



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

## PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

### *Supplementary Provisions*

#### **101 Crown land**

- (1) The following provisions of this section shall have effect for applying certain provisions of this Act to Crown land, that is to say land an interest in which belongs to His Majesty in right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a Government department or is held in trust for His Majesty for the purposes of a Government department.
- (2) A National Park may include Crown land, and with the consent of the appropriate authority the powers conferred by Part II of this Act may be exercised as respects any interest in Crown land.
- (3) Where a National Park includes any Crown land, the appropriate authority and the local planning authority in whose area the land is situated may enter into an agreement for securing that, so far as any interest held by or on behalf of the Crown is concerned and so far as may be provided by the agreement, the land will be managed in a manner consistent with the accomplishment of either or both of the purposes specified in subsection (1) of section five of this Act.
- (4) The appropriate authority may enter into an agreement under Part III of this Act as respects an interest in Crown land held by or on behalf of the Crown, and an agreement thereunder as respects any other interest in Crown land shall not have effect unless approved by the appropriate authority.

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- (5) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under the said Part III, but only with the consent of the appropriate authority.
- (6) Parts IV and V of this Act shall apply to Crown land, but subject to the following modifications, that is to say—
- (a) no public path order, diversion order, extinguishment order or access order shall be made as respects such land except with the consent of the appropriate authority;
  - (b) no such land shall be acquired under the said Part IV or V except with such consent; and
  - (c) if any land comprised in an access agreement or order, not being excepted land as defined for the purposes of the said Part V, becomes Crown land while it is so comprised, the access agreement or order shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the agreement or order.
- (7) Section eighty nine of this Act shall apply to Crown land if the appropriate authority consents to its application thereto, but subject to the following modifications, that is to say—
- (a) an interest in Crown land may be acquired for the purposes of the said section eighty-nine only with the consent of the appropriate authority;
  - (b) if any land affected by arrangements under subsection (3) of that section or an agreement under subsection (6) thereof becomes Crown land, the arrangements or agreement shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the arrangements or agreement
- (8) Byelaws made under this Act shall apply to Crown land if the appropriate authority consents to their application thereto.
- (9) An order under this Part of this Act restricting traffic on highways shall, save as expressly provided by the order, apply to vehicles and persons in the public service of the Crown.
- (10) Notwithstanding anything in subsection (3) or subsection (6) of this section—
- (a) an agreement authorised by the said subsection (3) and made by the Commissioners of Crown Lands or by any Government department, or an access agreement so made, shall be of no effect unless it is approved by the Treasury; and
  - (b) in considering whether to make or approve an agreement authorised by the said subsection (3), or an access agreement, relating to land belonging to a Government department or held in trust for His Majesty for the purposes of a Government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.
- (11) In this section the expression " the appropriate authority ", in relation to any land, means—
- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other Government department having the management of the land in question ;
  - (b) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;
  - (d) in the case of land belonging to a Government department or held in trust for His Majesty for the purposes of a Government department, that department;
- and if any question arises under this section as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.