



# 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, 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
  - (b) in relation to any other land, means the local highway authority in whose area the land is situated;

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*Status: This is the original version (as it was originally enacted).*

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“the appropriate countryside body” means—

- (a) in relation to England, the Countryside Agency, and
- (b) in relation to Wales, the Countryside Council for Wales;

“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.

(3) In this Part “registered common land” means—

- (a) land which is registered as common land under the Commons Registration Act 1965 (in this section referred to as “the 1965 Act”) 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.

## **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—

- (a) he does so without breaking or damaging any wall, fence, hedge, stile or gate, and
- (b) 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 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—
- (a) subsection (1)(a),
  - (b) the general restrictions in Schedule 2, or
  - (c) 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 Agricultural Tenancies Act 1995 or a tenancy to which the Agricultural Holdings Act 1986 applies, means the tenant under that tenancy, and “ownership” shall be construed accordingly.

### **3 Power to extend to coastal land**

- (1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend the definition of “open country” in section 1(2) so as to include 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).