



Countryside Act 1968

1968 CHAPTER 41

New powers of local authorities

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—

Changes to legislation: There are currently no known outstanding effects for the Countryside Act 1968, Section 9. (See end of Document for details)

[^{F1}“common land” has the meaning given by section 22(1) of the Commons Registration Act 1965;]

[^{F1}“common land” means—

- (a) land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006;
- (b) land to which Part 1 of that Act does not apply and which is subject to rights of common within the meaning of that Act;]

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

Textual Amendments

- F1** Words in s. 9(6) substituted (31.10.2011 for E.) by [Commons Act 2006 \(c. 26\), s. 56, Sch. 5 para. 1\(2\)](#) (with s. 60); [S.I. 2011/2460, art. 2\(a\)\(i\)](#) (with art. 3)

Modifications etc. (not altering text)

- C1** S. 9 extended (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\), Sch. 9 para. 5\(b\)](#) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C2** S. 9 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\), arts. 1, 25\(2\)\(xviii\)](#) (with art. 35)
- C3** S. 9 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\), arts. 2, 25\(1\), \(1\), \(2\)\(xviii\)](#) (with art. 35)

Changes to legislation:

There are currently no known outstanding effects for the Countryside Act 1968, Section 9.