



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, the Countryside Council for Wales;
- [^{F4}“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 [^{F5} or coastal margin] .
- (3) In this Part “registered common land” means—
- (a) land which is registered as common land under the ^{M1}Commons Registration Act 1965 (in this section referred to as “the 1965 Act”) [^{F6}(but is not coastal margin)] 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.

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)
- 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) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 303\(2\)\(b\)](#), 324(2)(d) (with s. 308)

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F5 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)

F6 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)

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**

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 [^{F7}relevant statutory prohibition] .

[^{F8}(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
- 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—

- subsection (1)(a),
- the general restrictions in Schedule 2, or
- 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

F7 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)

F8 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)

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Modifications etc. (not altering text)

- C2** 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\(2\)](#)
- 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 ^[F9]: Wales] .

- (1) The ^[F10]Welsh Ministers] may by order amend the definition of “open country” in section 1(2) so as to include ^[F11]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).

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Textual Amendments

- F9** 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)
- F10** 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)
- F11** 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)

[^{F12}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;
 - (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.

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- (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) —
- (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—
 - (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;

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“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

F12 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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