



Countryside Act 1968

1968 CHAPTER 41

Nature conservation, National Parks and access to open country

11 Conservation of natural beauty.

In the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving the natural beauty and amenity of the countryside.

Modifications etc. (not altering text)

- C1 S. 11 extended by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxii), [Sch. 8 para. 33](#)
- C2 S. 11 extended by [Electricity Act 1989](#) (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(1)(9), Sch. 17 para. 33, [35\(1\)](#)
- C3 S. 11 extended (1.3.1996) by [1995 c. 45](#), s. 16(1), [Sch. 4 para. 2\(1\)\(xvii\)](#); [S.I. 1996/218](#), [art. 2](#)

12 Facilities in or near National Parks.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may, ^{F1}..., make arrangements for securing the [^{F2}provision for]the area of the local planning authority (whether by the authority or by other persons) of study centres and other facilities for learning about the history, natural features, flora and fauna of the National Park and the objects of architectural, archaeological or historical interest therein; and section 12 of the Act of 1949 (provision of facilities in National Parks) shall have effect as if the functions of local planning authorities under this subsection were functions conferred by subsection (1) of that section.

^{F3}
...

- (2) The functions conferred by subsection (1) of the said section 12 of the Act of 1949 shall include the making of arrangements for securing the provision in their area (whether by the authority or by other persons)—
- (a) of public sanitary conveniences in proper and convenient situations, and

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- (b) of receptacles for refuse or litter, and services for the regular emptying and cleansing of those receptacles.
- (3) A local planning authority whose area consists of or includes any part of a National Park which is bounded by the sea, or by any waterway which is not part of the sea, may, on land which is in or in the neighbourhood of the National Park, carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waters so adjoining the National Park by the public for sailing, boating, bathing and fishing and other forms of recreation:

Provided that a local planning authority shall not under this subsection provide facilities of any description except in cases where it appears to them that the facilities of that description are inadequate or unsatisfactory.

- (4) The works which a local planning authority may carry out under subsection (3) above include the construction of jetties and other works wholly or partly in the sea or in other waters.

The local planning authority, before acting under this subsection, shall consult with and seek the [^{F4}consent of the Environment Agency if the works are to take place in England, of the NRBW if the works are to take place in Wales, and in either case of such] authorities, being authorities which under any enactment have functions relating to the part of the sea or other waters in question, as the Minister may either generally or in any particular case direct, and Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.

- (5) A local planning authority may make byelaws regulating the use of works carried out by them under subsection (3) above in the waters bounding a National Park and of any facilities or services provided in connection with the works, but before making any such byelaws the local planning authority shall consult [^{F5}Natural England][^{F6}(if the National Park is in England) or the [^{F7}NRBW] (if the National Park is in Wales)]:

Provided that byelaws made under this subsection shall not interfere with the exercise of any functions relating to the waters or land to which the byelaws apply which are exercisable by any authority under any enactment.

[^{F8}Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.]

- [^{F9}(5A) In the case of byelaws made by a local planning authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.

- (5B) In the case of byelaws made by a local planning authority in Wales –

- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.]

- (6) The Act of 1949 shall have effect as if subsections (3) and (4) above formed part of section 13(1) of that Act, and section 75 of that Act (which relates to the exercise of powers under the said section 13 as respects land comprised in access orders) shall have effect accordingly, and . . . ^{F10}

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- (7) Subsections (2), (3) and (4) of section 13 of the Act of 1949 (carrying out of work on behalf of local planning authority by some other authority) shall apply to any part of the sea bounding a National Park as they apply to a waterway.
- (8) Nothing in the said section 13 as extended by this section shall authorise the carrying out of any operation in contravention of section 34 of the ^{M1}Coast Protection Act 1949 or section 9 of the ^{M2}Harbours Act 1964.

