



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART IV

PUBLIC RIGHTS OF WAY

Ascertainment of footpaths, bridleways and certain other highways

27–35^{F1}

Textual Amendments

F1 Ss. 27–35 repealed by [Wildlife and Countryside Act 1981](#) (c. 69, SIF 4:5), ss. 55(1), 73, **Sch. 17 Pt. II**

36^{F2}

Textual Amendments

F2 S. 36 repealed by [Local Government Act 1972](#) (c. 70, SIF 81:1), **Sch. 30**

37^{F3}

Textual Amendments

F3 S. 37 repealed by [Local Government Planning and Land Act 1980](#) (c. 65, SIF 81:1,2) Sch. 34 pt. III

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

38 ^{F4}

Textual Amendments

F4 S. 38 repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), ss. 55(1), 73, **Sch. 17 Pt. II**

39–50 ^{F5}

Textual Amendments

F5 Ss. 39–50, 56, 58 repealed by Highways Act 1959 (c. 25), **Sch. 25** and London Government Act 1963 (c. 33, SIF 81:1), **Sch. 6 para. 70**

Long-Distance Routes

[^{F6}50A Application of Part IV of this Act in Wales.

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the [^{F7}Natural England] as respects England (or land of any description in England), the [^{F8}Natural Resources Body for Wales] shall have the corresponding function as respects Wales (or land of a similar description in Wales).]

Textual Amendments

F6 S. 50A inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para 1(6)**; S.I. 1991/865, **art. 3**

F7 Words in s. 50A(2) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 20**; S.I. 2006/2541, **art. 2** (with Sch.)

F8 Words in s. 50A(2) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), **art. 1(2)**, **Sch. 2 para. 19** (with Sch. 7)

51 General provisions as to long-distance routes.

- (1) Where it appears to [^{F9}Natural England], as respects any part of England ^{F10} . . . , that the public should be enabled to make extensive journeys on foot or on horseback [^{F11}or on a bicycle [^{F12}not being a mechanically propelled vehicle]] along a particular route, being a route which for the whole or the greater part of its length does not pass along roads mainly used by vehicles, [^{F9}Natural England] may prepare and submit to the Minister a report under this section.
- (2) A report under this section shall contain a map showing the route, defining those parts thereof over which there exists a public right of way, and indicating in each case the nature of that right; and the report shall set out such proposals as [^{F13}Natural England] may think fit—

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- (a) for the maintenance or improvement of [^{F14}any highway along which the route passes and which is a public path, a restricted byway or a way shown in a definitive map and statement as a restricted byway or byway open to all traffic;]
- (b) for the provision and maintenance of such new public paths as may be required for enabling the public to journey along the route;
- (c) for the provision and operation of ferries where they are needed for completing the route; and
- (d) for the provision of accommodation, meals and refreshments along the route.
- (3) A report under this section may also include such recommendations as [^{F15}Natural England] may think fit for the restriction of traffic on existing highways along which the route passes.
- (4) Before preparing a report under this section [^{F16}Natural England] shall consult every [^{F17}National Park authority,] joint planning board, county council, ^{F18} . . . and county district council through whose [^{F17}Park or] area the route passes; and it shall be the duty of every such [^{F17}authority,] board or council to furnish to [^{F16}Natural England] such information as [^{F16}Natural England] may reasonably require for the purposes of the report.
- (5) A report under this section shall contain an estimate, in such form as the Minister may require, of the capital outlay likely to be incurred in carrying out any such proposals contained therein as are mentioned in subsection (2) of this section, of the annual cost of maintaining any [^{F19}existing highways falling within paragraph (a) of that subsection] and any new public paths provided for by the proposals, and of the annual expenditure likely to be incurred by local authorities [^{F20}and National Park authorities] in connection with the provision and operation of ferries, and the provision of accommodation, meals and refreshments, so far as those matters are provided for by the proposals.
- [^{F21}(6) In this section—
- “definitive map and statement” has the same meaning as in Part III of the Wildlife and Countryside Act 1981; and
- “restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000.]

