



# 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]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *The Countryside Commission*

#### **1 General functions of the Commission**

- (1) The functions of the National Parks Commission shall be enlarged in accordance with this Act and in future their name shall be the " Countryside Commission ".
- (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 in the countryside.
- (3) The Commission shall 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 National Parks and Access to the Countryside Act 1949 (in

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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) In section 2(3) of the Act of 1949 (power to pay remuneration to Commission's chairman and deputy chairman) for the words " the chairman and deputy chairman" there shall be substituted the words " any of the members ".
- (5) In sections 1 and 2(1) of the Act of 1949 for the words " National Parks Commission " there shall be substituted the words " Countryside Commission ", and in section 4(1) of the Act of 1949 (Commission's annual report) the reference to the Commission's functions under the Act of 1949 shall include a reference to their functions under this Act.
- (6) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry " Any member of the Countryside Commission in receipt of remuneration ".

## **2 New functions of the Commission**

- (1) The Commission shall have the general duties imposed by this section, but nothing in this section shall be construed as modifying the effect 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, or whereby an obligation is imposed on any other person to consult with the Commission.
- (2) The Commission 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 to have an interest in those matters.
- (3) The Commission 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 consider to be suitable.
- (4) The Commission 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, or as the Commission may think fit.
- (5) Where it appears to the Commission 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—
  - (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 expedient having regard to title 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, or the services of consultants engaged by the Commission, 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 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 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 may deem necessary or expedient for the purposes of any of their functions.
- (8) The Commission 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, and shall take 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 encouraging a proper standard of behaviour on the part of persons resorting to the countryside.
- (9) The Commission shall make to the Minister such recommendations as the Commission think proper in respect of applications by local authorities for Exchequer grants under this Act or the Act of 1949.

### **3 Exercise of functions of Commission in Wales and Monmouthshire**

- (1) The Commission shall, after consultation with the Secretary of State, appoint a Committee for Wales.
- (2) The membership of the Committee for Wales shall consist partly of persons who are members of the Commission, one of whom shall be the chairman of the Committee, and partly of persons, not exceeding four in number, who are not members of the Commission.
- (3) The Commission may, after consulting the Secretary of State and subject to such conditions as they think appropriate, delegate any of their functions in Wales or Monmouthshire to the Committee for Wales, including (for Wales and Monmouthshire) their advisory functions under section 2 of this Act, and their duty of making recommendations under that section in respect of local authorities' applications for Exchequer grants.
- (4) So much of section 2(3) of the Act of 1949 as authorises the payment of allowances in respect of the matters listed in paragraphs (a), (b) and (c) of that subsection shall apply as if all the members of the Committee for Wales were members of the Commission.

### **4 Experimental projects or schemes**

- (1) The Commission, after consultation with such local authorities and other bodies as appear to the Commission to have an interest, may from time to time prepare and

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submit to the Minister for his approval proposals with respect to any area for an experimental project or scheme designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity, which—

- (a) in relation to that area involves the application of new or developed methods, concepts or techniques, and
- (b) is designed to illustrate the appropriateness of such a project or scheme to that area or other areas of a similar nature or which present similar problems to that area,

and the Minister may approve in whole or in part or with modifications any proposals so submitted to him, or may refuse to approve them.

- (2) The Commission shall concert, promote, or undertake either by themselves or in conjunction with any other authority or person, measures to implement any proposals so approved.
- (3) For the purpose of their functions under the foregoing provisions of this section the Commission 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 the 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 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—
  - (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 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, and shall not authorise any act or omission on the

part of the Commission 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.

## **5 Grants and loans to persons other than public bodies**

- (1) In accordance with arrangements approved by the Minister and the Treasury, the Commission shall have power to give financial assistance by way of grant or loan, or partly in the one way and partly in the other, to any person, other than a public body, carrying on or proposing to carry on any project approved by the Minister for the purposes of this section which in the opinion of the Commission is conducive to the attainment of any of the purposes of this Act or the Act of 1949.
- (2) Financial assistance by way of grant under this section shall not exceed seventy-five per cent, of the expenditure in respect of which the grant is made.
- (3) Before applying for the approval of the Minister under this section to any project the Commission shall satisfy themselves that in all the circumstances it is preferable that the project should be carried out by a person other than a public body.
- (4) On making a grant or loan under this section the Commission may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (5) In this section " public body" does not include the National Trust.

### *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, county borough or county district, or
  - (b) the Greater London Council, the Common Council of the City of London or any London borough council, or
  - (c) a 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.
- (3) A local authority may exercise the powers conferred by the three next following sections inside or outside their area, except that only the council of a county borough may exercise those powers wholly or partly within the county borough.
- (4) Before a local authority exercise any of the powers conferred by the next following section as respects any land, or acquire any land, or any additional land, for the purpose

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of exercising those powers, they shall comply with the requirements in the following Table.

TABLE

<i>Authority exercising powers</i>	<i>Requirement</i>
A county council	Consult the council of any county district in the county which will comprise all or any part of the land.  Obtain the consent of the council of any other county which will comprise all or any part of the land.
Council of a county district	Obtain the consent of the county council, and of the council of any other county which will comprise all or any part of the land.
Council of a county borough, the Greater London Council, Common Council of the City of London, or any London borough council.	Obtain the consent of the council of any county which will comprise all or any part of the land.
National Park joint planning board.	Consult the council of any county district which is wholly or partly in the area of the board and which will comprise all or any part of the land.  If any part of the land will be outside the area of the board, obtain the consent of the council of any county which will comprise any such part of the land.
Any local authority	If any part of the land is within a National Park and also within the area of a National Park joint planning board, obtain the consent of the board (in addition to any necessary consent of a county council).
Any local authority	If all or any part of the land is in a parish, inform the parish council or, in the case of a parish not having a parish council, the chairman of the parish meeting.

- (5) Before a county council or National Park joint planning board give any consent so required they shall consult the council of any county district within, or partly within, their area which will comprise all or any part of the land.
- (6) A local authority may apply to the Minister on the grounds that a county council or National Park joint planning board have unreasonably withheld any consent so required, and the Minister, after affording to the county council, or the board, an opportunity of making representations, may if he thinks fit direct the county council, or the board, to give the consent to which the application relates.

The county council or board shall comply with any direction given by the Minister under this subsection.

- (7) Section 29 of the Town and Country Planning Act 1959 (protection of persons deriving title under transactions requiring the consent of a Minister) shall apply as if any reference in that section to the consent of a Minister included a reference to a consent of a local authority required under this section.

## **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.

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- (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 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 Public Health Act 1875.
  - Section 44 of the Public Health Acts Amendment Act 1890.
  - Sections 76 and 77 of the Public Health Acts Amendment Act 1907.
  - Section 56(5) of the Public Health Act 1925.
  - Section 132 of the Local Government Act 1948.

## **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.
- (4) The local authority, before acting under the foregoing provisions of this section, shall consult with, and seek the consent of, any river authority having functions relating to the sea or other waters in question, and of such other 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:



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 Coast Protection Act 1949 (works detrimental to navigation) or section 9 of the Harbours Act 1964 (control of harbour development).

## **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—
- (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 Commons Registration Act 1965 ;
  - " common land to which the public have rights of access " means—
- (a) land to which section 193 of the 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

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- (c) any other common land to which the public have rights of access permanently or for an indefinite period.

## **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.
- (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.

## **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, make arrangements for securing the provision in 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 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.
- (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 of, any river authority having functions relating to the sea or other waters in question and of such other 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:

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 in the said section 13(1) for the words " or fishing" there shall be substituted the words " or fishing or other forms of recreation ".
- (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 Coast Protection Act 1949 or section 9 of the Harbours Act 1964.

