



Countryside Act 1968

1968 CHAPTER 41

An Act to enlarge the functions of the Commission established under the National Parks and Access to the Countryside Act 1949, to confer new powers on local authorities and other bodies for the conservation and enhancement of natural beauty and for the benefit of those resorting to the countryside and to make other provision for the matters dealt with in the Act of 1949 and generally as respects the countryside, and to amend the law about trees and woodlands, and footpaths and bridleways, and other public paths. [3rd July 1968]

Modifications etc. (not altering text)

- C1 References to a local planning authority to be construed in accordance with [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 184(1)(2)(b)(4)(5), [Sch. 17](#)
- C2 Act: functions transferred (E.W.) (19.9.1995) by [1995 c. 25, ss. 68\(2\)\(a\)\(8\), 125\(2\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- C3 Act modified (E.W.) (19.9.1995) by [1995 c. 25, ss. 68\(2\)\(b\)\(c\), 125\(2\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- C4 Act amended (1.4.1996) by [S.I. 1996/593, reg. 2, sch. 1](#)

Commencement Information

- I1 Act wholly in force at 3.8.1968, see [s. 50\(3\)](#)

The Countryside Commission

1 General functions of the Commission.

[^{F1}(1) The National Parks Commission shall in future be known as the “Countryside Commission” and shall exercise functions in relation to England.

(1A) The functions of the Countryside Commission (in this Act referred to as “the Commission”) in England and the corresponding functions of the Countryside Council for Wales (in this Act referred to as “the Council”) in Wales shall be enlarged in accordance with this Act.]

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- (2) The functions conferred by this Act on the said Commission (in this Act referred to as “the Commission”) are to be exercised for the conservation and enhancement of the natural beauty and amenity of the countryside, and encouraging the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and of open-air recreation [^{F2}and the study of nature] in the countryside [^{F3}; and the purposes for which the functions of the Council in Wales are to be exercised are the corresponding purposes specified in section 130(2) of the Environmental Protection Act 1990.]
- (3) The Commission [^{F4}and the Council shall each] have power—
- (a) to make such charges for any of their services as they think fit,
 - (b) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of the ^{M1}National Parks and Access to the Countryside Act 1949 (in this Act referred to as “the Act of 1949”) and this Act, to apply it for those purposes, and
 - (c) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (4) ^{F5}
- (5) In sections 1 ^{F6}of the Act of 1949 for the words “National Parks Commission” there shall be substituted the words “ Countryside Commission ”, ^{F6}.
- (6) ^{F7}

Textual Amendments

- F1** S. 1(1)(1A) substituted (1. 4. 1991) for subsection (1) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(2\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F2** Words in s. 1(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(2\)\(b\)\(i\)](#); S.I. 1991/685, [art.3](#).
- F3** Words in s. 1(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(2\)\(b\)\(ii\)](#); S.I. 1991/685, [art.3](#).
- F4** Words in s. 1(3) substituted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(2\)\(c\)](#); S.I. 1991/685, [art.3](#).
- F5** S. 1(4) repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 17 Pt. II](#)
- F6** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 17 Pt. II](#)
- F7** S. 1(6) repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), [Sch. 3](#)

Modifications etc. (not altering text)

- C5** The text of s. 1(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1949 c. 97 .

2 New functions of the Commission.

- (1) The Commission [^{F8}and the Council shall each] have the general duties imposed by this section, but nothing in this section shall be construed as modifying the effect

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of any provision of this Act or of the Act of 1949 whereby any general or specific power or duty is conferred or imposed on the Commission [F⁹ or Council], or whereby an obligation is imposed on any other person to consult with the Commission [F⁹ or Council].

- (2) The Commission [F¹⁰ and the Council] shall keep under review all matters relating to—
- (a) the provision and improvement of facilities for the enjoyment of the countryside,
 - (b) the conservation and enhancement of the natural beauty and amenity of the countryside, and
 - (c) the need to secure public access to the countryside for the purposes of open-air recreation,
- and shall consult with such local planning authorities and other bodies as appear to the Commission [F¹⁰ or Council] to have an interest in those matters.
- (3) The Commission [F¹⁰ and the Council] shall encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any person or body, being proposals which the Commission [F¹⁰ or Council] consider to be suitable.
- (4) The Commission [F¹¹ and the Council] shall advise any Minister having functions under this Act, or any other Minister or any public body, on such matters relating to the countryside as he or they may refer to the Commission [F¹¹ or Council], or as the Commission [F¹¹ or Council] may think fit.
- (5) Where it appears to the Commission [F¹² or to the Council] that the provision and improvement of facilities for enjoyment of the countryside or the conservation and enhancement of the natural beauty and amenity of the countryside presents special problems or requires special professional or technical skill, the Commission [F¹² or, as the case may be, the Council]—
- (a) shall notify their opinion to the appropriate local planning authority or other public body, and
 - (b) on the application of any such authority or other body in any case where it appears to the Commission [F¹³ or Council] expedient having regard to the provisions of section 1(2) of this Act, and to the provisions of section 5(1) of the Act of 1949 (general provisions as respects National Parks), shall place the services of officers or servants of the Commission [F¹³ or Council], or the services of consultants engaged by the Commission [F¹³ or Council], at the disposal of the authority or other body for such period as may be agreed between them, and on such terms as to payment or otherwise, as may be so agreed with the approval of the Minister.
- (6) The Commission [F¹⁴ and the Council] shall make to local planning authorities and other public bodies, as respects the exercise of the powers of making byelaws conferred by this Act and the Act of 1949, recommendations as to the matters in respect of which byelaws should be made.
- (7) The Commission [F¹⁵ and the Council] shall carry out, or commission the carrying out of, such inquiries, investigations or researches, either on their own account or jointly with other persons, as the Commission [F¹⁵ or Council] may deem necessary or expedient for the purposes of any of their functions.
- (8) The Commission [F¹⁵ and the Council] shall provide, or assist in the provision of, publicity and information services relating to the countryside, to places of beauty or interest therein, or to the functions of the Commission [F¹⁵ or Council], and shall take

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such steps as appear to them expedient for securing that suitable methods of publicity are used for the prevention of damage in the countryside and for [^{F16}informing persons resorting to the countryside of their rights and obligations].

- (9) The Commission [^{F15}and the Council] shall make to the Minister such recommendations as the Commission [^{F15}or Council] think proper in respect of applications by local authorities for Exchequer grants under . . . ^{F17} the Act of 1949.

Textual Amendments

- F8** Words in s. 2(1) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(a)**; S.I. 1991/685, **art.3**.
- F9** Words in s. 2(1) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(a)**; S.I. 1991/685, **art.3**.
- F10** Words in s. 2(2)(3) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(b)**; S.I. 1991/685, **art.3**.
- F11** Words in s. 2(4) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(c)**; S.I. 1991/685, **art.3**.
- F12** Words in s. 2(5) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(d)**; S.I. 1991/685, **art.3**.
- F13** Words in s. 2(5)(b) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(e)**; S.I. 1991/685, **art.3**.
- F14** Words in s. 2(6) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(f)**; S.I. 1991/685, **art.3**.
- F15** Words in s. 2(7)-(9) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(3)(g)**; S.I. 1991/685, **art.3**.
- F16** Words substituted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **s. 72(7)**
- F17** Words repealed by Local Government Act 1974 (c. 7, SIF 81:1), **Sch. 8**

Modifications etc. (not altering text)

- C6** S. 2 extended by Water Act 1989 (c. 15, SIF 130), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C7** S. 2(5)(b) modified (19.9.1995) by 1995 c. 25, **ss. 61(3)(b)**, 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

^{F18}3

Textual Amendments

- F18** S. 3 repealed and superseded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 47(3), **Sch. 17 Pt. II**

4 Experimental projects or schemes.

- [^{F19}(1) The Commission [^{F20}and the Council], after consultation with such local authorities [^{F21}National Park authorities] and other bodies as appear to the Commission [^{F20}or Council] to have an interest, may from time to time make and carry out or promote the carrying out of any experimental scheme designed to facilitate the enjoyment of the country side, or to conserve or enhance its natural beauty or amenity which—

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- (a) in relation to the countryside generally or to any particular area involves the development or application of new methods, concepts or techniques or the application or further development of existing methods, concepts or techniques; and
 - (b) is designed to illustrate the appropriateness of the scheme in question for the countryside generally or for any particular area.]
- (3) For the purpose of their functions under the foregoing provisions of this section the Commission [^{F22}or, as the case may be, the Council] may—
- (a) with the approval of the Minister acquire land by agreement, or may be authorised by the Minister in a particular case to acquire land compulsorily,
 - (b) hold and manage land, and with the approval of the Minister and subject to the subsequent provisions of this section, dispose of or otherwise deal with land,
 - (c) erect buildings and carry out works or other operations on land,
 - (d) provide equipment, facilities and services on or in connection with land or with use of land,
 - (e) hold, manage, maintain, hire, let or otherwise dispose of such works, equipment, facilities or services,
 - (f) exercise any powers to carry out work or to provide facilities or services conferred by this Act or the Act of 1949 on local authorities or local planning authorities,
 - (g) with the approval of the Minister and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking relevant to the experimental project or scheme, and, subject to the approval of the Minister and the Treasury, may dispose of any such business or undertaking.
- (4) The disposal of land under this section may be by way of sale or exchange, or by the letting of land or the granting of any interest in or right over land, but the Commission [^{F23}or Council] shall not under this section dispose of land by way of gift.
- (5) The powers conferred by paragraphs (c) to (f) of subsection (3) above may be exercised by the Commission [^{F24}or by the Council]—
- (a) on land belonging to them, or
 - (b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land,
- and an agreement under paragraph (b) above may provide for the making by the Commission [^{F24}or Council] of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.
- (6) The provisions of this section, except for that authorising compulsory purchase of land, shall have effect only for the purpose of removing any limitation imposed by law on the capacity of the Commission [^{F25}or of the Council], and shall not authorise any act or omission on the part of the Commission [^{F25}or Council] which, apart from the said provisions of this section, would be actionable at the suit of any person on any ground other than such a limitation.

