



Access to Neighbouring Land Act 1992

1992 CHAPTER 23

4 Persons bound by access order, unidentified persons and bar on contracting out

- (1) In addition to the respondent, an access order shall, subject to the provisions of the Land Charges Act 1972 and the Land Registration Act 1925, be binding on—
 - (a) any of his successors in title to the servient land; and
 - (b) any person who has an estate or interest in, or right over, the whole or any part of the servient land which was created after the making of the order and who derives his title to that estate, interest or right under the respondent;and references to the respondent shall be construed accordingly.
- (2) If and to the extent that the court considers it just and equitable to allow him to do so, a person on whom an access order becomes binding by virtue of subsection (1)(a) or (b) above shall be entitled, as respects anything falling to be done after the order becomes binding on him, to enforce the order or any of its terms or conditions as if he were the respondent, and references to the respondent shall be construed accordingly.
- (3) Rules of court may—
 - (a) provide a procedure which may be followed where the applicant does not know, and cannot reasonably ascertain, the name of any person whom he desires to make respondent to the application; and
 - (b) make provision enabling such an applicant to make such a person respondent by description instead of by name;and in this subsection “applicant” includes a person who proposes to make an application for an access order.
- (4) Any agreement, whenever made, shall be void if and to the extent that it would, apart from this subsection, prevent a person from applying for an access order or restrict his right to do so.