**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.
- (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.
- (6) Byelaws under this section—
  - (a) shall be of no effect if and in so far as inconsistent with any rules under the Merchant Shipping Act 1894 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 managed by a river authority or 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.
- (11) Where two or more local planning authorities' areas consist of or include part of a National Park, the powers conferred by this section may be exercised by them, or any of them, jointly, or may by agreement between them be exercised by one local planning authority in the part of the National Park in the area of another.
- (12) Byelaws made by a local planning authority under this section may be enforced by any local authority in the area of that other local authority.
- (13) In this section " lake " includes any expanse of water other than a river or canal.

#### **14 Conversion of moor and heath in National Parks to agricultural land**

- (1) The Minister may, if satisfied that it is expedient, by order apply this section to any land in a National Park appearing to him to be predominantly moor or heath.
- (2) The occupier of any land to which this section for the time being applies, and which is moor or heath which has not been agricultural land at any time within the preceding twenty years, shall not, by ploughing or otherwise, convert any of the land into agricultural land unless he has given six months written notice of his intention to the local planning authority.
- (3) If, without the consent in writing of the local planning authority, any person fails to comply with subsection (2) above, whether by failing to give a notice, or by taking some action within the six months, he shall be guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction to a fine of not more than £200, or
  - (b) on conviction on indictment to a fine.
- (5) An order made under subsection (1) above—
  - (a) may be varied or revoked by a subsequent order so made,
  - (b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section " agricultural land " does not include land which affords rough grazing for livestock but is not otherwise used as agricultural land.
- (7) In considering for the purposes of subsection (2) above whether land has been agricultural land within the preceding twenty years, no account shall be taken of any conversion of the land into agricultural land which was unlawful under the provisions of this section.

#### **15 Areas of special scientific interest**

- (1) This section has effect as respects land which is not for the time being managed as a nature reserve but which is or forms part of an area which in the opinion of the Natural Environment Research Council (in this section referred to as " the Council") is of special interest by reason of its flora, fauna, or geological or physiographical features.

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- (2) Where, for the purpose of conserving those flora, fauna or geological or physiographical features, it appears to the Council expedient in the national interest to do so, the Council may enter into an agreement with the owners, lessees and occupiers of any such 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 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 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 completed by infestment 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.”
- (7) The Act of 1949 shall have effect as if this section were included in Part III of that Act.

## **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,
  - (b) a reservoir owned or managed by a river authority, or
  - (c) a canal, or a part of a canal, owned or managed by the British Waterways Board.
- (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 of, any river authority having functions relating to the river or canal in question 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.

## **17 Access orders: agricultural land**

- (1) This section applies to land comprised in an access order under Part V of the Act of 1949 (access to open country) confirmed or made by the Minister after the coming into force of this section.
- (2) In section 60 of the Act of 1949 (rights of public over land subject to an access order, other than excepted land) subsection (5)(a) (certain agricultural land to be excepted land) shall not at any time apply to land to which this section applies unless—
  - (a) the said subsection (5)(a) applied to that land on the relevant date, or
  - (b) a direction given by the Minister under this section is for the time being in force as respects that land.
- (3) Where as respects land to which this section applies, not being land to which the said section 60(5)(a) applied on the relevant date, it is represented to the Minister, and the Minister is satisfied—
  - (a) that the land is used, or about to be brought into use, as agricultural land, and that that use or proposed use as agricultural land is not, or is not solely, use as rough grazing for livestock, and
  - (b) that the use or proposed use will be substantially prejudiced by the application of the provisions of the said section 60 of the Act of 1949, and
  - (c) that the prejudicial effect outweighs the benefit arising from the facilities for access to open country conferred on the public by the said section 60,then, subject to the provisions of this section, the Minister shall give a direction under this section as respects the land.
- (4) Before coming to a conclusion on any representation under this section the Minister—
  - (a) shall consult the Commission, and
  - (b) shall either cause a local inquiry to be held or afford to the person by whom the representation was made, and to the local planning authority concerned, an opportunity of being heard by a person appointed by the Minister for the purpose,and shall consider the report of the person by whom the inquiry was held or the person appointed as aforesaid, as the case may be.
- (5) In determining whether the conditions specified in paragraphs (a), (b) and (c) of subsection (3) above are fulfilled the Minister shall have regard to any restrictions on the rights of the public imposed by the access order by virtue of section 60(3) of the Act of 1949 ; and the Minister may, if he thinks fit, instead of giving a direction under subsection (3) above, by order vary the access order so as to impose as respects the land any such restrictions or further restrictions authorised by the said section 60(3) as appear to him appropriate.
- (6) All land within paragraph (a) of subsection (2) above shall be defined in the prescribed manner in the map to be contained, in pursuance of section 65(3) of the Act of 1949, in the access order, and in the map to be kept under section 78 of the Act of 1949, and



those maps shall from time to time be altered so as to take account of any direction given by the Minister under this section and so as to correct any errors or omissions made in defining that land.

- (7) In subsection (2) above " the relevant date " means—
- (a) in relation to an access order made by a local planning authority, the date of the making of the order,
  - (b) in relation to an access order made by the Minister, the date on which the Minister under paragraph 1(2) of Schedule 1 to the Act of 1949 gave notice or the first notice of his proposal to make the order.

## **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 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.

## **19 Access to open country: protection for woodlands**

- (1) Section 79 of the Act of 1949 (exclusion of woodlands from access orders and access agreements) shall be amended in accordance with this section.
- (2) It shall be one of the conditions in paragraph (a), and one of the conditions in paragraph (b), of section 79(1) of the Act of 1949 (conditions to be satisfied where woodland is to be excluded from an excess order) that the prejudicial effect there mentioned (that is to say the prejudicial effect of the application of the provisions of section 60 of the Act of 1949 to the land) outweighs the benefit arising from the facilities for access to open country conferred on the public by the said section 60, and references to the said conditions in subsections (2), (3) and (5) of the said section 79 shall be construed accordingly.
- (3) Before exercising any of his functions under the said section 79 the Minister shall consult the Commission.
- (4) If under subsection (4) of the said section 79 the Minister affords to a person who has made a representation an opportunity of being heard by a person appointed by the Minister for the purpose, he shall afford the same opportunity to the local planning authority concerned.
- (5) The amendments made by this section have effect in relation to any representation or objection made after the coming into force of this section.

## **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—

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- (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.

## **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 " archaeological ".
- (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.
- (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) In subsection (2) of the said section 114 (definition of preservation of natural beauty) for the words " the characteristic natural features, flora and fauna thereof " there shall be substituted the words " its flora, fauna and geological and physiographical features ", 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.

### *Water undertakers' reservoirs and other waters*

## **22 Recreational facilities at water undertakers' reservoirs and other waters**

- (1) Statutory water undertakers may, if it appears to them reasonable to do so—
  - (a) permit the use by members of the public, for the purposes of any form of recreation which the undertakers consider appropriate, of any reservoir or other waterway owned or managed by the undertakers, and of any land held with the waterway,
  - (b) provide, or otherwise make available, facilities or services for persons resorting to any such waterway for the purposes of any such form of recreation.

