



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART IV

PUBLIC RIGHTS OF WAY

Long-Distance Routes

51 General provisions as to long-distance routes

- (1) Where it appears to the Commission, as respects any part of England or Wales, that the public should be enabled to make extensive journeys on foot or on horseback along a particular route, being a route which for the whole or the greater part of its length does not pass along roads mainly used by vehicles, the Commission may prepare and submit to the Minister a report under this section.
- (2) A report under this section shall contain a map showing the route, defining those parts thereof over which there exists a public right of way, and indicating in each case the nature of that right; and the report shall set out such proposals as the Commission may think fit—
 - (a) for the maintenance or improvement of any public path or road used as a public path along which the route passes;
 - (b) for the provision and maintenance of such new public paths as may be required for enabling the public to journey along the route;
 - (c) for the provision and operation of ferries where they are needed for completing the route; and
 - (d) for the provision of accommodation, meals and refreshments along the route.
- (3) A report under this section may also include such recommendations as the Commission may think fit for the restriction of traffic on existing highways along which the route passes.

Status: This is the original version (as it was originally enacted).

- (4) Before preparing a report under this section the Commission shall consult every joint planning board, county council, county borough council and county district council through whose area the route passes; and it shall be the duty of every such board or council to furnish to the Commission such information as the Commission may reasonably require for the purposes of the report.
- (5) A report under this section shall contain an estimate, in such form as the Minister may require, of the capital outlay likely to be incurred in carrying out any such proposals contained therein as are mentioned in subsection (2) of this section, of the annual cost of maintaining any existing public paths or roads used as public paths along which the route passes and any new public paths provided for by the proposals, and of the annual expenditure likely to be incurred by local authorities in connection with the provision and operation of ferries, and the provision of accommodation, meals and refreshments, so far as those matters are provided for by the proposals.

52 Approval of proposals relating to a long-distance route

- (1) On the submission to the Minister of a report under the last foregoing section, the Minister shall consider any proposals contained in the report under subsection (2) of that section and may either approve the proposals, with or without modifications, or reject the proposals:

Provided that where the Minister does not propose to approve the proposals as set out in the report he shall, before coming to a determination as to what action to take under this subsection, consult with the Commission and such other authorities and persons as he may think fit.

- (2) As soon as may be after the Minister determines under the last foregoing subsection either to approve any proposals, with or without modifications, or to reject them, he shall notify his determination to the Commission and to every joint planning board, county council, county borough council and county district council whose area is traversed by the route to which the report relates.
- (3) Proposals approved by the Minister under subsection (1) of this section, either as originally set out in the report or as modified by the Minister, are hereinafter referred to as " approved proposals relating to a long-distance route."

53 Ferries for purposes of long-distance routes

- (1) Where approved proposals relating to a long-distance route include proposals for the provision and operation of a ferry, the authority who are the highway authority for either or both of the highways to be connected by the ferry—
 - (a) shall have power to provide and operate the ferry and to carry out such work and do all such things as appear to them expedient for the purpose of operating the ferry;
 - (b) may with the approval of the Minister agree with any person or body of persons for the provision and operation of the ferry by him or them and for the making by the highway authority of such contributions as may be specified in the agreement:

Provided that nothing in this subsection shall—

- (i) be construed as conferring on such an authority any exclusive right to operate a ferry;

- (ii) authorise the doing of anything which apart from this subsection would be actionable by any person by virtue of his having an exclusive right to operate a ferry, unless he consents to the doing thereof;
- (iii) authorise the doing of anything on land, or as respects water over land, in which any other person has an interest, if apart from this subsection the doing thereof would be actionable at his suit by virtue of that interest and he does not consent to the doing thereof;

and before carrying out any work in the exercise of powers conferred by this subsection, being work on the bank or bed of any waterway, the highway authority shall consult with such authorities having functions relating to the waterway as the Minister may either generally or in any particular case direct.

- (2) A highway authority may acquire land compulsorily for the purpose of any of their functions under paragraph (a) of the last foregoing subsection.
- (3) The Minister, on the application of any such authority as is hereafter specified, may direct, either generally or as respects the provision and operation of a particular ferry, that all or any of the powers conferred on a highway authority by subsection (1) of this section shall be exercisable by the applicant authority and not by the highway authority.
- (4) An application under the last foregoing subsection may be made, in relation to any highway authority, by any county or county district council (not being the highway authority) whose area includes or is included in the area of the highway authority.

54 Accommodation, meals and refreshments along longdistance routes

- (1) Where approved proposals relating to a long-distance route include proposals for the provision, along any part of the route, of accommodation, meals and refreshments, any local planning authority through whose area, or in the neighbourhood of whose area, that part of the route passes shall have power to make such arrangements under this section as are requisite for giving effect to the last-mentioned proposals.
- (2) The arrangements which may be made by an authority under this section are arrangements for securing, at places in their area convenient for persons using the part of the route in question, the provision, whether by the authority or other persons, of accommodation, meals and refreshments (including intoxicating liquor):

Provided that an authority shall not under this section provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (3) For the purposes of arrangements under this section a local planning authority may erect such buildings and carry out such work as may appear to them to be necessary or expedient.
- (4) The foregoing provisions of this section shall not authorise an authority, on land in which any other person has an interest, without his consent to do anything which apart from this section would be actionable at his suit by virtue of that interest.
- (5) A local planning authority may acquire land compulsorily for the purpose of any of their functions under this section.

55 Variation of approved proposals

- (1) Where proposals relating to a long-distance route have been approved by the Minister under section fifty-two of this Act, the Commission may from time to time prepare and submit to the Minister a report proposing any such variation of the approved proposals as the Commission may think fit.
- (2) Where, as respects any proposals approved as aforesaid, it appears to the Minister, after consultation with the Commission, expedient that the proposals should be varied in any respect and the Commission have not submitted to the Minister a report proposing that variation, the Minister may direct that the proposals shall be so varied.
- (3) Subsection (4) of section fifty-one of this Act, and subsections (1) and (2) of section fifty-two thereof, shall with the necessary modifications apply to a report or direction under this section ; and subsection (5) of the said section fifty-one shall with the necessary modifications apply to any such report.
- (4) Where the Minister approves, with or without modifications, any proposals contained in a report under subsection (1) of this section, or gives a direction under subsection (2) of this section, the proposals for the variation of which the report was made or direction given shall thereafter have effect subject to the provisions of the report or direction; and references in this Act to approved proposals relating to a long-distance route shall be construed accordingly.