

www.defra.gov.uk

Guidance note on dedication of land under section 16 of the Countryside and Rights of Way Act 2000

January 2004

Contact details

Access authorities

The access authority is a National Park authority if your land falls within a National Park, or the relevant local highway authority (i.e. the local authority for your area) in all other cases. Contact details for both types of body are available from Yellow Pages under the heading "Local Government".

Charity Commission

Charity Commission, 13-15 Bouverie Street, London, EC4Y 8DP. telephone 0870 333 0123 (national contact centre). email enquiries@charitycommission.gsi.gov.uk.

Countryside Agency

Countryside Agency, PO Box 725, Belfast, BT1 3YL. telephone 0845 100 3298 (open access helpline). email openaccess@countryside.gov.uk.

Department for Environment, Food and Rural Affairs

Sean Davies, Countryside (Recreation and Landscape) Division 2, Defra, Room 1/02, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB. telephone 0117 372 8897. email sean.davies@defra.gsi.gov.uk.

English Nature

Contact details for your local English Nature office can be found in the notification documents sent to owners and occupiers of Sites of Special Scientific Interest, or by telephoning the English Nature enquiry service on 01733 455 100. You can also obtain these details by writing to Enquiry Service, English Nature, Northminster House, Peterborough, PE1 1UA. email enquiries@english-nature.org.uk

English Heritage

Sarah Tunnicliffe, Rural and Environmental Policy Officer, English Heritage, 23 Savile Row, London, W1S 2ET. telephone 0207 973 3620. email sarah.tunnicliffe@english-heritage.org.uk

Forestry Commission

Forestry Commission, Great Eastern House, Tenison Road, Cambridge, CB1 2DU. telephone 01223 314 546. email fc.nat.off.eng@forestry.gsi.gov.uk.

National Assembly for Wales:

Angharad Huws, Coastal and Countryside Access, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ. telephone 02920 825 168. email angharad.huws@wales.gsi.gov.uk.

Contents

Disclaimer	1
Introduction	2
Who can dedicate land?	2
What does dedication do?	3
Do I have to provide access at all times?	3
Are there any other considerations I should think about?	4
What else do I need to do before making a dedication?	5
How do I make a dedication?	5
What do I need to do after I've made the dedication?	5
When does the dedication take effect?	7
Annex 1: Guidance for trustees of charities considering dedication	8
Annex 2: Guidance for local authorities considering dedication	10
Annex 3: General restrictions	11
Annex 4: Obtaining consent to a dedication in order to satisfy an obligation in private law	13
Annex 5: Amending a dedication	14
Form A (Model form of dedication instrument)	
Form B (Application for the registration of a dedication as a local land charge)	

Disclaimer

This guidance is non-statutory. It provides guidance on the main features contained in section 16 of the Countryside and Rights of Way Act 2000 and the Regulations made under that section, but does not attempt to provide a comprehensive explanation of every provision. It does not offer a definitive interpretation of the legislation, which only the courts can do.

The Department for Environment, Food and Rural Affairs (“the Department”) cannot provide specific advice on individual circumstances. Anyone needing this should consider taking independent expert advice.

Introduction

- 1.1 The Countryside and Rights of Way Act 2000 (“the Act”) creates a statutory right of access to mountain, moor, heath, down and registered common land (“access land”¹) in England and Wales. Section 16 of the Act also provides freeholders and long leaseholders with the opportunity to voluntarily dedicate their land for public access – whether or not the land is mountain, moor, heath, down or registered common land.
- 1.2 This guidance provides information to help you decide whether making a dedication is right for you. To make the process as straightforward as possible, we have included a model form which can be used to make a dedication. If you do decide to dedicate, you can also use the separate form provided to register the dedication as a local land charge.
- 1.3 The steps that you need to follow to make a dedication are set out in the Access to the Countryside (Dedication of Land) (England) Regulations 2003 (SI 2003/2004) (“the Regulations”). The Regulations, and this guidance, only apply to dedication in England. If you wish to dedicate land in Wales, then you should contact the National Assembly for Wales.²
- 1.4 You can view an electronic copy of the Act on Her Majesty’s Stationary Office website at <http://www.legislation.hmsso.gov.uk/acts/acts2000/20000037.htm>. The Regulations can be found at <http://www.legislation.hmsso.gov.uk/si/si2003/20032004.htm>. Printed copies of both documents can be ordered from The Stationery Office Limited on 0870 600 5522.
- 1.5 If you require general guidance about the scope of the Act or the Regulations then please contact us.

