



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART I

ACCESS TO THE COUNTRYSIDE

CHAPTER II

EXCLUSION OR RESTRICTION OF ACCESS

21 Interpretation of Chapter II.

- (1) References in this Chapter to the exclusion or restriction of access to any land by virtue of section 2(1) are to be interpreted in accordance with subsections (2) and (3).
- (2) A person excludes access by virtue of subsection (1) of section 2 to any land where he excludes the application of that subsection in relation to that land.
- (3) A person restricts access by virtue of subsection (1) of section 2 to any land where he provides that the right conferred by that subsection—
 - (a) is exercisable only along specified routes or ways,
 - (b) is exercisable only after entering the land at a specified place or places,
 - (c) is exercisable only by persons who do not take dogs on the land, or
 - (d) is exercisable only by persons who satisfy any other specified conditions.
- (4) In this Chapter, except section 23(1), “owner”, in relation to land which is subject to a farm business tenancy within the meaning of the ^{M1}Agricultural Tenancies Act 1995 or a tenancy to which the ^{M2}Agricultural Holdings Act 1986 applies, means the tenant under that tenancy.
- (5) Subject to subsection (6), in this Chapter “the relevant authority”—
 - (a) in relation to any land in a National Park, means the National Park authority, and
 - (b) in relation to any other land, means the appropriate countryside body.

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(6) Where—

- (a) it appears to the Forestry Commissioners that any land which is dedicated for the purposes of this Part under section 16 consists wholly or predominantly of woodland, and
- (b) the Forestry Commissioners give to the body who are apart from this subsection the relevant authority for the purposes of this Chapter in relation to the land a notice stating that the Forestry Commissioners are to be the relevant authority for those purposes as from a date specified in the notice,

the Forestry Commissioners shall as from that date become the relevant authority in relation to that land for those purposes, but subject to subsection (7).

- (7) Where it appears to the Forestry Commissioners that any land in relation to which they are by virtue of subsection (6) the relevant authority for the purposes of this Chapter has ceased to consist wholly or predominantly of woodland, the Forestry Commissioners may, by giving notice to the body who would apart from subsection (6) be the relevant authority, revoke the notice under subsection (6) as from a date specified in the notice under this subsection.

Modifications etc. (not altering text)

- C1** S. 21(5) excluded (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 2**

Marginal Citations

- M1** 1995 c. 8.
M2 1986 c. 5.

22 Exclusion or restriction at discretion of owner and others.

- (1) Subject to subsections (2) and (6), an entitled person may, by giving notice to the relevant authority in accordance with regulations under section 32(1)(a), exclude or restrict access by virtue of section 2(1) to any land on one or more days specified in the notice.
- (2) The number of days on which any entitled person excludes or restricts under this section access by virtue of section 2(1) to any land must not in any calendar year exceed the relevant maximum.
- (3) In this section “entitled person”, in relation to any land, means—
 - (a) the owner of the land, and
 - (b) any other person having an interest in the land and falling within a prescribed description.
- (4) Subject to subsection (5), in this section “the relevant maximum” means twenty-eight.
- (5) If regulations are made under subsection (3)(b), the regulations must provide that, in cases where there are two or more entitled persons having different interests in the land, the relevant maximum in relation to each of them is to be determined in accordance with the regulations, but so that the number of days on which access by virtue of section 2(1) to any land may be excluded or restricted under this section in any calendar year does not exceed twenty-eight.

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- (6) An entitled person may not under this section exclude or restrict access by virtue of section 2(1) to any land—
 - (a) Christmas Day or Good Friday, or
 - (b) any day which is a bank holiday under the ^{M3}Banking and Financial Dealings Act 1971 in England and Wales.
- (7) An entitled person may not under this section exclude or restrict access by virtue of section 2(1) to any land—
 - (a) on more than four days in any calendar year which are either Saturday or Sunday,
 - (b) on any Saturday in the period beginning with 1st June and ending with 11th August in any year,
 - (c) on any Sunday in the period beginning with 1st June and ending with 30th September in any year.
- (8) Regulations may provide that any exclusion or restriction under subsection (1) of access by virtue of section 2(1) to any land must relate to an area of land the boundaries of which are determined in accordance with the regulations.

