



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART II

PUBLIC RIGHTS OF WAY AND ROAD TRAFFIC

Miscellaneous

68 Vehicular access across common land etc.

- [^{F1}(1) This section applies to a way which the owner or occupier (from time to time) of any premises has used as a means of access for vehicles to the premises, if that use of the way—
- (a) was an offence under an enactment applying to the land crossed by the way, but
 - (b) would otherwise have been sufficient to create on or after the prescribed date, and to keep in existence, an easement giving a right of way for vehicles.
- (2) Regulations may provide, as respects a way to which this section applies, for the creation in accordance with the regulations, on the application of the owner of the premises concerned and on compliance by him with prescribed requirements, of an easement subsisting at law for the benefit of the premises and giving a right of way for vehicles over that way.
- (3) An easement created in accordance with the regulations is subject to any enactment or rule of law which would apply to such an easement granted by the owner of the land.
- (4) The regulations may in particular—
- (a) require that, where an application is made after the relevant use of the way has ceased, it is to be made within a specified time,
 - (b) specify grounds on which objections may be made and the procedure to apply to the making of objections,
 - (c) require any matter to be referred to and determined by the Lands Tribunal, and make provision as to procedure and costs,

Changes to legislation: Countryside and Rights of Way Act 2000, Section 68 is up to date with all changes known to be in force on or before 23 May 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

- (d) make provision as to the payment of any amount by the owner of the premises concerned to any person or into court and as to the time when any payment is to be made,
- (e) provide for the determination of any such amount,
- (f) make provision as to the date on which any easement is created,
- (g) specify any limitation to which the easement is subject,
- (h) provide for the easement to include any specified right incidental to the right of way,
- (i) make different provision for different circumstances.

(5) In this section—

“enactment” includes an enactment in a local or private Act and a byelaw, regulation or other provision having effect under an enactment;

“owner”, in relation to any premises, means—

- (a) a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the premises, whether in possession or in reversion, or
- (b) a tenant under a long lease, within the meaning of the ^{M1}Landlord and Tenant Act 1987;

“prescribed” means prescribed by regulations;

“regulations” means regulations made, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales.

(6) Regulations under this section shall be made by statutory instrument, and no such regulations shall be made by the Secretary of State unless a draft has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

F1 S. 68 repealed (6.9.2007 for W., 1.10.2007 for E.) by [Commons Act 2006 \(c. 26\)](#), ss. 51, 56, [Sch. 6 Pt. 5](#) (with s. 60); [S.I. 2006/2504](#), art. 2(d); [S.I. 2007/2386](#), art. 3(j)(s)

Commencement Information

I1 S. 68 wholly in force at 1.5.2001; s. 68 not in force at Royal Assent see s. 103(3); s. 68 in force for E. at 1.4.2001 by [S.I. 2001/114](#), art. 2(2)(c); s. 68 in force for W. at 1.5.2001 by [S.I. 2001/1410](#), art. 2(d)

Marginal Citations

M1 1987 c. 31

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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\(1\)](#)