

SCHEDULE 1

Amendments of Part 1 of the CROW Act

PART 3

Exclusion or restriction of access

18.—(1) Section 24 of that Act (land management) is amended as follows.

(2) For subsection (1) substitute—

“(1) The relevant authority may make a land management direction in relation to any land (“the designated land”).

(1A) The relevant authority may exercise their powers under subsection (1)—

- (a) in any case, on the application of any person interested in the designated land, and
- (b) if the designated land is coastal margin, without any such application having been made.

(1B) A land management direction is a direction which—

- (a) where the designated land is coastal margin—
 - (i) excludes or restricts access to the designated land during a specified period, or
 - (ii) authorises a specified person to exclude or restrict in the manner specified in the direction access to the designated land, or to such part or parts of that land as the specified person may determine in accordance with the direction, during a specified period, and
- (b) in any other case, excludes or restricts access to the designated land during a specified period.

(1C) The relevant authority may not make a land management direction unless—

- (a) in the case of a direction within subsection (1B)(a), they are satisfied that the exclusion or restriction under this section of access to the designated land to the extent provided for in or by the direction is necessary for the purposes of the management of the designated land or any adjoining land;
- (b) in the case of a direction within subsection (1B)(b), they are satisfied that the exclusion or restriction under this section of access to the designated land to the extent provided by the direction is necessary for the purposes of the management of the land by the applicant.

(1D) Before making a land management direction under subsection (1B)(a) in a case where an application has not been made under subsection (1A)(a), the relevant authority must take reasonable steps to consult any person who—

- (a) holds an estate in fee simple absolute in possession in the designated land (or any part of it),
- (b) holds a term of years absolute in that land (or any part of it), or
- (c) is in lawful occupation of that land (or any part of it).

Changes to legislation: There are currently no known outstanding effects for the *The Access to the Countryside (Coastal Margin) (England) Order 2010, Paragraph 18.* (See end of Document for details)

(1E) Subsection (1D) does not apply if the direction is made in accordance with section 55F(2) of the National Parks and Access to the Countryside Act 1949⁽¹⁾ (directions set out in report approving proposals for English coastal route).

(1F) The reference in subsection (1B)(a) to a specified period includes a reference to—

- (a) a specified period in every calendar year;
- (b) a period which is to be determined by the relevant authority in accordance with the direction;
- (c) a period which is to be determined by a specified person in accordance with the direction and, where the direction so requires, notified to the relevant authority by the specified person in accordance with the direction;
- (d) an indefinite period.”.

(3) In subsection (2) for “subsection (1)” substitute “subsection (1B)(b)”.

(4) After subsection (4) add—

“(5) Subsections (3) and (4) do not apply in relation to land management directions under subsection (1B)(a).

(6) In this section references to access to land are to access by virtue of section 2(1).”.

⁽¹⁾ 1949 c.97. Section 55F was inserted by section 302 of the 2009 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Coastal Margin) (England) Order 2010, Paragraph 18.