Textual Amendments

F19 S. 4(1) substituted for s. 4(1)(2) by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 40

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- F20** Words in s. 4(1) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(4)(a)**; S.I. 1991/685, **art. 3**.
- F21** Words in s. 4(1) inserted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 8(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 3(1)**
- F22** Words in s. 4(3) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(4)(b)**; S.I. 1991/685, **art. 3**.
- F23** Words in s. 4(4) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(4)(c)**; S.I. 1991/685, **art. 3**.
- F24** Words in s. 4(5) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(4)(d)**; S.I. 1991/685, **art. 3**.
- F25** Words in s. 4(6) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(4)(e)**; S.I. 1991/685, **art. 3**.

F265

Textual Amendments

F26 S. 5 repealed and superseded by Local Government Act 1974 (c. 7, SIF 81:1), s. 9(4), **Sch. 8**

New powers of local authorities

6 Country parks and commons: preliminary.

- (1) The powers conferred by this and the three next following sections shall be exercisable for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public, and a local authority in exercising those powers in any area in the countryside shall have regard—
 - (a) to the location of that area in the countryside in relation to an urban or built-up area, and
 - (b) to the availability and adequacy of existing facilities for the enjoyment of the countryside by the public.
- (2) In this and the three next following sections “local authority” means—
 - (a) the council of a county, ^{F27} . . . or county district, or
 - ^{F28}(b), the Common Council of the City of London or any London borough council, ^{F29} . . .
 - ^{F29}(c)
- (3) A local authority may exercise the powers conferred by the three next following sections inside or outside their area, ^{F27} . . .
- ^{F30}(4)

Textual Amendments

F27 Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

F28 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F29 S. 6(2)(c) and the word “or” immediately preceding it repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2650, art. 2, **Sch. 1**

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F30 S. 6(4)—(7) repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30

Modifications etc. (not altering text)

C8 Ss. 6-8 extended (19..9.1995) by 1995 c. 25, ss. 70, 125(2), Sch. 9 para. 5(a) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

7 Power to provide country parks.

- (1) Subject to section 6 above, a local authority shall have power, on any site in the countryside appearing to them suitable or adaptable for the purpose set out in section 6(1) above, to provide a country park, that is to say a park or pleasure ground to be used for that purpose.
- (2) A local authority shall have power to extend, maintain and manage the country park and to do all other things appearing to them desirable for the said purpose in connection with the provision of a country park and in particular—
 - (a) to lay out, plant and improve the site, and to erect buildings and carry out works,
 - (b) to provide facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation,
 - (c) to provide facilities and services for open-air recreation:

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

- (3) The powers conferred by the foregoing provisions of this section and by the next following section may be exercised by the local authority—
 - (a) on land belonging to them, or
 - (b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land,and an agreement under paragraph (b) above may provide for the making by the local authority of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.
- (4) A local authority shall have power to acquire compulsorily any land required by them for the purpose of their functions under this and the next following section.
- (5) If it appears to a local authority that a park or pleasure ground provided or acquired by the local authority before the coming into force of this section, or otherwise than under or for the purposes of this section, can suitably be used as a country park, that park or pleasure ground shall, from such date as the local authority may determine, be treated for all the purposes of this Act as a country park provided under this section, but—
 - (a) this subsection shall not affect any trust, covenant or other restriction to which the park or pleasure ground is subject, and
 - (b) no grant shall be payable under this Act in respect of expenditure incurred before the date so determined.

- (6) If it appears to a local authority that land provided or acquired by them before the coming into force of this section, as open country to be used for the purposes of Part

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V of the Act of 1949, can suitably be used as a country park, that land, or any part of it, shall, from such date as the local authority may determine, be treated for all the purposes of this Act as a country park provided under this section; and, if the land was acquired under section 76 of the Act of 1949 (compulsory acquisition for public access), the land so treated shall cease to be subject to that section, but—

- (a) this subsection shall not affect any trust, covenant or other restriction to which the land is subject; and
- (b) no grant shall be payable under this Act in respect of expenditure incurred before the date so determined.

(7) A country park provided under this section shall not be subject to any of the following enactments (which relate to parks and pleasure grounds):

Section 164 of the ^{M2}Public Health Act 1875.

Section 44 of the ^{M3}Public Health Acts Amendment Act 1890.

Sections 76 and 77 of the ^{M4}Public Health Acts Amendment Act 1907.

Section 56(5) of the ^{M5}Public Health Act 1925.

[^{F31}Section 145 of the ^{M6}Local Government Act 1972.]

Textual Amendments

F31 Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 272(2)

Modifications etc. (not altering text)

C9 Ss. 6-8 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), [Sch. 9 para. 5\(a\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

Marginal Citations

M2 1875 c. 55(100:1).

M3 1890 c. 59(100:1).

M4 1907 c. 53(100:1).

M5 1925 c. 71(100:1).

M6 1972 c.70(81:1).

8 Country parks: sailing, boating, bathing and fishing.

- (1) Without prejudice to the generality of section 7(2) of this Act, where a country park comprises any waterway the kinds of open-air recreation for which the local authority may provide facilities and services under that subsection shall include sailing, boating, bathing and fishing.
- (2) If a country park is bounded by the sea, or by any waterway which is not part of the sea, the local authority providing the country park shall have power to carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waters so adjoining the country park by the public for sailing, boating, bathing and fishing and other forms of recreation.
- (3) The powers conferred by subsections (1) and (2) above include power to erect buildings or carry out works on land adjoining the sea or other waters but outside the country park, and to construct jetties or other works wholly or partly in the sea or other waters.

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(4) The local authority, before acting under the foregoing provisions of this section, shall consult with, and seek the consent [^{F32}of, the National Rivers Authority and such] authorities, being authorities which under any enactment have functions relating to the sea or other waters in question, as the Minister may either generally or in any particular case direct, and Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.

(5) A local authority may make byelaws regulating the use of works carried out by them pursuant to this section and of any facilities or services provided in connection with the works, but before making any such byelaws the local authority shall consult the Commission [^{F33}(if the works are in England) or the Council (if the works are in Wales)]:

Provided that byelaws made under this subsection shall not interfere with the exercise of any functions relating to the waters or land to which the byelaws apply which are exercisable by any authority under any enactment.

Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.

(6) Nothing in this section shall authorise the carrying out of any operation in contravention of section 34 of the ^{M7}Coast Protection Act 1949 (works detrimental to navigation) or section 9 of the ^{M8}Harbours Act 1964 (control of harbour development).

Textual Amendments

F32 Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)](#)—(10), [190](#), [193\(1\)](#), [Sch. 25 para. 37\(1\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)

F33 Words in s. [8\(5\)](#) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. [130](#), [Sch. 8 para. 2\(5\)](#); S.I. 1991/685, [art.3](#).

Modifications etc. (not altering text)

C10 Ss. [6-8](#) extended (19.9.1995) by [1995 c. 25](#), ss. [70](#), [125\(2\)](#), [Sch. 9 para. 5\(a\)](#) (with ss. [7\(6\)](#), [115](#), [117](#), [Sch. 8 para. 7](#))

Marginal Citations

M7 [1949 c. 74](#).

M8 [1964 c. 40](#).

9 Powers exercisable over or near common land.

(1) This section has effect as respects any common land to which the public have rights of access, and the powers conferred by this section are to be exercised in the interests of persons resorting to the common land for open-air recreation.

(2) Subject to the provisions of section 6 above, a local authority may exercise the powers conferred by this section on land taken out of the common land in accordance with this section and Schedule 2 to this Act, or on other land in the neighbourhood of the common land.

(3) A local authority shall have power to do anything appearing to the local authority to be desirable for the purpose set out in section 6(1) above, and in the interests of persons resorting to the common land, and in particular—

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- (a) to provide facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation,
- (b) to erect buildings and carry out works:

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

- (4) Schedule 2 to this Act shall have effect for the purposes of this section, and in that Schedule “the principal section” means this section.
- (5) A local authority shall have power to acquire compulsorily any land in the neighbourhood of the common land which is required by them for the purposes of their functions under this section and which is not common land.
- (6) In this section—
 - “common land” has the meaning given by section 22(1) of the ^{M9}Commons Registration Act 1965;
 - “common land to which the public have rights of access” means—
 - (a) land to which section 193 of the ^{M10}Law of Property Act 1925 for the time being applies, other than land to which that section applies by virtue of a revocable instrument, or
 - (b) common land comprised in an access agreement or access order under Part V of the Act of 1949, other than a revocable access agreement or an access agreement expressed to have effect only for a period specified in the agreement, or
 - (c) any other common land to which the public have rights of access permanently or for an indefinite period.

Modifications etc. (not altering text)

C11 S. 9 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 5(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Marginal Citations

M9 1965 c. 64(25).

