



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART V

ACCESS TO OPEN COUNTRY

60 Rights of public where access agreement or order in force

- (1) Subject to the following provisions of this Part of this Act, where an access agreement or order is in force as respects any land a person who enters upon land comprised in the agreement or order for the purpose of open-air recreation without breaking or damaging any wall, fence, hedge or gate, or who is on such land for that purpose after having so entered thereon, shall not be treated as a trespasser on that land or incur any other liability by reason only of so entering or being on the land:

Provided that this subsection shall not apply to land which for the time being is excepted land as hereinafter defined.

- (2) Nothing in the provisions of the last foregoing subsection shall entitle a person to enter or be on any land, or to do anything thereon, in contravention of any prohibition contained in or having effect under any enactment.
- (3) An access agreement or order may specify or provide for imposing restrictions subject to which persons may enter or be upon land by virtue of subsection (1) of this section, including in particular, but without prejudice to the generality of this subsection, restrictions excluding the land or any part thereof at particular times from the operation of the said subsection (1); and that subsection shall not apply to any person entering or being on the land in contravention of any such restriction or failing to comply therewith while he is on the land.
- (4) Without prejudice to the provisions of the last foregoing subsection, subsection (1) of this section shall have effect subject to the provisions of the Second Schedule to this Act as to the general restrictions to be observed by persons having access to land by virtue of the said subsection (1).

Status: This is the original version (as it was originally enacted).

- (5) For the purposes of this Part of this Act, the expression " excepted land " means land which for the time being is of any of the following descriptions, that is to say—
- (a) agricultural land, other than such land which is agricultural land by reason only that it affords rough grazing for livestock;
 - (b) land comprised in a declaration for the time being in force under subsection (2) of section nineteen of this Act or that subsection as applied by section twenty-one of this Act;
 - (c) land covered by buildings or the curtilage of such land;
 - (d) land used for the purpose of a park, garden or pleasure ground, being land which was so used at the date when the relevant access agreement or order was made;
 - (e) land used for the getting of minerals by surface working (including quarrying), land used for the purposes of a railway (including a light railway) or tramway, or land used for the purposes of a golf course, racecourse or aerodrome;
 - (f) land (not falling within the foregoing paragraphs of this subsection) covered by works used for the purposes of a statutory undertaking or the curtilage of such land;
 - (g) land as respects which development is in course of being carried out which will result in the land becoming such land as is specified in paragraph (c), (e) or (f) of this subsection ;
 - (h) land to which section one hundred and ninety-three of the Law of Property Act, 1925, for the time being applies:

Provided that land which is for the time being comprised in an access agreement or order shall not become excepted land by reason of any development carried out thereon, or any change of use made thereof, if the development or change of use is one for which under the Act of 1947 planning permission is required and either that permission has not been granted or any condition subject to which it was granted has been contravened or has not been complied with.