



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,^{F1} ...
- [^{F2}(da) is coastal margin, 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

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- (b) in relation to any other land, means the local highway authority in whose area the land is situated;
- “the appropriate countryside body” means—
- (a) in relation to England, [^{F3}Natural England], and
- (b) in relation to Wales, [^{F4}the Natural Resources Body for Wales] ;
- [^{F5}“coastal margin” means land which is of a description specified by an order under section 3A;]
- “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 [^{F6} or coastal margin][^{F7} or land dedicated as coastal margin for the purposes of this Part under section 16].
- (3) In this Part “registered common land” means—
- (a) [^{F8}land which is registered as common land under the ^{M1}Commons Registration Act 1965 (in this section referred to as “the 1965 Act”) [^{F9}(but is not coastal margin)][^{F10} or land dedicated as coastal margin for the purposes of this Part under section 16] and whose registration under that Act has become final, or][^{F8}land which is registered as common land in a register of common land kept under Part 1 of the Commons Act 2006.]
- (b) [^{F11}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) [^{F12}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.]

Textual Amendments

- F1** Word in s. 1(1)(d) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 303(2)(a), 324(2)(d), [Sch. 22 Pt. 7](#) (with s. 308)
- F2** S. 1(1)(da) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 303\(2\)\(a\)](#), 324(2)(d) (with s. 308)

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- F3** Words in s. 1(2) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 154**; S.I. 2006/2541, art. 2 (with Sch.)
- F4** Words in s. 1(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 401** (with Sch. 7)
- F5** Words in s. 1(2) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 303(2)(b), 324(2)(d)** (with s. 308)
- F6** Words in s. 1(2) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 303(2)(c), 324(2)(d)** (with s. 308)
- F7** Words in s. 1(2) inserted (E.) (6.4.2010) by The Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), art. 1(2), **Sch. 1 para. 24(1)(a)**
- F8** Words in s. 1(3) substituted (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes, 15.12.2014 for E. for specified purposes) by Commons Act 2006 (c. 26), s. 56, **Sch. 5 para. 7(2)(a)** (with s. 60); S.I. 2011/2460, art. 2(b); S.I. 2014/3026, art. 3(1)(h) (with art. 5)
- F9** Words in s. 1(3) inserted (12.1.2010) by virtue of Marine and Coastal Access Act 2009 (c. 23), **ss. 303(2)(d), 324(2)(d)** (with s. 308)
- F10** Words in s. 1(3) inserted (E.) (6.4.2010) by The Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), art. 1(2), **Sch. 1 para. 24(1)(b)**
- F11** S. 1(3)(b) repealed (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes, 15.12.2014 for E. for specified purposes) by Commons Act 2006 (c. 26), s. 56, Sch. 5 para. 7(2)(b), **Sch. 6 Pt. 1** (with s. 60); S.I. 2011/2460, art. 2(b); S.I. 2014/3026, art. 3(1)(h) (with art. 5)
- F12** S. 1(4) repealed (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes, 15.12.2014 for E. for specified purposes) by Commons Act 2006 (c. 26), s. 56, Sch. 5 para. 7(3), **Sch. 6 Pt. 1** (with s. 60); S.I. 2011/2460, art. 2(b); S.I. 2014/3026, art. 3(1)(h) (with art. 5)

Modifications etc. (not altering text)

- C1** S. 1(2) excluded (24.3.2005) by New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), art. 1, **Sch. 4 para. 1**
- C2** S. 1(3) modified (temp.) (6.4.2010) by The Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), art. 1(2), **Sch. 1 para. 24(2)**

Marginal Citations

- M1** 1965 c. 64.

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—
- he does so without breaking or damaging any wall, fence, hedge, stile or gate, and
 - he observes the general restrictions in Schedule 2 and any other restrictions imposed in relation to the land under Chapter II.
- (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 [^{F13}relevant statutory prohibition] .

[^{F14}(3A) In subsection (3) “relevant statutory prohibition” means—

- in the case of land which is coastal margin, a prohibition contained in or having effect under any enactment, and

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- (b) in any other case, a 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 ^{M2}Agricultural Tenancies Act 1995 or a tenancy to which the ^{M3}Agricultural Holdings Act 1986 applies, means the tenant under that tenancy, and “ownership” shall be construed accordingly.

