



# National Parks and Access to the Countryside Act 1949

## 1949 CHAPTER 97

### PART V

#### ACCESS TO OPEN COUNTRY

#### 77 Acquisition by Ministers of land for public access

- (1) Where it appears to the Minister, as respects any open country in a National Park, not being excepted land,—
- (a) that it is requisite that the public should have access thereto for open-air recreation ; and
  - (b) that in the circumstances it is expedient that such access thereto should be secured by the acquisition of the land by him,

the Minister may, with the consent of the Treasury, acquire the land by agreement, whether by way of purchase, lease or exchange, or acquire the land compulsorily.

In this subsection the expression " excepted land " includes, in relation to any compulsory purchase, land such that if an access agreement or order had been made at the time when the compulsory purchase order was confirmed the land would by virtue of paragraph (d) of subsection (5) of section sixty of this Act have been excepted land for the purposes of the access agreement or order.

- (2) Subsection (2) of the last foregoing section shall apply, in relation to the acquisition of land under the last foregoing subsection, but with the substitution for references to the local planning authority of references to the Minister.
- (3) The provisions of subsections (2) to (4) of section fourteen of this Act shall apply to land acquired by the Minister under this section, with the substitution, for the reference in the said subsection (2) to the accomplishment of the purposes therein mentioned, of a reference to the securing of public access for open-air recreation to so much of the land as appears to the Minister to be practicable, having regard to the matters mentioned in subsection (4) of the last foregoing section.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where in accordance with subsection (1) of this section, or that subsection as extended by subsection (2) of this section, the Minister would have power, with the consent of the Treasury, to acquire any land, but it appears to him and to the Minister of Agriculture and Fisheries, having regard to the character of the land, that the land is more suitable for acquisition by the last mentioned Minister, the said power shall be exercisable by the last mentioned Minister.
- (5) The Minister or the Minister of Agriculture and Fisheries, as the case may be, may carry out on land acquired by him for the purposes of this section, and for the time being held by him for those purposes, such work as he may consider requisite for providing convenient means of access to the land or otherwise for the said purposes, or may arrange for any such work to be carried out by persons to whom the land is transferred.