



Countryside Act 1968

1968 CHAPTER 41

Nature conservation, National Parks and access to open country

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
 - (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.

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Section 12. (See end of Document for details)

- (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}

- (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](#)

Changes to legislation: There are currently no known outstanding effects
for the Countryside Act 1968, Section 12. (See end of Document for details)

- 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)

- C1** 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.

Changes to legislation:

There are currently no known outstanding effects for the Countryside Act 1968, Section 12.