Textual Amendments

- F13** Words in s. 2(3) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 303(3)(a), 324(2)(d)** (with s. 308)
- F14** [S. 2\(3A\)](#) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 303(3)(b), 324(2)(d)** (with s. 308)

Modifications etc. (not altering text)

- C3** S. 2(1) excluded (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 131(1)(a), 178(8)**; [S.I. 2005/1521](#), **art. 3(1)(n)**

Commencement Information

- I1** S. 2 in force at 19.9.2004 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Part I under s. 16, whichever is the later or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Part I under s. 16, whichever is the later by [S.I. 2004/2173](#), **art. 2(2)**
- I2** S. 2 in force at 19.9.2004 for specified purposes for E. by [S.I. 2004/2173](#), **art. 2(1)(a)**
- I3** S. 2 in force at 14.12.2004 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes by [S.I. 2004/3088](#), **art. 2(2)**
- I4** S. 2 in force at 14.12.2004 for specified purposes for E. by [S.I. 2004/3088](#), **art. 2(1)**
- I5** S. 2 in force at 28.5.2005 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes by [S.I. 2005/827](#), **art. 2(2)**
- I6** S. 2 in force at 28.5.2005 for W. by [S.I. 2005/423](#), **art. 2(a)**
- I7** S. 2 in force at 28.5.2005 for specified purposes for E. by [S.I. 2005/827](#), **art. 2(1)**
- I8** S. 2 in force at 28.8.2005 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes by [S.I. 2005/1901](#), **art. 2(2)**
- I9** S. 2 in force at 28.8.2005 for specified purposes for E. by [S.I. 2005/1901](#), **art. 2(1)**
- I10** S. 2 in force at 31.10.2005 or the end of a period of six months beginning with the day on which the land is dedicated for the purposes of Pt. I under s. 16, whichever is the later, for E. for specified purposes by [S.I. 2005/2752](#), **art. 2(2)**

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I11 S. 2 in force at 31.10.2005 for specified purposes for E. by [S.I. 2005/2752](#), [art. 2\(1\)\(a\)](#)

Marginal Citations

M2 [1995 c. 8.](#)

M3 [1986 c. 5.](#)

3 Power to extend to coastal land [^{F15}: Wales] .

- (1) The [^{F16}Welsh Ministers] may by order amend the definition of “open country” in section 1(2) so as to include [^{F17}as respects Wales] 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).

Textual Amendments

F15 Word in s. 3 heading inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 303\(4\)\(a\)](#), [324\(2\)\(d\)](#) (with [s. 308](#))

F16 Words in s. 3(1) substituted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 303\(4\)\(b\)](#), [324\(2\)\(d\)](#) (with [s. 308](#))

F17 Words in s. 3(1) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 303\(4\)\(c\)](#), [324\(2\)\(d\)](#) (with [s. 308](#))

[^{F18}3A Power to extend to coastal land etc: England

- (1) The Secretary of State may by order specify the descriptions of land in England which are coastal margin for the purposes of this Part.
- (2) An order under subsection (1) may, in particular—
 - (a) describe land by reference to it being—
 - (i) land over which the line taken by the English coastal route passes,
 - (ii) land which is adjacent to and within a specified distance of that line, or
 - (iii) land which is adjacent to land within sub-paragraph (ii),if the land described under paragraphs (i) to (iii), taken as a whole, is coastal land;
 - (b) in relation to cases where a proposal of the kind mentioned in section 55B of the 1949 Act (power to determine the route in accordance with provision made in the report) is contained in relevant approved proposals, describe land by reference to the line taken by the English coastal route as it has effect from time to time in accordance with that proposal;

