



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART I

#### ACCESS TO THE COUNTRYSIDE

#### CHAPTER I

#### RIGHT OF ACCESS

*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,
  - (b) with any authority having under any enactment functions relating to the land to which the byelaws apply, or

*Status: Point in time view as at 19/09/2004.*

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- [<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>M1</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, 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](#))

#### Marginal Citations

**M1** 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,
  - (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.

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- (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

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| <b>11</b> | <b>S. 18</b> in force at 21.6.2004 for W. by <b>S.I. 2004/1489, art. 2(a)</b>    |
| <b>12</b> | <b>S. 18</b> in force at 19.9.2004 for E. by <b>S.I. 2004/2173, art. 2(1)(e)</b> |

## 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).

## 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 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

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- (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>M2</sup>Countryside Act 1949.
- (4) The powers conferred by subsections (1) and (2) include power to contribute towards expenses incurred by other persons.

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**Commencement Information**

**I3** S. 20 in force at 21.6.2004 for W. by [S.I. 2004/1489](#), **art. 2(b)**

**I4** S. 20 in force at 19.9.2004 for E. by [S.I. 2004/2173](#), **art. 2(1)(f)**

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**Marginal Citations**

**M2** 1949 c. 97.

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