



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART II

NATIONAL PARKS

13 Improvement of waterways for purposes of open-air recreation.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may, as respects any waterway in the Park ^{F1}..., carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waterway by the public for sailing, boating, bathing [^{F2}or fishing or other forms of recreation]:

Provided that a local planning authority shall not under this section provide facilities of any description except in cases where it appears to them that the facilities of that description are inadequate or unsatisfactory.

- (2) A local planning authority may, as respects any waterway in their area, enter into an agreement, on such terms as to payment or otherwise as may be specified in the agreement, with any other authority on whom powers of carrying out work are conferred in relation to the waterway by or under any enactment, for the exercise by the said other authority of any power of doing work conferred on the local planning authority by the last foregoing subsection.
- (3) Where an agreement is made under the last foregoing subsection for the exercise of any power by any such authority, other than a local planning authority, as is therein mentioned, no limitation imposed by law on the capacity of that authority by virtue of the constitution thereof shall operate so as to prevent the authority from exercising that power.
- (4) Where it appears to the Minister, as respects a waterway in the area of a local planning authority, that any power of doing work conferred on the authority by subsection (1) of this section should be exercised by any such other authority as is mentioned in

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 13. (See end of Document for details)

subsection (2) of this section, and the local planning authority have not entered into an agreement with the said other authority under the said subsection (2), the Minister may direct that the said power shall be exercisable by the said other authority:

Provided that no direction shall be given under this subsection except after consultation with the local planning authority and the said other authority.

- (5) Before exercising any power conferred by or under this section an authority shall consult with such other authorities, being authorities which under any enactment have functions relating to the waterway in question, as the Minister may either generally or in any particular case direct.
- (6) Where any authority consulted under the last foregoing subsection objects to a proposed exercise of powers under this section, and the objection is not withdrawn, the proposal shall not be proceeded with unless on an application in that behalf specifying the proposal and the objection the Minister so directs, and subject to any conditions or modifications specified in the direction; and before giving a direction under this subsection the Minister shall afford to each of the authorities an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.
- (7) The foregoing provisions of this section shall not authorise an authority to do anything on land, or as respects water over land, in which any other person has an interest, if apart from this section the doing thereof would be actionable at his suit by virtue of that interest and he does not consent to the doing thereof:

Provided that this subsection shall not apply in the case of land to which, or to water over which, the public have access by virtue of an access order under Part V of this Act, but the exercise of any power under the foregoing provisions of this section as respects such land shall be subject to the provisions in that behalf of the said Part V.

- (8) A local planning authority may acquire land compulsorily for the purpose of enabling any power conferred by or under this section to be exercised.

Textual Amendments

- F1** Words in s. 13(1) 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.**
- F2** Words substituted by **Countryside Act 1968** (c. 41, SIF 46:1), s. 12(6)

Modifications etc. (not altering text)

- C1** S. 13: power to amend conferred by **Levelling-Up and Regeneration Act 2023** (2023 c. 55), ss. 132, 255(3)(a) (with s. 247)
- C2** S. 13(1) extended by **Countryside Act 1968** (c. 41, SIF 46:1), s. 12(6)
- C3** S. 13(2)-(4) extended by **Countryside Act 1968** (c. 41, SIF 46:1), s. 12(7)

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