

---

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

*Changes to legislation: Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART I

#### ACCESS TO THE COUNTRYSIDE

#### CHAPTER I

#### RIGHT OF ACCESS

#### *General*

### **1 Principal definitions for Part I.**

- (1) In this Part “access land” means any land which—
- (a) is shown as open country on a map in conclusive form issued by the appropriate countryside body for the purposes of this Part,
  - (b) is shown on such a map as registered common land,
  - (c) is registered common land in any area outside Inner London for which no such map relating to registered common land has been issued,
  - (d) is situated more than 600 metres above sea level in any area for which no such map relating to open country has been issued, or
  - (e) is dedicated for the purposes of this Part under section 16,
- but does not (in any of those cases) include excepted land or land which is treated by section 15(1) as being accessible to the public apart from this Act.
- (2) In this Part—
- “access authority”—
- (a) in relation to land in a National Park, means the National Park authority, and
  - (b) in relation to any other land, means the local highway authority in whose area the land is situated;

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“the appropriate countryside body” means—

- (a) in relation to England, the Countryside Agency, and
- (b) in relation to Wales, the Countryside Council for Wales;

“excepted land” means land which is for the time being of any of the descriptions specified in Part I of Schedule 1, those descriptions having effect subject to Part II of that Schedule;

“mountain” includes, subject to the following definition, any land situated more than 600 metres above sea level;

“mountain, moor, heath or down” does not include land which appears to the appropriate countryside body to consist of improved or semi-improved grassland;

“open country” means land which—

- (a) appears to the appropriate countryside body to consist wholly or predominantly of mountain, moor, heath or down, and
- (b) is not registered common land.

(3) In this Part “registered common land” means—

- (a) land which is registered as common land under the <sup>M1</sup>Commons Registration Act 1965 (in this section referred to as “the 1965 Act”) and whose registration under that Act has become final, or
- (b) subject to subsection (4), land which fell within paragraph (a) on the day on which this Act is passed or at any time after that day but has subsequently ceased to be registered as common land under the 1965 Act on the register of common land in which it was included being amended by reason of the land having ceased to be common land within the meaning of that Act.

(4) Subsection (3)(b) does not apply where—

- (a) the amendment of the register of common land was made in pursuance of an application made before the day on which this Act is passed, or
- (b) the land ceased to be common land by reason of the exercise of—
  - (i) any power of compulsory purchase, of appropriation or of sale which is conferred by an enactment,
  - (ii) any power so conferred under which land may be made common land within the meaning of the 1965 Act in substitution for other land.

#### Marginal Citations

**M1** 1965 c. 64.

VALID FROM 19/09/2004

## 2 Rights of public in relation to access land.

(1) Any person is entitled by virtue of this subsection to enter and remain on any access land for the purposes of open-air recreation, if and so long as—

- (a) he does so without breaking or damaging any wall, fence, hedge, stile or gate, and
- (b) he observes the general restrictions in Schedule 2 and any other restrictions imposed in relation to the land under Chapter II.

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Subsection (1) has effect subject to subsections (3) and (4) and to the provisions of Chapter II.
- (3) Subsection (1) does not entitle a person to enter or be on any land, or do anything on any land, in contravention of any prohibition contained in or having effect under any enactment, other than an enactment contained in a local or private Act.
- (4) If a person becomes a trespasser on any access land by failing to comply with—
  - (a) subsection (1)(a),
  - (b) the general restrictions in Schedule 2, or
  - (c) any other restrictions imposed in relation to the land under Chapter II,he may not, within 72 hours after leaving that land, exercise his right under subsection (1) to enter that land again or to enter other land in the same ownership.
- (5) In this section “owner”, in relation to any land which is subject to a farm business tenancy within the meaning of the <sup>M2</sup>Agricultural Tenancies Act 1995 or a tenancy to which the <sup>M3</sup>Agricultural Holdings Act 1986 applies, means the tenant under that tenancy, and “ownership” shall be construed accordingly.

#### Marginal Citations

- M2 1995 c. 8.  
M3 1986 c. 5.