Marginal Citations

M3 1971 c. 80.

23 Restrictions on dogs at discretion of owner.

- (1) The owner of any land consisting of moor managed for the breeding and shooting of grouse may, so far as appears to him to be necessary in connection with the management of the land for that purpose, by taking such steps as may be prescribed, provide that, during a specified period, the right conferred by section 2(1) is exercisable only by persons who do not take dogs on the land.
- (2) The owner of any land may, so far as appears to him to be necessary in connection with lambing, by taking such steps as may be prescribed, provide that during a specified period the right conferred by section 2(1) is exercisable only by persons who do not take dogs into any field or enclosure on the land in which there are sheep.
- (3) In subsection (2) “field or enclosure” means a field or enclosure of not more than 15 hectares.
- (4) As respects any land—
 - (a) any period specified under subsection (1) may not be more than five years,
 - (b) not more than one period may be specified under subsection (2) in any calendar year, and that period may not be more than six weeks.
- (5) A restriction imposed under subsection (1) or (2) does not prevent a blind person from taking with him a trained guide dog, or a deaf person from taking with him a trained hearing dog.

24 Land management.

- (1) The relevant authority may by direction, on an application made by a person interested in any land, exclude or restrict access to that land by virtue of section 2(1) during a

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specified period, if the authority are satisfied that the exclusion or restriction under this section of access by virtue of section 2(1) to the extent provided by the direction is necessary for the purposes of the management of the land by the applicant.

- (2) The reference in subsection (1) to a specified period includes a reference to—
 - (a) a specified period in every calendar year, or
 - (b) a period which is to be—
 - (i) determined by the applicant in accordance with the direction, and
 - (ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d).
- (3) In determining whether to any extent the exclusion or restriction under this section of access by virtue of section 2(1) during any period is necessary for the purposes of land management, the relevant authority shall have regard to—
 - (a) the existence of the right conferred by section 22,
 - (b) the extent to which the applicant has exercised or proposes to exercise that right, and
 - (c) the purposes for which he has exercised or proposes to exercise it.
- (4) Where an application under this section relates to land which is not access land at the time when the application is made, the relevant authority shall not give a direction under this section unless they are satisfied that it is likely that the land will be access land during all or part of the period to which the application relates.

25 Avoidance of risk of fire or of danger to the public.

- (1) The relevant authority may by direction exclude or restrict access by virtue of section 2(1) in relation to any land during a specified period if the authority are satisfied—
 - (a) that, by reason of any exceptional conditions of weather or any exceptional change in the condition of the land, the exclusion or restriction under this section of access to the land by virtue of section 2(1) to the extent provided by the direction is necessary for the purpose of fire prevention, or
 - (b) that, by reason of anything done, or proposed to be done, on the land or on adjacent land, the exclusion or restriction under this section of access to the land by virtue of section 2(1) to the extent provided by the direction is necessary for the purpose of avoiding danger to the public.
- (2) The reference in subsection (1) to a specified period includes a reference to—
 - (a) a specified period in every calendar year, and
 - (b) a period which is to be—
 - (i) determined by a specified person in accordance with the direction, and
 - (ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d).
- (3) The relevant authority may exercise their powers under subsection (1) on the application of any person interested in the land, or without any such application having been made.
- (4) In determining on an application made by a person interested in the land whether the condition in subsection (1)(a) or (b) is satisfied, the relevant authority shall have regard to—

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- (a) the existence of the right conferred by section 22,
 - (b) the extent to which the applicant has exercised or proposes to exercise that right, and
 - (c) the purposes for which he has exercised or proposes to exercise it.
- (5) Where an application under this section relates to land which is not access land at the time when the application is made, the relevant authority shall not give a direction under this section unless they are satisfied that it is likely that the land will be access land during all or part of the period to which the application relates.