M10 1925 c. 20(98:1).

10 Camping and picnic sites.

- (1) A local planning authority and the council of a county district shall have power to provide in the countryside within their area camping sites for holiday and recreational purposes, to be used primarily as places for setting up tents, with space for parking vehicles and a means of access to and from a road.
- (2) A local planning authority and the council of a county district shall have power to provide in the countryside within their area picnic sites for motorists and others using the roads, with space for parking vehicles and a means of access to and from a road.

Status: Point in time view as at 01/04/1997. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968. (See end of Document for details)

- (3) Subject to the provisions of this section, the local authority shall have power to do anything appearing to them desirable in connection with the provision of a site under subsection (1) or subsection (2) above, and in particular to manage a site or to lease it to some other person, and to provide for the use of those occupying the site any services or facilities for their health or convenience.
- (4) A local authority shall have power to acquire compulsorily any land required by them for the purposes of their functions under this section.

Nature conservation, National Parks and access to open country

11 Conservation of natural beauty.

In the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving the natural beauty and amenity of the countryside.

Modifications etc. (not altering text)

- C12 S. 11 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xxii), **Sch. 8 para. 33**
- C13 S. 11 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1)(3), Sch. 16 para. 2(1)(9), Sch. 17 para. 33, **35(1)**
- C14 S. 11 extended (1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 2(1)(xvii)**; S.I. 1996/218, **art. 2**

12 Facilities in or near National Parks.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may, at the request of, and in accordance with terms laid down by, the Commission [^{F34}or, as the case may be, the Council], make arrangements for securing the [^{F35}provision for]the area of the local planning authority (whether by the authority or by other persons) of study centres and other facilities for learning about the history, natural features, flora and fauna of the National Park and the objects of architectural, archaeological or historical interest therein; and section 12 of the Act of 1949 (provision of facilities in National Parks) shall have effect as if the functions of local planning authorities under this subsection were functions conferred by subsection (1) of that section.

Expenses incurred by a local planning authority under this subsection shall be expenses towards which the Commission [^{F34}or the Council] may make contributions under section 86 of the Act of 1949 (information services) and no grant shall be payable under paragraph (a) or paragraph (e) of section 97(1) of the Act of 1949 in respect of expenses incurred by the local planning authority under this subsection, or expenses in or in connection with the acquisition of land for the purposes of this subsection.

- (2) The functions conferred by subsection (1) of the said section 12 of the Act of 1949 shall include the making of arrangements for securing the provision in their area (whether by the authority or by other persons)—
 - (a) of public sanitary conveniences in proper and convenient situations, and
 - (b) of receptacles for refuse or litter, and services for the regular emptying and cleansing of those receptacles.

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- (3) A local planning authority whose area consists of or includes any part of a National Park which is bounded by the sea, or by any waterway which is not part of the sea, may, on land which is in or in the neighbourhood of the National Park, carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waters so adjoining the National Park by the public for sailing, boating, bathing and fishing and other forms of recreation:

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

- (4) The works which a local planning authority may carry out under subsection (3) above include the construction of jetties and other works wholly or partly in the sea or in other waters.

The local planning authority, before acting under this subsection, shall consult with and seek the consent [F36 of the National Rivers Authority and such] authorities, being authorities which under any enactment have functions relating to the part of the sea or other waters in question, as the Minister may either generally or in any particular case direct, and Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.

- (5) A local planning authority may make byelaws regulating the use of works carried out by them under subsection (3) above in the waters bounding a National Park and of any facilities or services provided in connection with the works, but before making any such byelaws the local planning authority shall consult the Commission [F37 (if the National Park is in England) or the Council (if the National Park is in Wales)]:

Provided that byelaws made under this subsection shall not interfere with the exercise of any functions relating to the waters or land to which the byelaws apply which are exercisable by any authority under any enactment.

Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.

- (6) The Act of 1949 shall have effect as if subsections (3) and (4) above formed part of section 13(1) of that Act, and section 75 of that Act (which relates to the exercise of powers under the said section 13 as respects land comprised in access orders) shall have effect accordingly, and . . . F38
- (7) Subsections (2), (3) and (4) of section 13 of the Act of 1949 (carrying out of work on behalf of local planning authority by some other authority) shall apply to any part of the sea bounding a National Park as they apply to a waterway.
- (8) Nothing in the said section 13 as extended by this section shall authorise the carrying out of any operation in contravention of section 34 of the M11 Coast Protection Act 1949 or section 9 of the M12 Harbours Act 1964.

Textual Amendments

F34 Words in s. 12(1) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(6\)\(a\)](#); [S.I. 1991/685](#), [art. 3](#).

F35 Words in s. 12(1) substituted (23.11.1995) by [1995 c. 25, s. 78](#), [Sch. 10 para. 8\(2\)](#)(with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1995/2950](#), [art. 2](#)

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- F36** Words substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 37(2), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F37** Words in s. 12(5) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, Sch. 8 para. 2(6)(b); S.I. 1991/685, art. 3.
- F38** Words amend National Parks and Access to the Countryside Act 1949 (c. 97, SIF 46:1), s. 13(1)

Modifications etc. (not altering text)

- C15** S.12 extended (19.9.1995) by 1995 c. 25, ss. 68(4), 125(2), Sch. 9 para. 5(a) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Marginal Citations

- M11** 1949 c. 74.
M12 1964 c. 40.

13 Lakes in National Parks: control of boats etc.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park shall have power to make byelaws for the prohibition or restriction of traffic of any description on any lake in the National Park.
- (2) The power shall be exercisable for the purpose of—
 - (a) ensuring the safety of persons resorting to any such lake,
 - (b) regulating all forms of sport or recreation involving the use of boats or vessels,
 - (c) conserving the amenity and natural beauty of any such lake and the surrounding area, and
 - (d) preventing nuisance or damage, and in particular nuisance from excessive noise.
- (3) Without prejudice to the generality of the foregoing provisions of this section, byelaws under this section may—
 - (a) prescribe rules of navigation and impose speed limits,
 - (b) require the use of effectual silencers on boats or vessels propelled by internal combustion engines, and prescribe rules with a view to imposing limits on the noise or vibration which may be caused by any such boat or vessel,
 - (c) prohibit the use of boats or vessels which are not for the time being registered with the local planning authority in such manner as the byelaws may provide,
 - (d) authorise the making of reasonable charges in respect of the registration of boats or vessels in pursuance of the byelaws,
 - (e) make different provision for different circumstances, and in particular may impose different restrictions in different parts of the lake and at different times or seasons.
- (4) In acting under this section the local planning authority shall have regard to the fulfilment of the objects set out as respects National Parks in sections 1 and 5 of the Act of 1949, and, before making any byelaws, shall consult the Commission [^{F39}(if the National Park is in England) or the Council (if the National Park is in Wales)].
- (5) Byelaws under this section shall not be made so as to extinguish any public right of way over any waters, but, except as otherwise expressly provided, any byelaws under this section shall apply to persons exercising any such public right of way as they apply to other persons.

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Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968. (See end of Document for details)

- (6) Byelaws under this section—
 - (a) shall be of no effect if and in so far as inconsistent with any rules under the [^{F40}Merchant Shipping Act 1995] which are in force as respects the water to which the byelaws apply,
 - (b) shall not interfere with any functions relating to the water or land to which the byelaws apply which are exercisable by any authority under any enactment.
- (7) This section shall not apply to any lake owned or [^{F41}managed by any statutory undertakers].
- (8) Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this section were byelaws under that Act.
- (9) Subsections (1) and (2), and subject to the next following subsection, subsection (4), of section 92 of the Act of 1949 (appointment of wardens of land for which byelaws may be made under section 90 of that Act) shall have effect as if the power of making byelaws conferred by this section was contained in the said section 90.
- (10) For the purpose of securing compliance with any byelaws made under this section, a warden appointed under the said section 92 as applied by this section may enter upon any land, or go on any water, whether or not within the area where the byelaws are in force.
- ^{F42}(11)
- (12) Byelaws made by a local planning authority under this section may be enforced by any local authority [^{F43}for an area that includes any part of the National Park in question]
- (13) In this section “lake” includes any expanse of water other than a river or canal.

Textual Amendments

- F39** Words in s. 13(4) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(7\)](#); S.I. 1991/685, [art. 3](#)
- F40** Words in s. 13(6)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), [Sch. 13 para. 41](#) (with s. 312(1))
- F41** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 37(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F42** S. 13(11) 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.](#)
- F43** Words in s. 13(12) substituted (1.4.1996) by 1995 c. 25 s. 78, Sch. 10 para. 8(3) (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2950, [art. 3\(1\)](#)

Modifications etc. (not altering text)

- C16** S. 13 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- C17** S. 13(4) modified (19.9.1995) by 1995 c. 25, ss. [61\(3\)\(b\)](#), 125(2)(with ss. 7(6), 115, 117, Sch. 8 para. 7)

^{F44}14

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Textual Amendments

F44 S. 14 repealed and superseded by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 42, [Sch. 17 Pt. I](#)

15 Areas of special scientific interest.

- (1) This section has effect as respects land . . . ^{F45} which is or forms part of an area which in the opinion of the [^{F46}Nature Conservancy Council] (in this section referred to as “the Council”) is of special interest by reason of its flora, fauna, or geological or physiographical features.
- (2) Where, for the purpose of conserving those flora, fauna or geological or physiographical features, it appears to the Council expedient ^{F47}. . . to do so, the Council may enter into an agreement with the owners, lessees and occupiers of any such land [^{F48}(or of any adjacent land)] which imposes restrictions on the exercise of rights over land by the persons who can be bound by the agreement.
- (3) Any such agreement—
 - (a) may provide for the carrying out on the land of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement,
 - (b) may provide for any of the matters mentioned in paragraph (a) above being carried out, or for the cost thereof being defrayed, either by the owners or other persons, or by the Council, or partly in one way and partly in another, and
 - (c) may contain such other provisions as to the making of payments by the Council as may be specified in the agreement.
- (4) Where section 79 of the ^{M13}Law of Property Act 1925 (burden of covenant running with the land) applies to any such restrictions as are mentioned in subsection (2) of this section, the Council shall have the like rights as respects the enforcement of the restrictions as if the Council had at all material times been the absolute owner in possession of ascertained land adjacent to the land in respect of which the restriction is sought to be enforced, and capable of being benefited by the restriction, and the restriction had been expressed to be for the benefit of that adjacent land.