### 3 Power to extend to coastal land.

- (1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend the definition of “open country” in section 1(2) so as to include a reference to coastal land or to coastal land of any description.
- (2) An order under this section may—
  - (a) make consequential amendments of other provisions of this Part, and
  - (b) modify the provisions of this Part in their application to land which is open country merely because it is coastal land.
- (3) In this section “coastal land” means—
  - (a) the foreshore, and
  - (b) land adjacent to the foreshore (including in particular any cliff, bank, barrier, dune, beach or flat which is adjacent to the foreshore).

#### Maps

### 4 Duty to prepare maps.

- (1) It shall be the duty of the Countryside Agency to prepare, in respect of England outside Inner London, maps which together show—
  - (a) all registered common land, and
  - (b) all open country.

---

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (2) It shall be the duty of the Countryside Council for Wales to prepare, in respect of Wales, maps which together show—
  - (a) all registered common land, and
  - (b) all open country.
- (3) Subsections (1) and (2) have effect subject to the following provisions of this section and to the provisions of sections 5 to 9.
- (4) A map prepared under this section must distinguish between open country and registered common land, but need not distinguish between different categories of open country.
- (5) In preparing a map under this section, the appropriate countryside body—
  - (a) may determine not to show as open country areas of open country which are so small that the body consider that their inclusion would serve no useful purpose, and
  - (b) may determine that any boundary of an area of open country is to be treated as coinciding with a particular physical feature (whether the effect is to include other land as open country or to exclude part of an area of open country).

## 5 Publication of draft maps.

The appropriate countryside body shall—

- (a) issue in draft form any map prepared by them under section 4,
- (b) consider any representations received by them within the prescribed period 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,
- (c) confirm the map with or without modifications,
- (d) if the map has been confirmed without modifications, issue it in provisional form, and
- (e) if the map has been confirmed with modifications, prepare a map incorporating the modifications, and issue that map in provisional form.

## 6 Appeal against map after confirmation.

- (1) Any person having an interest in any land may appeal—
  - (a) in the case of land in England, to the Secretary of State, or
  - (b) in the case of land in Wales, to the National Assembly for Wales,
 against the showing of that land on a map in provisional form as registered common land or as open country.
- (2) An appeal relating to the showing of any land as registered common land may be brought only on the ground that the land is not registered common land.
- (3) An appeal relating to the showing of any land as open country may be brought only on the ground that—
  - (a) the land does not consist wholly or predominantly of mountain, moor, heath or down, and
  - (b) to the extent that the appropriate countryside body have exercised their discretion under section 4(5)(b) to treat land which is not open country as forming part of an area of open country, the body ought not to have done so.

---

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (4) On an appeal under this section, the Secretary of State or the National Assembly for Wales may—
- (a) approve the whole or part of the map which is the subject of the appeal, with or without modifications, or
  - (b) require the appropriate countryside body to prepare under section 4 a new map relating to all or part of the area covered by the map which is the subject of the appeal.

## 7 Appeal procedure.

- (1) Before determining an appeal under section 6, the Secretary of State or the National Assembly for Wales may, if he or it thinks fit—
- (a) cause the appeal to take, or continue in, the form of a hearing, or
  - (b) cause a local inquiry to be held;
- and the appeal authority shall act as mentioned in paragraph (a) or (b) if a request is made by either party to the appeal to be heard with respect to the appeal.
- (2) Subsections (2) to (5) of section 250 of the <sup>M4</sup>Local Government Act 1972 (local inquiries: evidence and costs) apply to a hearing or local inquiry held under this section as they apply to a local inquiry held under that section, but as if—
- (a) references in that section to the person appointed to hold the inquiry were references to the Secretary of State or the National Assembly for Wales, and
  - (b) references in that section to the Minister causing an inquiry to be held were references to the Secretary of State or the Assembly.
- (3) Where—
- (a) for the purposes of an appeal under section 6, the Secretary of State or the National Assembly for Wales is required by subsection (1)—
    - (i) to cause the appeal to take, or continue in, the form of a hearing, or
    - (ii) to cause a local inquiry to be held, and
  - (b) the inquiry or hearing does not take place, and
  - (c) if it had taken place, the Secretary of State or the Assembly or a person appointed by the Secretary of State or the Assembly would have had power to make an order under section 250(5) of the <sup>M5</sup>Local Government Act 1972 requiring any party to pay the costs of the other party,
- the power to make such an order may be exercised, in relation to costs incurred for the purposes of the inquiry or hearing, as if it had taken place.
- (4) This section has effect subject to section 8.