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- (c) in relation to cases where a proposal of the kind mentioned in section 55C of that Act (alternative routes) is contained in relevant approved proposals, describe land by reference to it being—
 - (i) land over which the line taken by an official alternative route which is for the time being in operation passes, or
 - (ii) land which is adjacent to and within a specified distance of that line, whether or not it is coastal land;
 - (d) in relation to cases where a proposal of the kind mentioned in section 55D(2) (a) or (b) of that Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of an area of coastal margin is to coincide with a physical feature as provided for in that proposal (and for this purpose it is immaterial if the effect is to include other land as coastal margin or to exclude part of an area of coastal land);
 - (e) in relation to cases where a direction under subsection (3) of section 55I of that Act (temporary diversions) specifies a route which (or any part of which) passes over land within subsection (4)(d) of that section, describe land by reference to it being—
 - (i) land over which the line taken by that route (so far as it passes over land within subsection (4)(d) of that section) passes, or
 - (ii) land which is adjacent to and within a specified distance of that line (so far as it so passes),
 whether or not it is coastal land.
- (3) For the purposes of subsection (2) it is immaterial whether the English coastal route is in existence at the time the order is made.
- (4) An order under subsection (1) may modify the provisions of this Part in their application to land which is coastal margin.
- (5) Provision made by virtue of subsection (4) may, in particular—
- (a) confer functions on the Secretary of State or Natural England;
 - (b) if providing for any description of land which is coastal margin to be excluded from any description of excepted land—
 - (i) describe that land as mentioned in subsection (2)(a)(i) to (iii), (b) or (c), or
 - (ii) in relation to cases where a proposal of the kind mentioned in section 55D(2)(c) of the 1949 Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of that land (or any part of it) is to coincide with a physical feature as provided for in that proposal.
- (6) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1)
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- (a) section 2(1) does not apply in relation to the land by reason of it being coastal margin until the end of the access preparation period in relation to the land,
 - (b) any direction given under Chapter 2 in relation to the land may be expressed to take effect immediately after the end of that period, and
 - (c) until the end of that period, the land is not to be regarded as coastal margin—

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- (i) for the purpose of determining whether it is open country or registered common land, or
 - (ii) for the purposes of section 1(6AA) of the Occupiers' Liability Act 1984 (duty of occupier of coastal margin to persons other than the occupier's visitors).
- (7) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1), any exclusion or restriction under Chapter 2 of access to the land by virtue of section 2(1) ceases to have effect at the end of the access preparation period.
- (8) Subsection (7) does not apply to any exclusion or restriction resulting from a direction under Chapter 2 which takes effect after the end of the access preparation period.
- (9) Subsections (6) and (7) do not apply to land if, at the time it becomes coastal margin by virtue of an order under subsection (1), it is already dedicated as coastal margin under section 16.
- (10) In this section—
- “the 1949 Act” means the National Parks and Access to the Countryside Act 1949;
 - “access preparation period”, in relation to any land, means the period which—
 - (a) begins when the land becomes coastal margin, and
 - (b) ends with the day appointed by the Secretary of State by order under this subsection in relation to that land;
 - “approved proposals relating to a long-distance route” is to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act;
 - “coastal land” has the same meaning as in section 3;
 - “the English coastal route” means the route secured (or to be secured) pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);
 - “modify” includes amend, add to or repeal;
 - “official alternative route” has the meaning given by section 55J of the 1949 Act;
 - “relevant approved proposals” means approved proposals relating to a long-distance route which is or forms part of the English coastal route;
 - “specified” means specified in an order under subsection (1);
- and references to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) are to be interpreted in accordance with section 21(2) and (3).]

Textual Amendments

F18 S. 3A inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 303(5), 324(1)(c), (d), (2)(d)** (with s. 308)

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Maps

4 Duty to prepare maps.

- (1) It shall be the duty of [^{F19}Natural England] to prepare, in respect of England outside Inner London, maps which together show—
 - (a) all registered common land, and
 - (b) all open country.
- (2) It shall be the duty of [^{F20}the Natural Resources Body 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).

Textual Amendments

F19 Words in s. 4(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 155](#); S.I. 2006/2541, art. 2 (with Sch.)

F20 Words in s. 4(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 402](#) (with Sch. 7)

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.

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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.
- (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 ^{M4}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

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to make an order under section 250(5) of the ^{M5}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.

Modifications etc. (not altering text)

C4 S. 7 applied (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d)(2)(d), [Sch. 20 para. 4\(4\)](#) (with s. 308)

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—
- (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).