Section 84 of the Law of Property Act 1925 (discharge or modification of restrictive covenants) shall not apply to such a restriction.

- (5) Schedule 2 to the ^{M14}Forestry Act 1967 (powers of tenants for life and other limited owners to enter into forestry dedication covenants or agreements) shall apply to any agreement made in pursuance of this section as it applies to such a covenant or agreement.
- (6) This section shall apply to Scotland but there shall be substituted for subsection (4) the following subsection—

“(4) An agreement under this section may be recorded in the Register of Sasines, and if so recorded shall be enforceable at the instance of the Council against any person having an interest in the land and against any person deriving title from him:

Provided that such an agreement shall not be enforceable against any third party who shall have in good faith and for value acquired right (whether

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completed by infettment or not) to his interest in the land prior to the agreement being recorded as aforesaid, or against any person deriving title from such third party.”

[^{F49}(6A) In this section references to “the Nature Conservancy Council” or “the Council” are references to the Nature Conservancy Council for England, [^{F50}Scottish Natural Heritage]or the Council, according as the land in question in England, Scotland or Wales]

(7) The Act of 1949 shall have effect as if this section were included in Part III of that Act.

Textual Amendments

- F45** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **Sch. 17 Pt. I**
- F46** Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), **Sch. 1 para. 9**
- F47** Words in s. 15(2) repealed (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 132, 162(2), **Sch. 9 para. 4(2)(a)**, **Sch. 16 Pt. VI**; S.I. 1991/685, **art. 3**.
- F48** Words in s. 15(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, **Sch. 9 para. 4(2)(a)**; S.I. 1991/685, **art. 3**.
- F49** S. 15(6A) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, **Sch. 9 para. 4(2)(b)**; S.I. 1991/685, **art. 3**.
- F50** Words in s. 15(6A) substituted (1. 4. 1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), s. 4(6), **Sch. 2 para.3; S.I. 1991/2633, art.4**.

Marginal Citations

- M13** 1925 c. 20.
- M14** 1967 c. 10.

VALID FROM 30/01/2001

[^{F51}15A Compulsory purchase.

- (1) The Nature Conservancy Council may in circumstances set out in subsection (2) acquire compulsorily all or any part of the land referred to in section 15(2).
- (2) The circumstances are—
 - (a) that the Nature Conservancy Council are satisfied that they are unable to conclude, on reasonable terms, such an agreement as is referred to in section 15(2), or
 - (b) that they have entered into such an agreement, but they are satisfied it has been breached in such a way that the flora, fauna or geological or physiographical features referred to there are not being conserved satisfactorily.
- (3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) shall be determined by an arbitrator appointed by the Lord Chancellor.
- (4) Where the Nature Conservancy Council have acquired land compulsorily under this section, they may—
 - (a) themselves take steps to conserve the flora, fauna or geological or physiographical features in question, or

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- (b) dispose of the land on terms designed to secure that those flora, fauna or features are satisfactorily conserved.
- (5) In this section, “Nature Conservancy Council” means English Nature as respects land in England, and the Council as respects land in Wales.]

Textual Amendments

F51 S. 15A inserted (30.1.2001) by 2000 c. 37, ss. 75(4), 103(2)

16 Access to open country: rivers, canals and woodlands.

- (1) The definition of “open country” in section 59(2) of the Act of 1949 shall include, if in the countryside, any woodlands.
- (2) Subject to subsection (6) below, the said definition shall include, if in the countryside—
 - (a) any river or canal, and
 - (b) any expanse of water through which a river, or some part of the flow of a river, runs, and
 - (c) a strip of the adjacent land on both sides of any river or canal, or of any such expanse of water, of reasonable width, and where a highway crosses or comes close to the river, canal or other water, so much of any land connecting the highway with the strip of land as would, if included together with the strip in an access agreement or order, afford access from the highway to some convenient launching place for small boats.
- (3) The strip of adjacent land comprised in any access order shall be wide enough to allow passage on foot along the water and wide enough to allow the public to picnic at convenient places and, where practicable, to embark or disembark, and shall include—
 - (a) the banks, walls or embankments along the water, and
 - (b) any towpath or other way or track beside the water.
- (4) Local planning authorities shall exercise their powers under Part V of the Act of 1949 over any such strip of land with special regard to the interests of persons using small boats who must circumvent obstacles or obstructions on the water by passing round on foot with their boats, and in the interests of persons who wish to obtain access from a highway to convenient launching places for small boats.
- (5) In section 60 of the Act of 1949 (rights of public over land subject to an access agreement or order, other than excepted land) subsection (5)(a) (certain agricultural land to be excepted land) shall not apply to any land within subsection (2)(c) above.
- (6) Subsections (2) and (3) above shall not apply as respects, or as respects land held with,
 - (a) a reservoir owned or managed by statutory undertakers,
 - ^{F52}(b)
 - (c) a canal, or part of a canal, owned or managed by the British Waterways Board [^{F53}which is for the time being a commercial waterway or a cruising waterway within the meaning of section 104 of the ^{M15}Transport Act 1968.]

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(7) The local planning authority, before making an access agreement or an access order under Part V of the Act of 1949 in respect of land outside a National Park which comprises all or any part of, or of land adjacent to, any river (including any expanse of water through which a river, or some part of the flow of a river runs) or any canal, shall consult with and seek the consent ^{F54} of the National Rivers Authority, and] of such authorities, being authorities which under any enactment have functions relating to the river or canal in question, as the Minister may either generally or in any particular case direct.

Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.

(8) Subsection (7) above shall apply with the necessary modifications in relation to an access order to be made by the Minister as it applies in relation to an access order to be made by a local planning authority.

(9) In this section “river” includes a stream and the tidal part of a river or stream.

(10) The provisions of this section shall not be construed as restricting in any way the definition of “open country” in the said section 59(2) as originally enacted.

(11) This and the four next following sections shall be construed as one with Part V of the Act of 1949.

Textual Amendments

F52 S. 16(6)(b) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)**—(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt.I

F53 Words added by [Transport Act 1968 \(c. 73, SIF 126\)](#), **s. 111**

F54 Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)**—(10), 190, 193(1), Sch. 25 para. 37(4), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Modifications etc. (not altering text)

C18 S. 16 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)**—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Marginal Citations

M15 [1968 c. 73\(126\)](#).

^{F55}17

Textual Amendments

F55 S. 17 repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **Sch. 34 Pt. III**

18 Access agreements: undertakings by landowners and others not to convert land into excepted land.

For the purpose of preventing or restricting the conversion of land which is open country into excepted land within the meaning of section 60(5) of the Act of 1949, an access agreement under section 64 of the Act of 1949 may impose such restrictions on

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the exercise of rights over the land by the persons who can be bound by the agreement as appear to the local planning authority and the other parties to the agreement to be expedient.

F56 19

Textual Amendments

F56 S. 19 repealed (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. VI](#); [S.I. 1991/685](#), [art.3](#).

20 Access to open country: contributions by local planning authorities to persons displaying maps and notices.

A local planning authority shall have power, as respects any land in their area which is subject to an access agreement or order, to defray or contribute towards, or to undertake to defray or contribute towards, expenditure incurred or to be incurred in relation to the land by any person interested therein in displaying, at places where the public obtain access to any such land—

- (a) any reproduction of the relevant map prepared by the local planning authority under section 78 of the Act of 1949, or
- (b) any notice specifying restrictions on access to the land or any part thereof.

Modifications etc. (not altering text)

C19 S. 20 amended by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 17 Pt. III para. 37](#)

21 Amendments of Act of 1949.

- (1) Section 11(3) of the Act of 1949 (general powers of local planning authorities in National Parks : exclusion of powers under other Acts) shall cease to have effect.
- (2) In section 51(1) of the Act of 1949 (general provisions as to long distance routes) after the word “horseback” there shall be inserted the words “ or on a bicycle not being a motor vehicle ”.
- (3) In section 73(1) of the Act of 1949 (access orders : compensation payable earlier on the ground of special circumstances whereby the postponement of compensation will cause undue hardship) the words from “whereby” to “undue hardship” shall cease to have effect.
- (4) In section 86(1)(b) of the Act of 1949 (information services to be provided by Commission) after the word “architectural” there shall be inserted the word “ archeological ”.
- (5) There shall be repealed so much of section 89(4) of the Act of 1949 as provides that the power under subsection (1) of that section (power to plant trees for preserving or enhancing natural beauty) does not include power to do anything which the council of a county, county borough or county district are or can be authorised to do by any other enactment.