Textual Amendments

- F1** Words in s. 12(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 46\(2\)\(a\)](#), [Sch. 12](#); S.I. 2006/2541, art. 2 (with Sch.)
- F2** Words in s. 12(1) substituted (23.11.1995) by [1995 c. 25, s. 78](#), [Sch. 10 para. 8\(2\)](#)(with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, [art. 2](#)
- F3** Words in s. 12(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 46\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F4** Words in s. 12(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), [Sch. 2 para. 94\(2\)](#) (with Sch. 7)
- F5** Words in s. 12(5) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 46\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F6** Words in s. 12(5) inserted (1. 4. 1991) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 130, [Sch. 8 para. 2\(6\)\(b\)](#); S.I. 1991/685, [art. 3](#).
- F7** Word in s. 12(5) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), [Sch. 2 para. 94\(3\)](#) (with Sch. 7)
- F8** Words in s. 12(5) omitted (31.3.2015) by virtue of [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 8\(3\)\(a\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F9** S. 12(5A)(5B) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 8\(3\)\(b\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F10** Words amend National Parks and Access to the Countryside Act 1949 (c. 97, SIF 46:1), [s. 13\(1\)](#)

Modifications etc. (not altering text)

- C4** S.12 extended (19.9.1995) by [1995 c. 25, ss. 68\(4\), 125\(2\)](#), [Sch. 9 para. 5\(a\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

Marginal Citations

- M1** 1949 c. 74.
M2 1964 c. 40.

13 Lakes in National Parks: control of boats etc.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park shall have power to make byelaws for the prohibition or restriction of traffic of any description on any lake in the National Park.
- (2) The power shall be exercisable for the purpose of—
- ensuring the safety of persons resorting to any such lake,
 - regulating all forms of sport or recreation involving the use of boats or vessels,
 - conserving the amenity and natural beauty of any such lake and the surrounding area, and
 - preventing nuisance or damage, and in particular nuisance from excessive noise.

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- (3) Without prejudice to the generality of the foregoing provisions of this section, byelaws under this section may—
- (a) prescribe rules of navigation and impose speed limits,
 - (b) require the use of effectual silencers on boats or vessels propelled by internal combustion engines, and prescribe rules with a view to imposing limits on the noise or vibration which may be caused by any such boat or vessel,
 - (c) prohibit the use of boats or vessels which are not for the time being registered with the local planning authority in such manner as the byelaws may provide,
 - (d) authorise the making of reasonable charges in respect of the registration of boats or vessels in pursuance of the byelaws,
 - (e) make different provision for different circumstances, and in particular may impose different restrictions in different parts of the lake and at different times or seasons.
- (4) In acting under this section the local planning authority shall have regard to the fulfilment of the objects set out as respects National Parks in [F11]section 5 of the Act of 1949, and, before making any byelaws, shall consult [F12]Natural England [F13](if the National Park is in England) or the [F14]NRBW (if the National Park is in Wales)].
- (5) Byelaws under this section shall not be made so as to extinguish any public right of way over any waters, but, except as otherwise expressly provided, any byelaws under this section shall apply to persons exercising any such public right of way as they apply to other persons.
- (6) Byelaws under this section—
- (a) shall be of no effect if and in so far as inconsistent with any rules under the [F15]Merchant Shipping Act 1995] which are in force as respects the water to which the byelaws apply,
 - (b) shall not interfere with any functions relating to the water or land to which the byelaws apply which are exercisable by any authority under any enactment.
- (7) This section shall not apply to any lake owned or [F16]managed by any statutory undertakers].
- (8) [F17]In the case of byelaws made by a local planning authority in England,] section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this section were byelaws under that Act.
- [F18](8A) In the case of byelaws made by a local planning authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
 - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.]
- (9) Subsections (1) and (2), and subject to the next following subsection, subsection (4), of section 92 of the Act of 1949 (appointment of wardens of land for which byelaws may be made under section 90 of that Act) shall have effect as if the power of making byelaws conferred by this section was contained in the said section 90.
- (10) For the purpose of securing compliance with any byelaws made under this section, a warden appointed under the said section 92 as applied by this section may enter upon any land, or go on any water, whether or not within the area where the byelaws are in force.

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- F19(11)
- (12) Byelaws made by a local planning authority under this section may be enforced by any local authority [F20 for an area that includes any part of the National Park in question]
- (13) In this section “lake” includes any expanse of water other than a river or canal.

