



Countryside Act 1968

1968 CHAPTER 41

Supplemental

37 Protection for interests in countryside

In the exercise of their functions under this Act and the Act of 1949 it shall be the duty of every Minister, and of the Commission, the Natural Environment Research Council and local authorities to have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas.

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, 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 statutory water undertakers or which statutory water undertakers are for the time being authorised to take.

39 Local authority committees and joint boards

Schedule 4 to this Act shall have effect as respects the exercise by local authorities of functions relating to the countryside.

40 National parks joint planning board: expenses of members or officers

- (1) This section has effect as respects any National Park joint planning board, that is to say a joint planning board constituted under section 2 of the Town and Country Planning Act 1962 for an area which consists of or includes any part of a National Park.
- (2) Any such board may defray—
 - (a) any travelling or other expenses reasonably incurred by or on behalf of members or officers of the board, or of any committee of the board, in attending a conference or meeting convened by one or more local planning authorities whose areas includes the whole or part of a National Park, or by any

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association of such authorities, being a conference or meeting for the purpose of discussing any matter connected with the discharge of functions exercisable by local planning authorities in respect of National Parks;

- (b) any travelling or other expenses reasonably incurred by or on behalf of members or officers of the board, or of any committee of the board, in making official or courtesy visits, whether inside or outside the United Kingdom, on behalf of the board ;
 - (c) any expenses incurred in the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the board's area, and of persons representative of or connected with other local planning authorities or bodies concerned with matters relating to the countryside, whether inside or outside the United Kingdom, and in the supply of information to any such persons.
- (3) In the case of a visit within the United Kingdom, the amount defrayed in respect of the expenses of a member of the board shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act 1948 if the making of the visit had been an approved duty of that member within the meaning of that section.

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,
- 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.
- (2) The Commission may 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,
- 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.
- (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.
- (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 were a local authority.
- (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 or the Commission.
- (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.

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 Law of Property Act 1925 (common land) for the time being applies, whether or not within the area of the local planning authority.

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- (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 the provisions of the Litter Act 1958 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.

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.

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

45 Agreements with landowners

- (1) This section has effect as respects any power conferred by this Act on the Commission or any local authority to enter into agreements with landowners and other persons having interests in land.
- (2) Schedule 2 to the 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.

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),
 - 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) and (2) of the said section 103 of the Act of 1949 references to the Natural Environment Research Council shall include references to the Commission.
- (3) In section 108(3) of the Act of 1949 (seven days' notice to be given of intended entry) for the words " seven days'" there shall be substituted the words " fourteen days' ",

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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.

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—
 - (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.
- (5) Section 28 of this Act shall apply to Crown land if and so far as the appropriate authority consents to the application of that section to the land.
- (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.

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 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 section 295(1) of the Highways Act 1959 ;
 - " land " includes any interest in or right over land;
 - " the Minister ", as respects Wales and Monmouthshire, means the Secretary of State, and otherwise means the Minister of Housing and Local Government;
 - " 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;
 - " river authority " means a river authority constituted by or under the Water Resources Act 1963 and the Conservators of the River Thames, the Lee Conservancy Catchment Board and the Isle of Wight River and Water Authority;
 - " statutory water undertakers " has the same meaning as in the provisions of the Water Act 1945, other than Part II of that Act.
- (3) In this Act " parish " means a rural parish and references to a parish and a parish council shall be construed as including references to a borough which has been included in a rural district and the council of such a borough respectively.
- (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 geographical features.

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.

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- (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.
- (4) The provisions of this Act amending or repealing any provision of the House of Commons Disqualification Act 1957 extend to Scotland and Northern Ireland.
- (5) This Act, except subsections (1), (3) and (4) 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, and subject to subsection (4) above this Act shall not extend to Northern Ireland.