



# Countryside Act 1968

## 1968 CHAPTER 41

*Nature conservation, National Parks and access to open country*

### **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.

---

*Changes to legislation:* There are currently no known outstanding effects for the Countryside Act 1968, Section 16. (See end of Document for details)

---

(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,
- <sup>F1</sup>(b) .....
- (c) a canal, or part of a canal, owned or managed by [<sup>F2</sup>Canal & River Trust]<sup>F3</sup> which is for the time being a commercial waterway or a cruising waterway within the meaning of section 104 of the <sup>M1</sup>Transport Act 1968.]

(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 [<sup>F4</sup>consent of the Environment Agency if the land is in England, of the NRBW if the land is in Wales, and in either case of such] authorities, being authorities which under any enactment have functions relating to the river or canal in question, as the Minister may either generally or in any particular case direct.

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

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

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

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section shall not be construed as restricting in any way the definition of “open country” in the said section 59(2) as originally enacted.

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

#### Textual Amendments

- F1** S. 16(6)(b) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 163, 189(4)—(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt.I
- F2** Words in s. 16(6)(c) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 3 para. 3** (with arts. 4-6)
- F3** Words added by [Transport Act 1968 \(c. 73, SIF 126\)](#), **s. 111**
- F4** Words in s. 16(7) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 96** (with Sch. 7)

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

- C1** S. 16 extended by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7)**, 101(1), 141(6), 160(1)(2)(4), 189(4)—(10), 190, 193(1), Sch. 25 para. 1(2)(xiv), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

#### Marginal Citations

- M1** [1968 c. 73\(126\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Countryside Act 1968, Section 16.