- (2) For the purposes of subsection (1) above statutory water undertakers may set apart any land held by them and may provide, improve, alter, renew and maintain such buildings and other works and do such other things as may be necessary or expedient; and subsections (1) and (2) of section 271 of the Public Health Act 1936 (interpretation of "provide") shall apply for the construction of the foregoing provisions of this section as if all statutory water undertakers were councils and as if this section formed part of that Act.
- (3) Statutory water undertakers may, if they think fit, make such reasonable charges as they may determine in respect of the use for the purposes of recreation, of any waterway or any land held with the waterway, and the use of any facilities or services made available by the water undertakers under subsections (1) and (2) above.
- (4) Statutory water undertakers may let to any person, for such consideration and on such terms and conditions as they think fit, any works constructed by them for the purpose of providing facilities or services under subsections (1) and (2) above, and may authorise that person to make such reasonable charges as the undertakers may determine in respect of the use of the works.
- (5) The powers of undertakers under subsections (1) and (2) above shall, in the case of a waterway which they manage but do not own, be exercisable only with the consent of the owners of the waterway.
- (6) Statutory water undertakers may make byelaws with respect to any waterway owned or managed by them and any land held with the waterway, for the preservation of order, for the prevention of damage to land held with the waterway, or anything on or in the waterway or such land, and for securing that persons resorting to the waterway or such land will so behave themselves as to avoid undue interference with the enjoyment of the waterway or land by other persons, including (without prejudice to the generality of the foregoing provisions of this subsection) byelaws—
  - (a) regulating sailing, boating, bathing and fishing and other forms of recreation,
  - (b) prohibiting the use of the waterway by boats which are not for the time being registered with the undertakers in such manner as the byelaws may provide,
  - (c) preventing the passing into the water of any sewage or other offensive or injurious matter, whether solid or fluid,
  - (d) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution,and the byelaws may authorise the making of reasonable charges in respect of the registration of boats in pursuance of the byelaws.
- (7) Section 19 (without subsection (6)(b)) and section 20 of the Water Act 1945 shall apply to byelaws made under subsection (6) above, and shall so apply as if the byelaws were made under section 17 of that Act.
- (8) Paragraphs (c) and (d) of subsection (6) above are without prejudice to the powers of making byelaws under section 18 of the Water Act 1945 (water pollution).
- (9) Where, by provision contained in, or having effect under, any enactment concerning a reservoir or other waterway owned or managed by statutory water undertakers, some other statutory water undertakers are liable to contribute to the costs of constructing, operating and maintaining the reservoir or other waterway, the undertakers may make arrangements for sharing any expenditure incurred in, and any receipts arising from, the exercise of the powers conferred by this section.

*Trees and woodlands*

**23 Provision 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 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.

Either of the said Ministers shall have power to dispose of land acquired by him, whether by way of sale, lease or exchange, where in his opinion it is no longer so required, or where in his opinion the disposal is desirable for the purpose of securing the provision of any of those facilities by any other body or person.

- (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 shall 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.

## **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) The said Minister shall have power to dispose of land acquired by him under this section, whether by sale, feu, lease, exchange or excambion, where in his opinion it is no longer required by him for the purpose for which it was acquired.
- (4) The definition of " public open space " in section 9(6) of the 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) and (3) above formed part of section 39 of that Act.

## **25 Tree preservation orders: provision for compensation**

- (1) This section has effect where in pursuance of provision made by a tree preservation order a direction is given, by the local planning authority or the Minister, for securing the re-planting of all or any part of a woodland area which is felled in the course of forestry operations permitted by or under the order.
- (2) If the Forestry Commissioners decide not to make any advance under section 4 of the Forestry Act 1967 in respect of the re-planting and come to that decision on the ground that the direction frustrates the use of the woodland area for the growing of timber or other forest products for commercial purposes and in accordance with the rules or practice of good forestry, the local planning authority exercising functions under the tree preservation order shall be liable, on the making of a claim in accordance with this section, to pay compensation in respect of such loss or damage, if any, as is caused or incurred in consequence of compliance with the direction.
- (3) The Forestry Commissioners shall, at the request of the person under a duty to comply with the direction, give a certificate stating whether they have decided not to make any such advance and, if so, the grounds of their decision.
- (4) A claim for compensation under this section must be served on the local planning authority within twelve months from the date on which the direction was given, or where an appeal has been made to the Minister against the decision of the local planning authority, from the date of the decision of the Minister on the appeal, but subject in either case to such extension of that period as the local planning authority may allow.

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- (5) Any question of disputed compensation under this section shall be determined in accordance with section 128 of the Town and Country Planning Act 1962 (reference to Lands Tribunal).
- (6) This section shall be construed as one with Part III of the Town and Country Planning Act 1962, and section 3(6) of that Act (references in Part III to local planning authority to include references to any other authority to whom functions have been delegated) shall apply accordingly.
- (7) The terms of any delegation of functions by a local planning authority effected in pursuance of the said section 3 before the coming into force of this section may be varied, so as to take account of any liability under this section of a local authority to whom functions have been so delegated, in such manner as the local planning authority and the other local authority may agree, or, if they fail to agree, as may be determined by the Minister.
- (8) This section, without subsections (5) to (7), shall apply to Scotland subject to the following modifications—
- (a) references to a direction given in pursuance of provision made by a tree preservation order shall be construed as references to a requirement imposed by or under such an order;
  - (b) for any reference to the Minister there shall be substituted a reference to the Secretary of State ;
  - (c) references in subsection (4) to an appeal against the decision of a local planning authority shall be construed as references to an application for the determination of any question relating to the reasonableness of a requirement;
  - (d) any question of disputed compensation shall be determined in accordance with section 70 of the Countryside (Scotland) Act 1967;
- and shall be construed as one with Part II of the Town and Country Planning (Scotland) Act 1947.
- (9) Section 67 of the Countryside (Scotland) Act 1967 (grants to local authorities) shall have effect in relation to the expenditure of a local planning authority in Scotland in or in connection with paying compensation under this section as it has effect in relation to the expenditure mentioned in that section.

## **26 Tree preservation orders: compensation under Planning Acts**

In section 125(1) of the Town and Country Planning Act 1962, so far as it relates to tree preservation orders, and in section 26(2) of the Town and Country Planning (Scotland) Act 1947 (both of which sections provide for compensation for refusal of consent under tree preservation orders) for the words " damage or expenditure " there shall be substituted " loss or damage ".

### *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 or bridleway for which they are the highway authority.

- (2) Subject to subsection (3) below, at every point where a footpath or bridleway 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 or bridleway is a public footpath or bridleway, and
  - (b) showing, so far as the highway authority consider convenient and appropriate, where the footpath or bridleway 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.
- (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 or bridleway.
- (5) With the consent of the highway authority, any other person may erect and maintain signposts along a footpath or bridleway.
- (6) Section 117(2)(c) of the Highways Act 1959 (destruction, damage or defacement of a traffic sign) shall apply to a signpost erected or placed along a footpath or bridleway in pursuance of this section as it applies to a traffic sign placed on or near a highway, and in section 63 of the Road Traffic Regulation Act 1967 (power to enter on land) "traffic signs" shall include signposts for footpaths and bridleways.
- (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.

## **28 Duty to maintain stiles, etc., on footpaths and bridleways**

- (1) Any stile, gate or other similar structure across a footpath or bridleway shall be maintained by the owner of the land in a safe condition, and to the standard of repair required to prevent unreasonable interference with the rights of the persons using the footpath or bridleway.
- (2) If it appears to the highway authority for the footpath or bridleway that the duty imposed by subsection (1) above is not being complied with, the highway authority, after giving to the owner and occupier not less than fourteen days' notice of their intention, may take all necessary steps for repairing and making good the stile, gate or other works, and may recover from the owner of the land the amount of any expenses reasonably incurred by the highway authority in and in connection with the exercise of their powers under this subsection, or such part of those expenses as the highway authority think fit.
- (3) The highway authority shall contribute not less than a quarter of any expenses shown to their satisfaction to have been reasonably incurred in compliance with subsection (1) above, and shall have power to make further contributions of such amount in each case as they shall, having regard to all the circumstances, consider reasonable.

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- (4) Subsection (1) above shall not apply to any structure if and so long as the highway authority are, under an agreement in writing with any other person, liable to maintain the structure, or if any conditions for the maintenance of the structure are for the time being in force under section 126 of the Highways Act 1959 (authority for erection of stiles etc.).
- (5) This section shall be construed as one with the Highways Act 1959.

