



# Countryside and Rights of Way Act 2000

## 2000 CHAPTER 37

### PART I

#### ACCESS TO THE COUNTRYSIDE

#### CHAPTER IV

#### GENERAL

#### **40 Powers of entry for purposes of Part I.**

- (1) A person who is authorised by the appropriate countryside body to do so may enter any land—
  - (a) for the purpose of surveying it in connection with the preparation of any map under this Part or the review of any map issued under this Part,
  - (b) for the purpose of determining whether any power conferred on the appropriate countryside body by Chapter II should be exercised in relation to the land,
  - (c) for the purpose of ascertaining whether members of the public are being permitted to exercise the right conferred by section 2(1),
  - (d) in connection with an appeal under any provision of this Part, or
  - (e) for the purpose of determining whether to apply to the Secretary of State or the National Assembly for Wales under section 58.
- (2) A person who is authorised by a local highway authority to do so may enter any land—
  - (a) for the purpose of determining whether the local highway authority should enter into an agreement under section 35, give a notice under section 36(1) or (3) or section 37(1) or carry out works under section 36(1) or (5), section 37(5) or section 39(2)(b),
  - (b) for the purpose of ascertaining whether an offence under section 14 or 39 has been or is being committed, or
  - (c) for the purposes of erecting or maintaining notices under section 19(1).

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**Changes to legislation:** *Countryside and Rights of Way Act 2000, Section 40 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (3) A person who is authorised by a National Park authority to do so may enter any land—
- (a) for the purpose of enabling the authority to determine whether to exercise any power under Chapter II of this Act in relation to the land,
  - (b) for the purpose of determining whether members of the public are being permitted to exercise the right conferred by section 2(1),
  - (c) in connection with an appeal under any provision of this Part,
  - (d) for the purpose of determining whether the authority should enter into an agreement under section 35, give a notice under section 36(1) or (3) or section 37(1) or carry out works under section 36(1) or (5), section 37(5) or section 39(2)(b),
  - (e) for the purpose of ascertaining whether an offence under section 14 or 39 has been or is being committed, or
  - (f) for the purposes of erecting or maintaining notices under section 19(1).
- (4) A person who is authorised by the Forestry Commissioners to do so may enter any land—
- (a) for the purpose of determining whether any power conferred on the Forestry Commissioners by Chapter II should be exercised in relation to the land, or
  - (b) in connection with an appeal under any provision of this Part.
- (5) A person acting in the exercise of a power conferred by this section may—
- (a) use a vehicle to enter the land;
  - (b) take a constable with him if he reasonably believes he is likely to be obstructed;
  - (c) take with him equipment and materials needed for the purpose for which he is exercising the power of entry;
  - (d) take samples of the land and of anything on it.
- (6) If in the exercise of a power conferred by this section a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.
- (7) A person authorised under this section to enter upon any land—
- (a) shall, if so required, produce evidence of his authority before entering, and
  - (b) shall produce such evidence if required to do so at any time while he remains on the land.
- (8) A person shall not under this section demand admission as of right to any occupied land, other than access land, unless—
- (a) at least twenty-four hours' notice of the intended entry has been given to the occupier, or
  - (b) it is not reasonably practicable to give such notice, or
  - (c) the entry is for the purpose specified in subsection (2)(b) and (3)(e).
- (9) The rights conferred by this section are not exercisable in relation to a dwelling.
- (10) A person who intentionally obstructs a person acting in the exercise of his powers under this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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**Modifications etc. (not altering text)**

- C1** S. 40(5)-(7) applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(d), **Sch. 20 para. 9(3)** (with s. 308)
- C2** S. 40(9)(10) applied (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(d), **Sch. 20 para. 9(3)** (with s. 308)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)