Modifications etc. (not altering text)

C5 S. 8 applied (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d)(2)(d), [Sch. 20 para. 4\(4\)](#) (with s. 308)

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

Status: Point in time view as at 31/03/2015.

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 09 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) 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.

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^{F21}—
 - (i) where the map is of an area in England, not more than fifteen years after the issue of the map in conclusive form, and
 - (ii) where the map is of an area in Wales], not more than ten years after the issue of the map in conclusive form, and
 - (b) in the case of subsequent reviews^{F22} —
 - (i) where the map is of an area in England, not more than twenty years after the previous review, and
 - (ii) where the map is of an area in Wales], 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.

Status: Point in time view as at 31/03/2015.

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 09 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)*

Textual Amendments

- F21** Words in s. 10(2)(a) inserted (E.) (6.4.2013) by [The Countryside and Rights of Way Act 2000 \(Review of Maps\) \(England\) Regulations 2013 \(S.I. 2013/514\)](#), regs. 1(b), **2(2)**
- F22** Words in s. 10(2)(b) inserted (E.) (6.4.2013) by [The Countryside and Rights of Way Act 2000 \(Review of Maps\) \(England\) Regulations 2013 \(S.I. 2013/514\)](#), regs. 1(b), **2(3)**

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.

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.

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- (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.

Commencement Information

I12 S. 12 in force at 19.9.2004 for E. by [S.I. 2004/2173](#), [art. 2\(1\)\(b\)](#)

I13 S. 12 in force at 28.5.2005 for W. by [S.I. 2005/423](#), [art. 2\(b\)](#)

13 Occupiers' liability.

- (1) In section 1 of the ^{M6}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 ^{M7}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 ^{M8}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.

(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.”

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(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.”

Commencement Information

I14 S. 13 in force at 19.9.2004 for E. by [S.I. 2004/2173](#), [art. 2\(1\)\(c\)](#)

I15 S. 13 in force at 28.5.2005 for W. by [S.I. 2005/423](#), [art. 2\(c\)](#)

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.

Commencement Information

I16 S. 14 in force at 19.9.2004 for E. by [S.I. 2004/2173](#), [art. 2\(1\)\(d\)](#)

I17 S. 14 in force at 28.5.2005 for W. by [S.I. 2005/423](#), [art. 2\(d\)](#)

Status: Point in time view as at 31/03/2015.

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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 ^{M9}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 ^{M10}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 ^{M11}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 ^{M12}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 ^{M13}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.
- [^{F23}(2A) Where a person makes a dedication under this section in respect of land within subsection (2B), that dedication may also dedicate the land as coastal margin.

Status: Point in time view as at 31/03/2015.

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- (2B) The land within this subsection is—
- (a) land which is coastal margin, and
 - (b) any other land in England which is adjacent to land which is coastal margin.
- (2C) Where land is dedicated as coastal margin—
- (a) in the case of land within subsection (2B)(b), it is to be treated as coastal margin for the purposes of any provision made by or by virtue of this Part (other than section 1), and
 - (b) if—
 - (i) disregarding this paragraph, it would be excepted land, and
 - (ii) it is not land which is accessible to the public by virtue of any enactment or rule of law (other than this Act),
 it is to be treated for the purposes of any provision made by or by virtue of this Part as if it were not excepted land.]
- (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.
- (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^{M14} 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,
F24 ...
 - [^{F25}(ca) in the case of land within subsection (2B), enable a dedication previously made under this section in respect of the land (otherwise than by virtue of subsection (2A)) to be amended, by the persons by whom a dedication could be made, so as to provide that the land is dedicated as coastal margin for the purposes of subsection (2C),
 - (cb) provide for any exclusion or restriction under Chapter 2 of access by virtue of section 2(1) which has effect in relation to land which is within subsection (2B)(b) immediately before it is dedicated as coastal margin to cease to have effect at the time the dedication takes effect, 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.
- [^{F26}(6A) In subsection (6)(cb) the reference to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).]

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- (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.

