



Countryside and Rights of Way Act 2000

2000 CHAPTER 37

PART III

NATURE CONSERVATION AND WILDLIFE PROTECTION

Powers of entry

80 Powers of entry.

(1) Section 51 of the 1981 Act (powers of entry) is amended as follows.

(2) In subsection (1), for paragraphs (a) to (d) there is substituted—

- “(a) to determine whether the land should be notified under section 28(1);
- (b) to assess the condition of the flora, fauna, or geological or physiographical features by reason of which land which has been notified under section 28(1) is of special interest;
- (c) to determine whether or not to offer to enter into an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act in relation to the land;
- (d) to ascertain whether a condition to which a consent referred to in section 28E(3)(a) was subject has been complied with in relation to the land;
- (e) to ascertain whether an offence under section 28P or under byelaws made by virtue of section 28R is being, or has been, committed on or in relation to the land;
- (f) to formulate a management scheme for the land or determine whether a management scheme (or a proposed management scheme) for the land should be modified;
- (g) to prepare a management notice for the land;
- (h) to ascertain whether the terms of an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act in relation to the land, or the terms of a management scheme or the requirements of a management notice in relation to the land, have been complied with;

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- (i) to determine whether or not to offer to make a payment under section 28M in relation to the land;
- (j) to determine any question in relation to the acquisition of the land by agreement or compulsorily;
- (k) to determine any question in relation to compensation under section 20(3) of the 1949 Act as applied by section 28R of this Act;
- (l) to ascertain whether an order should be made in relation to the land under section 34 or if an offence under that section is being, or has been, committed on the land;
- (m) to ascertain whether an order should be made in relation to the land under section 42 or if an offence under that section is being, or has been, committed on the land.”.

(3) After subsection (1) there is inserted—

“(1A) The power conferred by subsection (1) to enter land for any purpose includes power to enter for the same purpose any land other than that referred to in subsection (1).

(1B) More than one person may be authorised for the time being under subsection (1) to enter any land.”

(4) In subsection (2)—

- ^{F1}(a)
- (b) in paragraph (b), for “paragraph (c)” there is substituted “ paragraph (l) ”; and
- (c) in paragraph (c), for “paragraph (d)” there is substituted “ paragraph (m) ”.

(5) For subsection (3)(b) there is substituted—

“(b) the purpose of the entry is to ascertain if an offence under section 28P, 34 or 42 is being, or has been, committed on or (as the case may be) in relation to that land.”

(6) After subsection (3) there is inserted—

“(3A) A person acting in the exercise of a power conferred by subsection (1) may—

- (a) use a vehicle or a boat to enter the land;
- (b) take a constable with him if he reasonably believes he is likely to be obstructed;
- (c) take with him equipment and materials needed for the purpose for which he is exercising the power of entry;
- (d) take samples of the land and of anything on it.

(3B) If in the exercise of a power conferred by subsection (1) a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.”

(7) After subsection (4) there is inserted—

“(5) It is the duty of a relevant authority to compensate any person who has sustained damage as a result of—

- (a) the exercise of a power conferred by subsection (1) by a person authorised to do so by that relevant authority, or

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(b) the failure of a person so authorised to perform the duty imposed on him by subsection (3B),

except where the damage is attributable to the fault of the person who sustained it; and any dispute as to a person's entitlement to compensation under this subsection or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement, by the Secretary of State".

Textual Amendments

F1 S. 80(4)(a) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 12](#); [S.I. 2006/2541](#), art. 2

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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\(1\)](#)