Who can dedicate land?

- 2.1 You are eligible to make a dedication if you are either:
 - the freehold owner of the land (i.e. the holder of “the fee simple absolute in possession of the land”), or
 - a long leaseholder (so long as your lease is for a legal term of years absolute and has at least 90 years left to run).
- 2.2 Section 16(5) of the Act also allows the following persons to dedicate land: a tenant for life of settled land, a university or college to which the Universities and Colleges Estates Act 1925 applies, and an ecclesiastical corporation to which the Ecclesiastical Leasing Acts apply.

¹ The use of the words “access land” in this guidance does not correspond exactly to the definition of those words in section 1(1) of the Act.

² A full list of contact details for the organisations named in this guidance is set out on the inside cover.

- 2.3 If you are a charity or a local authority and wish to dedicate some of your land, then special considerations may apply: see Annex 1 or 2.

What does dedication do?

- 3.1 Dedicating land under section 16 of the Act creates a statutory right of access on foot which can be enjoyed by everyone. The act of dedication is irrevocable and binds successive owners and occupiers of the land (and others with an interest in that land) so that the right is protected for all time. However, if a dedication is made by a leaseholder, then it will cease to have effect when the lease expires.
- 3.2 As the act of dedication will have a long term or, in many cases, a permanent effect, we recommend you take independent legal advice if you are considering dedicating any of your land so that you are fully informed about the implications of doing so.
- 3.3 Making a dedication:
- can open for public access land which would not otherwise be covered by the Act (for example, woodland);
 - ensures that the right of access to such land remains in force if the land changes hands;
 - ensures that the right of access to dedicated land which is mountain, moor, heath, down or registered common land continues, even if the land loses those characteristics at some point in the future following a change in the use of the land.
- 3.4 You can also use a dedication to remove, or to relax, any of the general restrictions that normally apply to land which is subject to the right of access. These general restrictions (set out in Schedule 2 to the Act) place limits on the sort of activities that can be carried out by a person exercising the right of access: see Annex 3 for further details.
- 3.5 In addition, broadly speaking, dedicating your land limits your duty of care to members of the public under occupiers' liability legislation to the level normally owed to trespassers. The Countryside Agency has produced an information note about the occupiers' liability regime. This forms part of "The Land Manager's Pack" published by the Countryside Agency. You can order a copy, free of charge, by calling the Countryside Agency's Open Access Helpline on 0845 100 3298.

Do I have to provide access at all times?

- 4.1 If you dedicate land, you will still be able to restrict or exclude access in certain circumstances. Section 22 of the Act allows you, as the landowner, or a farm tenant, to restrict use of the access rights for up to 28 days each calendar year. Sections 23 to 26 and 28 of the Act also provide opportunities for access to be excluded or restricted locally when necessary; for example, to

allow you to carry out essential land management work. Separate guidance about the local restrictions system is contained in The Land Manager's Pack published by the Countryside Agency (see paragraph 3.5).

- 4.2 The Act also makes certain categories of land "excepted land". Excepted land is land used for any of the purposes listed in Schedule 1 to the Act. Examples include land used for the purposes of a golf course, racecourse or aerodrome, and land covered by buildings or the curtilage of such land. It is important to note that there is no right of access over dedicated land which is, or at any time becomes, excepted land (although the dedication itself will remain in force).

Are there any other considerations I should think about?