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- (6) The definition of the expression “open-air recreation” in section 114(1) of the Act of 1949 (which excludes organised games from that expression) shall apply only for the purposes of Part V of that Act.
- (7)^{F57} and (with a view to facilitating the consolidation of the appropriate parts of this Act and the Act of 1949) references in the Act of 1949 to the preservation of the natural beauty of an area shall be construed in the same way as references in this Act to the conservation of the natural beauty of an area.

Textual Amendments

F57 Words amend National Parks and Access to the [Countryside Act 1949 \(c. 97, SIF 46:1\)](#), s. [114\(2\)](#)

Modifications etc. (not altering text)

C20 The text of ss. 1(5), 21(1)—(5), 50(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Water undertakers’ reservoirs and other waters

^{F58}**22**

Textual Amendments

F58 S. 22 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. [58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)](#)—(10), [190\(3\)](#), [193\(1\)](#), Sch. 26 paras. [3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [41\(1\)](#), [57\(6\)](#), [58](#), Sch. 27 Pt. I

Trees and woodlands

23 Provisions of facilities by Forestry Commissioners.

- (1) The Forestry Commissioners constituted under the Forestry Acts 1919 to 1945 (in this section referred to as “the Commissioners”) shall have the powers conferred on them by this section.
- (2) The Commissioners may, on any land placed at their disposal by the Minister of Agriculture, Fisheries and Food or the Secretary of State for Wales, provide, or arrange for or assist in the provision of, tourist, recreational or sporting facilities and any equipment, facilities or works ancillary thereto, including without prejudice to that generality—
- (a) accommodation for visitors,
 - (b) camping sites and caravan sites,
 - (c) places for meals and refreshments,
 - (d) picnic places, places for enjoying views, parking places, routes for nature study and footpaths,
 - (e) information and display centres,
 - (f) shops in connection with any of the aforesaid facilities,
 - (g) public conveniences,

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and the Commissioners shall have power to make such charges as they think fit in connection with any of those facilities.

In this subsection “provide” includes manage, maintain and improve.

- (3) The power of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales under section 39 of the Forestry Act 1967 to acquire land shall include power to acquire land in proximity to land placed by him at the disposal of the Commissioners where it appears to him that the land which it is proposed to acquire is reasonably required by the Commissioners for the provision of such facilities as are mentioned in subsection (2) above.

F59

- (4) The Commissioners’ powers to make byelaws under section 46 of the Forestry Act 1967 shall include power to make byelaws for regulating the reasonable use by the public of the facilities described in subsection (2) above, and in relation to any such matter as is described in section 41(3) of this Act.
- (5) The Countryside Commission [F60 and the Countryside Council for Wales shall each] have power to act as agent for the Commissioners in the exercise of their powers under subsection (2) above.
- (6) All expenses incurred by the Commissioners in the exercise of their powers under this section shall be paid out of the Forestry Fund, and all sums received by the Commissioners in the exercise of their powers under this section shall be paid into the Forestry Fund.

Textual Amendments

F59 Words repealed by [Forestry Act 1981 \(c. 39, SIF 54\)](#), [Sch.](#)

F60 Words in [s. 23\(5\)](#) expressed to be inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), [s. 130](#), [Sch. 8 para. 2\(8\)](#); S.I. 1991/685, [art.3](#).

Modifications etc. (not altering text)

C21 [S. 23\(2\)](#) restricted by [New Forest Act 1970 \(c. 21, SIF 29:8\)](#), [s. 1\(2\)](#)

24 Amendments of Forestry Act 1967.

- (1) Without prejudice to the provisions of section 11 of this Act, the said Commissioners may, on any land placed at their disposal by the Minister (as defined in the Forestry Act 1967), plant, care for and manage trees in the interests of amenity, and in section 3(1) of the Forestry Act 1967 (management of forestry land) the reference to the Commissioners’ functions under that Act shall include a reference to their functions under this subsection.
- (2) The said Minister may acquire, whether by purchase, feu, lease, exchange or excambion, land which in his opinion ought to be used for planting trees in the interests of amenity, or partly for that purpose and partly for afforestation, together with any other land which must necessarily be acquired therewith, and may place any land acquired by him under this subsection at the disposal of the Commissioners.
- (3)

F61

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- (4) The definition of “public open space” in section 9(6) of the ^{M16}Forestry Act 1967 shall not include a country park provided under section 7 of this Act, or a park or pleasure ground in the Lee Valley Regional Park which in the opinion of the Minister serves the purpose set out in section 6(1) of this Act when the considerations in paragraphs (a) and (b) of that subsection are taken into account.
- (5) This section shall be construed as one with the Forestry Act 1967, and that Act shall have effect as if subsections (2) . . . ^{F62} above formed part of section 39 of that Act.

Textual Amendments

F61 S. 24(3) repealed by [Forestry Act 1981 \(c. 39, SIF 54\)](#), [Sch.](#)

F62 Words repealed by [Forestry Act 1981 \(c. 39, SIF 54\)](#), [Sch.](#)

Marginal Citations

M16 [1967 c. 10\(54\)](#).

^{F63}**25**,

26.

Textual Amendments

F63 [Ss. 25, 26](#) repealed by [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 25](#) and [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), [Sch. 23](#)

Public rights of way

27 Signposting of footpaths and bridleways.

- (1) A highway authority, after consultation with the owner or occupier of the land concerned, shall have power to erect and maintain signposts along any footpath [^{F64}bridleway or byway] for which they are the highway authority.
- (2) Subject to subsection (3) below, at every point where a footpath [^{F64}bridleway or byway] leaves a metalled road the highway authority shall in exercise of their power under subsection (1) above erect and maintain a signpost—
 - (a) indicating that the footpath [^{F64}bridleway or byway] is a public footpath [^{F64}bridleway or byway], and
 - (b) showing, so far as the highway authority consider convenient and appropriate, where the footpath [^{F64}bridleway or byway]leads, and the distance to any place or places named on the signpost.
- (3) A highway authority need not erect a signpost in accordance with subsection (2) above at a particular site if the highway authority, after consulting the council of the parish in which the site is situated, or as the case may be the chairman of the parish meeting for the parish, not having a parish council, in which the site is situated, are satisfied that it is not necessary, and if the parish council, or as the case may be the chairman of the parish meeting, agree.

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- (4) It shall also be the duty of a highway authority in exercise of their powers under subsection (1) above to erect such signposts as may in the opinion of the highway authority be required to assist persons unfamiliar with the locality to follow the course of a footpath [^{F64}bridleway or byway].
- (5) With the consent of the highway authority, any other person may erect and maintain signposts along a footpath [^{F65}bridleway or byway].
- (6) [^{F66}Section 131(2) of the ^{M17}Highways Act 1980 (destruction or defacement of a traffic sign)] shall apply to a signpost erected or placed along a footpath [^{F65}bridleway or byway] in pursuance of this section as it applies to a traffic sign placed on or near a highway . . . ^{F67}
- (7) In this section (and in the amendments made by this section in other enactments) references to signposts shall include references to other signs or notices serving the same purpose and references to the erection of a signpost shall include references to positioning any such other sign or notice.
- [^{F68}(8) In this section “byway” means a byway open to all traffic, that is to say, a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.]

Textual Amendments

- F64** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **s. 65(1)**
- F65** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **s. 65(1)**
- F66** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 24 para. 17(a)**
- F67** Words repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), **Sch. 14**
- F68** S. 27(8) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **s. 65(2)**

Marginal Citations

- M17** [1980 c. 66\(59\)](#).

^{F69}**28**,
29.

Textual Amendments

- F69** [S. 28, 29](#) repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 25**

30 Riding of pedal bicycles on bridleways.

- (1) Any member of the public shall have, as a right of way, the right to ride a bicycle, not being a motor vehicle, on any bridleway, but in exercising that right cyclists shall give way to pedestrians and persons on horseback.
- (2) Subsection (1) above has effect subject to any orders made by a local authority, and to any byelaws.
- (3) The rights conferred by this section shall not affect the obligations of the highway authority, or of any other person, as respects the maintenance of the bridleway, and

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this section shall not create any obligation to do anything to facilitate the use of the
bridleway by cyclists.

- (4) Subsection (1) above shall not affect any definition of “bridleway” in this or any other Act.
- (5) In this section “motor vehicle” has the same meaning as in [^{F70}the Road Traffic Act 1988].
- (6) ^{F71}

Textual Amendments

F70 Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 5**

F71 [S. 30\(6\)\(7\)](#) repealed by [Road Traffic Act 1972 \(c. 20, SIF 107:1\)](#), **Sch. 9 Pt. I**

Modifications etc. (not altering text)

C22 [S. 30\(1\)](#) excluded by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. **66(3)**

31 Public paths: amendments as respects procedural and minor matters.

The Acts mentioned in Schedule 3 to this Act shall be amended in accordance with that Schedule.

^{F72}**32**

Textual Amendments

F72 [S. 32](#) repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), **Sch. 14**

^{F73}**33**—

35

Textual Amendments

F73 [Ss. 33—35](#) repealed by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), **Sch. 8**

^{F74}**36**

Textual Amendments

F74 [S. 36](#) repealed by [Derelict Land Act 1982 \(c. 42, SIF 46:4\)](#), **Sch.**

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Supplemental

37 Protection for interests in countryside.

In the exercise of their functions under this Act [^{F75}the Act of 1949 and the Wildlife and Countryside Act 1981] it shall be the duty of every Minister, and of the Commission, the [^{F76}, the Council, the Nature Conservancy Council for England ^{F77} . . .] and local authorities to have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas.