## **29 Ploughing of footpath or bridleway**

- (1) Subject to subsection (2) of this section, the duty to make good the surface of a footpath or bridleway imposed by section 119(3) of the Highways Act 1959 (ploughing of footpath or bridleway) shall be carried out not later than six weeks from the date of the giving of the notice of intention to plough required by subsection (2) of the said section 119, or if, in contravention of the said subsection (2), no such notice was given, not later than three weeks from the time when the occupier began to plough the footpath or bridleway in pursuance of the said section 119.
- (2) If on the application of the occupier the highway authority are satisfied that it is expedient in the interests of good farming that the period of six or three weeks mentioned in subsection (1) of this section should be extended the highway authority may—
- (a) order the temporary diversion of the path or way until such date as may be specified in the order, being a date not more than three months after the time when the occupier began to plough the footpath or bridleway, and
  - (b) by the order extend the period of six weeks or three weeks mentioned in subsection (1) of this section so as to expire on that date.
- (3) On the making of the order the highway authority shall forthwith cause a copy of the order to be displayed in a prominent position at the ends of the diversion.
- (4) In deciding whether to make an order under subsection (2) of this section a highway authority shall take into account the interests of the users of the path or way, and the highway authority shall before refusing to make an order under subsection (2) of this section consult the Minister of Agriculture, Fisheries and Food.
- (5) An order under this section diverting a path or way—
- (a) shall not affect the line of the path or way on land not occupied by the applicant,
  - (b) shall not divert any part of the path or way on to land not occupied by the applicant, unless written consent to the making of the order has been given by the occupier of that land, and by any other person whose consent is needed to obtain access to the land,
  - (c) may require as a condition of the taking effect of the order the provision of any necessary facilities for the convenient use of the diversion,
- and the highway authority may enter into an agreement with the applicant for the provision of any such facilities by the highway authority at the expense of the applicant.
- (6) The said section 119 shall not apply to so much of a footpath or bridleway as follows what are for the time being the headlands or sides of a field or enclosure.



- (7) If a footpath or bridleway is ploughed, and the occupier has no right to plough it, or if there is a failure to comply with subsection (3) of the said section 119, the highway authority, after giving to the occupier not less than fourteen days' notice of their intention, may take all necessary steps for making good the surface of the path or way so as to make it reasonably convenient for the exercise of the public right of way, and may recover from the occupier the amount of any expenses reasonably incurred by the highway authority in and in connection with the exercise of their powers under this subsection.
- (8) Subsection (1) of this section shall bind the Crown.
- (9) This section shall be construed as one with the Highways Act 1959.

### **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 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 the Road Traffic Act 1960.
- (6) It is hereby declared that sections 9, 10, 11 and 13 of the said Act of 1960 (offences connected with riding of bicycles) apply to bridleways as being highways which are " roads " within the meaning of that Act.
- (7) Section 12(1) of the said Act (prohibition of cycle racing on highways) shall have effect as if the expression " public highway " included a bridleway, but without the exception for a race or trial authorised by regulations under that section.

### **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.

#### *Traffic regulation orders*

### **32 Traffic regulation orders for special areas in the countryside**

- (1) This section has effect in England and Wales, exclusive of Greater London, as respects roads in, or forming part of, or adjacent to or contiguous with—
  - (a) a National Park,
  - (b) an area of outstanding natural beauty,

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

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- (c) a country park provided under section 7(1) of this Act 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, and any park or pleasure ground in the Lee Valley Regional Park which in the opinion of the Minister serves that purpose,
  - (d) an area in which the Commission are conducting a project or scheme under section 4 of this Act,
  - (e) a long distance route,
  - (f) a nature reserve or an area subject to an agreement under section 15 of this Act,
  - (g) land belonging to the National Trust which is held by the Trust inalienably,
- and has effect in Scotland as respects roads in the countryside within the meaning of the Countryside (Scotland) Act 1967.
- (2) The Road Traffic Regulation Act 1967 shall have effect as respects such roads as if the list of purposes for which a traffic regulation order may be made under section 1 of that Act as set out in the paragraphs of subsection (1) of that section, included the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.
  - (3) Subject to subsection (4) below, in the case of any such road as aforesaid which is not a trunk road, the appropriate Minister may by order under this subsection make as respects that road for the purpose specified in subsection (2) above any such provision as he might have so made by an order under section 1 of the Road Traffic Regulation Act 1967 if that road had been a trunk road, and that Act shall apply to an order under this subsection as respects any road as it applies to an order under the said section 1 as respects a road which is for the time being a trunk road.
  - (4) The Commission, or as the case may be, the Countryside Commission for Scotland, may, if they think fit, make submissions to the appropriate Minister as to the desirability of making an order as respects any road under subsection (3) above or, if that road is a trunk road, under section 1 of the Road Traffic Regulation Act 1967 ; and the appropriate Minister shall not make an order under the said subsection (3) as respects any road except after receiving such a submission with respect to that road and after consultation with the authority having power to make an order as respects that road under the said section 1.
  - (5) Subject to the following provisions of this section, section 1 of the Road Traffic Regulation Act 1967, as applied for the purposes set out in subsection (2) above, shall have effect so as to authorise the making of traffic regulation orders as respects Crown roads, and orders (hereafter also referred to as " traffic regulation orders ") may be made under subsection (3) above as respects Crown roads.
  - (6) The consent of the appropriate Crown authority must be given before a traffic regulation order is made as respects a Crown road.
  - (7) A traffic regulation order made as respects a Crown road, notwithstanding section 97 of the said Act of 1967, shall not apply to vehicles or persons in the public service of the Crown except so far as is expressly provided in the order, and the inclusion of any such express provision in an order not made by a Minister shall require the approval of the appropriate Minister.
  - (8) If a traffic regulation order is or is to be made as respects a Crown road, the local authority concerned may, after consultation with the appropriate Crown authority,

place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed, or authorised, under section 54 of the said Act of 1967 as the local authority may consider necessary in connection with the order.

The powers conferred by this subsection shall be exercisable subject to and in conformity with any general directions given under section 55(1) of the said Act of 1967, and any other power conferred by the said section 55 to give directions to a highway authority shall include power to give the like directions to the local authority concerned as respects the Crown road, but after consultation with the appropriate Crown authority.

- (9) The appropriate Minister may, after consulting the appropriate Crown authority, give directions to the local authority concerned with any Crown road requiring the local authority to remove, or cause to be removed, any traffic sign, within the meaning of the said Act of 1967, or any other object or device (whether fixed or portable) for the guidance or direction of persons using roads, on or in the vicinity of the road, and section 63 of the said Act of 1967 (power to enter on land) shall apply as if this subsection formed part of section 61 of that Act.

- (10) In this section—

" the appropriate Crown authority ", in relation to any land, has the same meaning as " the appropriate authority " as defined by section 101(11) of the Act of 1959,

" the appropriate Minister " means, as respects Scotland or Wales and Monmouthshire the Secretary of State, and otherwise means the Minister of Transport,

" Crown road " means a road, other than a highway, to which the public have access by permission granted by the appropriate Crown authority, or otherwise granted by or on behalf of the Crown,

" local authority concerned ", in relation to a Crown road, means the authority having power to make an order as respects that road under section 1 of the Road Traffic Regulation Act 1967 as extended by this section,

" road " has the meaning given by section 104 of the Road Traffic Regulation Act 1967,

and any reference in this section to the Road Traffic Regulation Act 1967 shall be construed as a reference to that Act as for the time being in force.

- (11) Sections 93 and 94 of the Act of 1949 (restriction of traffic on roads in National Parks, etc.) shall cease to have effect.

