



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

## PART V

### ACCESS TO OPEN COUNTRY

#### 68 Power of local planning authority to enforce access.

- (1) If any person contravenes the provisions of subsection (1) of the last but one foregoing section, or any such restriction as is specified in paragraph (c) of subsection (2) of the last foregoing section, the local planning authority whose area comprises the land in respect of which the contravention occurred may serve on that person a notice requiring him, within such period as may be specified in the notice, to carry out such work so specified as may appear to the authority to be requisite for remedying the contravention, being work for restoring or re-opening any means of access to the land or for providing new means of access thereto.
- (2) If within the period specified in a notice under the last foregoing subsection the person on whom the notice is served fails to comply therewith, the local planning authority may take all necessary steps for carrying out the work specified in the notice and may recover from that person any expenses reasonably incurred by them in carrying it out.
- (3) Any person on whom a notice is served under subsection (1) of this section may, at any time within the period specified in the notice for carrying out the work so specified, complain to a court of summary jurisdiction for the [F1petty sessions area] or place within which the land to which the notice relates is situated—
  - (a) that the period specified as aforesaid is too short;
  - (b) that the work specified in the notice, or some of that work, is not requisite for remedying the contravention;
  - (c) that he has not contravened the provisions or restriction in question; or
  - (d) that the work specified in the notice, or so much of the work as is requisite for remedying the contravention, has been carried out.

---

*Changes to legislation:* There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 68. (See end of Document for details)

---

- (4) Any summons issued on a complaint under the last foregoing subsection shall be served on the local planning authority.
- (5) On any such complaint the court, if satisfied of the grounds of the complaint, may—
- (a) extend the period within which the work was required to be carried out by the notice, or
  - (b) quash the notice as respects the whole or any part of the work specified therein, as the nature of the complaint may require; but if not so satisfied shall dismiss the complaint.
- (6) The Summary Jurisdiction Acts shall apply to the proceedings on any complaint under this section; and any person aggrieved by the decision of the court on any such complaint may appeal to [<sup>F2</sup>the Crown Court].
- (7) Where a complaint is made to the court under this section, the time between the making of the complaint and the determination thereof, and of any appeal from that determination, shall be disregarded in determining the period within which, in accordance with the notice, the work specified therein is to be carried out.

#### Textual Amendments

- F1** Words in s. 68(3) substituted (27.9.1999) by 1999 c. 22, ss. 76(2), 108(3)(c), **Sch. 10 para. 19** (with **Sch. 14 para. 7(2)**)
- F2** Words substituted by virtue of **Courts Act 1971 (c. 23, SIF 37)**, s. 56(2) **Sch. 9 Pt. I**

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

- C1** S. 68 amended by **Local Government Act 1972 (c. 70, SIF 81:1)**, **Sch. 17 para. 37**

**Changes to legislation:**

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 68.