Textual Amendments

- F75** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), **s. 72(9)**
- F76** Words in s. 37 substituted (1. 4. 1991) by virtue of [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, **Sch. 9 para. 4(3)**; S.I. 1991/685, **art. 3**.
- F77** Words in s. 37 repealed (1. 4. 1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), s. 27(2), **Sch.11**; S.I. 1991/2633, **art.4**.

Modifications etc. (not altering text)

- C23** [S. 37](#) extended (E.W.)(19.9.1995) by [1995 c. 25, ss. 65\(2\), 125\(2\)](#)(with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

38 Avoidance of pollution.

In the exercise of their functions under this Act and the Act of 1949 it shall be the duty of the Commission [^{F78}, the Council], the Forestry Commission and local authorities to have due regard to the protection against pollution of any water, whether on the surface or underground, which belongs to [^{F79}the National Rivers Authority or a water undertaker or which that Authority or a water undertaker is] for the time being authorised to take.

Textual Amendments

- F78** Words in s. 38 inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(9)**; S.I. 1991/685, **art.3**.
- F79** Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)**—(10), 190, 193(1), [Sch. 25 para. 37\(5\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)

Modifications etc. (not altering text)

- C24** [S. 38](#) extended (E.W.)(19.9.1995) by [1995 c. 25, ss. 65\(2\), 125\(2\)](#)(with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

^{F80}**39**

Textual Amendments

- F80** [S. 39](#) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

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F81 40 .

Textual Amendments

F81 S. 40 repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1997/2650, art. 2, **Sch**

41 Power to make byelaws and related provisions about wardens.

- (1) A local authority may as respects—
- (a) a country park provided by the local authority under section 7 of this Act (on land belonging to the local authority or other land), or
 - (b) any land as respects which the local authority have exercised powers conferred by section 9 of this Act, or
 - (c) a picnic site provided by the local authority under section 10 of this Act, ^{F82}or
 - (d) a trunk road picnic area as respects which functions of the Minister stand delegated to the local authority under section 113(1) of the ^{M18}Highways Act 1980, or are functions of the local authority by virtue of an agreement under section 113(3) of that Act,]

make byelaws for the preservation of order, for the prevention of damage to the land or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.

^{F83}(1A) The power of a local authority under sub-section (1)(d) above is exercisable only in so far as any conditions attached to the relevant delegation or, as the case may be, included in the relevant agreement do not otherwise provide.]

- (2) The Commission ^{F84}and the Council may each] as respects any land held by them for the purposes of section 4 of this Act, or as respects land to which the public have rights of access pursuant to an agreement under section 4(5)(b) of this Act, make byelaws for the preservation of order and the other purposes mentioned in subsection (1) above.
- (3) Without prejudice to the generality of the foregoing provisions of this section, byelaws under those provisions—
 - (a) may prohibit or restrict the use of the land or of any waterway comprised therein, either generally or in any manner specified in the byelaws, by traffic of any description so specified,
 - (b) may contain provisions prohibiting the depositing of rubbish and the leaving of litter,
 - (c) may regulate or prohibit the lighting of fires,
 - (d) may regulate sailing, boating, bathing and fishing and other forms of recreation on waterways,
 - (e) may prohibit the use of any waterway comprised in a country park by boats which are not for the time being registered with the local authority in such manner as the byelaws may provide,
 - (f) may be made so as to relate either to the whole or to any part of the land or of any waterway comprised therein, and may make different provisions for different parts thereof,

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and the byelaws may authorise the making of reasonable charges in respect of the registration of boats in pursuance of the byelaws.

- (4) Byelaws made under this section shall not interfere with the exercise of any public right of way or of any functions relating to the land or waterway to which the byelaws apply which are exercisable by any authority under any enactment [^{F85}or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system].
- (5) Before a local authority make byelaws under the foregoing provisions of this section as respects a National Park or area of outstanding natural beauty, the local authority shall consult the Commission [^{F86}as respects a park or area in England) or the Council (as respects a park or area in Wales)].
- (6) A county council or county district council shall have power to enforce byelaws made under this section by another authority as respects land in the area of the council.
- (7) Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this section were byelaws under that Act.
- (8) Subsections (1) and (2), and subject to the next following subsection subsection (4), of section 92 of the Act of 1949 (appointment of wardens for land for which byelaws may be made under section 90 of that Act) shall have effect as if the power of making byelaws conferred by this section was contained in the said section 90, and as if the Commission [^{F87}and the Council were local authorities].
- (9) For the purposes of exercising any function conferred on him by the said section 92 as applied by subsection (8) above a warden appointed under that section may enter upon any land, or go on any waterway, as respects which byelaws under this section are in force, although the land or waterway does not belong to the local authority [^{F88}, the Commission or the Council].
- (10) Sections 90, 91 and 92 of the Act of 1949 shall have effect as if any path which is a means of access to land to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of the Act of 1949 was included in that land.
- (11) In subsection (10) above “path” means a public path, or a road used as a public path (as those expressions are defined in section 27(6) of the Act of 1949) or any other path, not being a highway at the side of a public road, which the public have the right to use, or are permitted to use, as a means of access to land to which the public are given access under Part V of the Act of 1949.
- (12) Byelaws made under section 90(3) of the Act of 1949 shall not interfere with the exercise of any public right of way or with any authority having under any enactment functions relating to the land or waterway to which the byelaws apply [^{F89}or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system].

Textual Amendments

F82 Words inserted by [Highways Act 1980 \(c. 66, SIF 59\), s. 342\(a\)](#)

F83 [S. 41\(1A\)](#) inserted by [Highways Act 1980 \(c. 66, SIF 59\), s. 342\(b\)](#)

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- F84** Words in s. 41(2) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(a)**; S.I. 1991/685, **art.3**.
- F85** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 4 para. 48(1)**
- F86** Words in s. 41(5) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(b)**; S.I. 1991/685, **art.3**.
- F87** Words in s. 41(8) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(c)**; S.I. 1991/685, **art.3**.
- F88** Words in s. 41(9) substituted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(10)(d)**; S.I. 1991/685, **art.3**.
- F89** Words inserted by Telecommunications Act 1984 (c. 12, SIF 96), **Sch. 4 para. 48(1)**

Modifications etc. (not altering text)

- C25** S. 41 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 5(c)**(with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C26** S. 41(8) excluded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), **s. 49(4)**

Marginal Citations

- M18** 1980 c. 66.

42 Wardens.

- (1) A local planning authority whose area consists of or includes the whole or any part of a National Park may appoint such number of persons as may appear to the authority to be necessary or expedient to act as wardens as respects any land within the National Park to which section 193 of the ^{M19}Law of Property Act 1925 (common land) for the time being applies, ^{F90} . . .
- (2) Before a local planning authority first exercise their powers under subsection (1) above as respects any land, they shall, if practicable, consult the person entitled to the soil of the land.
- (3) The foregoing subsections shall be construed as one with section 92 of the Act of 1949 and shall be subject to subsection (4) of that section (saving for interests of landowners).
- (4) The purposes for which wardens may be appointed by an authority under the said section 92 (as amended by this Act) as respects any land or waters are—
 - (a) to secure compliance with any byelaws, with [^{F91}section 87 of the Environmental Protection Act 1990] and with any requirements imposed by or under section 193 of the Law of Property Act 1925,
 - (b) to advise and assist the public, and
 - (c) to perform such other duties (if any) in relation to the land or waters as the authority may determine.

This subsection shall have effect in substitution for subsection (2) of the said section 92.

Textual Amendments

- F90** Words in s. 42(1) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1997/2650, **art. 2, Sch.**
- F91** Words in s. 42(4)(a) substituted (1. 4. 1991) by virtue of Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15 para. 11**; S.I. 1991/1042, **art. 2(1)**.

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Marginal Citations

M19 1925 c. 20.

43 General provisions as to local authority powers conferred by Act.

- (1) A local authority shall make available any facilities and services provided by them under this Act for those who do not normally reside in the area of the local authority as freely as for those who do.
- (2) A local authority shall have power to make reasonable charges for any facilities or services provided by them under this Act and may arrange for any facilities or services which they have power to provide under this Act to be provided by some other person, and, where they make arrangements for any such facilities or services to be provided by some other person, may authorise that person to make reasonable charges.
- (3) The services and facilities for which charges may be made under subsection (2) above include the use of any camping site, picnic site or parking place, of any waterway comprised in a country park, and of any part of a country park set aside for any particular form of recreation.
- (4) Any power of a local authority under this Act to provide buildings or other premises for any purpose shall include power to equip them with such furniture and apparatus as may be reasonably necessary to enable them to be used for that purpose.
- (5) Any power of a local authority under this Act to provide buildings or other premises, or any services or facilities, or anything else, shall include power to enter into agreements with any other authority or person for the use, on such terms as may be agreed, of anything, or any facilities or services, provided by, or under the control of, that other authority or person and, if it appears convenient, for the services of any staff employed in connection therewith.