### Marginal Citations

M4 1972 c. 70.

M5 1972 c. 70.

## 8 Power of Secretary of State or Assembly to delegate functions relating to appeals.

- (1) The Secretary of State or the National Assembly for Wales may—

---

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (a) appoint any person to exercise on his or its behalf, with or without payment, the function of determining—
    - (i) an appeal under section 6, or
    - (ii) any matter involved in such an appeal, or
  - (b) refer any matter involved in such an appeal to such person as the Secretary of State or the Assembly may appoint for the purpose, with or without payment.
- (2) Schedule 3 has effect with respect to appointments under subsection (1)(a).

## 9 Maps in conclusive form.

- (1) Where—
- (a) the time within which any appeal under section 6 may be brought in relation to a map in provisional form has expired and no appeal has been brought, or
  - (b) every appeal brought under that section in relation to a map has—
    - (i) been determined by the map or part of it being approved without modifications, or
    - (ii) been withdrawn,
 the appropriate countryside body shall issue the map (or the part or parts of it that have been approved without modifications) as a map in conclusive form.
- (2) Where—
- (a) every appeal brought under section 6 in relation to a map in provisional form has been determined or withdrawn, and
  - (b) on one or more appeals, the map or any part of it has been approved with modifications,
- the appropriate countryside body shall prepare a map which covers the area covered by the map in provisional form (or the part or parts of the map in provisional form that have been approved with or without modifications) and incorporates the modifications, and shall issue it as a map in conclusive form.
- (3) Where either of the conditions in subsection (1)(a) and (b) is satisfied in relation to any part of a map in provisional form, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue that part of the map as a map in conclusive form.
- (4) Where on an appeal under section 6 part of a map in provisional form has been approved with modifications but the condition in subsection (2)(a) is not yet satisfied, the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may direct the relevant countryside body to issue a map which covers the area covered by that part of the map in provisional form and incorporates the modifications, and to issue it as a map in conclusive form.
- (5) Where a map in conclusive form has been issued in compliance with a direction under subsection (3) or (4), subsections (1) and (2) shall have effect as if any reference to the map in provisional form were a reference to the part not affected by the direction.
- (6) A document purporting to be certified on behalf of the appropriate countryside body to be a copy of or of any part of a map in conclusive form issued by that body for the purposes of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

---

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

## **10 Review of maps.**

- (1) Where the appropriate countryside body have issued a map in conclusive form in respect of any area, it shall be the duty of the body from time to time, on a review under this section, to consider—
  - (a) whether any land shown on that map as open country or registered common land is open country or registered common land at the time of the review, and
  - (b) whether any land in that area which is not so shown ought to be so shown.
- (2) A review under this section must be undertaken—
  - (a) in the case of the first review, not more than ten years after the issue of the map in conclusive form, and
  - (b) in the case of subsequent reviews, not more than ten years after the previous review.
- (3) Regulations may amend paragraphs (a) and (b) of subsection (2) by substituting for the period for the time being specified in either of those paragraphs such other period as may be specified in the regulations.

## **11 Regulations relating to maps.**

- (1) Regulations may make provision supplementing the provisions of sections 4 to 10.
- (2) Regulations under this section may in particular make provision with respect to—
  - (a) the scale on which maps are to be prepared,
  - (b) the manner and form in which they are to be prepared and issued,
  - (c) consultation with access authorities, local access forums and other persons on maps in draft form,
  - (d) the steps to be taken for informing the public of the issue of maps in draft form, provisional form or conclusive form,
  - (e) the manner in which maps in draft form, provisional form or conclusive form are to be published or to be made available for inspection,
  - (f) the period within which and the manner in which representations on a map in draft form may be made to the appropriate countryside body,
  - (g) the confirmation of a map under section 5(c),
  - (h) the period within which and manner in which appeals under section 6 are to be brought,
  - (i) the advertising of such an appeal,
  - (j) the manner in which such appeals are to be considered,
  - (k) the procedure to be followed on a review under section 10, including the issue of maps in draft form, provisional form and conclusive form on a review, and
  - (l) the correction by the appropriate countryside body of minor errors or omissions in maps.
- (3) Regulations made by virtue of subsection (2)(b) or (e) may authorise or require a map to be prepared, issued, published or made available for inspection in electronic form, but must require any map in electronic form to be capable of being reproduced in printed form.
- (4) Regulations made by virtue of subsection (2)(k) may provide for any of the provisions of this Chapter relating to appeals to apply (with or without modifications) in relation to an appeal against a map issued in provisional form on a review.