26 Nature conservation and heritage preservation.

- (1) The relevant authority may by direction exclude or restrict access by virtue of section 2(1) to any land during any period if they are satisfied that the exclusion or restriction of access by virtue of section 2(1) to the extent provided by the direction is necessary for either of the purposes specified in subsection (3).
- (2) A direction under subsection (1) may be expressed to have effect—
- (a) during a period specified in the direction,
 - (b) during a specified period in every calendar year, or
 - (c) during a period which is to be—
 - (i) determined by a specified person in accordance with the direction, and
 - (ii) notified by him to the relevant authority in accordance with regulations under section 32(1)(d), or
 - (d) indefinitely.
- (3) The purposes referred to in subsection (1) are—
- (a) the purpose of conserving flora, fauna or geological or physiographical features of the land in question;
 - (b) the purpose of preserving—
 - (i) any scheduled monument as defined by section 1(11) of the ^{M4}Ancient Monuments and Archaeological Areas Act 1979, or
 - (ii) any other structure, work, site, garden or area which is of historic, architectural, traditional, artistic or archaeological interest.
- (4) In considering whether to give a direction under this section, the relevant authority shall have regard to any advice given to them by the relevant advisory body.
- (5) Subsection (4) does not apply where the direction is given by the Countryside Council for Wales for the purpose specified in subsection (3)(a) or revokes a direction given by them for that purpose.
- (6) In this section “the relevant advisory body”—
- (a) in relation to a direction which is to be given for the purpose specified in subsection (3)(a) or which revokes a direction given for that purpose, means—
 - (i) in the case of land in England, English Nature, and
 - (ii) in the case of land in Wales in respect of which the Countryside Council for Wales are not the relevant authority, the Countryside Council for Wales, and
 - (b) in relation to a direction which is to be given for the purpose specified in subsection (3)(b) or which revokes a direction given for that purpose, means—

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- (i) in the case of land in England, the Historic Buildings and Monuments Commission for England, and
- (ii) in the case of land in Wales, the National Assembly for Wales.

Marginal Citations

M4 1979 c. 46.

27 Directions by relevant authority: general.

- (1) Before giving a direction under section 24, 25 or 26 in relation to land in an area for which there is a local access forum so as to exclude or restrict access to the land—
 - (a) indefinitely, or
 - (b) during a period which exceeds, or may exceed, six months,
 the relevant authority shall consult the local access forum.
- (2) Any direction under section 24, 25 or 26 may be revoked or varied by a subsequent direction under that provision.
- (3) Where a direction given under section 24, 25 or 26 in relation to any land by the relevant authority excludes or restricts access to the land—
 - (a) indefinitely,
 - (b) for part of every year or of each of six or more consecutive calendar years, or
 - (c) for a specified period of more than five years,
 the authority shall review the direction not later than the fifth anniversary of the relevant date.
- (4) In subsection (3) “the relevant date”, in relation to a direction, means—
 - (a) the day on which the direction was given, or
 - (b) where it has already been reviewed, the day on which it was last reviewed.
- (5) Before revoking or varying a direction under section 24 or 25 which was given on the application of a person interested in the land to which the direction relates (“the original applicant”), the relevant authority shall—
 - (a) where the original applicant still holds the interest in the land which he held when he applied for the direction and it is reasonably practicable to consult him, consult the original applicant, and
 - (b) where the original applicant does not hold that interest, consult any person who holds that interest and with whom consultation is reasonably practicable.
- (6) Before revoking or varying a direction under section 26, the relevant authority shall consult the relevant advisory body as defined by section 26(6), unless the direction falls within section 26(5).

28 Defence or national security.

- (1) The Secretary of State may by direction exclude or restrict access by virtue of section 2(1) to any land during any period if he is satisfied that the exclusion or restriction of such access to the extent provided by the direction is necessary for the purposes of defence or national security.

