



Countryside Act 1968

1968 CHAPTER 41

Nature conservation, National Parks and access to open country

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—
 - (a) ensuring the safety of persons resorting to any such lake,
 - (b) regulating all forms of sport or recreation involving the use of boats or vessels,
 - (c) conserving the amenity and natural beauty of any such lake and the surrounding area, and
 - (d) preventing nuisance or damage, and in particular nuisance from excessive noise.
- (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 [F¹section] 5 of the Act

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- of 1949, and, before making any byelaws, shall consult [^{F2}Natural England] [^{F3}(if the National Park is in England) or the [^{F4}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 [^{F5}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 [^{F6}managed by any statutory undertakers].
- (8) [^{F7}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.
- [^{F8}(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.
- ^{F9}(11)
- (12) Byelaws made by a local planning authority under this section may be enforced by any local authority [^{F10}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

- F1** 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.)
- F2** 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.)
- F3** 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
- F4** 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)

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- F5** 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))
- F6** 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**
- F7** 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)
- F8** 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)
- F9** 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.**
- F10** 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)

- C1** 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**
- C2** 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)

Changes to legislation:

There are currently no known outstanding effects for the Countryside Act 1968, Section 13.