### *Financial*

## **33 Exchequer grants for country parks**

- (1) The Minister may with the consent of the Treasury make Exchequer grants to local authorities in respect of expenditure incurred by them—
- (a) in or in connection with the acquisition of land for the purposes of a country park provided under section 7 of this Act (hereafter in this section referred to as " a country park " ),
  - (b) in or in connection with the erection of buildings and the carrying out of works (including the provision of parking places and means of access) in, or to be used for the purposes of, a country park, or in connection with the restoration,

- repair or adaptation of any such buildings or works (whether or not provided by the local authority),
- (c) by way of payment towards capital expenditure incurred by an owner of land which, under arrangements made with the local authority, is used as or as part of a country park,
  - (d) in or in connection with the collection of litter in a country park, and its disposal,
  - (e) in the exercise of their powers under section 28 of the Town and Country Planning Act 1962 (discontinuance of or modification of uses of land and alteration or removal of buildings) as respects land in, or to be acquired for the purposes of, a country park provided by them or any other local authority.
- (2) Where in consequence of an order made under the said section 28 of the Town and Country Planning Act 1962, a purchase notice is served under section 136 of that Act, then if the interest in respect of which the notice is served is purchased in accordance with Part VIII of that Act or compensation is payable in respect thereof under section 134(2) of that Act, expenditure incurred in the purchase of the interest or the payment of the compensation shall be treated for the purposes of this section as if it were expenditure incurred in the exercise of powers under the said section 28.

### **34 Exchequer grants for countryside**

- (1) The Minister may with the consent of the Treasury make Exchequer grants to local authorities in respect of expenditure incurred by them falling under any of the following heads.
1. Expenditure under section 9 of this Act, and expenditure in or in connection with the acquisition of land for the purposes of the section.
  2. Expenditure under section 10 of this Act as respects a camping site provided mainly as a stopping-place for those on their way to or from the place or area where they spend their holidays and expenditure in or in connection with the acquisition of land for the purposes of such a site.
  3. Expenditure under section 24 of the Caravan Sites and Control of Development Act 1960 as respects a caravan site in the countryside provided mainly as a stopping-place for those on their way to or from the place or area where they spend their holidays and expenditure in or in connection with the acquisition of land for the purposes of such a site.
  4. Expenditure under section 10 of this Act as respects a picnic site, and expenditure in or in connection with the acquisition of land for the purposes of such a site.
  5. Expenditure under section 12(2) of this Act.
  6. Expenditure under the Act of 1949 for the purposes of Part V of that Act (access to open country), including expenditure in or in connection with the acquisition of land for the purposes of the said Part V, and expenditure under section 20 of this Act.
  7. Expenditure in paying compensation under section 25 of this Act.
  8. As respects land in the countryside, expenditure under section 89(1) of the Act of 1949 (tree-planting), and expenditure in or in connection with the acquisition of land for the purposes of the functions conferred by the said section 89(1).
  9. Expenditure under section 92 of the Act of 1949 (appointment of wardens).
  10. Where the local authority are acting in pursuance of a scheme approved by the Minister for the removal of things disfiguring the countryside, expenditure under any enactment.

- (2) Where a local authority acting in pursuance of a scheme approved by the Minister for the removal of things disfiguring the countryside make an order under section 28 of the Town and Country Planning Act 1962, and a purchase notice is served under section 136 of that Act, then if the interest in respect of which the notice is served is purchased in accordance with Part VIII of that Act or compensation is payable in respect thereof under section 134(2) of that Act, expenditure incurred in the purchase of the interest or the payment of the compensation shall be treated for the purposes of head 10 in subsection (1) above as if it were expenditure incurred in the exercise of powers under the said section 28.
- (3) Exchequer grants shall not be payable under this section in respect of expenditure incurred before the passing of this Act.
- (4) As respects expenditure incurred after the end of the financial year in which this Act is passed, so much of section 97 of the Act of 1949 as authorises the making of grant in respect of expenditure eligible for grant under this section shall cease to have effect, and no grant shall be paid under this section in respect of expenditure (incurred before the end of the said financial year) eligible for grant under the said section 97.

### **35 Exchequer grants for Lee Valley Regional Park**

- (1) Section 33 of this Act shall apply to any park or pleasure ground provided by the Lee Valley Regional Park Authority in exercise of their powers under the Lee Valley Regional Park Act 1966 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 as it applies to a country park provided under section 7.
- (2) In section 34(1) of this Act—
  - (a) heads 2 and 4 shall have effect, in relation to expenditure incurred by the said Authority, as if for references to section 10 of this Act there were substituted references to the said Act of 1966, and
  - (b) head 3 shall have effect, in relation to expenditure incurred by the said Authority, as if for the reference to section 24 of the Caravan Sites and Control of Development Act 1960 there were substituted a reference to the said Act of 1966.
- (3) The Minister may with the consent of the Treasury make Exchequer grants to the said Authority in respect of expenditure incurred by the Authority under the said Act of 1966 and falling under any of the following heads.
  1. As respects land in the countryside, expenditure which, if the Authority were a local planning authority, they could have incurred under section 89(1) of the Act of 1949 for the purpose of planting trees on land in their area for preserving or enhancing the natural beauty thereof, and expenditure in or in connection with the acquisition of land for that purpose.
  2. Expenditure incurred by the Authority under section 31 of the said Act of 1966 (appointment of wardens or rangers) as respects any park or pleasure ground provided by the Authority 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, or as respects any picnic site.
- (4) Exchequer grant shall not be payable by virtue of the foregoing provisions of this section as respects any expenditure incurred before the passing of this Act.

### 36 Exchequer grants: general provisions

- (1) This section has effect as respects the making to local authorities of Exchequer grants under this Act and, for expenditure incurred after the end of the financial year in which this Act is passed, as respects the making of grants under section 97 of the Act of 1949 (grants for National Parks and areas of outstanding natural beauty).
- (2) The grants shall not exceed seventy-five per cent, of the amount of the expenditure in respect of which the grants are made.
- (3) The grants shall only be payable in such cases as the Minister may approve and the Minister may give his approval either to a particular item of expenditure or to expenditure of a specified class or incurred in specified circumstances.
- (4) Subject to subsection (2) above, grants shall be of such amounts and payable at such times and subject to such conditions as the Minister may from time to time determine, either generally or in the case of any particular local authority.
- (5) The grants may be made either as periodical grants in respect of costs from time to time incurred, or treated as incurred, by a local authority in respect of the borrowing of money to defray expenditure qualifying for the grants, or as capital grants in respect of the expenditure or in substitution for such periodical grants.
- (6) The Minister shall arrange for the making of recommendations by the Commission as to the making of the grants, and for consultation with the Commission by the Minister where he proposes to make a grant not recommended by the Commission, or not to make a grant recommended by them.
- (7) For the purposes of any such grant—
  - (a) any land appropriated by a local authority for a purpose for which they may acquire land may be treated as acquired by the local authority for that purpose at a cost of such amount, and defrayed in such manner, as the Minister may determine,
  - (b) where expenditure eligible for any such grant is expenditure incurred by a local planning authority as respects land in or in the neighbourhood of a National Park in the exercise of any powers, any administrative expenses incurred by the local planning authority after the passing of this Act which are attributable to the exercise of those powers may be treated as part of the first-mentioned expenditure.
- (8) In accordance with subsection (1) above, in subsection (1) of the said section 97 for the words preceding paragraphs (a) to (f) there shall be substituted the words " The Minister may with the consent of the Treasury make Exchequer grants to local authorities in respect of expenditure incurred by them in the exercise ", and subsections (2), (3) and (4) of the said section 97 (which are superseded by the provisions of this section) shall cease to have effect, but not so as to affect the application of the said section 97 to expenditure incurred before the end of the financial year in which this Act is passed.