Modifications etc. (not altering text)

C27 Ss. 43-45 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), Sch. 9 para. 5 (with ss. 7(6), 115, 117, Sch. 8 para. 7)

44 Power to amend local Acts concerning local authorities.

- (1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision in any local Act passed before this Act and relating to any local authority where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.
- (2) Before making an order under this section the Minister shall consult with each local authority affected by the proposed order.
- (3) An order made under this section—
 - (a) shall not repeal or amend any enactment so far as it relates to the water undertaking of a local authority.
 - (b) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and

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- (c) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C28 Ss. 43-45 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 5** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

45 Agreements with landowners.

- (1) This section has effect as respects any power conferred by this Act on the Commission [^{F92}, the Council] or any local authority to enter into agreements with landowners and other persons having interests in land.
- (2) Schedule 2 to the ^{M20}Forestry Act 1967 (powers of tenants for life and other limited owners to enter into forestry dedication covenants) shall apply to any such agreement as it applies to such a covenant.
- (3) Where a landowner, or other person having an interest in the land, by the agreement grants or agrees to grant any right as respects the land, the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.
- (4) Any such agreement may be made either irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.
- (5) For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land at any time while it is the subject of any such agreement shall be disregarded.

Textual Amendments

F92 Words in s. 45(1) inserted (1. 4. 1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 2(11)**; S.I. 1991/685, **art.3**.

Modifications etc. (not altering text)

C29 Ss. 43-45 extended (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para. 5** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Marginal Citations

M20 1967 c. 10.

46 Application of general provisions of Act of 1949.

- (1) In the following provisions of the Act of 1949 references to that Act shall include references to this Act—
 - section 99(1) (power of local authority to contribute to expenses of another local authority),
 - section 103 (acquisition of land),

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section 104 (appropriation and disposal of land by local authorities) but subject to Schedule 2 to this Act,
section 108 (entry to survey land in connection with its acquisition),
section 109 (local inquiries and service of documents),
section 111 (Isles of Scilly).

- (2) In subsections (1) ^{F93} . . . of the said section 103 of the Act of 1949 references to the [^{F94}Nature Conservancy Council] shall include references to the Commission [^{F95}and any reference to the Nature Conservancy Council, so far as referring to the Countryside Council for Wales for purposes connected with their nature conservation functions (within the meaning of section 131 of the Environmental Protection Act 1990) shall include a reference to that Council for purposes connected with their countryside functions (whether conferred by this Act, the Act of 1949 or otherwise.)].
- (3) ^{F96}, and this amendment shall have effect both for the purposes of the Act of 1949 and of this Act.
- (4) Section 112 of the Act of 1949 (Epping Forest and Burnham Beeches) shall have effect as if the provisions of this Act about experimental projects or schemes, country parks, common land and camping and picnic sites were mentioned in the said section 112(2).
- (5) Section 113 of the Act of 1949 (National Trust Land) shall have effect as if the provisions of this Act about experimental projects or schemes, country parks, common land and camping and picnic sites were contained in Part VI of the Act of 1949.

Textual Amendments

- F93** Words in s. 46(2) repealed (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162, [Sch. 16 Pt. VI](#); S.I. 1991/685, [art.3](#).
- F94** Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), [Sch. 1 para. 9](#)
- F95** Words in s. 46(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 2\(12\)](#); S.I. 1991/685, [art.3](#).
- F96** Words amend National Parks and Access to the [Countryside Act 1949 \(c. 97, SIF 46:1\)](#), s. [108\(3\)](#)

47 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 Her 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 Her Majesty for the purposes of a Government department.
- (2) Any power under this Act to acquire land compulsorily may be exercised to acquire an interest in Crown land, other than one held by or on behalf of the Crown, but only with the consent of the appropriate authority.
- (3) Subject to subsection (4) below, the appropriate authority may enter into an agreement under section 4(5)(b) or section 7(3)(b) of this Act as respects an interest in Crown land held by or on behalf of the Crown, and any such agreement as respects any other interest in Crown land shall not have effect unless approved by the appropriate authority.
- (4) Notwithstanding anything in subsection (3) above—

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Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968. (See end of Document for details)

- (a) an agreement authorised by the said subsection (3) and made by any Government department shall be of no effect unless it is approved by the Treasury, and
- (b) in considering whether to make or approve an agreement so authorised and relating to land belonging to a Government department or held in trust for Her 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.

^{F97}(5)

- (6) If any land subject to an agreement to which section 45 of this Act applies becomes Crown land, subsection (3) of that section shall cease to apply to that agreement unless the appropriate authority consent to its continued application to the agreement.
- (7) Byelaws made under this Act shall apply to Crown land if the appropriate authority consent to their application thereto.
- (8) Section 101(11) of the Act of 1949 shall apply for the construction of references in this section to “the appropriate authority”.
- (9) Agreements made by the Crown Estate Commissioners shall not require the approval of the Treasury under section 101(10)(a) of the Act of 1949 and accordingly in that paragraph, as originally enacted, the words “by the Commissioners of Crown Lands or” shall cease to have effect.

Textual Amendments
F97 S. 47(5) repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), [Sch. 25](#)

[^{F98}47A Application to the Broads Authority.

- (1) Sections 6 to 9 of this Act shall have effect as if the Broads Authority were a local authority.
- (2) Sections 10, ^{F99} . . . and 20 of this Act shall have effect as if the Broads Authority were a local planning authority.
- (3) Section 16 of this Act shall have effect as if the Broads Authority were a local planning authority and the Broads were a National Park.
- ^{F100}(4)
- (5) Sections 43 to 45 shall have effect as if the Broads Authority were a local authority.
- (6) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments
F98 S. 47A inserted (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 2(5)(6), 23(2), 27(2), [Sch. 3 para. 6](#)
F99 Word in s. 47A(2) repealed (1.4.1997) by 1995 c. 25, s. 120(3), [Sch. 24](#) (with ss. 7(6), 115, 117); S.I. 1997/2650, art. 2, [Sch.](#)

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F100 S. 47A(4) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1997/2650, art. 2, **Sch.**

48 Expenses and payments into Exchequer.

- (1) There shall be defrayed out of money provided by Parliament—
 - (a) any sums required for the payment of grants under this Act, or any other expenses of a Minister under this Act, and
 - (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.
- (2) There shall be paid into the Exchequer any sums required to be so paid in consequence of any of the provisions of this Act.

49 Interpretation.

- (1) Section 114 of the Act of 1949 shall apply for the construction of this Act.
- (2) In this Act, unless the context otherwise requires—
 - “the Act of 1949” means the ^{M21}National Parks and Access to the Countryside Act 1949;
 - “boat” includes any hover vehicle or craft being a vehicle or craft designed to be supported on a cushion of air and which is used on or over water;
 - “bridleway” and “footpath” have the meanings given by [^{F101}section 329(1) of the ^{M22}Highways Act 1980];
 - [^{F102}“the Commission” means the Countryside Commission;
 - “the Council” means the Countryside Council for Wales;]
 - “land” includes any interest in or right over land;
 - “the Minister”, as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means [^{F103}the Secretary of State];
 - “public body” includes any local authority or statutory undertaker, and any trustees, commissioners, board or other persons, who, as a public body and not for their own profit, act under any enactment for the improvement of any place or the production or supply of any commodity or service;
 - ^{F104}
- (3) In this Act “parish” means a rural parish . . . ^{F105}
- (4) References in this Act to the conservation of the natural beauty of an area shall be construed as including references to the conservation of its flora, fauna and geological and physiological features.

Textual Amendments

- F101** Words substituted by [Highways Act 1980 \(c. 66, SIF 59\)](#), **Sch. 24 para. 17(b)**
- F102** Definitions in s. 49(2) inserted (1. 4. 1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, **Sch. 8 para. 2(13)**; S.I. 1991/685, **art.3**.
- F103** Words substituted by virtue of S.I. 1970/1681, **arts. 2, 6(3)**
- F104** Definitions repealed by [Water Act 1973 \(c. 37, SIF 30\)](#), **Sch. 9**
- F105** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

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Marginal Citations

- M21 1949 c. 97.
- M22 1980 c. 66.

50 Short title, repeals, commencement and extent.

- (1) This Act may be cited as the Countryside Act 1968.
- (2) The enactments mentioned in Schedule 5 to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.
- ^{F106}(4)
- (5) This Act, except subsections (1), (3) ^{F107} . . . of this section, sections 15, 24, 25, 26, 32, 37, 46(3) and so much of sections 46(1), 48, and 49 as relates to the first-mentioned sections, shall not extend to Scotland, ^{F108} . . . this Act shall not extend to Northern Ireland.

Textual Amendments

- F106** S. 50(4) repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), **Sch. 3**
- F107** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), **Sch. 3**
- F108** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), **Sch. 3**

Modifications etc. (not altering text)

- C30** The text of ss. 1(5), 21(1)—(5), 50(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULES

SCHEDULE 1

Sections 7, 12 and 16.

PROPOSALS SUBMITTED TO STATUTORY UNDERTAKERS AND OTHER AUTHORITIES

- 1 This Schedule has effect where any authority are consulted in accordance with section 8, section 12(4) or section 16(7) of this Act.
- 2 (1) If the authority withhold their consent to the proposals about which they are consulted, the proposals shall not be proceeded with unless, on an application in that behalf specifying the proposals and the grounds for withholding consent, the Minister so directs, and subject to any conditions or modifications specified in the direction.
 - (2) Before giving a direction under this paragraph the Minister shall afford to the objecting authority, and the authority by whom the proposals are made, an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.
 - (3) This Schedule shall apply with the necessary modifications where the Minister in accordance with section 16(8) of this Act consults any authority as respects an access order to be made by him.

