

Human Rights – FAQs

Why don't people have a right to privacy?

We believe that the right of access is compatible with the European Convention on Human Rights. As regards Article 8, which guarantees respect for private and family life, the CROW Act includes "land covered by buildings and surrounding curtilage" and "land within 20 metres of a dwelling" and land used as a "park or garden" as excepted land to which there is no right of access. The CROW Act also makes provision for restrictions to land over which there is a right of access in certain circumstances.

Compatibility with Article 1 of the First Protocol, which guarantees the peaceful enjoyment of possessions, is achieved by a number of provisions in the CROW Act. For example, the right of access is limited to a right on foot; landowners remain able to develop their land and can restrict access in certain circumstances to take account of, for example, land management needs

Doesn't the European Convention on Human Rights require the Government to compensate for losses suffered by landowners as a result of a new statutory right of access?

We believe that the public benefits outweigh the very limited interference with landowners' rights. The statutory right is limited in character and will not prevent agricultural activities or development of the land. In addition, it is possible to close the land for part of the year. We believe that a fair balance has been struck between the rights of the landowners and the general interest and that there is no justification for compensation to be paid to landowners.

Will Ministers publish the legal advice that it has received on a right to general compensation under the Human Rights Act 1998?

It is not the practice for the Government to publish legal advice that it receives.

Can people appeal against their land being mapped on human rights grounds – didn't Madonna appeal on these grounds?

No - it is wrong to suggest that Madonna's appeal against the mapping of her land as open country succeeded on the basis of an infringement of her human rights. This is not grounds for appeal under the Act, so Madonna's attempt to introduce such arguments were dismissed.