

SCHEDULE 1

Amendments of Part 1 of the CROW Act

PART 2

Restrictions to be observed by persons exercising right of access

11. Schedule 2 to the CROW Act is amended as follows.

12. In paragraph 1—

- (a) renumber the existing provision as sub-paragraph (1),
- (b) for “Section 2(1)” substitute “Subject to sub-paragraph (2), section 2(1)”, and
- (c) after that sub-paragraph add—

“(2) Nothing in sub-paragraph (1)(f) or (j) affects a person’s entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person’s conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.

(3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person—

- (a) having a fishing rod or line, or
- (b) engaging in any activities which—
 - (i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and
 - (ii) take place on land other than land used for grazing or other agricultural purposes.”.

13. In paragraph 4 (dogs to be kept on a short lead between 1st March and 31st July), renumber the existing provision as sub-paragraph (1), and after that sub-paragraph add—

“(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.”.

14. After paragraph 6 insert—

“**6A.**—(1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if—

- (a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and
- (b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that—

- (a) the dog is on a lead, or
- (b) the dog is within sight of the person and the person remains aware of the dog’s actions and has reason to be confident that the dog will return to the person reliably and promptly on the person’s command.

(4) The second condition is that the dog remains—

- (a) on access land, or

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(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

6B.—(1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.

(2) In this paragraph—

“the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009⁽¹⁾);

“official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949⁽²⁾;

“relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act⁽³⁾ to the extent that the line of the route passes over coastal margin.”.

⁽¹⁾ 2009 c. 23.

⁽²⁾ Section 55J was inserted by section 302 of the 2009 Act.

⁽³⁾ Section 55I was inserted by section 302 of the 2009 Act.

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