SCHEDULE 2

Section 9.

PROCEDURE FOR TAKING COMMON LAND

Modifications etc. (not altering text)

C31 Sch. 2 extended by *Water Act 1989 (c. 15, SIF 130)*, ss. **58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190(3), 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

- 1 (1) For the purpose of enabling a local authority to exercise their powers under the principal section on land taken out of the common land the Minister may in accordance with this Schedule authorise a local authority to acquire any part of the common land, including all commonable and other rights in or over the land, and, where the local authority already hold the land, to appropriate that land for the purposes of the principal section.
 - (2) Where the local authority already hold the land, but subject to any commonable or other rights in or over the land, they shall not appropriate the land until they have, under sub-paragraph (1) above, acquired all those rights.
 - (3) Land acquired or appropriated as authorised under this paragraph shall be held by the local authority free from the public right of access, but shall be used for the benefit of the public resorting to the common land.
 - (4) The Minister shall not give his authority under this paragraph unless he is satisfied—

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- (a) that there has been or will be given in exchange for the land other land, not being less in area and being equally advantageous to the persons, if any, entitled to commonable and other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land taken was vested, and subject to the like rights, trusts and incidents as attached to the land taken, or
- (b) that the giving in exchange of such other land is unnecessary, whether in the interests of the persons, if any, entitled to commonable or other rights or in the interests of the public.

Preliminary notices

- 2 (1) Before the local authority apply to the Minister for authority under paragraph 1 above as respects any part of the common land, they shall in two successive weeks publish in one or more newspapers circulating in the locality of the land a notice—
 - (a) stating that the local authority propose to make the application;
 - (b) giving particulars of the land which it is proposed to take out of the common land;
 - (c) stating whether land has been or is to be given in exchange, and, if so, giving particulars of that land, and stating the respective areas of the land to be taken and of the land given or to be given in exchange.
- (2) If all or any part of the land to be taken is in a parish, the local authority shall, not later than the time of first publication of the notice, serve a copy of the notice on the parish council or, in the case of a parish not having a parish council, on the chairman of the parish meeting.
- (3) The notice shall name a place within the locality where a map showing the said land, and any land given or to be given in exchange, may be inspected, and shall specify the time (not being less than twenty-eight days from first publication of the notice) within which and the manner in which representations with respect to the proposals in the notice may be made to the Minister.
- (4) The Minister shall before giving his decision on the application take into consideration every representation which has been duly made and which has not been withdrawn, and may if he thinks fit either afford to each person making such a representation an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, or cause a public inquiry to be held.

Compulsory purchase

- 3 (1) A local authority shall have power to acquire compulsorily any land which is required by them for the purposes of their functions under the principal section, and which is part of the common land (or any commonable or other rights in or over that land), but the Minister shall not confirm a compulsory purchase order made in pursuance of this section except after giving his authority under paragraph 1 above as respects the land.
- (2) Any notice which relates to a compulsory purchase order made in pursuance of this paragraph and which is published or served under [F109]section 11 or 12 of the M23 Acquisition of Land Act 1981]shall refer to the provisions of this Schedule and shall state whether land has been, or is to be, given in exchange.

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- (3) The notice to be published under paragraph 2 of this Schedule may be combined with a notice to be published under the said [F110 section 11 of the said Act of 1981] in the same newspaper and relating to the same land.
- (4) If land has been, or is to be, given in exchange—
 - (a) the notice to be published and served under [F111 section 11 or 12 of the said Act of 1981] shall give particulars of that land and state the respective areas of the land to be taken and of the land given or to be given in exchange,
 - (b) the map in the compulsory purchase order shall show that land,
 - (c) the compulsory purchase order may provide for vesting any land to be given in exchange in the persons, and subject to the rights, trusts and incidents, mentioned in paragraph 1(4) above.
- (5) A compulsory purchase order made in pursuance of this paragraph may provide for discharging the land purchased from all rights, trusts and incidents to which it was previously subject.
- (6) [F112 Section 19 of the Acquisition of Land Act 1981] (special provisions for acquisition of common land) shall not apply to a compulsory purchase order made in pursuance of this paragraph, and section 22 of the M24 Commons Act 1899 (consent of Minister required for purchase of common land) shall not apply to the acquisition of land in pursuance of such a compulsory purchase order.

Textual Amendments

F109 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para. 17(2)**

F110 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para 17(3)**

F111 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para 17(4)**

F112 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), **Sch. 4 para 17(5)**

Marginal Citations

M23 1981 c. 67(28:1).

M24 1899 c. 30(25).

Acquisition by agreement and appropriation.

- 4 (1) A local authority shall not acquire by agreement, or appropriate, any common land for the purposes of the principal section except as authorised under paragraph 1 of this Schedule.
- (2) Subject to sub-paragraph (1) above, a local authority may appropriate any common land for the purposes of the principal section without compliance with the provisions of [F113 section 122 of the M25 Local Government Act 1972] or section 104 of the Act of 1949 as amended by section 23 of the M26 Town and Country Planning Act 1959 (under which the approval of the Minister is required).
- (3) On an appropriation of land under this paragraph such adjustment shall be made in the accounts of the local authority as the Minister may direct.

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Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968. (See end of Document for details)

Textual Amendments

F113 Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 272(2)**

Marginal Citations

M25 [1972 c. 70\(81:1\)](#).

M26 [1959 c. 53\(123:1\)](#).

Power to override restrictions affecting common land

- 5 No restrictions applying to commons generally, or to any particular common, contained in or having effect under any enactment, and no trust subject to which the common land is held, shall prevent a local authority from taking part of common land in accordance with this Schedule.

Protection for statutory undertakers

- 6 References in this Schedule to commonable and other rights in or over common land shall not be taken as including references to any right vested in statutory undertakers for the purpose of the carrying on of their undertaking [^{F114}or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.]

Textual Amendments

F114 Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **Sch. 4 para 48(2)**

Modifications etc. (not altering text)

C32 Para. 6 extended by [Post Office Act 1969 \(c. 48, SIF 96\)](#), **Sch. 4 para. 93(1)** (xxix) and [Civil Aviation Act 1982 \(c. 16, SIF:9\)](#), **Sch. 2 para. 4**; amended by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), **Sch.3 para. 10(2)(b)(6)**

C33 Sch. 2 para. 6 extended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), **Sch. 7 para. 2(1)**, (xxii), Sch. 8 para. 33

C34 Sch. 2 para. 6 extended (1.3.1996) by [1995 c. 45, s. 16\(1\)](#), **Sch. 4 para. 2(1)(xvii)**; S.I. 1996/218, **art. 2** Sch. 2 para. 6 modified (1.4.2001) by [2000 c. 38, s. 37](#), **Sch. 5 para. 1(1)(2)(m)** (with ss. 105(2)(5), 106(4)); S.I. 2001/869, **art. 2**

Interpretation

- 7 In this Schedule “common land” has the meaning given by section 22(1) of the ^{M27}Commons Registration Act 1965.

Marginal Citations

M27 [1965 c. 64\(25\)](#).

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Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968. (See end of Document for details)

SCHEDULE 3

Section 31.

PUBLIC RIGHTS OF WAY

^{F115}**PART I**.....

Textual Amendments

F115 Sch. 3 Pt. I repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)—(10), 190, 193(1), Sch. 26 para. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I

^{F116}**PARTS II-IV**.....

Textual Amendments

F116 Sch. 3 Pts. II—IV repealed by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 73(3), Sch. 17 Pt. II

^{F117}SCHEDULE 4

Textual Amendments

F117 Sch. 4 repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30

SCHEDULE 5

Section 50.

REPEALS

Modifications etc. (not altering text)

C35 The text of ss. 1(5), 21(1)—(5), 50(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	Section 3(2)(3) (except as applies by section 15 of the Opencast Coal Act 1958 and except as respects an order made, or notice of which was

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12, 12 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	<p>published, before the coming into force of this Act.</p> <p>In section 2(3) the words “to any of the members of the Commission”.</p> <p>In section 6(4) paragraphs (b) and (d).</p> <p>Section 8(6).</p> <p>Section 11(3).</p> <p>In section 34 subsections (1) and (2) except as respects any review begun before the coming into force of this Act.</p> <p>In section 73(1) the words from “whereby” to “undue hardship”.</p> <p>Section 84.</p> <p>Section 85(a).</p> <p>In section 88 the words “(d) and”.</p> <p>In section 89(4) the words from the beginning to “this Act ; and”.</p> <p>In section 90(3) the proviso.</p> <p>Section 92(2).</p> <p>Section 93 and 94.</p> <p>In section 97, except as respects expenditure incurred before the end of the financial year in which this Act is passed, subsection (1) in paragraph (c) the words “(1) and”, and paragraphs (d) and (f), and subsections (2), (3) and (4).</p> <p>In section 101 subsection (9) and in subsection (10) (a) the words “by the Commissioners of Crown Lands or”.</p> <p>In Schedule 1, Part II, in paragraph 8 the words “or Part II”, and in paragraph 11 the words “or 6”.</p>
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5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part III of Schedule 1 the words “Chairman or Deputy Chairman of the National Parks Commission”.
11 & 12 Eliz. 2. c. 29.	The Local Authorities (Land) Act 1963.	In section 6(2), the words form the beginning to “accordingly” and the words from “for the words “by” to “section and””.

Status:

Point in time view as at 01/04/1997. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Countryside Act 1968.