



# Countryside Act 1968

## 1968 CHAPTER 41

### *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,

and the Commissioners shall have power to make such charges as they think fit [<sup>F1</sup>or to allow another person to make such charges as that other person thinks fit] in connection with any of those facilities.

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

[<sup>F2</sup>(2A) Any arrangements between the Commissioners and another person entered into pursuant to subsection (2) that provide for the sharing of profits shall be subject to Treasury approval.]

- (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

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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.

<sup>F3</sup> .....

- (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 [<sup>F4</sup>Agency][<sup>F5</sup>] 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.
- [<sup>F6</sup>(6) All expenses incurred, and all sums received, by the Commissioners in the exercise of their powers under this section shall be defrayed, or as the case may be treated, in accordance with section 41 of the Forestry Act 1967.]

#### Textual Amendments

- F1** Words in s. 23(2) inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\)](#), arts. 1(1), **6(2)(a)**
- F2** S. 23(2A) inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006 \(S.I. 2006/780\)](#), arts. 1(1), **6(2)(b)**
- F3** Words repealed by [Forestry Act 1981 \(c. 39, SIF 54\)](#), **Sch.**
- F4** Words in s. 23(5) substituted (20.2.1999) by [S.I. 1999/416](#), art. 3, **Sch. 1 para. 4(5)**
- F5** 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.
- F6** S. 23(6) substituted (16.3.2000) by [S.I. 2000/746](#), arts. 1, 2, **Sch. para. 6**

#### Modifications etc. (not altering text)

- C1** 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, [<sup>F7</sup>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) ..... <sup>F8</sup>
- (4) The definition of "public open space" in section 9(6) of the <sup>M1</sup>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

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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) . . . <sup>F9</sup> above formed part of section 39 of that Act.

**Textual Amendments**

- F7** Word in s. 24(2) repealed (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), sch. 12 para. 29(3), **sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F8** S. 24(3) repealed by [Forestry Act 1981](#) (c. 39, SIF 54), **Sch.**
- F9** Words repealed by [Forestry Act 1981](#) (c. 39, SIF 54), **Sch.**

**Marginal Citations**

- M1** [1967 c. 10\(54\)](#).

[<sup>F10</sup>**24A Incidental powers of the Commissioners**

- (1) For the purpose of the exercise of their functions under sections 23(2) and 24(1) of this Act so far as relating to land in England and Wales, the said Commissioners may—
  - (a) form, or participate in the forming of, a body corporate;
  - (b) invest in a body corporate;
  - (c) provide loans;
  - (d) establish a charitable trust; or
  - (e) act, or appoint a person to act, as an officer of a body corporate or as a trustee of a charitable trust.
- (2) The powers contained in subsection (1)(b) and (c) shall be exercisable only with Treasury approval.]

**Textual Amendments**

- F10** S. 24A inserted (16.3.2006) by [Regulatory Reform \(Forestry\) Order 2006](#) (S.I. 2006/780), arts. 1(1), **6(3)**

<sup>F11</sup>**25,** .....  
**26.**

**Textual Amendments**

- F11** 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**

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