Textual Amendments

- F9** Words in s. 51(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 10\(e\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F10** Words in s. 51(1) repealed (1.4.1991) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 130(1), [Sch. 8 para. 1\(7\)](#); S.I. 1991/685, [art. 3](#)
- F11** Words inserted by [Countryside Act 1968](#) (c. 41, SIF 46:1), [s. 21\(2\)](#)
- F12** Words in s. 51(1) substituted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), [Sch. 7 para. 1](#)
- F13** Words in s. 51(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 10\(e\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F14** Words in s. 51(2)(a) substituted (2.5.2006 for E. 11.5.2006 for W.) by [Countryside and Rights of Way Act 2000](#) (c. 37), s. 103(3), [Sch. 5 para. 12\(2\)](#); S.I. 2006/1172, [art. 2\(g\)\(iv\)](#); S.I. 2006/1279, [art. 2\(g\)](#)
- F15** Words in s. 51(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 10\(e\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F16** Words in s. 51(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 10\(e\)](#); S.I. 2006/2541, art. 2 (with Sch.)

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- F17** Words in s. 51(4) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(5)(a)(b)(c)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F18** Words repealed by **Local Government Act 1972** (c. 70, SIF 81:1), **Sch. 30**
- F19** Words in s. 51(5) substituted (2.5.2006 for E. 11.5.2006 for W.) by **Countryside and Rights of Way Act 2000** (c. 37), s. 103(3), **Sch. 5 para. 12(3)**; S.I. 2006/1172, **art. 2(g)(iv)**; S.I. 2006/1279, **art. 2(g)**
- F20** Words in s. 51(5) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F21** S. 51(6) inserted (2.5.2006 for E. 11.5.2006 for W.) by **Countryside and Rights of Way Act 2000** (c. 37), s. 103(3), **Sch. 5 para. 12(4)**; S.I. 2006/1172, **art. 2(g)(iv)**; S.I. 2006/1279, **art. 2(g)**

Modifications etc. (not altering text)

- C1** S. 51 excluded (24.9.2014) by **The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014** (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 12**
- C2** S. 51(2)(a)(5) extended by **Wildlife and Countryside Act 1981** (c. 69, SIF 4:5), **ss. 54(6)(7)**

52 Approval of proposals relating to a long-distance route.

- (1) On the submission to the Minister of a report under the last foregoing section, the Minister shall consider any proposals contained in the report under subsection (2) of that section and may either approve the proposals, with or without modifications, or reject the proposals:

Provided that where the Minister does not propose to approve the proposals as set out in the report he shall, before coming to a determination as to what action to take under this subsection, consult with [^{F22}Natural England] and such other authorities and persons as he may think fit.

- (2) As soon as may be after the Minister determines under the last foregoing subsection either to approve any proposals, with or without modifications, or to reject them, he shall notify his determination to [^{F23}Natural England] and to every [^{F24}National Park authority] joint planning board, county council, . . . ^{F25} and county district council whose [^{F24}Park or] area is traversed by the route to which the report relates.
- (3) Proposals approved by the Minister under subsection (1) of this section, either as originally set out in the report or as modified by the Minister, are hereinafter referred to as “approved proposals relating to a long-distance route.”

Textual Amendments

- F22** Words in s. 52(1) substituted (1.10.2006) by **Natural Environment and Rural Communities Act 2006** (c. 16), s. 107, **Sch. 11 para. 10(f)**; S.I. 2006/2541, art. 2 (with Sch.)
- F23** Words in s. 52(2) substituted (1.10.2006) by **Natural Environment and Rural Communities Act 2006** (c. 16), s. 107, **Sch. 11 para. 10(f)**; S.I. 2006/2541, art. 2 (with Sch.)
- F24** Words in s. 52(2) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2**
- F25** Words repealed by **Local Government Act 1972** (c. 70, SIF 81:1), **Sch. 30**

Modifications etc. (not altering text)

- C3** S. 52 excluded (24.9.2014) by **The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014** (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 12**

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

53 Ferries for purposes of long-distance routes.

- (1) Where approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, the authority who are the highway authority for either or both of the highways to be connected by the ferry—
 - (a) shall have power to provide and operate the ferry and to carry out such work and do all such things as appear to them expedient for the purpose of operating the ferry;
 - (b) may . . . ^{F26} agree with any person or body of persons for the provision and operation of the ferry by him or them and for the making by the highway authority of such contributions as may be specified in the agreement:

Provided that nothing in this subsection shall—

- (i) be construed as conferring on such an authority any exclusive right to operate a ferry;
- (ii) authorise the doing of anything which apart from this subsection would be actionable by any person by virtue of his having an exclusive right to operate a ferry, unless he consents to the doing thereof;
- (iii) authorise the doing of anything on land, or as respects water over land, in which any other person has an interest, if apart from this subsection the doing thereof would be actionable at his suit by virtue of that interest and he does not consent to the doing thereof;

and before carrying out any work in the exercise of powers conferred by this subsection, being work on the bank or bed of any waterway, the highway authority shall consult with such authorities having functions relating to the waterway as the Minister may either generally or in any particular case direct.

