

*Status: Point in time view as at 01/02/1991.*

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

## SCHEDULES

### SCHEDULE 1

Sections 7, 12 and 16.

#### PROPOSALS SUBMITTED TO STATUTORY UNDERTAKERS AND OTHER AUTHORITIES

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

### SCHEDULE 2

Section 9.

#### PROCEDURE FOR TAKING COMMON LAND

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

**C1** Sch. 2 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\), 101\(1\), 141\(6\), 160\(1\)\(2\)\(4\), 163, 189\(4\)—\(10\), 190\(3\), 193\(1\)](#), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

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

*Status: Point in time view as at 01/02/1991.*

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

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

*Preliminary notices*

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

*Compulsory purchase*

- 3 (1) A local authority shall have power to acquire compulsorily any land which is required by them for the purposes of their functions under the principal section, and which is part of the common land (or any commonable or other rights in or over that land), but the Minister shall not confirm a compulsory purchase order made in pursuance of this section except after giving his authority under paragraph 1 above as respects the land.
- (2) Any notice which relates to a compulsory purchase order made in pursuance of this paragraph and which is published or served under [F1section 11 or 12 of the M1Acquisition of Land Act 1981]shall refer to the provisions of this Schedule and shall state whether land has been, or is to be, given in exchange.

*Status: Point in time view as at 01/02/1991.*

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

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

#### Textual Amendments

- F1 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para. 17\(2\)](#)
- F2 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(3\)](#)
- F3 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(4\)](#)
- F4 Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), [Sch. 4 para 17\(5\)](#)

#### Marginal Citations

- M1 [1981 c. 67\(28:1\)](#).
- M2 [1899 c. 30\(25\)](#).

#### *Acquisition by agreement and appropriation.*

- 4 (1) A local authority shall not acquire by agreement, or appropriate, any common land for the purposes of the principal section except as authorised under paragraph 1 of this Schedule.
- (2) Subject to sub-paragraph (1) above, a local authority may appropriate any common land for the purposes of the principal section without compliance with the provisions of [F<sup>5</sup>section 122 of the M<sup>3</sup>Local Government Act 1972] or section 104 of the Act of 1949 as amended by section 23 of the M<sup>4</sup>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.

*Status: Point in time view as at 01/02/1991.*

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

**Textual Amendments**

**F5** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)

**Marginal Citations**

**M3** [1972 c. 70\(81:1\)](#).

**M4** [1959 c. 53\(123:1\)](#).

*Power to override restrictions affecting common land*

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

*Protection for statutory undertakers*

- 6 References in this Schedule to commonable and other rights in or over common land shall not be taken as including references to any right vested in statutory undertakers for the purpose of the carrying on of their undertaking [<sup>F6</sup>or to any right conferred by or in accordance with the telecommunications code on the operator of a telecommunications code system.]

**Textual Amendments**

**F6** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), [Sch. 4 para 48\(2\)](#)

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

**C2** Para. 6 extended by [Post Office Act 1969 \(c. 48, SIF 96\)](#), [Sch. 4 para. 93\(1\)](#) (xxix) and [Civil Aviation Act 1982 \(c. 16, SIF:9\)](#), [Sch. 2 para. 4](#); amended by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), [Sch.3 para. 10\(2\)\(b\)\(6\)](#)

**C3** Sch. 2 para. 6 extended by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(1)(3), [Sch. 7 para. 2\(1\)](#), (xxii), Sch. 8 para. 33

**C4** Sch. 2 para. 6 extended (1.3.1996) by [1995 c. 45, s. 16\(1\)](#), [Sch. 4 para. 2\(1\)\(xvii\)](#); S.I. 1996/218, [art. 2](#) Sch. 2 para. 6 modified (1.4.2001) by [2000 c. 38, s. 37](#), [Sch. 5 para. 1\(1\)\(2\)\(m\)](#) (with ss. 105(2)(5), 106(4)); S.I. 2001/869, [art. 2](#)

*Interpretation*

- 7 In this Schedule “common land” has the meaning given by section 22(1) of the <sup>M5</sup>Commons Registration Act 1965.

**Marginal Citations**

**M5** [1965 c. 64\(25\)](#).

*Status: Point in time view as at 01/02/1991.*

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

## SCHEDULE 3

Section 31.

### PUBLIC RIGHTS OF WAY

#### <sup>F7</sup>PART I.....

##### Textual Amendments

- F7** Sch. 3 Pt. I repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 189(4)**—(10), 190, 193(1), Sch. 26 para. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I

#### <sup>F8</sup>PARTS II-IV.....

##### Textual Amendments

- F8** Sch. 3 Pts. II—IV repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 73(3), **Sch. 17 Pt. II**

## <sup>F9</sup>SCHEDULE 4

##### Textual Amendments

- F9** Sch. 4 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**

## SCHEDULE 5

Section 50.

### REPEALS

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

- C5** The text of ss. 1(5), 21(1)—(5), 50(2), Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as indicated, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

*Status: Point in time view as at 01/02/1991.*

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

12, 12 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	<p>published, before the coming into force of this Act.</p> <p>In section 2(3) the words “to any of the members of the Commission”.</p> <p>In section 6(4) paragraphs (b) and (d).</p> <p>Section 8(6).</p> <p>Section 11(3).</p> <p>In section 34 subsections (1) and (2) except as respects any review begun before the coming into force of this Act.</p> <p>In section 73(1) the words from “whereby” to “undue hardship”.</p> <p>Section 84.</p> <p>Section 85(a).</p> <p>In section 88 the words “(d) and”.</p> <p>In section 89(4) the words from the beginning to “this Act ; and”.</p> <p>In section 90(3) the proviso.</p> <p>Section 92(2).</p> <p>Section 93 and 94.</p> <p>In section 97, except as respects expenditure incurred before the end of the financial year in which this Act is passed, 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>
----------------------------	--	--

---

*Status: Point in time view as at 01/02/1991.*

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

---

5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part III of Schedule 1 the words “Chairman or Deputy Chairman of the National Parks Commission”.
11 & 12 Eliz. 2. c. 29.	The Local Authorities (Land) Act 1963.	In section 6(2), the words form the beginning to “accordingly” and the words from “for the words “by” to “section and””.

---

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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