### *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 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.
- (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' ", 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

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

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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 physiographical 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.
- (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.

## 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

- 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—
    - (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

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- (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 a 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 paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 shall refer to the provisions of this Schedule and shall state whether land has been, or is to be, given in exchange.
- (3) The notice to be published under paragraph 2 of this Schedule may be combined with a notice to be published under the said paragraph 3 in the Act of 1946 in the same newspaper and relating to the same land.
- (4) If land has been, or is to be, given in exchange—

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- (a) the notice to be published and served under the said paragraph 3 in the Act of 1946 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) Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (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 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.

*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 section 163 of the Local Government Act 1933 or section 104 of the Act of 1949 as amended by section 23 of the 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.

*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.

*Interpretation*

- 7 In this Schedule "common land" has the meaning given by section 22(1) of the Commons Registration Act 1965.



## SCHEDULE 3

Section 31.

### PUBLIC RIGHTS OF WAY

#### PART I

#### MISCELLANEOUS AMENDMENTS

#### ACT OF 1949

*Section 29 (representations and objections as to draft maps and statements)*

The Minister shall give an opportunity of being heard under subsection (6) (appeal to Minister), at the same time as to the appellant, to any other person appearing to the Minister to have an interest in the matter to which the appeal relates.

In paragraph (b) of the said subsection (6) (appeal against decision under subsection (4)) for the words " to reverse the decision " there shall be substituted the words " to vary or reverse the decision ", and the particulars to be contained in the provisional map and statement in accordance with section 30(3) of the Act of 1949 shall reflect any such variation or reversal of the decision.

*Section 33 (revision of maps and statements)*

In carrying out a review under section 33(1) the authority shall have regard to the discovery by the authority, in the period mentioned in that subsection, of any new evidence, or of evidence not previously considered by the authority concerned, showing that there was no public right of way over land shown on the map as a public path, or as a road used as a public path, or that any other particulars in the map or statement were not within the powers of Part IV of the Act of 1949, and their powers of preparing a revised map and statement under subsection (4) or as the case may be proviso (d) to subsection (5), of the said section 33 may be exercised accordingly:

Provided that the authority shall not take account of the evidence if satisfied that the person prejudiced by the public right of way, or his predecessor in title, could have produced the evidence before the relevant date mentioned in the said section 33(1) and had no reasonable excuse for failing to do so.

This amendment applies to a review begun before or after the coming into force of this Act.

*Section 38(2) (places where maps and statements are to be available for inspection)*

The places at which the maps and statements described in section 38(2) are to be available for inspection shall include the offices of the council of each county district comprised in the area to which the map and statement relates, whether or not the offices are in the county district.

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## WATER ACT 1945

(1945 c. 42)

### *Section 23 (orders authorising construction of works, etc.)*

The applicant for an order under section 23 which would authorise the stopping up or diversion of a footpath or bridleway shall, not later than the date on which the notice required by paragraph 1 of Part I of Schedule 1 to the Act is first published, cause a copy of the notice to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted.

## ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

(1946 c. 49)

### *Section 3 (power to extinguish certain public rights of way)*

- 1 Section 3(1) shall have effect with the substitution for references to the Minister of references to the acquiring authority.
- 2 In the case of an order under section 3(1) extinguishing a right of way (but not an order reviving a right of way)—
  - (a) the order shall not take effect unless confirmed by the Minister, as defined in this Act, or unless confirmed, as an unopposed order, by the acquiring authority,
  - (b) the Minister shall not confirm the order unless satisfied as to the matters set out in section 3(1),
  - (c) the time specified in the order as the time from which the right of way is extinguished shall not be earlier than confirmation of the order,
  - (d) Schedule 7 to the Highways Act 1959, as amended below, shall have effect as to the making, confirmation, validity and date of operation of the order, but paragraphs (a), (b) and (c) above shall not apply where the acquiring authority is the Minister.
- 3 These amendments of section 3 of the Act of 1946 shall not affect that section as applied by section 15 of the Opencast Coal Act 1958 (suspension of rights of way).
- 4 These amendments of the said section 3 shall not apply in relation to an order if made before the date of the coming into force of this Act, or if a notice relating to the order was published pursuant to subsection (2) of the said section 3 before that date.

## HIGHWAYS ACT 1959

(1959 c. 25)

### *Sections 27 and 28 (creation of footpaths)*

In sections 27 and 28 " local authority " shall include any county council, and any joint planning board, being a board for an area which comprises any part of a National Park, but before a county council or joint planning board exercise any power under either of those sections over

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any land they shall consult the council of any county borough or county district comprising any part of that land.

This amendment shall not affect section 29 (exercise by other authorities of powers under sections 27 and 28) and accordingly this amendment shall not require a county council or local planning authority exercising powers by virtue of the said section 29 to consult any other authority.

This amendment shall apply to Greater London as if Greater London were a county, the Greater London Council were the council of that county and the London boroughs and the City of London were county districts in that county.

*Section 32 (protection for agriculture and forestry)*

In section 32 " councils " shall include all local planning authorities.

*Sections 110 and 111 (stopping up and diversion of footpaths)*

In sections 110 and 111 "local authority" shall include any county council, and any joint planning board, being a board for an area which comprises any part of a National Park, but before a county council or joint planning board exercise any power under section 110 or 111 over any land they shall consult the council of any county borough or county district comprising any part of that land.

This amendment shall not affect section 112(3) (exercise by other authorities of powers under sections 110 and 111) or the definition of "appropriate authority" in section 112(7), and accordingly this amendment shall not require a county council exercising powers by virtue of the said section 112(3) to consult any other authority.

*Section 112(5) (public path diversion order made at instance of Minister)*

Where under section 112(5) the Minister directs an authority to make a public path diversion order or decides himself to make a public path diversion order, the local authority, or as the case may be the Minister, may require the owner, lessee or occupier on whose representations the Minister is acting to enter into an agreement with the local authority (that is to say, both where the local authority are directed to make the order and where the Minister himself is to make the order, the " appropriate authority" as denned in section 112(7)) for the owner, lessee or occupier to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 111(4) of the Act of 1959.

*Section 126 (authority for erection of stiles etc. in footpath or bridleway)*

In section 126 references to agricultural land, and to land being brought into use for agriculture, shall include references to land used, or as the case may be land being brought into use, for forestry.

*Schedule 7 (Orders for creation, extinguishment or diversion of public paths)*

- 1 Paragraph 2 of the Schedule shall have effect as respects any order not made by the Minister, as defined in this Act, subject as follows.

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- 2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Minister, themselves confirm the order (but without any modification).
- 3 The authority shall not confirm a public path extinguishment order or a public path diversion order unless satisfied on all the matters on which the Minister must, under section 110(2), or as the case may be section 111(5), of the Act be satisfied when it is the Minister who is confirming the order.
- 4 The words " or confirmed as an unopposed order" shall be inserted—
- (a) in section 28(1), section 110(1) and section 111(1) of the Act of 1959 after the words " and submitted to and confirmed by the Minister of Housing and Local Government",
  - (b) in paragraph 1(1) of Schedule 7 to the Act of 1959 after " Government for confirmation ", and
  - (c) in paragraph 4 of the said Schedule 7 after " confirmed or made by the Minister of Housing and Local Government",
- and in paragraph (a) of the said paragraph 1(1) after "confirmation " insert " or to be confirmed as an unopposed order " .
- 5 Section 286(2) of the Act of 1959 (variation or revocation of orders) shall apply to a public path creation order, a public path extinguishment order, or a public path diversion order, confirmed as an unopposed order as it applies to such an order confirmed by the Minister, but so that an order confirmed in either way may be revoked or varied by a subsequent order confirmed in the other way.
- 6 In paragraph 3(1) of the said Schedule 7 (regulations about procedure) the word " making " shall be inserted before " submission and confirmation " .
- 7 These amendments of the Act of 1959 shall not affect an order made before the coming into force of this Act.