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 19/09/2004

### *Rights and liabilities of owners and occupiers*

#### **12 Effect of right of access on rights and liabilities of owners.**

- (1) The operation of section 2(1) in relation to any access land does not increase the liability, under any enactment not contained in this Act or under any rule of law, of a person interested in the access land or any adjoining land in respect of the state of the land or of things done or omitted to be done on the land.
- (2) Any restriction arising under a covenant or otherwise as to the use of any access land shall have effect subject to the provisions of this Part, and any liability of a person interested in any access land in respect of such a restriction is limited accordingly.
- (3) For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land in the exercise of the right conferred by section 2(1) is to be disregarded.
- (4) The use of any land by the inhabitants of any locality for the purposes of open-air recreation in the exercise of the right conferred by section 2(1) is to be disregarded in determining whether the land has become a town or village green.

#### **13 Occupiers' liability.**

- (1) In section 1 of the <sup>M6</sup>Occupiers' Liability Act 1957 (liability in tort: preliminary), for subsection (4) there is substituted—

“(4) A person entering any premises in exercise of rights conferred by virtue of—

- (a) section 2(1) of the Countryside and Rights of Way Act 2000, or
- (b) an access agreement or order under the National Parks and Access to the <sup>M7</sup>Countryside Act 1949,

is not, for the purposes of this Act, a visitor of the occupier of the premises.”

- (2) In section 1 of the <sup>M8</sup>Occupiers' Liability Act 1984 (duty of occupier to persons other than his visitors), after subsection (6) there is inserted—

“(6A) At any time when the right conferred by section 2(1) of the Countryside and Rights of Way Act 2000 is exercisable in relation to land which is access land for the purposes of Part I of that Act, an occupier of the land owes (subject to subsection (6C) below) no duty by virtue of this section to any person in respect of—

- (a) a risk resulting from the existence of any natural feature of the landscape, or any river, stream, ditch or pond whether or not a natural feature, or
- (b) a risk of that person suffering injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or of a stile.

(6B) For the purposes of subsection (6A) above, any plant, shrub or tree, of whatever origin, is to be regarded as a natural feature of the landscape.



*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6C) Subsection (6A) does not prevent an occupier from owing a duty by virtue of this section in respect of any risk where the danger concerned is due to anything done by the occupier—

- (a) with the intention of creating that risk, or
- (b) being reckless as to whether that risk is created.”

(3) After section 1 of that Act there is inserted—

**“1A Special considerations relating to access land.**

In determining whether any, and if so what, duty is owed by virtue of section 1 by an occupier of land at any time when the right conferred by section 2(1) of the Countryside and Rights of Way Act 2000 is exercisable in relation to the land, regard is to be had, in particular, to—

- (a) the fact that the existence of that right ought not to place an undue burden (whether financial or otherwise) on the occupier,
- (b) the importance of maintaining the character of the countryside, including features of historic, traditional or archaeological interest, and
- (c) any relevant guidance given under section 20 of that Act.”

**Marginal Citations**

- M6** 1957 c. 31.
- M7** 1949 c. 97.
- M8** 1984 c. 3.

**14 Offence of displaying on access land notices deterring public use.**

(1) If any person places or maintains—

- (a) on or near any access land, or
- (b) on or near a way leading to any access land,

a notice containing any false or misleading information likely to deter the public from exercising the right conferred by section 2(1), he is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(2) The court before whom a person is convicted of an offence under subsection (1) may, in addition to or in substitution for the imposition of a fine, order him to remove the notice in respect of which he is convicted within such period, not being less than four days, as may be specified in the order.

