accordance with regulation 6) the map in draft form is to be made available for inspection,

(e) states how (in accordance with regulation 7) reduced scale maps may be obtained including whether a fee is payable,

(f) states where (in accordance with regulation 8) a reduced scale map may be inspected on the internet,

(g) states in general terms where (by virtue of regulations 9, 10 and 11) reduced scale maps are to be made available for inspection,

(h) states that representations on the map in draft form must be made so as to be received by the Agency within a period of three months beginning with the date of issue,

(i) states the manner in which representations must be made to the Agency including the effect of regulation 12(2) and (3), and

(j) states the general effect of the right conferred on the public by section 2(1).

(2) The notice referred to in paragraph (1) shall be published in such local or regional newspapers circulating in the area of land to which the map in draft form relates as the Agency consider necessary for informing the public of the issue of the map.

Where maps in draft form are to be available for inspection

6. - (1) Subject to paragraph (2), where the Agency have issued a map in draft form, they shall, as soon as reasonably practicable on or after the date of issue, make the map available for inspection by members of the public at all reasonable hours in such regional office of the Agency as they consider appropriate.

(2) The map shall be available for inspection for a period which ends three months

after the date on which the Agency have issued a map in conclusive form covering the area of land to which the map issued in draft form relates or, where more than one map is issued in conclusive form covering that area of land, for a period which ends three months after the date on which the Agency have issued the last map in conclusive form relating to that area.

Supply of reduced scale maps to members of the public

7. - (1) Subject to paragraph (2), where the Agency have issued a map in draft form they shall supply a reduced scale map in printed form to any person who, within a period of three months beginning with the date of issue, requests such a map and who pays to the Agency such reasonable fee as the Agency may determine.

(2) Where a person requests a reduced scale map relating to only part of the area of land to which the map in draft form relates, he shall provide the Agency with such information as the Agency reasonably require to enable that part to be identified, and the Agency shall supply a reduced scale map relating, so far as reasonably practicable, to only that part.

Reduced scale maps on the internet

8. Where the Agency have issued a map in draft form, they shall make a reduced scale map available for inspection on a website they maintain on the internet for a period of three months beginning with the date of issue.

Deposit of reduced scale maps with county councils, district councils, London borough councils and National Park authorities

9. - (1) Subject to paragraph (2), where the Agency have issued a map in draft form, they shall, as soon as reasonably practicable on or after the date of issue, deposit a reduced scale map with the proper officer of any county council, district council, London borough council or National Park authority exercising functions for any area of land to which the map in draft form relates.

(2) Where the functions of a council or authority relate to only part of the area of land covered by the map in draft form, a reduced scale map relating to only that part may be deposited.

(3) The proper officer shall, in accordance with section 225(1) of the Local Government Act 1972[5], receive and retain the reduced scale map for a period which ends three months after the date of issue for the purpose of it being available for inspection and making copies in accordance with section 228 of that Act[6].

Deposit of reduced scale maps with library authorities

10. - (1) Subject to paragraphs (2) and (3), where the Agency have issued a map in draft form, they shall, as soon as reasonably practicable on or after the date of issue, deposit reduced scale maps with the proper officer of any library authority exercising functions for any area of land to which the map in draft form relates.

(2) Where the functions of an authority relate to only part of the area of land covered by the map in draft form, reduced scale maps relating to only that part may be deposited.

(3) The number of reduced scale maps deposited shall be such number as the Agency consider appropriate, after consultation with the proper officer of the library authority.

(4) The proper officer shall, in accordance with section 225(1) of the Local Government Act 1972, receive and retain the reduced scale maps for the purpose of their being available for inspection and making copies in accordance with section 228 of that Act -

- (a) for a period which ends three months after the date of issue, and**
- (b) in such public libraries in the area of the library authority as the proper officer considers appropriate.**

(5) In this regulation "library authority" means a library authority under the Public Libraries and Museums Act 1964[7].

Deposit of reduced scale maps with commons registration authorities

11. - (1) Subject to paragraph (2), where the Agency have issued a map in draft form, they shall, as soon as reasonably practicable on or after the date of issue, deposit relevant extracts of a reduced scale map with the proper officer of any registration authority exercising functions for any area of land to which the map in draft form relates.

(2) Where the functions of an authority relate to only part of the area of land covered by the map in draft form, relevant extracts of a reduced scale map relating to only that part may be deposited.