### **WATER RESOURCES ACT 1963**

(1963 c. 38)

#### *Section 67 (compulsory powers for carrying out works of building or engineering)*

The applicants for an order under section 67 which would authorise the stopping up or diversion of a footpath or bridleway shall, not later than the date on which the notice required by paragraph 2 of Part I of Schedule 8 to the Act is first published, cause a copy of the notice to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted.

## **PART II**

### REVISION OF MAPS AND STATEMENTS

- 1 Any review or further review begun under section 33 of the Act of 1949 after the coming into force of this Act shall be carried out in accordance with this Part of this Schedule, and subsections (1) and (2) of section 34 of the Act of 1949 shall not apply to it.

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- 2 (1) Before carrying out the review the authority shall consult with the councils of county districts and parishes in the area of the authority as to the arrangements to be made for the provision by the councils of information for the purposes of the review, and subsections (2), (3) and (4) of section 28 of the Act of 1949 shall apply to the arrangements.
- (2) If the authority is a joint planning board the reference in sub-paragraph (1) above to the councils of county districts and parishes shall include a reference to the council of every county or county borough wholly or partly comprised in the area of the board.
- 3 The review shall include the preparation of a revised map and statement in draft.
- 4 (1) On completing the preparation of the draft map and statement (hereafter called the "draft revision") the authority shall notify the Minister and shall publish in the London Gazette and in one or more newspapers circulating in the area of the authority a notice of the preparation of the draft revision stating—
- (a) the places where copies of the draft revision can be inspected at all reasonable hours,
  - (b) the time (not being less than 28 days) within which, and the manner in which, representations or objections with respect to alterations effected by the draft revision, or to anything omitted therefrom, may be made to the Minister.
- (2) If the alterations effected by the draft revision include a new item showing a public path, or a road used as a public path, or any alteration of the particulars concerning a public path, or road used as a public path, section 29(2) of the Act of 1949 (right of owner and other interested persons to require the authority to give information about documents taken into account by the authority) shall apply with any necessary modifications.
- (3) If any representation or objection is duly made in respect of alterations effected by the draft revision, or of anything omitted therefrom, and is not withdrawn, the Minister shall cause a local inquiry to be held.
- (4) If any such representation or objection is duly made, and is not withdrawn, the Minister shall, subject to the following provisions of this paragraph, and after taking into consideration any report by the person appointed to hold the local inquiry, take a decision on the objection or representation, and if he considers that the draft revision should be modified to give effect to his decision he shall give to the authority such directions as appear to him necessary for the purpose.
- (5) If it appears to the Minister that any modification which he proposes to make under sub-paragraph (4) above may adversely affect any persons other than the person who made the representation or objection, he shall, before giving any direction to the authority, afford to those persons an opportunity of being heard by a person appointed by the Minister.
- 5 (1) This paragraph has effect as respects the revised map and statement, if any, to be prepared under subsection (4) or proviso (d) of subsection (5) of section 33 of the Act of 1949 (map and statement to be prepared on completion of the review except where there is no change).
- (2) The map and statement shall be prepared as soon as may be after the time prescribed by the notice under paragraph 4(1)(b) above, and after any representations or objections duly made, and not withdrawn, have been dealt with by the Minister.

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- (3) The authority shall publish in the London Gazette and in one or more newspapers circulating in the area of the authority notice of the preparation of the map and statement, and of places where copies of the map and statement may be inspected at all reasonable hours.
  - (4) The particulars to be contained in the map and statement shall be those contained in the draft revision, subject to such modifications as may be required for giving effect to any direction given by the Minister under paragraph 4(4) above.
  - (5) The authority shall furnish to the Minister such number of copies of the revised map and statement, as prepared in definitive form, as he may require.
  - (6) Subsections (4), (5) and (6) of section 32 of the Act of 1949 (effect of definitive maps and statements) shall apply to the said revised map and statement as they apply to an (unrevised) definitive map and statement.
- 6 This Part of this Schedule shall be construed as one with section 33 of the Act of 1949.

### PART III

#### ROADS USED AS PUBLIC PATHS

##### *The special review*

- 7 In this Part of this Schedule the " special review " carried out by any authority means the first review begun by that authority after the coming into force of this Act.
- 8 (1) Subject to the provisions of this paragraph, the draft revision in the special review shall be published not later than three years after the date of the coming into force of this Act.
- (2) If on the said date the authority have not completed a survey or revision begun earlier—
- (a) the draft revision in the special review shall be published not later than three years after the date of the coming into force of this Act, or one year after notice is published of the completion of the survey or earlier review, whichever is the later,
  - (b) the special review (hereafter in this Schedule called a " limited special review ") shall be confined to a review of roads used as public paths in accordance with this Part of this Schedule:

Provided that if on a review begun before the date of the coming into force of this Act no revised map and statement has been published in draft before that date, the review shall be abandoned, and shall be begun again under Part II of this Schedule as the special review.

- (3) If it appears to the Minister that any stage of a special review has been or is likely to be unduly delayed, he may give to the authority such directions as appear to the Minister appropriate for expediting the review, and it shall be the duty of the authority to comply with the directions.

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*Reclassification of roads used as public paths*

- 9 (1) In the special review the draft revision, and the definitive map and statement, shall show every road used as a public path by one of the three following descriptions—
- (a) a " byway open to all traffic ",
  - (b) a " bridleway ",
  - (c) a " footpath ",
- and shall not employ the expression " road used as a public path " to describe any way.
- (2) As from the date of publication of the definitive map and statement in the special review—
- (a) each way shown in the map in pursuance of this paragraph by any of the three descriptions shall be a highway maintainable at the public expense,
  - (b) subject to paragraph (c) below, any entry in the map describing a way as a " byway open to all traffic " shall be conclusive evidence of the existence on the date of publication of a public right of way for vehicular and all other kinds of traffic,
  - (c) section 32(4)(c) of the Act of 1949 (position and width, and limitations or conditions affecting the public right of way, as shown in the statement) shall apply to any byway so shown as it applies to a footpath or bridleway.
- (3) In this paragraph " road used as a public path " means—
- (a) a way which is shown as a " road used as a public path " in the last definitive map and statement, or
  - (b) a way which is shown as a " bridleway " or as a " footpath " in the last definitive map and statement, and which in the opinion of the authority ought to have been there shown as a road used as a public path, or
  - (c) where the special review is not a limited special review, a way which in the opinion of the authority would, but for the provisions of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the special review, as a road used as a public path.
- (4) In subsection (2)(a) and in subsection (5) of section 51 of the Act of 1949 (long distance routes) references to roads used as public paths shall include references to any way shown on a definitive map and statement as a " byway open to all traffic ".
- (5) Nothing in this paragraph shall limit the operation of road traffic orders under the Road Traffic Regulation Act 1967 or oblige a highway authority to provide, on a way shown on a definitive map as a " byway open to all traffic ", a metalled carriage-way, or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.

*Test for reclassification*

- 10 The considerations to be taken into account in deciding in which class a road used as a public path is to be put shall be—
- (a) whether any vehicular right of way has been shown to exist,
  - (b) whether the way is suitable for vehicular traffic having regard to the position and width of the existing right of way, the condition and state of repair of the way, and the nature of the soil,
  - (c) where the way has been used by vehicular traffic, whether the extinguishment of vehicular rights of way would cause any undue hardship.

