



Greenham and Crookham Commons Act 2002

2002 CHAPTER i

PART 3

PUBLIC ACCESS

11 Rights of public access

- (1) Subject to the following provisions of this Act and compliance with all rules, regulations or byelaws relating to the Common and any additional open space and for the time being in force, the public shall have a right of access to the Common and any additional open space on foot for the purpose of open-air recreation; and a person—
 - (a) who enters upon such land for that purpose without breaking or damaging any fence or hedge; or
 - (b) who is on such land for such purpose after having so entered on the land, shall not be treated as a trespasser on that land or incur any other liability by reason only of entering or being on the land.
- (2) Subject as mentioned in subsection (1) above, the public shall have a right of access on horseback or bicycle on such defined paths or tracks over the Common and any additional open space as the Council may from time to time determine in consultation with the Commission.
- (3) Subsections (1) and (2) above shall not apply to a person who, in or upon any such land—
 - (a) without lawful authority or written authority from the Council—
 - (i) rides any horse or bicycle except on such a defined path or track as is mentioned in subsection (2) above; or
 - (ii) drives or rides any other vehicle;
 - (b) hinders or obstructs—
 - (i) any officer or other person authorised by the Council; or

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- (ii) any commoner or any other person in the exercise of any right or power vested in that person.
- (4) Subsections (1) and (2) above shall have effect subject to the restrictions contained in paragraphs 1 and 2 of Schedule 2 to the 2000 Act (general restrictions to be observed by persons having access to land by virtue of that Act) but with the following modifications to paragraph 1—
- (a) the reference to section 2(1) of the 2000 Act shall have effect as if it were a reference to those subsections;
 - (b) paragraph (a) shall be omitted;
 - (c) paragraph (c) shall not preclude a person riding a horse on such a defined path or track as is mentioned in subsection (2) above; and
 - (d) paragraph (1) shall have effect as if after “plant”, in both places where it occurs, there were inserted “, fungus”.
- (5) Subsections (1) and (2) above shall not apply to land which for the time being is excepted land within the meaning of section 1(2) of the 2000 Act.
- (6) Nothing in this section shall affect the exercise of powers under any enactment whereby access to the Common or additional open space may be regulated or prohibited.
- (7) Subsections (4) and (5) above have effect subject to section 42 (Transitional provisions) below.