Textual Amendments

- F11 Word in s. 13(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 47\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F12 Words in s. 13(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 47\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F13 Words in s. 13(4) inserted (1. 4. 1991) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 130, [Sch. 8 para. 2\(7\)](#); S.I. 1991/685, [art. 3](#)
- F14 Word in s. 13(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), [art. 1\(2\)](#), [Sch. 2 para. 95](#) (with Sch. 7)
- F15 Words in s. 13(6)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), [Sch. 13 para. 41](#) (with s. 312(1))
- F16 Words substituted by [Water Act 1989](#) (c. 15, SIF 130), [ss. 58\(7\)](#), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 37(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F17 Words in s. 13(8) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 8\(4\)\(a\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F18 S. 13(8A) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 8\(4\)\(b\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F19 S. 13(11) repealed (1.4.1997) by 1995 c. 25, s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1996/2560, [art. 2](#), [Sch.](#)
- F20 Words in s. 13(12) substituted (1.4.1996) by 1995 c. 25 s. 78, Sch. 10 para. 8(3) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2950, [art. 3\(1\)](#)

Modifications etc. (not altering text)

- C5 S. 13 extended by [Water Act 1989](#) (c. 15, SIF 130), [ss. 58\(7\)](#), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C6 S. 13(4) modified (19.9.1995) by 1995 c. 25, [ss. 61\(3\)\(b\)](#), 125(2)(with ss. 7(6), 115, 117, Sch. 8 para. 7)

F21 14

Textual Amendments

- F21 [S. 14](#) repealed and superseded by [Wildlife and Countryside Act 1981](#) (c. 69, SIF 4:5), s. 42, [Sch. 17 Pt. I](#)

15 Areas of special scientific interest.

[F22(1) This section has effect as respects land F23. . . which is or forms part of an area which in the opinion of [F24the [F25NRBW] or Scottish Natural Heritage] is of special interest by reason of its flora, fauna, or geological or physiographical features.

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- (2) Where, for the purpose of conserving those flora, fauna or geological or physiographical features, it appears to the [F25NRBW][F26or (as the case may be) Scottish Natural Heritage] expedient ^{F27}. . . to do so, the [F25NRBW][F26or (as the case may be) Scottish Natural Heritage] may enter into an agreement with the owners, lessees and occupiers of any such land [F28(or of any [F29adjacent][F29other] land)] which imposes restrictions on the exercise of rights over land by the persons who can be bound by the agreement.
- (3) Any such agreement—
- (a) may provide for the carrying out on the land of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement,
 - (b) may provide for any of the matters mentioned in paragraph (a) above being carried out, or for the cost thereof being defrayed, either by the owners or other persons, or by the [F25NRBW][F30or (as the case may be) Scottish Natural Heritage] , or partly in one way and partly in another, and
 - (c) may contain such other provisions as to the making of payments by the [F25NRBW][F30or (as the case may be) Scottish Natural Heritage] as may be specified in the agreement.
- (4) Where section 79 of the ^{M3}Law of Property Act 1925 (burden of covenant running with the land) applies to any such restrictions as are mentioned in subsection (2) of this section, the [F25NRBW] shall have the like rights as respects the enforcement of the restrictions as if the [F25NRBW] had at all material times been the absolute owner in possession of ascertained land adjacent to the land in respect of which the restriction is sought to be enforced, and capable of being benefited by the restriction, and the restriction had been expressed to be for the benefit of that adjacent land.

Section 84 of the Law of Property Act 1925 (discharge or modification of restrictive covenants) shall not apply to such a restriction.

