



Countryside Act 1968

1968 CHAPTER 41

The Countryside Commission

1 General functions of the Commission.

- [^{F1}(1) The National Parks Commission shall in future be known as the “Countryside Commission” and shall exercise functions in relation to England.
- (1A) The functions of the Countryside Commission (in this Act referred to as “the Commission”) in England and the corresponding functions of the Countryside Council for Wales (in this Act referred to as “the Council”) in Wales shall be enlarged in accordance with this Act.]
- (2) The functions conferred by this Act on the said Commission (in this Act referred to as “the Commission”) are to be exercised for the conservation and enhancement of the natural beauty and amenity of the countryside, and encouraging the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and of open-air recreation [^{F2}and the study of nature] in the countryside [^{F3}; and the purposes for which the functions of the Council in Wales are to be exercised are the corresponding purposes specified in section 130(2) of the Environmental Protection Act 1990.]
- (3) The Commission [^{F4}and the Council shall each] have power—
- (a) to make such charges for any of their services as they think fit,
 - (b) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of the ^{M1}National Parks and Access to the Countryside Act 1949 (in this Act referred to as “the Act of 1949”) and this Act, to apply it for those purposes, and
 - (c) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (4) ^{F5}
- (5) In sections 1 ^{F6}of the Act of 1949 for the words “National Parks Commission” there shall be substituted the words “ Countryside Commission ”, ^{F6}.

Status: Point in time view as at 01/04/1991.

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Cross Heading: The Countryside Commission. (See end of Document for details)

(6) F7

Textual Amendments

- F1** S. 1(1)(1A) substituted (1. 4. 1991) for subsection (1) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 130, Sch. 8 para. 2\(2\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F2** Words in s. 1(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 130, Sch. 8 para. 2\(2\)\(b\)\(i\)](#); S.I. 1991/685, [art.3](#).
- F3** Words in s. 1(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 130, Sch. 8 para. 2\(2\)\(b\)\(ii\)](#); S.I. 1991/685, [art.3](#).
- F4** Words in s. 1(3) substituted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 130, Sch. 8 para. 2\(2\)\(c\)](#); S.I. 1991/685, [art.3](#).
- F5** S. 1(4) repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), Sch. 17 Pt. II](#)
- F6** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), Sch. 17 Pt. II](#)
- F7** S. 1(6) repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\), Sch. 3](#)

Modifications etc. (not altering text)

- C1** The text of s. 1(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.

Marginal Citations

- M1** 1949 c. 97 .

2 New functions of the Commission.

- (1) The Commission [^{F8}and the Council shall each] have the general duties imposed by this section, but nothing in this section shall be construed as modifying the effect of any provision of this Act or of the Act of 1949 whereby any general or specific power or duty is conferred or imposed on the Commission [^{F9}or Council], or whereby an obligation is imposed on any other person to consult with the Commission [^{F9}or Council].
- (2) The Commission [^{F10}and the Council] shall keep under review all matters relating to—
- (a) the provision and improvement of facilities for the enjoyment of the countryside,
 - (b) the conservation and enhancement of the natural beauty and amenity of the countryside, and
 - (c) the need to secure public access to the countryside for the purposes of open-air recreation,
- and shall consult with such local planning authorities and other bodies as appear to the Commission [^{F10}or Council] to have an interest in those matters.
- (3) The Commission [^{F10}and the Council] shall encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any person or body, being proposals which the Commission [^{F10}or Council] consider to be suitable.
- (4) The Commission [^{F11}and the Council] shall advise any Minister having functions under this Act, or any other Minister or any public body, on such matters relating to the countryside as he or they may refer to the Commission [^{F11}or Council], or as the Commission [^{F11}or Council] may think fit.

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- (5) Where it appears to the Commission [^{F12}or to the Council] that the provision and improvement of facilities for enjoyment of the countryside or the conservation and enhancement of the natural beauty and amenity of the countryside presents special problems or requires special professional or technical skill, the Commission [^{F12}or, as the case may be, the Council]—
- (a) shall notify their opinion to the appropriate local planning authority or other public body, and
 - (b) on the application of any such authority or other body in any case where it appears to the Commission [^{F13}or Council] expedient having regard to the provisions of section 1(2) of this Act, and to the provisions of section 5(1) of the Act of 1949 (general provisions as respects National Parks), shall place the services of officers or servants of the Commission [^{F13}or Council], or the services of consultants engaged by the Commission [^{F13}or Council], at the disposal of the authority or other body for such period as may be agreed between them, and on such terms as to payment or otherwise, as may be so agreed with the approval of the Minister.
- (6) The Commission [^{F14}and the Council] shall make to local planning authorities and other public bodies, as respects the exercise of the powers of making byelaws conferred by this Act and the Act of 1949, recommendations as to the matters in respect of which byelaws should be made.
- (7) The Commission [^{F15}and the Council] shall carry out, or commission the carrying out of, such inquiries, investigations or researches, either on their own account or jointly with other persons, as the Commission [^{F15}or Council] may deem necessary or expedient for the purposes of any of their functions.
- (8) The Commission [^{F15}and the Council] shall provide, or assist in the provision of, publicity and information services relating to the countryside, to places of beauty or interest therein, or to the functions of the Commission [^{F15}or Council], and shall take such steps as appear to them expedient for securing that suitable methods of publicity are used for the prevention of damage in the countryside and for [^{F16}informing persons resorting to the countryside of their rights and obligations].
- (9) The Commission [^{F15}and the Council] shall make to the Minister such recommendations as the Commission [^{F15}or Council] think proper in respect of applications by local authorities for Exchequer grants under . . . ^{F17} the Act of 1949.

