



# Marine and Coastal Access Act 2009

## 2009 CHAPTER 23

### PART 9

#### COASTAL ACCESS

##### *Implementation of the coastal access duty*

#### **303 Access to the coastal margin**

- (1) Part 1 of the CROW Act (access to the countryside) is amended as follows.
- (2) In section 1—
  - (a) in subsection (1) (definition of “access land”) omit “or” at the end of paragraph (d) and after that paragraph insert—

“(da) is coastal margin, or”,
  - (b) in subsection (2), after the definition of “the appropriate countryside body” insert—

““coastal margin” means land which is of a description specified by an order under section 3A;”,
  - (c) in that subsection, in the definition of “open country”, in paragraph (b) after “land” insert “ or coastal margin ”, and
  - (d) in subsection (3), after “2006” insert “ (but is not coastal margin) ”.
- (3) In section 2 (rights of public in relation to access land)—
  - (a) in subsection (3), for “prohibition” to the end substitute “ relevant statutory prohibition ”, and
  - (b) after that subsection insert—

“(3A) In subsection (3) “relevant statutory prohibition” means—

    - (a) in the case of land which is coastal margin, a prohibition contained in or having effect under any enactment, and

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- (b) in any other case, a prohibition contained in or having effect under any enactment other than an enactment contained in a local or private Act.”
- (4) In section 3 (power to extend to coastal land)—
  - (a) at the end of the heading insert “ : Wales ”,
  - (b) in subsection (1) for “Secretary” to “Wales)” substitute “ Welsh Ministers ”, and
  - (c) in that subsection after “include” insert “ as respects Wales ”.
- (5) After that section insert—

**“3A Power to extend to coastal land etc: England**

- (1) The Secretary of State may by order specify the descriptions of land in England which are coastal margin for the purposes of this Part.
- (2) An order under subsection (1) may, in particular—
  - (a) describe land by reference to it being—
    - (i) land over which the line taken by the English coastal route passes,
    - (ii) land which is adjacent to and within a specified distance of that line, or
    - (iii) land which is adjacent to land within sub-paragraph (ii),
 if the land described under paragraphs (i) to (iii), taken as a whole, is coastal land;
  - (b) in relation to cases where a proposal of the kind mentioned in section 55B of the 1949 Act (power to determine the route in accordance with provision made in the report) is contained in relevant approved proposals, describe land by reference to the line taken by the English coastal route as it has effect from time to time in accordance with that proposal;
  - (c) in relation to cases where a proposal of the kind mentioned in section 55C of that Act (alternative routes) is contained in relevant approved proposals, describe land by reference to it being—
    - (i) land over which the line taken by an official alternative route which is for the time being in operation passes, or
    - (ii) land which is adjacent to and within a specified distance of that line,
 whether or not it is coastal land;
  - (d) in relation to cases where a proposal of the kind mentioned in section 55D(2)(a) or (b) of that Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of an area of coastal margin is to coincide with a physical feature as provided for in that proposal (and for this purpose it is immaterial if the effect is to include other land as coastal margin or to exclude part of an area of coastal land);
  - (e) in relation to cases where a direction under subsection (3) of section 55I of that Act (temporary diversions) specifies a route which (or any part of which) passes over land within subsection (4)(d) of that section, describe land by reference to it being—

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- (i) land over which the line taken by that route (so far as it passes over land within subsection (4)(d) of that section) passes, or
  - (ii) land which is adjacent to and within a specified distance of that line (so far as it so passes),whether or not it is coastal land.
- (3) For the purposes of subsection (2) it is immaterial whether the English coastal route is in existence at the time the order is made.
- (4) An order under subsection (1) may modify the provisions of this Part in their application to land which is coastal margin.
- (5) Provision made by virtue of subsection (4) may, in particular—
  - (a) confer functions on the Secretary of State or Natural England;
  - (b) if providing for any description of land which is coastal margin to be excluded from any description of excepted land—
    - (i) describe that land as mentioned in subsection (2)(a)(i) to (iii), (b) or (c), or
    - (ii) in relation to cases where a proposal of the kind mentioned in section 55D(2)(c) of the 1949 Act (proposal that boundary should coincide with a physical feature) is contained in relevant approved proposals, provide that the boundary of that land (or any part of it) is to coincide with a physical feature as provided for in that proposal.
- (6) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1)—
  - (a) section 2(1) does not apply in relation to the land by reason of it being coastal margin until the end of the access preparation period in relation to the land,
  - (b) any direction given under Chapter 2 in relation to the land may be expressed to take effect immediately after the end of that period, and
  - (c) until the end of that period, the land is not to be regarded as coastal margin—
    - (i) for the purpose of determining whether it is open country or registered common land, or
    - (ii) for the purposes of section 1(6AA) of the Occupiers' Liability Act 1984 (duty of occupier of coastal margin to persons other than the occupier's visitors).
- (7) Where, as a result of proposals becoming approved proposals relating to a long-distance route, land becomes coastal margin by virtue of an order under subsection (1), any exclusion or restriction under Chapter 2 of access to the land by virtue of section 2(1) ceases to have effect at the end of the access preparation period.
- (8) Subsection (7) does not apply to any exclusion or restriction resulting from a direction under Chapter 2 which takes effect after the end of the access preparation period.

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(9) Subsections (6) and (7) do not apply to land if, at the time it becomes coastal margin by virtue of an order under subsection (1), it is already dedicated as coastal margin under section 16.

(10) In this section—

“the 1949 Act” means the National Parks and Access to the Countryside Act 1949;

“access preparation period”, in relation to any land, means the period which—

(a) begins when the land becomes coastal margin, and

(b) ends with the day appointed by the Secretary of State by order under this subsection in relation to that land;

“approved proposals relating to a long-distance route” is to be construed in accordance with sections 52(3) and 55(4) of the 1949 Act;

“coastal land” has the same meaning as in section 3;

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

“modify” includes amend, add to or repeal;

“official alternative route” has the meaning given by section 55J of the 1949 Act;

“relevant approved proposals” means approved proposals relating to a long-distance route which is or forms part of the English coastal route;

“specified” means specified in an order under subsection (1);

and references to the exclusion or restriction under Chapter 2 of access to any land by virtue of section 2(1) are to be interpreted in accordance with section 21(2) and (3).”

(6) In section 16 (dedication of land as access land)—

(a) after subsection (2) insert—

“(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

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- (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.”
- (b) in subsection (6), omit “and” at the end of paragraph (c) and after that paragraph insert—
- “(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”
- (c) after subsection (6) insert—
- “(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) In section 20 (codes of conduct and other information)—
- (a) in subsection (1), omit “and” at the end of paragraph (a) and after paragraph (b) insert “, and
- (c) that, in relation to access land which is coastal margin, the public are informed that the right conferred by section 2(1) does not affect any other right of access that may exist in relation to that land.”
- (b) after that subsection insert—
- “(1A) The duty imposed by subsection (1) to issue and revise a code of conduct may be discharged, in relation to access land which is coastal margin, by (or in part by) issuing and revising a separate code relating to such access land only.”
- (8) In section 44 (orders and regulations under Part 1), in subsection (3) after “section 3” insert “ or 3A(1) ”.
- (9) In section 45 (interpretation of Part 1), after the definition of “the appropriate countryside body” insert—
- ““coastal margin” has the meaning given by section 1(2);”.

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#### Commencement Information

- II** [S. 303](#) wholly in force at 12.1.2010; [s. 303](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#); [s. 303](#) in force in so far as not already in force at 12.1.2010 see [s. 324\(2\)\(d\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)