- (5) Schedule 2 to the ^{M4}Forestry Act 1967 (powers of tenants for life and other limited owners to enter into forestry dedication covenants or agreements) shall apply to any agreement made in pursuance of this section as it applies to such a covenant or agreement.
- [F31(6) This section shall apply to Scotland subject to the following modifications—
- (a) for subsections (4) and (5) substitute—
 - “(4) An agreement entered into under this section affecting land in Scotland may be recorded in the General Register of Sasines or (as the case may be) registered in the Land Register of Scotland and, on being so recorded or registered, shall be enforceable at the instance of Scottish Natural Heritage against any person having an interest in the land and against any person deriving title from that person:
Provided that such an agreement shall not be enforceable against any third party who has in good faith and for value acquired right (whether title has been completed or not) to an interest in the land prior to the agreement being recorded or registered as aforesaid, or against any person deriving title from any such third party.
 - (5) In the case of land in Scotland, a liferenter in possession of the land shall have the power to enter into agreements under this section relating to, or to any part of, the land.”, and

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(b) after subsection (5), insert—

“(5A) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into agreements under this section relating to the trust estate or any part thereof.”.]

^{F32}(6A)

(7) The Act of 1949 shall have effect as if this section were included in Part III of that Act.]

Textual Amendments

- F22** S. 15 omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016](#) (anaw 3), s. 88(2)(a), [Sch. 2 para. 2\(3\)](#)
- F23** Words repealed by [Wildlife and Countryside Act 1981](#) (c. 69, SIF 4:5), [Sch. 17 Pt. I](#)
- F24** Words in s. 15(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 48\(2\)\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F25** Word in s. 15 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), [Sch. 2 para. 95](#) (with Sch. 7)
- F26** Words in s. 15(2) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 48\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F27** Words in s. 15(2) repealed (1.4.1991) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), ss. 132, 162(2), [Sch. 9 para. 4\(2\)\(a\)](#), [Sch. 16 Pt. VI](#); S.I. 1991/685, [art. 3](#).
- F28** Words in s. 15(2) inserted (1.4.1991) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 132, [Sch. 9 para. 4\(2\)\(a\)](#); S.I. 1991/685, [art. 3](#).
- F29** Word in s. 15(2) substituted (E.W.) (30.1.2001) by [2000 c. 37](#), [ss. 75\(3\)](#), 103(2)
- F30** Words in s. 15(3) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 48\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F31** S. 15(6) substituted (S.) (1.4.2019) by [The Forestry and Land Management \(Scotland\) Act 2018](#) (Consequential Amendments) Regulations 2019 (S.S.I. 2019/125), regs. 1(2), [4\(2\)](#)
- F32** S. 15(6A) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 48\(4\)](#), [Sch. 12](#); S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

- C7** S. 15 amended (30.1.2001) by [1981 c. 69](#), [s. 28J\(13\)](#) (as substituted (30.1.2001) for s. 28 by [2000 c. 37](#), [ss. 75\(1\)](#), 103(2), [Sch. 9 para. 1](#) (with [Sch. 11 paras. 1-17](#), [20](#)))
- C8** S. 15 modified (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (Commencement No.3 and Transitional Provisions) Order 2006 (S.I. 2006/2541), art. 3(2), [Sch. para. 4](#)

Marginal Citations

- M3** [1925 c. 20](#).
- M4** [1967 c. 10](#).

[^{F33}**15A Compulsory purchase.**

[^{F34}(1) Natural England or the [^{F35}NRBW] may, in the circumstances set out in subsection (2), acquire compulsorily all or part of the land which it appears to that body expedient to acquire for the purpose of conserving flora, fauna, or geological or physiographical features of special interest.]

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(2) The circumstances are—

- (a) that [^{F36}Natural England or (as the case may be) the]^{F35}NRBW] are satisfied that they are unable to conclude, on reasonable terms, [^{F37}an SSSI agreement], or
- (b) that they have entered into [^{F38}an SSSI agreement], but they are satisfied it has been breached in such a way that the flora, fauna or geological or physiographical features referred to there are not being conserved satisfactorily.

(3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) shall be determined by an arbitrator appointed by the Lord Chancellor.

(4) Where [^{F39}Natural England or the]^{F35}NRBW] have acquired land compulsorily under this section, they may—

- (a) themselves take steps to conserve the flora, fauna or geological or physiographical features in question, or
- (b) dispose of the land on terms designed to secure that those flora, fauna or features are satisfactorily conserved.]

