



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

Supplementary Provisions

114 Interpretation.

- (1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

.....^{F1}
[^{F2} “ area of outstanding natural beauty ” means an area designated under section 82 of the Countryside and Rights of Way Act 2000;]

^{F3}
...

^{F4}
...

[^{F5}“drainage authority” means—

- (a) as respects England, the Environment Agency;
- (b) as respects Wales, the Natural Resources Body for Wales;
- (c) in either case, an internal drainage board;]

“interest”, in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights; “land” includes land covered by water and as respects Scotland includes salmon fishings;

“the Minister” as respects England and Wales means [^{F6}the Secretary of State] and as respects Scotland means the Secretary of State;

“National Park” has the meaning assigned to it by subsection (3) of section five of this Act;

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 114. (See end of Document for details)

“open-air recreation” does not include organized games;

“owner”, in relation to any land, means, except in Part III of this Act, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part III of this Act, as respects England and Wales means any person being either entitled to the fee simple or being a mortgagee in possession of the land and as respects Scotland has the meaning assigned to it by section twenty-six of this Act;

F7

“vehicle” does not include a vessel, except any vessel adapted for use on land while it is being so used;

“waterway” means any lake, river, canal or other waters, being (in any case) waters suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing or fishing;

and, except where the context otherwise requires, other expressions have the same meanings respectively as in [F8 the M1 Town and Country Planning Act 1971] or, in their application to Scotland, as in [F9 the M2 Town and Country Planning (Scotland) Act 1972].

- (2) References in this Act to the preservation [F10, or the conservation,] of the natural beauty of an area shall be construed as including references to the preservation [F10 or, as the case may be, the conservation] of [F11 its flora, fauna and geological and physiographical features].
- (3) References in this Act to the planting of trees shall be construed as including references to the planting of bushes, the planting or sowing of flowers and the sowing of grass and the laying of turf.
- (4) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment including this Act.

Textual Amendments

- F1** Definition spent
- F2** S. 114(1): definition of “area of outstanding natural beauty” substituted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, s. 93, **Sch. 15 Pt. I para. 3** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- F3** Words in s. 114(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, **Sch. 11 para. 24**, **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)
- F4** Words in s. 114(1) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 24(2)** (with Sch. 7)
- F5** Words in s. 114(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 24(3)** (with Sch. 7)
- F6** Words substituted by virtue of S.I. 1951/142 (1951 I, p. 1348), art. 2, 1951/1900 (1951 I, p. 1347), 1965/143, arts. 2(2), 3(1), 1965/319, arts. 2(1), 10(1), Sch. 1 Pt. I and 1970/1681, arts. 2, 6(3)
- F7** Definition repealed by [Water Resources Act 1963](#) (c. 38, SIF 130), **Sch. 14 Pt. I**
- F8** Words substituted by virtue of [Town and Country Planning Act 1971](#) (c. 78, SIF 123:1), **Sch. 24 para. 2**
- F9** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972](#) (c. 52, SIF 123:2), **Sch. 22 para. 2**

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F10 Words in s. 114(2) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 2(8)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

F11 Words substituted by Countryside Act 1968 (c. 41, SIF 46:1), **s. 21(7)**

Modifications etc. (not altering text)

C1 In s. 114(1) the definitions of "interest" and "land" applied (S.) (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 1\(2\), Sch. 1 para. 19\(2\)](#); S.I. 1991/2633, **art. 4**

C2 In s. 114(1) the definitions of "interest" and "land" applied (1.4.1991) by Environmental Protection Act 1990 (C. 43, SIF 46:4), s. 128(5), Sch. 6 para. 18(2); S.I. 199/685, art. 3

C3 In s. 114(1) the definition of "waterway" applied (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\), ss. 157\(6\), 223\(2\)](#)

In s. 114(1) the definition of "waterway" applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 210\(1\), 225\(2\), Sch. 25 para. 3\(4\)](#)

C4 Definition of "open-air recreation" restricted by [Countryside Act 1968 \(c. 41, SIF 46:1\), s. 21\(6\)](#)

Marginal Citations

M1 1971 c. 78.

M2 1972 c. 52.

Changes to legislation:

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