Textual Amendments

- F8** Words in s. 2(1) substituted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F9** Words in s. 2(1) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F10** Words in s. 2(2)(3) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(b\)](#); S.I. 1991/685, [art.3](#).
- F11** Words in s. 2(4) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(c\)](#); S.I. 1991/685, [art.3](#).
- F12** Words in s. 2(5) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(d\)](#); S.I. 1991/685, [art.3](#).
- F13** Words in s. 2(5)(b) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(3\)\(e\)](#); S.I. 1991/685, [art.3](#).

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- F14** Words in s. 2(6) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(f)**; S.I. 1991/685, **art.3**.
- F15** Words in s. 2(7)-(9) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(g)**; S.I. 1991/685, **art.3**.
- F16** Words substituted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **s. 72(7)**
- F17** Words repealed by Local Government Act 1974 (c. 7, SIF 81:1), **Sch. 8**

Modifications etc. (not altering text)

- C2** S. 2 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
- C3** S. 2(5)(b) modified (19.9.1995) by 1995 c. 25, **ss. 61(3)(b)**, 125(2) (with **ss. 7(6)**, 115, 117, Sch. 8 para. 7)

F18₃

Textual Amendments

- F18** S. 3 repealed and superseded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 47(3), **Sch. 17 Pt. II**

4 Experimental projects or schemes.

- [^{F19}(1)]** The Commission [^{F20}and the Council], after consultation with such local authorities and other bodies as appear to the Commission [^{F20}or Council] to have an interest, may from time to time make and carry out or promote the carrying out of any experimental scheme designed to facilitate the enjoyment of the country side, or to conserve or enhance its natural beauty or amenity which—
 - (a) in relation to the countryside generally or to any particular area involves the development or application of new methods, concepts or techniques or the application or further development of existing methods, concepts or techniques; and
 - (b) is designed to illustrate the appropriateness of the scheme in question for the countryside generally or for any particular area.]
- (3)** For the purpose of their functions under the foregoing provisions of this section the Commission [^{F21}or, as the case may be, the Council] may—
 - (a) with the approval of the Minister acquire land by agreement, or may be authorised by the Minister in a particular case to acquire land compulsorily,
 - (b) hold and manage land, and with the approval of the Minister and subject to the subsequent provisions of this section, dispose of or otherwise deal with land,
 - (c) erect buildings and carry out works or other operations on land,
 - (d) provide equipment, facilities and services on or in connection with land or with use of land,
 - (e) hold, manage, maintain, hire, let or otherwise dispose of such works, equipment, facilities or services,
 - (f) exercise any powers to carry out work or to provide facilities or services conferred by this Act or the Act of 1949 on local authorities or local planning authorities,

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- (g) with the approval of the Minister and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking relevant to the experimental project or scheme, and, subject to the approval of the Minister and the Treasury, may dispose of any such business or undertaking.
- (4) The disposal of land under this section may be by way of sale or exchange, or by the letting of land or the granting of any interest in or right over land, but the Commission [^{F22}or Council] shall not under this section dispose of land by way of gift.
- (5) The powers conferred by paragraphs (c) to (f) of subsection (3) above may be exercised by the Commission [^{F23}or by the Council]—
 - (a) on land belonging to them, or
 - (b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land,
 and an agreement under paragraph (b) above may provide for the making by the Commission [^{F23}or Council] of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.
- (6) The provisions of this section, except for that authorising compulsory purchase of land, shall have effect only for the purpose of removing any limitation imposed by law on the capacity of the Commission [^{F24}or of the Council], and shall not authorise any act or omission on the part of the Commission [^{F24}or Council] which, apart from the said provisions of this section, would be actionable at the suit of any person on any ground other than such a limitation.

Textual Amendments

- F19** S. 4(1) substituted for s. 4(1)(2) by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **s. 40**
- F20** Words in s. 4(1) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(4)(a)**; S.I. 1991/685, **art.3**.
- F21** Words in s. 4(3) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(4)(b)**; S.I. 1991/685, **art.3**.
- F22** Words in s. 4(4) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(4)(c)**; S.I. 1991/685, **art.3**.
- F23** Words in s. 4(5) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(4)(d)**; S.I. 1991/685, **art.3**.
- F24** Words in s. 4(6) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(4)(e)**; S.I. 1991/685, **art.3**.

^{F25}5

Textual Amendments

- F25** S. 5 repealed and superseded by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), s. 9(4), **Sch. 8**

Status:

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