^{F40}(5)

[^{F41}(6) In this section “SSSI agreement” means—

- (a) in relation to Natural England, an agreement under section 7 of the 2006 Act imposing, for the purpose of conserving flora, fauna, or geological or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land, or
- (b) in relation to the [^{F35}NRBW], [^{F42}an agreement under section 16 of the Environment (Wales) Act 2016 imposing, for the purpose of conserving flora, fauna, or geographical or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land].]

Textual Amendments

- F33** S. 15A inserted (30.1.2001) by 2000 c. 37, ss. 75(4), 103(2)
- F34** S. 15A(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(2); S.I. 2006/2541, art. 2 (with Sch.)
- F35** Word in s. 15A substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 95 (with Sch. 7)
- F36** Words in s. 15A(2)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(3)(a)(i); S.I. 2006/2541, art. 2 (with Sch.)
- F37** Words in s. 15A(2)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(3)(a)(ii); S.I. 2006/2541, art. 2 (with Sch.)
- F38** Words in s. 15A(2)(b) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(3)(b); S.I. 2006/2541, art. 2 (with Sch.)
- F39** Words in s. 15A(4) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(4); S.I. 2006/2541, art. 2 (with Sch.)
- F40** S. 15A(5) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(5), Sch. 12; S.I. 2006/2541, art. 2 (with Sch.)
- F41** S. 15A(6) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 49(6); S.I. 2006/2541, art. 2 (with Sch.)

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- F42** Words in s. 15A(6)(b) substituted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 2\(4\)](#)

Modifications etc. (not altering text)

- C9** S. 15A(2)(b) modified (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(Commencement No.3 and Transitional Provisions\) Order 2006 \(S.I. 2006/2541\)](#), art. 3(2), [Sch. para. 2](#)

16 Access to open country: rivers, canals and woodlands.

- (1) The definition of “open country” in section 59(2) of the Act of 1949 shall include, if in the countryside, any woodlands.
- (2) Subject to subsection (6) below, the said definition shall include, if in the countryside—
 - (a) any river or canal, and
 - (b) any expanse of water through which a river, or some part of the flow of a river, runs, and
 - (c) a strip of the adjacent land on both sides of any river or canal, or of any such expanse of water, of reasonable width, and where a highway crosses or comes close to the river, canal or other water, so much of any land connecting the highway with the strip of land as would, if included together with the strip in an access agreement or order, afford access from the highway to some convenient launching place for small boats.
- (3) The strip of adjacent land comprised in any access order shall be wide enough to allow passage on foot along the water and wide enough to allow the public to picnic at convenient places and, where practicable, to embark or disembark, and shall include—
 - (a) the banks, walls or embankments along the water, and
 - (b) any towpath or other way or track beside the water.
- (4) Local planning authorities shall exercise their powers under Part V of the Act of 1949 over any such strip of land with special regard to the interests of persons using small boats who must circumvent obstacles or obstructions on the water by passing round on foot with their boats, and in the interests of persons who wish to obtain access from a highway to convenient launching places for small boats.
- (5) In section 60 of the Act of 1949 (rights of public over land subject to an access agreement or order, other than excepted land) subsection (5)(a) (certain agricultural land to be excepted land) shall not apply to any land within subsection (2)(c) above.
- (6) Subsections (2) and (3) above shall not apply as respects, or as respects land held with,
—
 - (a) a reservoir owned or managed by statutory undertakers,
 - ^{F43}(b)
 - (c) a canal, or part of a canal, owned or managed by [^{F44}Canal & River Trust][^{F45}which is for the time being a commercial waterway or a cruising waterway within the meaning of section 104 of the ^{M5}Transport Act 1968.]
- (7) The local planning authority, before making an access agreement or an access order under Part V of the Act of 1949 in respect of land outside a National Park which comprises all or any part of, or of land adjacent to, any river (including any expanse of water through which a river, or some part of the flow of a river runs) or any canal,

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shall consult with and seek the ^{F46}consent of the Environment Agency if the land is in England, of the NRW if the land is in Wales, and in either case of such] authorities, being authorities which under any enactment have functions relating to the river or canal in question, as the Minister may either generally or in any particular case direct.

Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.

- (8) Subsection (7) above shall apply with the necessary modifications in relation to an access order to be made by the Minister as it applies in relation to an access order to be made by a local planning authority.
- (9) In this section “river” includes a stream and the tidal part of a river or stream.
- (10) The provisions of this section shall not be construed as restricting in any way the definition of “open country” in the said section 59(2) as originally enacted.
- (11) This and the four next following sections shall be construed as one with Part V of the Act of 1949.

Textual Amendments

- F43** S. 16(6)(b) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt.I
- F44** Words in s. 16(6)(c) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 3** (with arts. 4-6)
- F45** Words added by [Transport Act 1968 \(c. 73, SIF 126\)](#), **s. 111**
- F46** Words in s. 16(7) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 96** (with Sch. 7)

Modifications etc. (not altering text)

- C10** S. 16 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 189(4)—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Marginal Citations

- M5** [1968 c. 73\(126\)](#).

^{F47} **17**

Textual Amendments

- F47** S. 17 repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **Sch. 34 Pt. III**

18 Access agreements: undertakings by landowners and others not to convert land into excepted land.

For the purpose of preventing or restricting the conversion of land which is open country into excepted land within the meaning of section 60(5) of the Act of 1949, an access agreement under section 64 of the Act of 1949 may impose such restrictions on the exercise of rights over the land by the persons who can be bound by the agreement

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as appear to the local planning authority and the other parties to the agreement to be expedient.

F4819

Textual Amendments

F48 S. 19 repealed (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. VI; S.I. 1991/685, art.3.

20 Access to open country: contributions by local planning authorities to persons displaying maps and notices.

A local planning authority shall have power, as respects any land in their area which is subject to an access agreement or order, to defray or contribute towards, or to undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person interested therein in displaying, at places where the public obtain access to any such land—

- (a) any reproduction of the relevant map prepared by the local planning authority under section 78 of the Act of 1949, or
- (b) any notice specifying restrictions on access to the land or any part thereof.

Modifications etc. (not altering text)

C11 S. 20 amended by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 17 Pt. III para. 37

21 Amendments of Act of 1949.

- (1) Section 11(3) of the Act of 1949 (general powers of local planning authorities in National Parks : exclusion of powers under other Acts) shall cease to have effect.
- (2) In section 51(1) of the Act of 1949 (general provisions as to long distance routes) after the word “horseback” there shall be inserted the words “ or on a bicycle not being a motor vehicle ”.
- (3) In section 73(1) of the Act of 1949 (access orders : compensation payable earlier on the ground of special circumstances whereby the postponement of compensation will cause undue hardship) the words from “whereby” to “undue hardship” shall cease to have effect.
- (4) In section 86(1)(b) of the Act of 1949 (information services to be provided by [F49Agency]) after the word “architectural” there shall be inserted the word “ archeological ”.
- (5) There shall be repealed so much of section 89(4) of the Act of 1949 as provides that the power under subsection (1) of that section (power to plant trees for preserving or enhancing natural beauty) does not include power to do anything which the council of a county, county borough or county district are or can be authorised to do by any other enactment.

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- (6) The definition of the expression “open-air recreation” in section 114(1) of the Act of 1949 (which excludes organised games from that expression) shall apply only for the purposes of Part V of that Act.
- ^{F50}(7) and (with a view to facilitating the consolidation of the appropriate parts of this Act and the Act of 1949) references in the Act of 1949 to the preservation of the natural beauty of an area shall be construed in the same way as references in this Act to the conservation of the natural beauty of an area.

Textual Amendments

- F49** Words in [s. 21](#) substituted (20.2.1999) by [S.I. 1999/416, art. 3, Sch. 1 para. 4\(5\)](#)
- F50** Words amend National Parks and Access to the [Countryside Act 1949 \(c. 97, SIF 46:1\)](#), [s. 114\(2\)](#)

Modifications etc. (not altering text)

- C12** The text of ss. 1(5), 21(1)—(5), 50(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation:

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