- 5.1 Before making a dedication we recommend you contact:
- English Nature (if any part of your land includes a Site of Special Scientific Interest (a "SSSI"));
 - English Heritage (if any part of your land includes a Scheduled Monument); and
 - The Forestry Commission (if your land includes woodland).
- 5.2 If your land includes a SSSI, you should check your notification documentation to see whether your proposal might require special consent, authorisation or permission. Under the Wildlife and Countryside Act 1981, it is an offence for owners and occupiers of SSSIs to carry out, or cause or permit to be carried out, any operation specified in the notification without the consent of English Nature. Special provisions relate to those SSSIs that are owned or occupied by public bodies. English Nature will be pleased to discuss these issues with you.
- 5.3 If your land includes a Scheduled Monument, you should check with English Heritage to ensure that opening up access to the extent you propose is not likely to raise concerns about heritage features such as archaeological remains. There is no requirement for you to obtain consent from English Heritage to the dedication of land which includes a Scheduled Monument, but we nevertheless recommend you consult them before making any final decision.
- 5.4 If your land contains woodland, then you may need to carry out operations, such as tree harvesting, which pose particular dangers to the public. For this reason, if you are planning to dedicate land which includes woodland, we recommend you approach the Forestry Commission at an early stage. If you do decide to dedicate woodland, then the Commission will work with you to ensure that sustainable management of the land can continue alongside the right of access.

What else do I need to do before making a dedication?

- 6.1 If any person other than you (as the person making the dedication) holds an inferior leasehold interest in any of the land to be dedicated, you must make the dedication either with that person's consent, or jointly with that person.
- 6.2 If you are seeking someone's consent to a dedication, then you must provide them with the information specified in regulation 4 of the Regulations. We recommend that you also supply this information to anyone with whom you are planning to enter into a joint dedication with at an early stage.
- 6.3 In either event, it is very important to remember that the act of dedication is irrevocable and binds successive owners and occupiers of the land, either permanently or for the un-expired term of a long lease. If you are proposing to dedicate land, we therefore strongly recommend you make sure that there are no interests which might be adversely affected by the dedication, or any obligations in private law which might be breached. We recommend that you engage a solicitor to help you do this (see Annex 4 for further details).

How do I make a dedication?

- 7.1 Once you have obtained any necessary consents you can make a dedication by using the model dedication instrument (Form A) at the end of this guidance. If you do not wish to use this form then you must ensure that your instrument of dedication contains all the information specified in regulation 5 of the Regulations.
- 7.2 If you wish to amend a dedication at a later stage - to remove or relax any of the remaining general restrictions on access - then you can do this by adapting Form A (see also Annex 5).

What do I need to do after I've made the dedication?

(i) Notifying the dedication

- 8.1 Once you have dedicated your land you must send a copy of the dedication instrument to the following within 28 days:
 - any person who consented to the dedication;
 - any other person whom it is reasonably practicable to identify as having an interest³ in any of the land;
 - the access authority (where the land lies within a National Park, this is the National Park authority. In all other cases, this is the local highway authority)⁴;and

³ In this context an "interest" includes "any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an estate or interest in land or by virtue of a licence or agreement, and in particular includes rights of common and sporting rights" (section 45(1) of the Act).

- the Countryside Agency.

8.2 The Countryside Agency will ensure that the following bodies are also advised of the dedication:

- English Nature (if you have indicated that any part of the land is a SSSI);
- English Heritage (if you have indicated that any part of the land includes a Scheduled Monument); and
- the Forestry Commission (if you have indicated that your land consists wholly or predominantly of woodland).

(ii) Registering the dedication as a local land charge

9.1 As a dedication is a local land charge (by virtue of section 16(8) of the Act), you must make sure that the dedication is registered in the appropriate local land charges register kept by the relevant district council or London borough council (“the registering authority”). You must register the dedication in this way to comply with the statutory duty placed on you by section 5 of the Local Land Charges Act 1975 (“the 1975 Act”). Where dedicated land lies across two or more areas in which separate local land charge registers are kept, section 4 of the 1975 Act requires the local land charge to be registered in each register.

9.2 Registration is important as, if the land is sold and its status as a local land charge is not registered (or is not shown as being registered by the official search certificate used in the conveyancing process), section 10 of the 1975 Act provides that the purchaser is entitled to claim compensation for any loss incurred as a result.

9.3 To make sure that your dedication is properly registered as a local land charge, we recommend you fill in and send Form B to the registering authority, together with a copy of the dedication instrument and accompanying map. The registering authority will return a copy of Form B to you, to confirm that your dedication has been registered as a local land charge, within about 10 working days of your application.

