



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART I

ACCESS TO THE COUNTRYSIDE

CHAPTER I

RIGHT OF ACCESS

Access under other enactments or by dedication

15 Rights of access under other enactments.

- (1) For the purposes of section 1(1), land is to be treated as being accessible to the public apart from this Act at any time if, but only if, at that time—
 - (a) section 193 of the ^{M1}Law of Property Act 1925 (rights of the public over commons and waste lands) applies to it,
 - (b) by virtue of a local or private Act or a scheme made under Part I of the ^{M2}Commons Act 1899 (as read with subsection (2)), members of the public have a right of access to it at all times for the purposes of open-air recreation (however described),
 - (c) an access agreement or access order under Part V of the National Parks and Access to the ^{M3}Countryside Act 1949 is in force with respect to it, or
 - (d) the public have access to it under subsection (1) of section 19 of the ^{M4}Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control) or would have access to it under that subsection but for any provision of subsections (2) to (9) of that section.
- (2) Where a local or private Act or a scheme made under Part I of the ^{M5}Commons Act 1899 confers on the inhabitants of a particular district or neighbourhood (however described) a right of access to any land for the purposes of open-air recreation

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(however described), the right of access exercisable by those inhabitants in relation to that land is by virtue of this subsection exercisable by members of the public generally.

Marginal Citations

M1 1925 c. 20.

M2 1899 c. 30.

M3 1949 c. 97.

M4 1979 c. 46.

M5 1899 c. 30.

16 Dedication of land as access land.

- (1) Subject to the provisions of this section, a person who, in respect of any land, holds—
- (a) the fee simple absolute in possession, or
 - (b) a legal term of years absolute of which not less than 90 years remain unexpired,

may, by taking such steps as may be prescribed, dedicate the land for the purposes of this Part, whether or not it would be access land apart from this section.

- (2) Where any person other than the person making the dedication holds—
- (a) any leasehold interest in any of the land to be dedicated, or
 - (b) such other interest in any of that land as may be prescribed,
- the dedication must be made jointly with that other person, in such manner as may be prescribed, or with his consent, given in such manner as may be prescribed.

[^{F1}(2A) Where a person makes a dedication under this section in respect of land within subsection (2B), that dedication may also dedicate the land as coastal margin.

- (2B) The land within this subsection is—
- (a) land which is coastal margin, and
 - (b) any other land in England which is adjacent to land which is coastal margin.

- (2C) Where land is dedicated as coastal margin—
- (a) in the case of land within subsection (2B)(b), it is to be treated as coastal margin for the purposes of any provision made by or by virtue of this Part (other than section 1), and
 - (b) if—
 - (i) disregarding this paragraph, it would be excepted land, and
 - (ii) it is not land which is accessible to the public by virtue of any enactment or rule of law (other than this Act),
 it is to be treated for the purposes of any provision made by or by virtue of this Part as if it were not excepted land.]

- (3) In relation to a dedication under this section by virtue of subsection (1)(b), the reference in subsection (2)(a) to a leasehold interest does not include a reference to a leasehold interest superior to that of the person making the dedication.
- (4) A dedication made under this section by virtue of subsection (1)(b) shall have effect only for the remainder of the term held by the person making the dedication.

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(5) Schedule 2 to the ^{M6}Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants) applies to dedications under this section as it applies to forestry dedication covenants.

(6) Regulations may—

- (a) prescribe the form of any instrument to be used for the purposes of this section,
- (b) enable a dedication under this section to include provision removing or relaxing any of the general restrictions in Schedule 2 in relation to any of the land to which the dedication relates,
- (c) enable a dedication previously made under this section to be amended by the persons by whom a dedication could be made, so as to remove or relax any of those restrictions in relation to any of the land to which the dedication relates,

^{F2} ...

[^{F3}(ca) in the case of land within subsection (2B), enable a dedication previously made under this section in respect of the land (otherwise than by virtue of subsection (2A)) to be amended, by the persons by whom a dedication could be made, so as to provide that the land is dedicated as coastal margin for the purposes of subsection (2C),

(cb) provide for any exclusion or restriction under Chapter 2 of access by virtue of section 2(1) which has effect in relation to land which is within subsection (2B)(b) immediately before it is dedicated as coastal margin to cease to have effect at the time the dedication takes effect, and]

(d) require any dedication under this section, or any amendment of such a dedication by virtue of paragraph (c), to be notified to the appropriate countryside body and to the access authority.

[^{F4}(6A) In subsection (6)(cb) the reference to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) is to be interpreted in accordance with section 21(2) and (3).]

(7) A dedication under this section is irrevocable and, subject to subsection (4), binds successive owners and occupiers of, and other persons interested in, the land to which it relates, but nothing in this section prevents any land from becoming excepted land.

(8) A dedication under this section is a local land charge.

Textual Amendments

- F1** S. 16(2A)-(2C) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **303(6)(a)**, 324(2)(d) (with s. 308)
- F2** Word in s. 16(6)(c) repealed (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 303(6)(b), 324(2)(d), **Sch. 22 Pt. 7** (with s. 308)
- F3** S. 16(6)(ca)(cb) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **303(6)(b)**, 324(2)(d) (with s. 308)
- F4** S. 16(6A) inserted (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **303(6)(c)**, 324(2)(d) (with s. 308)

Modifications etc. (not altering text)

- C1** S. 16(2)-(4) applied (with modifications) (1.9.2003) by [Access to the Countryside \(Dedication of Land\) \(England\) Regulations 2003 \(S.I. 2003/2004\)](#), regs. 1(1), **7(2)**

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Marginal Citations

M6 [1967 c. 10.](#)

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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\(1\)](#)