



Countryside Act 1968

1968 CHAPTER 41

Supplemental

41 Power to make byelaws and related provisions about wardens.

(1) A local authority may as respects—

- (a) a country park provided by the local authority under section 7 of this Act (on land belonging to the local authority or other land), or
- (b) any land as respects which the local authority have exercised powers conferred by section 9 of this Act, or
- (c) a picnic site provided by the local authority under section 10 of this Act, [^{F1}or
- (d) a trunk road picnic area as respects which functions of the Minister stand delegated to the local authority under section 113(1) of the ^{M1}Highways Act 1980, or are functions of the local authority by virtue of an agreement under section 113(3) of that Act,]

make byelaws for the preservation of order, for the prevention of damage to the land or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.

[^{F2}(1A) The power of a local authority under sub-section (1)(d) above is exercisable only in so far as any conditions attached to the relevant delegation or, as the case may be, included in the relevant agreement do not otherwise provide.]

[^{F3}(2) Natural England and the [^{F4}NRBW] may make byelaws for the preservation of order and other purposes mentioned in subsection (1)—

- (a) in the case of Natural England, as respects land—
 - (i) to which the public have rights of access under a management agreement under section 7 of the Natural Environment and Rural Communities Act 2006, or
 - (ii) held by them for the purposes of an experimental scheme under section 8 of that Act, and
- (b) in the case of the [^{F4}NRBW], as respects land—

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Section 41. (See end of Document for details)

- (i) held by them for the purposes of [^{F5}an experimental scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), where the scheme is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity], or
 - (ii) to which the public have access under an agreement under [^{F6}section 16 of the Environment (Wales) Act 2016 that is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity].]
- (3) Without prejudice to the generality of the foregoing provisions of this section, byelaws under those provisions—
 - (a) may prohibit or restrict the use of the land or of any waterway comprised therein, either generally or in any manner specified in the byelaws, by traffic of any description so specified,
 - (b) may contain provisions prohibiting the depositing of rubbish and the leaving of litter,
 - (c) may regulate or prohibit the lighting of fires,
 - (d) may regulate sailing, boating, bathing and fishing and other forms of recreation on waterways,
 - (e) may prohibit the use of any waterway comprised in a country park by boats which are not for the time being registered with the local authority in such manner as the byelaws may provide,
 - (f) may be made so as to relate either to the whole or to any part of the land or of any waterway comprised therein, and may make different provisions for different parts thereof,

and the byelaws may authorise the making of reasonable charges in respect of the registration of boats in pursuance of the byelaws.
- (4) Byelaws made under this section shall not interfere with the exercise of any public right of way or of any functions relating to the land or waterway to which the byelaws apply which are exercisable by any authority under any enactment [^{F7}or with [^{F8}the provision of an electronic communications code network] or the exercise of any right conferred by or in accordance with [^{F9}the electronic communications code] on the operator of any [^{F10}such network]].
- (5) Before a local authority make byelaws under the foregoing provisions of this section as respects a National Park or area of outstanding natural beauty, the local authority shall consult [^{F11}Natural England][^{F12}as respects a park or area in England) or the [^{F4}NRBW] (as respects a park or area in Wales)].
- (6) A county council or county district council shall have power to enforce byelaws made under this section by another authority as respects land in the area of the council.
- (7) [^{F13}In the case of byelaws made by a local planning authority in England, or by Natural 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.
- [^{F14}(7A) In the case of byelaws made by a local planning authority in Wales, or by the [^{F15}NRBW] –
 - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Section 41. (See end of Document for details)

- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.]
- (8) Subsections (1) and (2), and subject to the next following subsection subsection (4), of section 92 of the Act of 1949 (appointment of wardens for 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, and as if [F16Natural England][F17and the [F4NRBW] were local authorities].
- (9) For the purposes of exercising any function conferred on him by the said section 92 as applied by subsection (8) above a warden appointed under that section may enter upon any land, or go on any waterway, as respects which byelaws under this section are in force, although the land or waterway does not belong to the local authority , [F18Natural England][F19 or the [F4NRBW]].
- (10) Sections 90, 91 and 92 of the Act of 1949 shall have effect as if any path which is a means of access to land to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of the Act of 1949 was included in that land.
- (11) In subsection (10) above “path” means a public path, or a [F20restricted byway] (as those expressions are defined in section 27(6) of the Act of 1949 [F21and section 48(4) of the Countryside and Rights of Way Act 2000]) or any other path, not being a highway at the side of a public road, which the public have the right to use, or are permitted to use, as a means of access to land to which the public are given access under Part V of the Act of 1949.
- (12) Byelaws made under section 90(3) of the Act of 1949 shall not interfere with the exercise of any public right of way or with any authority having under any enactment functions relating to the land or waterway to which the byelaws apply [F22or with [F23the provision of an electronic communications code network] or the exercise of any right conferred by or in accordance with [F24the electronic communications code] on the operator of any [F25such network]].

Textual Amendments

- F1** Words inserted by [Highways Act 1980 \(c. 66, SIF 59\), s. 342\(a\)](#)
- F2** S. 41(1A) inserted by [Highways Act 1980 \(c. 66, SIF 59\), s. 342\(b\)](#)
- F3** S. 41(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 53\(2\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F4** Word in s. 41 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 102](#) (with Sch. 7)
- F5** Words in s. 41(2)(b)(i) substituted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(2\)\(a\), Sch. 2 para. 2\(5\)\(a\)](#)
- F6** Words in s. 41(2)(b)(ii) substituted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(2\)\(a\), Sch. 2 para. 2\(5\)\(b\)](#)
- F7** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\), Sch. 4 para. 48\(1\)](#)
- F8** Words in s. 41(4) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 40\(2\)\(a\)](#) (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11
- F9** Words in s. 41(4) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 40\(2\)\(b\)](#) (with Sch. 18);

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Section 41. (See end of Document for details)

- S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11
- F10** Words in s. 41(4) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 40(2)(c)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11
- F11** Words in s. 41(5) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 53(3)**; S.I. 2006/2541, art. 2 (with Sch.)
- F12** Words in s. 41(5) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(b)**; S.I. 1991/685, **art. 3**.
- F13** Words in s. 41(7) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 8(5)(a)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F14** S. 41(7A) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 8(5)(b)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F15** Word in s. 41(7A) substituted (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(g), **Sch. 2 para. 29**
- F16** Words in s. 41(8) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 53(3)**; S.I. 2006/2541, art. 2 (with Sch.)
- F17** Words in s. 41(8) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(c)**; S.I. 1991/685, **art. 3**.
- F18** Words in s. 41(9) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 53(3)**; S.I. 2006/2541, art. 2 (with Sch.)
- F19** Words in s. 41(9) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(d)**; S.I. 1991/685, **art. 3**.
- F20** Words in s. 41(11) substituted (2.5.2006 for E., 11.5.2006 for W.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 5 para. 14(a)**; S.I. 2006/1172, art. 2(g)(iv); S.I. 2006/1279, art. 2(g)
- F21** Words in s. 41(11) inserted (2.5.2006 for E., 11.5.2006 for W.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 5 para. 14(b)**; S.I. 2006/1172, art. 2(g)(iv); S.I. 2006/1279, art. 2(g)
- F22** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 4 para. 48(1)**
- F23** Words in s. 41(12) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 40(2)(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11
- F24** Words in s. 41(12) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 40(2)(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11
- F25** Words in s. 41(12) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 40(2)(c)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, arts. 3(2), 11

Modifications etc. (not altering text)

- C1** S. 41 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 5(c)**(with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 41 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **25(2)(xxi)** (with art. 35)
- C3** S. 41 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 2, **25(1), (1), (2)(xxi)** (with art. 35)
- C4** S. 41(8) excluded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **s. 49(4)**

Changes to legislation: *There are currently no known outstanding effects for the Countryside Act 1968, Section 41. (See end of Document for details)*

Marginal Citations

M1 1980 c. 66.

Changes to legislation:

There are currently no known outstanding effects for the Countryside Act 1968, Section 41.