EXPLANATORY MEMORANDUM TO

THE ACCESS TO THE COUNTRYSIDE (EXCLUSIONS AND RESTRICTIONS) (ENGLAND) (AMENDMENT) REGULATIONS 2006

2006 No. 990

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 These Regulations correct errors in the Access to the Countryside (Exclusions and Restrictions) (England) Regulations 2003 (S.I. 2003/2713) ("the principal Regulations").

2.2 These Regulations extend the duty to make appeal decisions available for inspection on a website maintained by the Planning Inspectorate Executive Agency to appeals determined by the Secretary of State relating to the refusal of an application to exclude or restrict access to land for fire prevention purposes. They also make it clear that the Secretary of State must notify her decision on such an appeal to anyone who appeared at the hearing of the appeal.

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

3.1 These Regulations amend the principal Regulations to correct errors reported by the Joint Committee on Statutory Instruments in their First Report, Session 2003-04.

3.2 As indicated in the headnote of these Regulations, the procedure for free issue has been applied. This is because the Regulations correct errors in the principal Regulations.

4. Legislative Background

4.1 As explained above, these Regulations correct errors in the principal Regulations. The principal Regulations make provision about how the public right of access to land for recreational purposes under Part I of the Countryside and Rights of Way Act 2000 can be excluded or restricted, and how appeals against the refusal of an application to exclude or restrict access are to be conducted.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Department is not aware that the existence of the errors in the principal Regulations has had any material effect on land owners or managers. The errors appear in Chapter V of the principal Regulations which provides for a "fast track" appeal procedure which may be used in respect of applications to restrict or exclude access for fire prevention purposes. The Department understands that so far it has not been necessary to use this appeal procedure.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

David Trott at the Department for Environment, Food and Rural Affairs (Tel: 0117 372 8380 or e-mail: David.Trott@Defra.gsi.gov.uk) can answer any queries regarding the instrument.