- (2) A highway authority may acquire land compulsorily for the purpose of any of their functions under paragraph (a) of the last foregoing subsection.
- (3) ^{F27}

Textual Amendments

F26 Words repealed by [Local Government Planning and Land Act 1980 \(c. 65, SIF 81:1,2\)](#) s. 1(7), Sch. 7 para. 1, Sch. 34 Pt. VII

F27 S. 53(3)(4) repealed by [Local Government Planning and Land Act 1980 \(c. 65, SIF 81:1,2\)](#) s. 1(7), Sch. 7 para. 1, Sch. 34 Pt. VII

54 Accommodation, meals and refreshments along long-distance routes.

- (1) Where approved proposals relating to a long-distance route include proposals for the provision, along any part of the route, of accommodation, meals and refreshments, any local planning authority through whose area, or in the neighbourhood of whose area, that part of the route passes shall have power to make such arrangements under this section as are requisite for giving effect to the last-mentioned proposals.
- (2) The arrangements which may be made by an authority under this section are arrangements for securing, at places in their area convenient for persons using the part of the route in question, the provision, whether by the authority or other persons, of accommodation, meals and refreshments (including intoxicating liquor):

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Provided that an authority shall not under this section provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (3) For the purposes of arrangements under this section a local planning authority may erect such buildings and carry out such work as may appear to them to be necessary or expedient.
- (4) The foregoing provisions of this section shall not authorise an authority, on land in which any other person has an interest, without his consent to do anything which apart from this section would be actionable at his suit by virtue of that interest.
- (5) A local planning authority may acquire land compulsorily for the purpose of any of their functions under this section.

55 Variation of approved proposals.

- (1) Where proposals relating to a long-distance route have been approved by the Minister under section fifty-two of this Act, [^{F28}Natural England] may from time to time prepare and submit to the Minister a report proposing any such variation of the approved proposals as [^{F28}Natural England] may think fit.
- (2) Where, as respects any proposals approved as aforesaid, it appears to the Minister, after consultation with [^{F29}Natural England], expedient that the proposals should be varied in any respect and [^{F29}Natural England] have not submitted to the Minister a report proposing that variation, the Minister may direct that the proposals shall be so varied.
- (3) Subsection (4) of section fifty-one of this Act, and subsections (1) and (2) of section fifty-two thereof, shall with the necessary modifications apply to a report or direction under this section; and subsection (5) of the said section fifty-one shall with the necessary modifications apply to any such report.
- (4) Where the Minister approves, with or without modifications, any proposals contained in a report under subsection (1) of this section, or gives a direction under subsection (2) of this section, the proposals for the variation of which the report was made or direction given shall thereafter have effect subject to the provisions of the report or direction; and references in this Act to approved proposals relating to a long-distance route shall be construed accordingly.

Textual Amendments

F28 Words in s. 55(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 10\(g\)](#); S.I. 2006/2541, art. 2 (with Sch.)

F29 Words in s. 55(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 10\(g\)](#); S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

C4 S. 55 excluded (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\), art. 1, Sch. 19 Pt. 1 para. 12](#)

C5 S. 55 excluded (7.12.2022) by [The A417 Missing Link Development Consent Order 2022 \(S.I. 2022/1248\), arts. 1, 3 \(with art. 4\)](#)

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[^{F30}55A Proposals relating to the English coastal route

- (1) Pursuant to the coastal access duty, Natural England may prepare and submit a report under section 51 containing proposals for a route (whether or not the requirements of section 51(1) are satisfied).
- (2) For the purposes of subsection (1) it is immaterial whether the route or any part of it is already a route in approved proposals relating to a long-distance route.
- (3) In subsections (4) and (5) “preliminary activity” means activity which Natural England considers would facilitate the preparation by it of a report under section 51 pursuant to the coastal access duty.
- (4) Where Natural England considers it necessary or expedient for preliminary activity to be carried out as respects any land, it must—
 - (a) consider whether it would be appropriate for the access authority in relation to that land to carry out any of the preliminary activity, and
 - (b) if it concludes that it would be so appropriate, take all reasonable steps to enter into an agreement with the access authority for that purpose.
- (5) An access authority may, as respects any land in its area, enter into an agreement with Natural England under which the access authority undertakes to carry out preliminary activity.
- (6) In this section “the coastal access duty” means the duty imposed on Natural England and the Secretary of State by section 296(1) of the Marine and Coastal Access Act 2009.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55B Route subject to erosion etc