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*Procedure on special review*

- 11 (1) Part II of this Schedule shall apply to a special review subject as follows.
- (2) The published notices shall state that the review reclassifies roads used as public paths.
- (3) The representations or objections referred to in paragraph 4 in Part II shall include representations or objections with respect to the reclassification of any road used as a public path.
- (4) The time, as stated in the published notice of the draft revision, within which any representation or objection (of any description) may be made to the draft revision shall not be less than four months.

*Survey begun after commencement of Act*

- 12 (1) Subject to the provisions of this paragraph, paragraphs 9 and 10 above shall apply to an initial survey begun after the coming into force of this Act as if it were the first review so begun.
- (2) In paragraph 9(1), as applied to the survey, for references to the draft revision and the definitive map and statement there shall be substituted references to the map and statement in draft, provisional and definitive form, and in paragraphs 9 and 10, as applied to the survey, " road used as a public path " shall mean a way which in the opinion of the authority would, but for the provisions of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the survey, as a road used as a public path.

*Interpretation and construction*

- 13 (1) In this Part of this Schedule references to a definitive map and statement include references to a revised map and statement prepared in definitive form.
- (2) This Part, and Part IV, of this Schedule shall be construed as one with Part IV of the Act of 1949.

**PART IV**

TIMING OF REVIEWS

- 14 (1) The period covered by a review, that is to say the period between the two dates specified in section 33(1) of the Act of 1949, shall not exceed five years:
- Provided that this sub-paragraph shall not affect the validity of any review or of any document prepared or thing done in consequence of a review.
- (2) The interval between the end of the period covered by a review and the publication of the draft revision shall be—
- (a) in the case of the special review, not more than two years, and
- (b) in the case of any subsequent review, not more than six months.
- (3) In the case of a limited special review—
- (a) sub-paragraphs (1) and (2) above shall not apply, and



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- (b) the period covered by the next subsequent review shall begin with the relevant date for the original survey, or the date of review of the last review before the special review, whichever is the later.
- (4) Section 33(3) of the Act of 1949 (which is superseded by sub-paragraph (1) above) shall not apply to a review begun after the coming into force of this Act.

## SCHEDULE 4

Section 39.

### LOCAL AUTHORITY COMMITTEES AND JOINT BOARDS

#### *Planning committees*

- 1 (1) Part I of Schedule 2 to the Town and Country Planning Act 1962 (appointment of planning committees) shall have effect as if all appropriate countryside functions exercisable by county councils or county borough councils were functions conferred on them as local planning authorities.
- (2) The functions to be delegated to a separate planning committee, or separate sub-committee of a planning committee, appointed in pursuance of section 8(3) of the Act of 1949 (for the part of the "area of a local planning authority within a National Park, with or without any part of the remainder of the area) shall include, in addition to such of the local planning authority's functions under the said Act of 1962 and the Act of 1949 as are so delegated in pursuance of the said section 8(3), such other appropriate countryside functions exercisable by the local planning authority (whether as a local planning authority or as the council of a county or county borough) as may be agreed between the local planning authority and the Commission, or as in default of agreement the Minister may determine.
- (3) The committee or sub-committee may under the said section 8(3) as extended by sub-paragraph (2) above be authorised to exercise any appropriate countryside functions for all or any part of the area of the local planning authority which is outside the area for which the committee or sub-committee is appointed.
- (4) The purposes for which a committee may be appointed under section 85 of the Local Government Act 1933 (general power to appoint local authority committees) shall include the discharge of any appropriate countryside functions, including any such functions which the local authority in question exercise as a local planning authority.

This sub-paragraph has effect notwithstanding that subsection (5) of the said section 85 restricts that section where the local authority are authorised to appoint a committee by any other enactment, and notwithstanding that the said Part I of Schedule 2 to the Act of 1962 as amended by this paragraph is such an enactment; but this sub-paragraph shall not affect the provisions of the said section 8(3) of the Act of 1949.

#### *Local planning authorities' joint advisory committees*

- 2 (1) The purposes for which under Part II of Schedule 2 to the said Act of 1962 a joint advisory committee may be established by local planning authorities or the Minister shall include the purpose of advising as to the exercise of any appropriate countryside

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functions exercisable by any of the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs).

- (2) The functions of a joint advisory committee established, whether before or after the passing of this Act, to meet the requirements of section 8(4) of the Act of 1949 (which requires such a committee to be established where in consequence of a direction under the proviso to subsection (2) of that section there is no one local planning authority for the whole of a National Park) shall include the giving of advice on the exercise of any functions exercisable by the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs) which are conferred by this Act as respects the National Park, but without prejudice to the power given by sub-paragraph (1) above to confer other advisory functions on the joint advisory committee.
- (3) Sub-paragraph (1) above shall not have effect so as to restrict the purposes for which a joint committee may be appointed under section 91 of the Local Government Act 1933 (general power to appoint joint committees of local authorities) notwithstanding that, under subsection (4) of that section, a joint committee is not to be appointed under that section for any purpose for which the local authorities are authorised to appoint a joint committee by any other enactment, and that sub-paragraph (1) above is such an enactment.

#### *Joint planning boards*

- 3 An order under section 2(2) of the said Act of 1962 (joint planning boards) may authorise a joint planning board, including one established pursuant to section 8(2) of the Act of 1949 for a National Park, to exercise any appropriate countryside functions exercisable by the councils of counties and county boroughs wholly or partly in the area of the joint planning board ; and any functions so conferred shall be treated for the purposes of Part I of the said Schedule 2 as functions exercisable by the joint planning board as a local planning authority.

#### *Appointment of members of board or committee for National Park area*

- 4 (1) Not less than one third of the members of—
- (a) a joint board or joint advisory committee constituted for an area being or including the whole or any part of a National Park, or
  - (b) a planning committee, or sub-committee of a planning committee, for such an area, where no joint board is constituted for the area,
- shall be persons appointed by the Minister after consultation with the Commission:
- Provided that if in any particular case the Minister, with the agreement of the Commission, so determines, this sub-paragraph shall have effect as if for the words " one third " there were substituted the words " one quarter ".
- (2) The persons appointed in pursuance of sub-paragraph (1) above shall hold office for such period, not being less than one year nor more than three years, as the Minister may, after consultation with the Commission, determine and shall be eligible for re-appointment.
- (3) This paragraph shall not affect any appointment made before this Act comes into force.

- (4) This paragraph shall be construed as if it formed part of section 8 of the Act of 1949 (administration of functions of local authorities as respects National Parks), and shall be in substitution for subsection (6) of that section.

*Interpretation*

- 5 In this Schedule " appropriate countryside functions " means such functions under this Act, the Act of 1949, or any other enactment, as in the opinion of the local authority or local authorities concerned, or where the functions are ones which may be conferred by an order or determination of a Minister, of that Minister, relate to the countryside and are appropriate for reference to a committee or board concerned with matters relating to the countryside.

SCHEDULE 5

Section 50.

REPEALS

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 applied by section 15 of the Opencast Coal Act 1958 and except as respects an order made, or notice of which was published, before the coming into force of this Act.
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	In section 2(3) the words " to any of the members of the Commission ". In section 6(4) paragraphs (b) and (d). Section 8(6). Section 11(3). In section 34 subsections (1) and (2) except as respects any review begun before the coming into force of this Act. In section 73(1) the words from " whereby " to " undue hardship ". Section 84. Section 85(a). In section 88 the words " (d) and".

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	<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>Sections 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, in 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> <p>In Part III of Schedule 1 the words " Chairman or Deputy Chairman of the National Parks Commission ".</p>
11 & 12 Eliz. 2. c. 29.	The Local Authorities (Land) Act 1963.	<p>In section 6(2), the words from the beginning to " accordingly " and the words from " for the words ' by' to ' section and' ".</p>