9.4 It is important to remember that you are responsible for registering your dedication as a local land charge and for checking that it has been properly registered in the appropriate local land charges register(s). You should also be aware that, once your dedication has been registered, the information contained in the dedication instrument will be available for inspection by members of the public.

⁴ Section 19 of the Act gives access authorities power to erect and maintain signs indicating the boundaries of access land, including the boundaries of land which has been dedicated. Such signs may include information about restrictions to the right of access and details of any excepted land (see paragraphs 4.1 and 4.2). Signs may also include information about any of the general restrictions in Schedule 2 to the Act which you have removed or relaxed. You may wish to consult the access authority about how this can be done most effectively when you notify it of the dedication.

When does the dedication take effect?

- 10.1 As soon as you sign the instrument of dedication, then, if it is not already access land, the dedicated land becomes access land. However, the new rights of access to dedicated land will not come into force immediately. In order to allow time for the various notifications to be given, for the dedication to be registered as a local land charge and for you or any other entitled person to apply for local restrictions (and if necessary to appeal against any refusal to give such restrictions), we propose that the right of access to dedicated land will not commence until 6 months have elapsed after the dedication is made.⁵ Provision will be made for this in the commencement orders which will be made as and when each region in England is opened for access.

⁵ The Act is being implemented on a region by region basis, with the first two regions due to open for access in late Summer 2004. The right of access to any dedicated land will not come into force before the region in which it is located has opened for access.

Annex 1: Guidance for trustees of charities considering dedication

1. The guidance contained in this Annex applies when either the trustees of charities hold land which is used by the charity for its own purposes or when the land is used to produce income for the charity.
2. Trustees must administer the charity in accordance with its governing document and the law and must consider all relevant issues. Land can be dedicated provided that public access is either directly or indirectly a way of furthering the purposes of the charity and that dedicating the land is in the best interests of the charity.
3. Trustees must act in the best interests of the charity and should not let their personal views affect the decisions which they make when managing any property or land. Trustees may need to consider the interests of future as well as present beneficiaries and must consider the effect of dedicating land on the current and future use of the land and also the effect on its current and future value.
4. Section 36 of the Charities Act 1993 (“the 1993 Act”) sets out restrictions on land transactions designed to ensure that charities do not dispose of land for less than the best terms available. The Charity Commission’s view is that the restrictions set out at section 36 of the 1993 Act will not apply to dedications.
5. Some charities may be concerned that their governing document does not provide powers to make a dedication. However, unless allowing public access is prohibited in its governing document, it is considered that any charity will have power to make a dedication. If the trustees are satisfied that it is in the interests of the charity to dedicate land, having considered the points described above, they will be able to do so. Any trustees who are unsure about whether they are able to dedicate a particular area of land can seek the formal advice of the Charity Commission under section 29 of the 1993 Act. The Commissioners will advise the trustees based on the principles described above. Provided that the Commissioners have been given all the relevant information, and their advice has been followed, trustees are legally protected.
6. If a charity has a restriction written into its governing document which specifically prevents the trustees allowing public access to the charity’s land, then the trustees can ask the Charity Commission for advice about how such a prohibition could be lifted if they feel that they could otherwise make a dedication.

7. Charities could use the power to dedicate in the following ways:
- (i) the trustees of charities which exist to provide access to open spaces or for recreation may decide that a dedication will directly further those objectives.
 - (ii) the provision of public access might not directly achieve the purposes of some other charities. It might be argued, however, that dedicating land would be of benefit to the charity and contribute indirectly to the achievement of its purposes. For example, providing access opportunities through dedication could be argued to support the aims of a charity whose purposes included the preservation or conservation of land.
 - (iii) for some charities, such as those which help the poor, a dedication will not further their objects even indirectly. However, if the trustees decided that it was both justified and in the best interests of the charity to do so they could dedicate land belonging to the charity. Reasons why a dedication might be in the best interests of the charity could be:
 - if it promoted or furthered the interests and work of the charity (including its reputation), or
 - if the charity could be said to benefit from the dedication in other ways, or
 - if the dedication enhanced the reputation of the charity in the community, thereby gaining support for its work.
8. There may be a further benefit from making a dedication if the public already has permitted access to the land belonging to a charity because it would reduce the liability of the trustees for any harm to the public to the level normally owed to trespassers. The trustees would need to be clear, though, that any dedication did not inhibit the charity from achieving its objects in the longer term.

