

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 22: Conversion of public rights of way to private rights of way

124. The background to this section, as with sections 20 and 21, is that section 53 of the Countryside and Rights of Way Act 2000 (“the 2000 Act”) provides for the extinguishment, immediately after 1 January 2026 (the “cut-off date”), of unrecorded rights of way created before 1949, subject to certain exceptions.
125. There are situations where public rights of way are used by individuals to gain access to their own land. In such a case, the extinguishment of a right of way could cause real difficulties for the individuals concerned who may be prevented from obtaining access to their land.
126. The section therefore inserts a new section 56B in the 2000 Act. It applies where a public right of way would be extinguished under section 53 of the 2000 Act immediately after the cut-off date. If the exercise of such a right of way is reasonably necessary to enable a person with an interest in land to obtain access to the land (or would have been reasonably necessary to enable that person to obtain access to a part of that land if the person had an interest in that part only), it becomes a private right of way (so that the person may continue to access the land). It does not matter whether the person is using the existing public right of way on the cut-off date, or is able to use it.
127. In the situation in which it applies, the new section 56B therefore protects the person with the interest in the land from the burden of the loss of access to it.