(3) A person who fails to comply with an order under subsection (2) is guilty of a further offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

*Changes to legislation: Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Access under other enactments or by dedication*

## 15 Rights of access under other enactments.

- (1) For the purposes of section 1(1), land is to be treated as being accessible to the public apart from this Act at any time if, but only if, at that time—
- (a) section 193 of the <sup>M9</sup>Law of Property Act 1925 (rights of the public over commons and waste lands) applies to it,
  - (b) by virtue of a local or private Act or a scheme made under Part I of the <sup>M10</sup>Commons Act 1899 (as read with subsection (2)), members of the public have a right of access to it at all times for the purposes of open-air recreation (however described),
  - (c) an access agreement or access order under Part V of the National Parks and Access to the <sup>M11</sup>Countryside Act 1949 is in force with respect to it, or
  - (d) the public have access to it under subsection (1) of section 19 of the <sup>M12</sup>Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control) or would have access to it under that subsection but for any provision of subsections (2) to (9) of that section.
- (2) Where a local or private Act or a scheme made under Part I of the <sup>M13</sup>Commons Act 1899 confers on the inhabitants of a particular district or neighbourhood (however described) a right of access to any land for the purposes of open-air recreation (however described), the right of access exercisable by those inhabitants in relation to that land is by virtue of this subsection exercisable by members of the public generally.

### Marginal Citations

- M9** 1925 c. 20.  
**M10** 1899 c. 30.  
**M11** 1949 c. 97.  
**M12** 1979 c. 46.  
**M13** 1899 c. 30.

## 16 Dedication of land as access land.

- (1) Subject to the provisions of this section, a person who, in respect of any land, holds—
- (a) the fee simple absolute in possession, or
  - (b) a legal term of years absolute of which not less than 90 years remain unexpired,
- may, by taking such steps as may be prescribed, dedicate the land for the purposes of this Part, whether or not it would be access land apart from this section.
- (2) Where any person other than the person making the dedication holds—
- (a) any leasehold interest in any of the land to be dedicated, or
  - (b) such other interest in any of that land as may be prescribed,
- the dedication must be made jointly with that other person, in such manner as may be prescribed, or with his consent, given in such manner as may be prescribed.
- (3) In relation to a dedication under this section by virtue of subsection (1)(b), the reference in subsection (2)(a) to a leasehold interest does not include a reference to a leasehold interest superior to that of the person making the dedication.

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) A dedication made under this section by virtue of subsection (1)(b) shall have effect only for the remainder of the term held by the person making the dedication.
- (5) Schedule 2 to the<sup>M14</sup>Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants) applies to dedications under this section as it applies to forestry dedication covenants.
- (6) Regulations may—
  - (a) prescribe the form of any instrument to be used for the purposes of this section,
  - (b) enable a dedication under this section to include provision removing or relaxing any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates,
  - (c) enable a dedication previously made under this section to be amended by the persons by whom a dedication could be made, so as to remove or relax any of those restrictions in relation to any of the land to which the dedication relates, and
  - (d) require any dedication under this section, or any amendment of such a dedication by virtue of paragraph (c), to be notified to the appropriate countryside body and to the access authority.
- (7) A dedication under this section is irrevocable and, subject to subsection (4), binds successive owners and occupiers of, and other persons interested in, the land to which it relates, but nothing in this section prevents any land from becoming excepted land.
- (8) A dedication under this section is a local land charge.

#### Marginal Citations

M14 1967 c. 10.

#### *Miscellaneous provisions relating to right of access*

### 17 Byelaws.

- (1) An access authority may, as respects access land in their area, make byelaws—
  - (a) for the preservation of order,
  - (b) for the prevention of damage to the land or anything on or in it, and
  - (c) for securing that persons exercising the right conferred by section 2(1) so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.
- (2) Byelaws under this section may relate to all the access land in the area of the access authority or only to particular land.
- (3) Before making byelaws under this section, the access authority shall consult—
  - (a) the appropriate countryside body, and
  - (b) any local access forum established for an area to which the byelaws relate.
- (4) Byelaws under this section shall not interfere—
  - (a) with the exercise of any public right of way,

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) with any authority having under any enactment functions relating to the land to which the byelaws apply, or
  - [<sup>F1</sup>(c) with the provision of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the operator of any such network.]
- (5) Sections 236 to 238 of the <sup>M15</sup>Local Government Act 1972 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide for the proof of byelaws in legal proceedings) apply to all byelaws under this section whether or not the authority making them is a local authority within the meaning of that Act.
- (6) The confirming authority in relation to byelaws made under this section is—
- (a) as respects England, the Secretary of State, and
  - (b) as respects Wales, the National Assembly for Wales.
- (7) Byelaws under this section relating to any land—
- (a) may not be made unless the land is access land or the access authority are satisfied that it is likely to become access land, and
  - (b) may not be confirmed unless the land is access land.
- (8) Any access authority having power under this section to make byelaws also have power to enforce byelaws made by them; and any county council or district or parish council may enforce byelaws made under this section by another authority as respects land in the area of the council.