Annex 2: Guidance for local authorities considering dedication

1. This Annex applies to local authorities who wish to dedicate their land for public access under section 16 of the Act.
2. Local authorities have general and discretionary powers under sections 123 and 127 of the Local Government Act 1972 (“the 1972 Act”) to dispose of land in any manner they wish. This includes sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements.
3. The only constraint is that a disposal must be for the best consideration reasonably obtainable, except in the case of short tenancies. Where local authorities propose to dispose of their land at an undervalue it will be necessary to seek the Secretary of State's consent unless it falls under a category which is covered by a general disposal consent⁶. However, the provisions in sections 123 and 127 of the 1972 Act are general powers relating to land disposals and do not apply to disposals made under other statutory powers.
4. A dedication would be a transaction made under section 16 of the Act, and sections 123 and 127 of the 1972 Act would not apply to it. There would be no need, therefore, for an authority proposing to make such a dedication to consider whether it is a disposal that requires the Secretary of State's consent.
5. Local authorities who wish to dedicate land can do so by following the process which is outlined in this guidance.

⁶ The general disposal consent issued in August 2003 enables local authorities to make land disposals which will contribute to the promotion or improvement of the economic, social or environmental well-being of an area at less than best consideration without seeking the Secretary of State's consent provided the undervalue does not exceed two million pounds.

Annex 3: General restrictions

1. Unless you specify otherwise, the right of access to dedicated land is limited to access for the purposes of open-air recreation on foot.
2. Schedule 2 to the Act contains a number of general restrictions which must be observed by a person exercising the right of access. The process of dedicating land allows you to remove or relax any of these restrictions. This means, for example, that you could dedicate a right of access to your land for horse riding (by relaxing the restriction in paragraph 1(c)) or cycling (by relaxing the restriction in paragraph 1(a)), as well as walking.
3. It is very important to note that removing (rather than relaxing) a restriction will allow access users to engage in any activity which would otherwise be prohibited by that restriction. For example, removing the restriction in paragraph 1(a) will enable people to drive across your land, as well as to cycle. If you wish to extend the right of access to include some (but not other) activities prohibited by any particular general restriction, you should therefore clearly state the extent of the relaxation in the dedication instrument, in terms of the activity itself and the area of the land to which the relaxation applies. Instructions on how to do this are set out in the explanatory notes to Forms A.
4. Once your land has been dedicated, it is possible for you to amend the dedication at a later date to remove or relax any of the Schedule 2 restrictions left in place. However, it is not possible for you to re-instate restrictions once they have been removed or relaxed, either in the original dedication or in a subsequent amendment. You therefore need to consider very carefully whether removing or relaxing any of the general restrictions is appropriate. Before removing or relaxing a general restriction you should also consult any authority whose permission may be required before the restriction can be lifted (for example, if you wish to dedicate your land for vehicular use then this might require planning permission).
5. The general restrictions listed in Schedule 2 to the Act, limiting the activities that may be carried out by a person exercising the right of access, are reproduced below:

Restrictions to be observed by persons exercising right of access

General restrictions

1. [The right of access] does not entitle a person to be on any land if, in or on that land, he-
 - (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,

- (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
- (h) feeds any livestock,
- (i) bathes in any non-tidal water,
- (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
- (k) uses or has with him any metal detector,
- (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
- (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
- (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
- (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
- (p) affixes or writes any advertisement, bill, placard or notice,
- (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect-
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
- (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
- (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
- (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

2. - (1) In paragraph 1(k), "metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is "lawful" if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3. Regulations may amend paragraphs 1 and 2.

4. During the period beginning with 1st March and ending with 31st July in each year, [the right of access] does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

5. Whatever the time of year, [the right of access] does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6. In paragraphs 4 and 5, "short lead" means a lead of fixed length and of not more than two metres.