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) Where Natural England considers that the area through which the route passes is an area to which subsection (3) applies, the report may set out proposals for the route, or any part of it, to be determined at any time in accordance with provision made in the proposals (rather than as shown on a map).
- (3) This subsection applies to an area if it is or may be—
 - (a) subject to significant coastal erosion or encroachment by the sea, or
 - (b) subject to significant physical change due to other geomorphological processes.
- (4) The provision made by virtue of subsection (2) may, in particular, provide for the route to be determined by reference to the edge of a cliff or boundary of a field (as it exists from time to time).

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- (5) Where the report contains proposals under subsection (2), the map included in the report in accordance with section 51(2) must show the route as determined, at the time the report is prepared, in accordance with those proposals.
- (6) Natural England must consult the Environment Agency before exercising its powers under subsection (2) in respect of an area which is or may be—
 - (a) subject to significant coastal erosion or encroachment by the sea, or
 - (b) subject to significant physical change due to other geomorphological processes in relation to which the Agency has functions.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55C Alternative routes

- (1) This section applies in relation to a report under section 51 prepared pursuant to the coastal access duty.
- (2) The report may include, in relation to the route (“the ordinary route”) or any part of it, a proposal under subsection (3) or (4).
- (3) A proposal under this subsection is a proposal for an alternative route which is to operate as a diversion from the ordinary route, or part, during one or both of the following—
 - (a) any specified period (or periods), and
 - (b) any period during which access to the ordinary route or part is excluded by reason of a direction under Chapter 2 of Part 1 of the CROW Act (exclusion or restriction of access).
- (4) A proposal under this subsection is a proposal for an alternative route which is to operate as an optional alternative to the ordinary route, or part, during any period for which the ordinary route, or part, might reasonably be regarded as unsuitable for use by reason of—
 - (a) flooding,
 - (b) the action of the tide,
 - (c) coastal erosion or encroachment by the sea, or
 - (d) the effect of any other geomorphological process.
- (5) In subsection (3)(a) “specified” means—
 - (a) specified in, or determined in accordance with, the proposal, or
 - (b) determined in accordance with the proposal by—
 - (i) a person specified in the proposal, or
 - (ii) a person determined in accordance with the proposal, details of whom are notified to Natural England in accordance with the proposal.
- (6) Sections 51(2) and 55B apply in relation to an alternative route as they apply in relation to the ordinary route.

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Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55D Coastal margin

- (1) This section applies in relation to a report prepared under section 51 pursuant to the coastal access duty.
- (2) The proposals set out in the report may include—
 - (a) a proposal for any part of the landward boundary of the relevant coastal margin to coincide with a physical feature identified in the proposal,
 - (b) where those proposals include an alternative route, a proposal for any part of the landward or seaward boundary of the alternative route strip to coincide with a physical feature so identified, or
 - (c) a proposal for the landward or seaward boundary of any area excluded from any description of excepted land to coincide with a physical feature so identified.
- (3) The report must contain—
 - (a) a map showing the landward boundary of the relevant coastal margin, or
 - (b) a description of that boundary which is sufficient to identify the relevant coastal margin.
- (4) Where a map is contained in a report pursuant to subsection (3)(a), Natural England must provide a person with a relevant interest in affected land, on request, with a copy of that map.
- (5) The report must set out such proposals (if any) as Natural England considers appropriate as to the directions to be made by it under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would arise under section 2(1) of that Act in relation to any land if the proposals in the report were to be approved.
- (6) Before preparing the report, Natural England must (in addition to complying with section 51(4))—
 - (a) take reasonable steps to consult persons with a relevant interest in affected land,
 - (b) consult any body of a kind mentioned in section 51(4) in whose Park or area affected land is situated (but which is not required to be consulted under section 51(4)),
 - (c) consult each London borough council for an area in which affected land is situated,
 - (d) consult each local access forum for an area in which affected land is situated,
 - (e) consult the Secretary of State in relation to any interests of defence or national security which may be affected by the proposals which Natural England is minded to include in the report,
 - (f) consult the Historic Buildings and Monuments Commission for England in relation to any interests in the preservation of any monument, structure or