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- (2) A direction under subsection (1) may be expressed to have effect—
 - (a) during a period specified in the direction,
 - (b) during a specified period in every calendar year,
 - (c) during a period which is to be—
 - (i) determined in accordance with the direction by a person authorised by the Secretary of State, and
 - (ii) notified by that person to the relevant authority in accordance with regulations under section 32(1)(c), or
 - (d) indefinitely.
- (3) Any direction given by the Secretary of State under this section may be revoked or varied by a subsequent direction.
- (4) Where a direction given under this section in relation to any land excludes or restricts access to the land—
 - (a) indefinitely,
 - (b) for part of every year or of each of six or more consecutive calendar years, or
 - (c) for a specified period of more than five years,the Secretary of State shall review the direction not later than the fifth anniversary of the relevant date.
- (5) In subsection (4) “the relevant date”, in relation to a direction, means—
 - (a) the day on which the direction was given, or
 - (b) where it has previously been reviewed, the day on which it was last reviewed.
- (6) If in any calendar year the Secretary of State reviews a defence direction, he shall—
 - (a) prepare a report on all reviews of defence directions which he has undertaken during that year, and
 - (b) lay a copy of the report before each House of Parliament.
- (7) In subsection (6) “defence direction” means a direction given under this section for the purposes of defence.

29 Reference by relevant advisory body.

- (1) Subsections (2) and (3) apply where—
 - (a) the relevant advisory body has given advice under section 26(4) or on being consulted under section 27(6), but
 - (b) in any respect, the relevant authority decide not to act in accordance with that advice.
- (2) The relevant advisory body may refer the decision—
 - (a) in the case of land in England, to the [^{F1}Secretary of State], or
 - (b) in the case of land in Wales, to the National Assembly for Wales.
- (3) On a reference under this section the [^{F2}Secretary of State] or the National Assembly for Wales may, if he or it thinks fit—
 - (a) cancel any direction given by the relevant authority, or
 - (b) require the relevant authority to give such direction under section 26 as the [^{F2}Secretary of State] or, as the case may be, the Assembly, think fit.

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- (4) Sections 7 and 8 (and Schedule 3) have effect in relation to a reference under this section as they have effect in relation to an appeal under section 6 ^{F3}
- (5) In this section—
 - ^{F4}
 - “the relevant advisory body” has the same meaning as in section 26, except that it does not include the National Assembly for Wales.

Textual Amendments

F1 Words in s. 29(2)(a) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 43(2)** (with arts. 5(3), 6)

F2 Words in s. 29(3) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 43(3)** (with arts. 5(3), 6)

F3 Words in s. 29(4) repealed (27.3.2002) by S.I. 2002/794, art. 5(2), **Sch. 2** (with art. 6)

F4 S. 29(5): Definition of “the appropriate Minister” repealed (27.3.2002) by S.I. 2002/794, art. 5(2), **Sch. 2** (with art. 6)

30 Appeal by person interested in land.

- (1) Subsections (2) and (3) apply where—
 - (a) a person interested in any land (in this section referred to as “the applicant”)—
 - (i) has applied for a direction under section 24 or 25, or
 - (ii) has made representations on being consulted under section 27(5), but
 - (b) in any respect, the relevant authority decide not to act in accordance with the application or the representations.
- (2) The relevant authority shall inform the applicant of their reasons for not acting in accordance with the application or representations.
- (3) The applicant may appeal against the decision—
 - (a) in the case of land in England, to the [^{F5}Secretary of State], or
 - (b) in the case of land in Wales, to the National Assembly for Wales.
- (4) On appeal under this section the [^{F6}Secretary of State]or the National Assembly for Wales may, if he or it thinks fit—
 - (a) cancel any direction given by the relevant authority, or
 - (b) require the relevant authority to give such direction under section 24 or 25 as the [^{F6}Secretary of State] or, as the case may be, the Assembly, think fit.
- (5) Sections 7 and 8 (and Schedule 3) have effect in relation to an appeal under this section as they have effect in relation to an appeal under section 6 ^{F7}
- (6) ^{F8}