Annex 4: Obtaining consent to a dedication in order to satisfy an obligation in private law

1. The guidance in this Annex is intended to highlight some of the situations where you (as a freeholder or a leaseholder) may need to obtain the consent of a third party before making a dedication in order to comply with a requirement in private law. The examples given below do not constitute an exhaustive list and there may be other situations where you will need to obtain the consent of a third party before making a dedication in order to comply with such a requirement. We therefore recommend you seek legal advice about any such requirements before making the dedication.
 - *Financial charges:* The Act does not require agreement by the holders of any financial charges over the land (for example, a building society or lender in a mortgage or loan agreement) as a condition of a dedication being made. The terms of many mortgages or loan agreements, however, require you to inform the lender of any change in circumstances. Where a financial charge is held over your land you are therefore strongly recommended to consult the holder of the charge before dedicating that land, to check whether their consent is required.
 - *Third party rights:* You may need to obtain the consent of any person who holds a right, such as a sporting right, over the land which you are planning to dedicate. The Act does not require the agreement of the holders of these rights as a condition of making a dedication either. We nevertheless advise you to check carefully whether dedicating the land might cause you to incur liability towards the holder of such a right.
 - *Covenants in a leasehold agreement:* If you are a leaseholder considering dedicating your land, then you will also need to check carefully whether your lease contains any covenants which, either expressly or by necessary implication, restrict or prohibit the use of the land for public access (in which case dedication may not be appropriate). If you are planning to remove or relax any of the general restrictions listed in Schedule 2 to the Act then you should make similar checks in respect of the activities covered by these restrictions.
2. In all cases, we recommend that, wherever possible, you to try to enter into an agreement with the holder of any interest that the dedication would adversely affect as, in the absence of any such agreement, you might be at risk of an action in private law.
3. If you do not believe that the holder of an interest in or a right over the land you are proposing to dedicate would be adversely affected by the dedication, then you could put the position beyond doubt by asking the holder of that interest to give its consent to the dedication, even though this is not required by the Act.

Annex 5: Amending a dedication

1. A dedication can be amended by any person who would have been entitled to make the dedication in the first place (see paragraphs 2.1 and 2.2).
2. It is possible to amend a dedication at any time after it has been made. However, an amendment can only be made in order to remove or relax one or more of the general restrictions in Schedule 2 to the Act. It is not possible to amend a dedication in order to re-impose any restrictions on the right of access which may already have been removed or relaxed. Regulation 7 of the Regulations provides the power to amend a dedication and specifies which provisions in the Act and in the Regulations must be complied with.
3. You can amend a dedication by adapting Form A at the end of this pack. If you do not wish to adapt this form then you must ensure that the instrument amending the dedication includes all of the information required in respect of a full dedication, as specified in regulation 5 of the Regulations. Whichever approach you take, you will need to obtain the consent of, or make the amendment jointly with, any relevant party with an interest in the land (see paragraphs 6.1 - 6.3 and Annex 4) before making the dedication, supplying them with full details of the proposed amendment (i.e. by providing them with the information specified in regulation 4 of the Regulations). We again recommend that you contact English Nature, English Heritage and the Forestry Commission, as appropriate, and also that you seek the services of a solicitor.
4. Once you have made an amendment to a dedication then you will also need to notify all those parties listed at paragraph 8.1, by sending them a copy of the amendment within 28 days.
5. Once a dedication has been amended, it is proposed that the right of access to the dedicated land will be extended (as provided by the amendment) 6 months after the instrument amending the dedication has been signed. This will be provided for in the commencement orders which will be made as and when each region in England is opened for access.

Notes

Notes

Notes

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

© Crown copyright 2003

Copyright in the typographical arrangement and design rests with the Crown.

This publication (excluding the logo) may be reproduced free of charge in any format or medium provided that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright with the title and source of the publication specified.

Further copies of this publication are available from:

Defra Publications
Admail 6000
London
SW1A 2XX
Tel: 08459 556000

This guidance is also available on the Defra website at: www.defra.gov.uk/wildlife-countryside/cl/index.htm and via www.ukonline.gov.uk .

Published by the Department for Environment, Food and Rural Affairs. Printed in the UK, January 2004, on 100% recycled paper.

Product code PB9253

**Nobel House
17 Smith Square
London SW1P 3JR**

PB9253