#### Textual Amendments

- F1** S. 17(4)(c) substituted (25.7.2003 for specified purposes) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 165\(2\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with art. 3) (as amended by [S.I. 2003/3142](#), art. 1(3))

#### Marginal Citations

- M15** 1972 c. 70.

VALID FROM 21/06/2004

## 18 Wardens.

- (1) An access authority or a district council may appoint such number of persons as may appear to the authority making the appointment to be necessary or expedient, to act as wardens as respects access land in their area.
- (2) As respects access land in an area for which there is a local access forum, an access authority shall, before they first exercise the power under subsection (1) and thereafter from time to time, consult the local access forum about the exercise of that power.
- (3) Wardens may be appointed under subsection (1) for the following purposes—

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** Countryside and Rights of Way Act 2000, Chapter 1 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) to secure compliance with byelaws under section 17 and with the general restrictions in Schedule 2 and any other restrictions imposed under Chapter II,
  - (b) to enforce any exclusion imposed under Chapter II,
  - (c) in relation to the right conferred by section 2(1), to advise and assist the public and persons interested in access land,
  - (d) to perform such other duties (if any) in relation to access land as the authority appointing them may determine.
- (4) For the purpose of exercising any function conferred on him by or under this section, a warden appointed under subsection (1) may enter upon any access land.
- (5) A warden appointed under subsection (1) shall, if so required, produce evidence of his authority before entering any access land in the exercise of the power conferred by subsection (4), and shall also produce evidence of his authority while he remains on the access land, if so required by any person.
- (6) Except as provided by subsection (4), this section does not authorise a warden appointed under subsection (1), on land in which any person other than the authority who appointed him has an interest, to do anything which apart from this section would be actionable at that person's suit by virtue of that interest.

## 19 Notices indicating boundaries, etc.

- (1) An access authority may erect and maintain—
- (a) notices indicating the boundaries of access land and excepted land, and
  - (b) notices informing the public of—
    - (i) the effect of the general restrictions in Schedule 2,
    - (ii) the exclusion or restriction under Chapter II of access by virtue of section 2(1) to any land, and
    - (iii) any other matters relating to access land or to access by virtue of section 2(1) which the access authority consider appropriate.
- (2) In subsection (1)(b)(ii), the reference to the exclusion or restriction of access by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).
- (3) Before erecting a notice on any land under subsection (1) the access authority shall, if reasonably practicable, consult the owner or occupier of the land.
- (4) An access authority may also, as respects any access land in their area, defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person in displaying such notices as are mentioned in subsection (1)(a) and (b).

VALID FROM 21/06/2004

## 20 Codes of conduct and other information.

- (1) In relation to England, it shall be the duty of the Countryside Agency to issue, and from time to time revise, a code of conduct for the guidance of persons exercising

*Status: Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the right conferred by section 2(1) and of persons interested in access land, and to take such other steps as appear to them expedient for securing—

- (a) that the public are informed of the situation and extent of, and means of access to, access land, and
  - (b) that the public and persons interested in access land are informed of their respective rights and obligations—
    - (i) under this Part, and
    - (ii) with regard to public rights of way on, and nature conservation in relation to, access land.
- (2) In relation to Wales, it shall be the duty of the Countryside Council for Wales to issue, and from time to time revise, a code of conduct for the guidance of persons exercising the right conferred by section 2(1) and of persons interested in access land, and to take such other steps as appear to them expedient for securing the results mentioned in paragraphs (a) and (b) of subsection (1).
- (3) A code of conduct issued by the Countryside Agency or the Countryside Council for Wales may include provisions in pursuance of subsection (1) or (2) and in pursuance of section 86(1) of the National Parks and Access to the <sup>M16</sup>Countryside Act 1949.
- (4) The powers conferred by subsections (1) and (2) include power to contribute towards expenses incurred by other persons.

#### Marginal Citations

M16 1949 c. 97.

**Status:**

Point in time view as at 25/07/2003. This version of this chapter contains provisions that are not valid for this point in time.

**Changes to legislation:**

Countryside and Rights of Way Act 2000, Chapter I is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.