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- other thing, mentioned in section 26(3)(b) of the CROW Act which may be affected by those proposals, and
- (g) consult the Environment Agency in relation to any interests in flood defence, or in the management of the effects of coastal erosion or encroachment by the sea, which may be affected by those proposals.
- (7) A body within subsection (6)(b), (c) or (d) must provide Natural England with such information as it may reasonably require for the purposes of the report.
- (8) Where the Secretary of State is consulted under subsection (6)(e), the Secretary of State must—
- (a) provide Natural England with such information as it may reasonably require as to any exclusion or restriction of the right of access to affected land under section 2(1) of the CROW Act which the Secretary of State proposes to make provision for under section 28 of that Act (defence and national security), and
- (b) notify Natural England if the Secretary of State is of the opinion that this information, or any part of it, ought not to be disclosed by it on the grounds of the public interest in defence and national security.
- (9) Subject to subsection (10), the report must contain such of the information provided under subsection (8)(a) as Natural England considers relevant for the purposes of the report.
- (10) The report may not contain information which Natural England has been notified under subsection (8)(b) ought not to be disclosed by it.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **302(1)**, 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55E Consideration of reports made pursuant to the coastal access duty

Schedule 1A contains—

- (a) provision about the procedure to be followed when a report is submitted under section 51 pursuant to the coastal access duty;
- (b) provision which, in relation to such reports, supplements the provision made by section 52.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. **302(1)**, 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55F Directions under Part 1 of the CROW Act

- (1) This section applies where approved proposals relating to a long-distance route contain proposals as regards a direction to be made by Natural England under Chapter 2 of Part 1 of the CROW Act for the exclusion or restriction of the right of access that would otherwise arise under section 2(1) of that Act.
- (2) Natural England must make the direction in accordance with those proposals.

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- (3) Subsection (2) is without prejudice to any power Natural England may have to revoke or vary the direction after it is made.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55G Ferries for the purposes of the English coastal route

- (1) This section applies where—
- (a) pursuant to the coastal access duty, approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, and
 - (b) an approach route to the ferry is not a highway.
- (2) The reference in section 53(1) to the highway authority for either or both of the highways to be connected by the ferry is to be read as including the highway authority in whose area the approach route is situated.
- (3) In this section “approach route”, in relation to a ferry, means a part of the English coastal route to be connected to another part of that route by the ferry.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55H Variation pursuant to the coastal access duty

- (1) In the case of a report made by Natural England under section 55(1) pursuant to the coastal access duty—
- (a) the procedural requirements apply with the necessary modifications, and
 - (b) section 55(3) does not apply.
- (2) The Secretary of State may by regulations provide—
- (a) that, in relation to a direction under section 55(2) pursuant to the coastal access duty, the procedural requirements apply with the modifications specified in the regulations, and
 - (b) that section 55(3) does not apply in relation to such a direction.
- (3) The Secretary of State may not make a direction under section 55(2) pursuant to the coastal access duty at a time when there are no regulations under subsection (2) in force.
- (4) For the purposes of this section—
- “modify” includes amend, add to or repeal, and “modification” is to be construed accordingly;
 - “the procedural requirements” means sections 51(4) and (5), 52(1) and (2), 55D(6) to (10) and 55E, Schedule 1A and regulations under that Schedule.

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

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55I Temporary diversions

- (1) This section applies where Natural England or the Secretary of State gives a direction by virtue of Chapter 2 of Part 1 of the CROW Act which excludes the right of access under section 2(1) of that Act, for any period (“the exclusion period”), in relation to any land over which (or any part of which) the English coastal route or any official alternative route passes.
- (2) This section does not apply if the direction by virtue of that Chapter is expressed to have effect indefinitely.
- (3) Natural England may give a direction under this section specifying a route (“the temporary route”) which is to apply for the duration of the exclusion period or such part of it as is specified in the direction.
- (4) The temporary route specified by Natural England may pass only—
 - (a) over land which is access land for the purposes of Part 1 of the CROW Act,
 - (b) over land which, for the purposes of section 1(1) of that Act, is treated by section 15(1) of that Act as being accessible to the public apart from that Act,
 - (c) along a highway, or
 - (d) over any other land the owner of which has agreed to the temporary route (so far as it passes over that land).
- (5) Natural England must consult the Environment Agency before giving a direction where the temporary route specified passes over land of a type described in subsection (4)(d).
- (6) A direction under this section—
 - (a) must be in writing, and
 - (b) may be revoked or varied by a subsequent direction under this section.

Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

55J Interpretation of sections 55A to 55J

- (1) In sections 55A to 55I, Schedule 1A and this section—
 - “access authority” has the same meaning as in Part 1 of the CROW Act;
 - “affected land” means—
 - (a) land over which the route, or any alternative route, to which the proposals relate passes, and
 - (b) any other land which—

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

- (i) is relevant coastal margin, or an alternative route strip in relation to such an alternative route, and
 - (ii) is not excepted land;
- “alternative route” is to be construed in accordance with section 55C;
- “alternative route strip”, in relation to an alternative route, means—
- (a) in a case where the proposal for the alternative route has not yet been approved under section 52, the land which would become coastal margin during the operation of that route if the proposals in the report were to be so approved (without modifications), and
 - (b) in the case of an official alternative route, the land which would become coastal margin during the operation of that route;
- “the coastal access duty” has the meaning given by section 55A;
- “coastal margin” has the same meaning as in Part 1 of the CROW Act;
- “the CROW Act” means the Countryside and Rights of Way Act 2000 (c. 37);
- “the English coastal route” means the route secured pursuant to the coastal access duty;
- “excepted land” has the same meaning as in Part 1 of the CROW Act;
- “local access forum” means a local access forum established under section 94 of the CROW Act;
- “official alternative route” means an alternative route which is contained in approved proposals relating to a long-distance route;
- “owner”, in relation to land, means the person who holds an estate in fee simple absolute in possession in the land;
- “relevant coastal margin”, in relation to proposals, means—
- (a) in a case where the proposals have not yet been approved under section 52, land which would become coastal margin if the proposals were to be approved (without modifications) under that section (disregarding the alternative route strip in relation to any alternative route), and
 - (b) in a case where the proposals have been so approved (with or without modifications), land which becomes coastal margin as a result of the proposals having been so approved (disregarding the alternative route strip in relation to any official alternative route).
- (2) For the purposes of sections 55A to 55I and Schedule 1A, a person has a relevant interest in land if the person—
- (a) is the owner of the land,
 - (b) holds a term of years absolute in the land, or
 - (c) is in lawful occupation of the land.
- (3) Any power conferred by sections 55A to 55I or Schedule 1A to make regulations includes—
- (a) power to make different provision for different cases, and
 - (b) power to make incidental, consequential, supplemental or transitional provision or savings.]

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Textual Amendments

F30 Ss. 55A-55J inserted (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 302(1), 324(1)(c), 324(1)(d), 324(2)(d) (with s. 308)

Minor Amendments of Law relating to Rights of Way

56 F31

Textual Amendments

F31 Ss. 39–50, 56, 58 repealed by Highways Act 1959 (c. 25), Sch. 25 and London Government Act 1963 (c. 33, SIF 81:1), Sch. 6 para. 70

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 [F32restricted byway], 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 [F33level 1 on the standard scale].
- (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, [F34restricted byway or byway open to all traffic], 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 [F35or by the council of the district [F36or, where they are not the highway authority, the council of the Welsh county or county borough] in which the notice is placed or maintained].

[F37(4) In this section—

“byway open to all traffic” has the same meaning as in Part III of the Wildlife and Countryside Act 1981;

“restricted byway” has the same meaning as in Part II of the Countryside and Rights of Way Act 2000.]

Textual Amendments

F32 Words in s. 57(1) substituted (2.5.2006 for E. 11.5.2006 for W.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), Sch. 5 para. 13(2); S.I. 2006/1172, art. 2(g)(iv); S.I. 2006/1279, art. 2(g)

F33 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46

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

- F34** Words in s. 57(3) substituted (2.5.2006 for E. 11.5.2006 for W.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 5 para. 13(3)**; S.I. 2006/1172, **art. 2(g)(iv)**; S.I. 2006/1279, **art. 2(g)**
- F35** Words added by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 21 para. 97**
- F36** Words in s. 57(3) inserted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 para. 15(1)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F37** S. 57(4) inserted (2.5.2006 for E. 11.5.2006 for W.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 5 para. 13(4)**; S.I. 2006/1172, **art. 2(g)(iv)**; S.I. 2006/1279, **art. 2(g)**

58 **F38**

Textual Amendments

- F38** Ss. 39–50, 56, 58 repealed by Highways Act 1959 (c. 25), **Sch. 25** and London Government Act 1963 (c. 33, SIF 81:1), **Sch. 6 para. 70**

Changes to legislation:

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Part IV.