

**Changes to legislation:** Local Government Act 1972, Part III is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 17

FUNCTIONS WITH RESPECT TO NATIONAL PARKS AND THE COUNTRYSIDE

PART III

MISCELLANEOUS MODIFICATIONS OF 1949 AND 1968 ACTS

*Establishment of nature reserves by local authorities*

34 The powers conferred on a county council by sections 21 and 99(6) of the 1949 Act (nature reserves) shall also be exercisable as respects any district by the district council and references in those sections and section 22 of that Act to a local authority shall be construed accordingly.

*Access to open country*

F135 .....

Textual Amendments

F1 Sch. 17 para. 35 repealed (1.4.2001 (E.) and 1.5.2001 (W.)) by 2000 c. 37, s. 102, Sch. 16 Pt. I; S.I. 2001/114, art. 2(2)(k); S.I. 2001/1410, art. 2(m)

35A F2 .....

Textual Amendments

F2 Sch. 17 para. 35A repealed (28.5.2005 for W. and otherwise prosp.) by 2000 c. 37, ss. 102, 103(3), Sch. 16 Pt 1.; S.I. 2005/423, art. 2(f)(i)

36 Any county planning authority may require any other local planning authority having functions under Part V of the 1949 Act within the area of the county planning authority to give the county planning authority such information as may facilitate the discharge of the latter’s functions under section 62(2) or 63(1) of that Act (securing access) or section 78(1) of that Act (maps of land subject to public access).

37 The functions of a local planning authority under section 67, 68, 81 or 82 of the 1949 Act or section 20 of the 1968 Act (supplementary provisions as to access to land) in relation to land [F3in England] which is the subject of an access agreement or order under Part V of the 1949 Act, and the functions of such an authority under section 70 of the 1949 Act in relation to such land and any land held therewith, shall be functions of the authority by whom the agreement or order was made or, where such an order was made by a Minister of the Crown, of the county planning

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authority, and in those sections, in their application to such land, references to a local planning authority shall be construed accordingly.

#### Textual Amendments

**F3** Words in [Sch. 17 para. 37](#) inserted (1.4.1996) by [1994 c. 19, s. 20\(4\)](#), [Sch. 6 Pt. 1 para. 14](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch. 1](#)

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

**C1** [Sch. 17 para. 37](#) excluded (19.9.1995) by [1995 c. 25, ss. 68\(1\), 125\(1\)](#) (with [ss. 7\(6\), 115, 117](#), [Sch. 8 para. 7](#))

#### Miscellaneous

<sup>x1</sup><sub>38</sub> Section 89(2A) of the 1949 Act (treatment of derelict land) shall cease to have effect.

#### Editorial Information

**X1** The text of [Sch. 17 paras. 38, 39](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<sup>x2</sup><sub>39</sub> Section 90(2) of the 1949 Act (byelaws) shall cease to have effect and in section 90(4) of that Act for the reference to a local authority there shall be substituted a reference to the local planning authority.

#### Editorial Information

**X2** The text of [Sch. 17 paras. 38, 39](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 In section 111 of the 1949 Act (Isles of Scilly) references to that Act shall include references to section 184 above and this Schedule.

41 In paragraph 1(3)(a) and 2(5) of Schedule 1 to the 1949 Act (procedure on orders designating National Parks) for references to the local planning authority there shall be substituted references to the county planning authority.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)