(3) The proper officer shall, in accordance with section 225(1) of the Local Government Act 1972, receive and retain the relevant extracts of the reduced scale map for the purpose of their being available for inspection and making copies in accordance with section 228 of that Act -

- (a) for a period which ends three months after the date of issue, and**
- (b) in such place as will enable the public to compare the relevant extracts with the register of common land which the registration authority is required to maintain under section 3 of the Commons Registration Act 1965[8].**

(4) In this regulation -

- (a) "registration authority" has the same meaning as in the Commons Registration Act 1965[9], and**
- (b) "relevant extracts" means extracts of the reduced scale map which show registered common land.**

Representations on maps in draft form

12. - (1) Where the Agency have issued a map in draft form they shall consider any representations, with respect to the showing of, or the failure to show, any area of land on the map as registered common land or as open country, received by them within a period of three months beginning with the date of issue.

(2) The representations must provide the following information -

- (a) the name and postal address of the person making the representation,**
- (b) the location and extent of the land to which the representation relates, sufficient to enable it to be identified, whether by marking it on a map or otherwise, and**

(c) where the person making the representation has an interest in the whole or a part of the area of land to which the representation relates, the nature of his interest.

(3) The representations must be made in writing and may be made in electronic form.

Certification of copies of maps issued in draft form

13. A document purporting to be certified on behalf of the Agency to be a copy of or of any part of a map issued by the Agency in draft form shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

Maps in electronic form

14. Any map authorised or required by these Regulations to be prepared, issued or made available for inspection in electronic form must be capable of being reproduced in printed form.

Alun Michael

Minister of State Department for Environment, Food and Rural Affairs

28th September 2001

SCHEDULE

Regulation 4

PERSONS TO BE CONSULTED ON MAPS ISSUED IN DRAFT FORM

PART 1

PERSONS EXERCISING FUNCTIONS FOR A PARTICULAR AREA

The following persons exercising functions for the area of land to which the map relates -

conservation boards established under Part IV of the Countryside and Rights of Way Act 2000 (areas of outstanding natural beauty),

county councils,

district councils,

local access forums,

London borough councils,

National Park authorities,

parish councils.

PART 2
OTHER PERSONS

- British Association for Shooting and Conservation,**
- British Mountaineering Council,**
- Countryside Council for Wales, in respect of any map which relates to land adjoining land in Wales,**
- Country Land and Business Association,**
- English Nature,**
- Historic Buildings and Monuments Commission for England,**
- Moorland Association,**
- National Farmers' Union,**
- Open Spaces Society,**
- Ramblers' Association,**
- Royal Institution of Chartered Surveyors,**
- Tenant Farmers Association.**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part I of the Countryside and Rights of Way Act 2000 establishes a new regime for access to the countryside. Under Part I maps prepared by the Countryside Agency ("the Agency") will show registered common land and open country. These Regulations, which extend to England only, make provision for the preparation of and consultation on maps in draft form under this Part.

Regulation 3 provides for the preparation and scale of maps issued in draft form, including the form in which they are to be prepared. Regulation 4, and the Schedule, require the Agency to consult specified persons on maps issued in draft form, and regulations 5 and 6 require the Agency to publicise the issue of these maps and to make them available for inspection at their regional offices.

Regulation 7 makes provision for the public to obtain "reduced scale maps", that is, copies of the maps issued in draft form but which may be at a smaller scale. Under regulations 8 to 11 provision is made for reduced scale maps to be made available for inspection on the internet, in local authority offices, libraries and at locations where they can be compared with registers of common land.

Regulation 12 requires the Agency to consider representations made with respect to maps issued in draft form, and regulation 13 ensures that certified copies of such maps are receivable in evidence. Regulation 14 provides that any maps in electronic form

must be capable of being reproduced in printed form.

Notes:

[1] *see*, in section 45(1), the definition of "prescribed".back

[2] 2000 c. 37.back

[3] Regulations made by the Secretary of State may be made only as respects England: *see* section 45(1) for the meaning of "regulations".back

[4] 1972 c. 70.back

[5] Section 225(1) has effect as if a National Park authority were a local authority, by virtue of the Environment Act 1995 (c. 25), Schedule 7, paragraph 17(2).back

[6] Section 228 has amendments which are not relevant to these Regulations.back

[7] 1964 c. 75; *see* section 206 of the Local Government Act 1972 (as amended by the Local Government Act 1985 (c. 51), Schedule 17) as to local authorities in relation to England for the purposes of the Public Libraries and Museums Act 1964.back

[8] 1965 c. 64.back

[9] *see* section 2 of the Commons Registration Act 1965 (as amended by the Local Government Act 1972, Schedule 30 and the Local Government Act 1985, Schedule 8, paragraph 10).back

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