Local Access Forum

2 June 2026

Item 8, Equestrian Rights on Section 193 Commons

Equestrians have access to some commons explained below. But at present the knowledge about this access is not promoted to the riding public.

I would like to suggest that the LAF encourages the NYMNPA to do the following:

1. Identify the section 193 Commons with equestrian access e.g. Guisborough and Westerdale.

2. Liaise with landowners for appropriate access points.

3. Educate riders re their responsibilities and rights.

Equestrian rights across some commons can either be specific such as those under the 1985 Dartmoor Commons Act or inferred. The most important of these rights are those conferred by **s.193 of the Law of Property Act 1925**, and those conferred by schemes of regulation and management made under **Part I of the Commons Act 1899**, but there are others, including those conferred under local Acts (usually procured by local authorities). On some commons, particularly upland commons, where there is no statutory right of access for horse riders, there are long-standing tolerances of equestrian use (such as, formerly, on the Bodmin Moor commons).

The most widespread pre-CROW rights are on s.193 commons. These apply, broadly speaking, to commons in the former urban districts and urban boroughs which were abolished on local government reform in 1974, and in the London Metropolitan Police District as designated in 1925. They also apply to commons elsewhere if a deed to that effect is executed by the owner of the land (who is then enabled to apply for an order to regulate public access on the common). It is not necessary that the whole common lies within a former urban borough or district: it is sufficient if at least part does accordingly, for example, it is acknowledged by the Forestry Commission that the New Forest commons are s.193 commons because a very small part lies within the former Lymington urban borough. However, there is considerable uncertainty whether a s.193 right which applies to an urban common (i.e. one which lies wholly or partly within a former urban borough or district) applies to a contiguous common which is wholly outside any urban borough or district. The difficulty is that the 1925 Act long predated commons registration, and many contiguous commons originate as distinct commons of separate manors. In such cases, it may be that the s.193 right applies only to the manorial common which lies wholly or partly within an urban borough or district, even though there may be no physical boundary between that common and adjacent commons of other manors.

Equestrian access to s.193 commons is still sometimes disputed. However, in R v Secretary of State for the Environment ex parte Billson [1998], it was held by the High Court that the right includes a right of access on horseback. This means access to the whole area of the common, not just on rights of way on the common. However, such rights (whether on foot

or on horseback) are subject to limitation by means of an order of limitation made by the Secretary of State on an application under s.193(1)(b), or under any other bylaws etc. Historically, such orders incorporated template restrictions and tended to prohibit the exercising or breaking in of horses by grooms or others: there may therefore be a need to differentiate between equestrian access for recreation and for work, i.e. by riders being employed to exercise or train their mounts. There is a respectable argument that the expression 'grooms or others' must be construed euisdem generis, i.e., of the same class, meaning that 'others' in this context means others in a class of persons riding horses on the common as part of their employment. Note also that in s.28 of the Town Police Clauses Act 1847, it remains (to this day) an offence for "Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, ...exercises, trains or breaks, ...any horse or animal". Were recreational riding on a common to breach an order of limitation restricting the exercising of horses, it would seem that recreational riding on a public bridleway would (if done to the obstruction, annoyance, or danger of passers-by) also constitute an offence, under the 1847 Act. The better approach is surely that 'exercising' a horse on a common (or in a street) means activity which is focused on the fitness of the horse, such as lunging or schooling.

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