



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART IV

PUBLIC RIGHTS OF WAY

Minor Amendments of Law relating to Rights of Way

56 Rights of way subject to conditions for securing efficient use of agricultural land

- (1) Where a public path crosses agricultural land or land which is being brought into use for agriculture, then if—
- (a) it is proposed in accordance with the rules of good husbandry to plough the land, and
 - (b) it is convenient, in so ploughing the land, to plough the path together with the rest of the land,

the public right of way shall be subject to the condition that the occupier shall have the right, subject to the following provisions of this section, to plough the path as well as the rest of the land.

- (2) Before ploughing a public path in the exercise of the right conferred by the last foregoing subsection the occupier shall give to the highway authority not less than seven days' notice of his intention to plough the path ; and any person who fails to comply with the provisions of this subsection shall be liable on summary conviction to a fine not exceeding two pounds.
- (3) Where a public path is ploughed in the exercise of the said right, the occupier of the land shall as soon as may be after the ploughing is completed make good the surface of the path so as to make it reasonably convenient for the exercise of the public right of way; and any person who fails to comply with the provisions of this subsection shall be liable on summary conviction to a fine not exceeding ten pounds, and to a further fine not exceeding one pound for every day after conviction on which the failure continues.

Status: This is the original version (as it was originally enacted).

- (4) Where the owner, lessee or occupier of agricultural land, or land which is being brought into use for agriculture, represents to the highway authority that, for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on a public path crossing the land, the highway authority may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.
- (5) If, on a representation duly made under the last foregoing subsection, the highway authority refuse to grant an authorisation thereunder, or grant such an authorisation subject to conditions, the person who made the representation may appeal to the Minister against the refusal or against the imposition of the conditions, as the case may be; and if the Minister, after giving to the appellant and to the highway authority an opportunity of being heard by a person appointed by him for the purpose and considering the report of that person, determines to allow the appeal, he shall—
- (a) if the appeal was against a refusal, authorise the erection of the stiles, gates or other works in question, subject to such conditions as he may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public ;
 - (b) if the appeal was against the imposition of conditions, direct that the authorisation granted by the highway authority shall, as may be specified in the direction, have effect either unconditionally or subject to such modified conditions as may be so specified.
- (6) Where in the case of a public path an authorisation is granted by the highway authority under subsection (4) of this section or by the Minister under the last foregoing subsection, the public right of way shall be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached thereto are complied with.
- (7) It shall be the duty of a highway authority to enforce the provisions of subsections (2) and (3) of this section as respects any public path for which they are the highway authority; and no proceedings in respect of an offence under those provisions shall be brought except by the authority required by this subsection to enforce those provisions as respects the public path in question.
- (8) For the purposes of section fifty-six of the Road Traffic Act, 1930 (which empowers a highway authority to secure the removal from a highway of structures erected thereon otherwise than under or in pursuance of any enactment), any stile, gate or works erected in pursuance of an authorisation under subsection (4) or (5) of this section shall be deemed to be erected under or in pursuance of this section only if the provisions of the authorisation and any conditions attached thereto are complied with.
- (9) The foregoing provisions of this section shall apply in relation to rights of way created before as well as after the commencement of this Act.
- (10) Nothing in the provisions of this section shall prejudice any limitation or condition having effect apart from those provisions.

57 Penalty for displaying on footpaths notices deterring public use

- (1) If any person places or maintains, on or near any way shown on a definitive map, or on a revised map prepared in definitive form, as a public path or road used as a public

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path, a notice containing any false or misleading statement likely to deter the public from using the way, he shall be liable on summary conviction to a fine not exceeding five pounds.

- (2) The court before whom a person is convicted of an offence under the last foregoing subsection may, in addition to or in substitution for the imposition of a fine, order him to remove the notice in respect of which he is convicted within such period, not being less than four days, as may be specified in the order; and if he fails' to comply with the order he shall be liable on summary conviction to a fine not exceeding two pounds for each day on which the failure continues.
- (3) It shall be the duty of a highway authority to enforce the provisions of this section as respects any public path, or road used as a public path, for which they are the highway authority; and no proceedings in respect of an offence under those provisions shall be brought except by the authority required by this subsection to enforce those provisions as respects the path or road in question.

58 Amendment of 22 & 23 Geo. 5. c. 45, s. 1

- (1) In section one of the Rights of Way Act, 1932 (which by subsection (1) of that section raises a presumption of dedication of a highway after twenty years' enjoyment by the public unless there is sufficient evidence of absence of intention to dedicate or unless during such period of twenty years there was no person in possession capable of dedicating, and by subsection (2) of that section raises a presumption of dedication after forty years' enjoyment unless there is sufficient evidence of absence of intention to dedicate) the words from " or unless during such period of twenty years " to the end in the said subsection (1) and the said subsection (2), shall cease to have effect.
- (2) Nothing in this section shall affect any proceedings pending at the commencement of this Act, and where in respect of any way a court of competent jurisdiction decides in any proceedings so pending, or has before the commencement of this Act decided, that the way is not a highway, this section shall not apply except as respects enjoyment of the way after the date of the decision.