Textual Amendments

F5 Words in s. 30(3)(a) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 44(2)** (with arts. 5(3), 6)

F6 Words in s. 30(4) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 44(3)** (with arts. 5(3), 6)

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- F7** Words in s. 30(5) repealed (27.3.2002) by S.I. 2002/794, art. 5(2), **Sch. 2** (with art. 6)
F8 S. 30(6) repealed (27.3.2002) by S.I. 2002/794, art. 5(2), **Sch. 2** (with art. 6)

31 Exclusion or restriction of access in case of emergency.

- (1) Regulations may make provision enabling the relevant authority, where the authority are satisfied that an emergency has arisen which makes the exclusion or restriction of access by virtue of section 2(1) necessary for any of the purposes specified in section 24(1), 25(1) or 26(3), by direction to exclude or restrict such access in respect of any land for a period not exceeding three months.
- (2) Regulations under this section may provide for any of the preceding provisions of this Chapter to apply in relation to a direction given under the regulations with such modifications as may be prescribed.

32 Regulations relating to exclusion or restriction of access.

- (1) Regulations may make provision—
 - (a) as to the giving of notice under section 22(1),
 - (b) as to the steps to be taken under section 23(1) and (2),
 - (c) as to the procedure on any application to the relevant authority under section 24 or 25, including the period within which any such application must be made,
 - (d) as to the giving of notice for the purposes of section 24(2)(b)(ii), 25(2)(b)(ii), 26(2)(c)(ii) or 28(2)(c)(ii),
 - (e) prescribing the form of any notice or application referred to in paragraphs (a) to (d),
 - (f) restricting the cases in which a person who is interested in any land only as the holder of rights of common may make an application under section 24 or 25 in respect of the land,
 - (g) as to requirements to be met by relevant authorities or the Secretary of State in relation to consultation (whether or not required by the preceding provisions of this Chapter),
 - (h) as to the giving of directions by relevant authorities or the Secretary of State,
 - (i) as to notification by relevant authorities or the Secretary of State of decisions under this Chapter,
 - (j) as to steps to be taken by persons interested in land, by relevant authorities, by the bodies specified in section 26(6) or by the Secretary of State for informing the public about the exclusion or restriction under this Chapter of access by virtue of section 2(1), including the display of notices on or near the land to which the exclusion or restriction relates,
 - (k) as to the carrying out of reviews by relevant authorities under section 27(3) or by the Secretary of State under section 28(4),
 - (l) as to the period within which and manner in which appeals under section 30 are to be brought,
 - (m) as to the advertising of such an appeal, and
 - (n) as to the manner in which such appeals are to be considered.

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- (2) Regulations made under subsection (1)(k) may provide for any of the provisions of this Chapter relating to appeals to apply (with or without modifications) on a review under section 27.

33 Guidance by countryside bodies to National Park authorities.

- (1) Subject to subsection (3), the Countryside Agency may issue guidance—
- (a) to National Park authorities in England with respect to the discharge by National Park authorities of their functions under this Chapter, and
 - (b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 21(6) in relation to land in England.
- (2) Subject to subsection (3), the Countryside Council for Wales may issue guidance—
- (a) to National Park authorities in Wales with respect to the discharge by National Park authorities of their functions under this Chapter, and
 - (b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 21(6) in relation to land in Wales.
- (3) The Countryside Agency or the Countryside Council for Wales may not issue any guidance under this section unless the guidance has been approved—
- (a) in the case of the Countryside Agency, by the Secretary of State, and
 - (b) in the case of the Countryside Council for Wales, by the National Assembly for Wales.
- (4) Where the Countryside Agency or the Countryside Council for Wales issue any guidance under this section, they shall arrange for the guidance to be published in such manner as they consider appropriate.
- (5) A National Park authority or the Forestry Commissioners shall have regard to any guidance issued to them under this section.

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