

Deregulation Bill 2014: Clauses 21-27

Use of land

23 Conversion of public rights of way to private rights of way

(1) In the Countryside and Rights of Way Act 2000, after section 56A (as inserted by section 14) insert—

“56B Conversion of certain public rights of way to private rights of way

(1) This section applies where—

(a) a public right of way over land in England would be extinguished under section 53 immediately after the cut-off date, and

(b) on the cut-off date, the exercise of the right of way—

(i) is reasonably necessary to enable a person with an interest in land to obtain access to it, or

(ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if the person had an interest in that part only.

(2) The public right of way becomes, immediately after the cut-off date, a private right of way of the same description for the benefit of the land or (as the case may be) the part of the land.

(3) For the purposes of subsection (1)(b), it is irrelevant whether the person is, on the cut-off date, in fact—

(a) exercising the existing public right of way, or

(b) able to exercise it.

(4) In this section, “cut-off date” has the meaning given in section 56.”