Textual Amendments

- F23** S. 16(2A)-(2C) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 303(6)(a), 324(2)(d) (with s. 308)
- F24** Word in s. 16(6)(c) repealed (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 303(6)(b), 324(2)(d), Sch. 22 Pt. 7 (with s. 308)
- F25** S. 16(6)(ca)(cb) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 303(6)(b), 324(2)(d) (with s. 308)
- F26** S. 16(6A) inserted (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 303(6)(c), 324(2)(d) (with s. 308)

Modifications etc. (not altering text)

- C6** S. 16(2)-(4) applied (with modifications) (1.9.2003) by Access to the Countryside (Dedication of Land) (England) Regulations 2003 (S.I. 2003/2004), regs. 1(1), 7(2)

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—
- for the preservation of order,
 - for the prevention of damage to the land or anything on or in it, and
 - 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—
- the appropriate countryside body, and
 - any local access forum established for an area to which the byelaws relate.
- (4) Byelaws under this section shall not interfere—
- with the exercise of any public right of way,
 - with any authority having under any enactment functions relating to the land to which the byelaws apply, or
 - ^{F27}(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.]

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- (5) Sections 236 to 238 of the ^{M15}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 [^{F28}made by an access authority in England] whether or not the authority making them is a local authority within the meaning of that Act.
- [^{F29}(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.]
- (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

- F27** S. 17(4)(c) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) 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\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with [art. 11](#))
- F28** Words in s. 17(5) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 18\(2\)](#); [S.I. 2015/1025, art. 2\(r\)](#) (with [art. 3](#))
- F29** S. 17(5A) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\), s. 22\(2\), Sch. 2 para. 18\(3\)](#); [S.I. 2015/1025, art. 2\(r\)](#) (with [art. 3](#))

Marginal Citations

- M15** [1972 c. 70.](#)

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—
 - (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,

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- (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.

Commencement Information

I18 S. 18 in force at 21.6.2004 for W. by [S.I. 2004/1489](#), **art. 2(a)**

I19 S. 18 in force at 19.9.2004 for E. by [S.I. 2004/2173](#), **art. 2(1)(e)**

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).
- [^{F30}(5) In the case of access land that is coastal margin, the powers conferred on an access authority by this section are also exercisable by Natural England.]

Textual Amendments

F30 [S. 19\(5\)](#) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(d), **Sch. 20 para. 7** (with s. 308)

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20 Codes of conduct and other information.

- (1) In relation to England, it shall be the duty of [^{F31}Natural England] 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—
- (a) that the public are informed of the situation and extent of, and means of access to, access land,^{F32} ...
 - (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^{F33}, and
 - (c) that, in relation to access land which is coastal margin, the public are informed that the right conferred by section 2(1) does not affect any other right of access that may exist in relation to that land.]

[^{F34}(1A) The duty imposed by subsection (1) to issue and revise a code of conduct may be discharged, in relation to access land which is coastal margin, by (or in part by) issuing and revising a separate code relating to such access land only.]

- (2) In relation to Wales, it shall be the duty of [^{F35}the Natural Resources Body 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 [^{F36}Natural England] or [^{F37}the Natural Resources Body 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 ^{M16}Countryside Act 1949.
- (4) The powers conferred by subsections (1) and (2) include power to contribute towards expenses incurred by other persons.

Textual Amendments

- F31** Words in s. 20(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 156\(2\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F32** Word in s. 20(1)(a) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 303\(7\)\(a\), 324\(2\)\(d\), Sch. 22 Pt. 7](#) (with s. 308)
- F33** S. 20(1)(c) and preceding word inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 303\(7\)\(a\), 324\(2\)\(d\)](#) (with s. 308)
- F34** S. 20(1A) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\), ss. 303\(7\)\(b\), 324\(2\)\(d\)](#) (with s. 308)
- F35** Words in s. 20(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 402](#) (with Sch. 7)
- F36** Words in s. 20(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 156\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F37** Words in s. 20(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 402](#) (with Sch. 7)

Status: Point in time view as at 31/03/2015.

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 09 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)

Commencement Information

I20 S. 20 in force at 21.6.2004 for W. by S.I. 2004/1489, **art. 2(b)**

I21 S. 20 in force at 19.9.2004 for E. by S.I. 2004/2173, **art. 2(1)(f)**

Marginal Citations

M16 1949 c. 97.

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