



# National Parks and Access to the Countryside Act 1949

## 1949 CHAPTER 97

### PART V

#### ACCESS TO OPEN COUNTRY

#### 79 Provisions as to woodlands

- (1) If, on the submission of an access order to the Minister for confirmation, a representation or objection is duly made as respects any land—
  - (a) that the land is used, or about to be brought into use, for the growing of timber for commercial purposes, and that the use or proposed use of the land as aforesaid will be substantially prejudiced by the application of the provisions of section sixty of this Act to the land, or
  - (b) that the land is used for the growing of timber so as to be of value for the amenity of the neighbourhood and that the growth or regeneration of the timber will be substantially prejudiced as aforesaid,then, subject to the provisions of this section, if the Minister is satisfied that the conditions specified in paragraph (a) or (b) of this subsection are fulfilled he shall not confirm the order so as to apply the said provisions to the land.
- (2) Where, as respects land comprised in an access agreement, it is represented to the Minister, and the Minister is satisfied, that the conditions specified in paragraph (a) or (b) of the last foregoing subsection are fulfilled, then subject to the provisions of this section—
  - (a) the Minister shall notify to the authority by whom the agreement was made the fact that he is satisfied as aforesaid, and thereupon the authority shall vary the agreement so as to exclude the land;
  - (b) the fact that the agreement is expressed to be irrevocable shall not prevent its variation so as to exclude the land; and
  - (c) if the concurrence of any party to the agreement other than the said authority, or of the successor in title to his interest, cannot be obtained to the variation of

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*Status: This is the original version (as it was originally enacted).*

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the agreement as aforesaid, the authority may by order made with the approval of the Minister vary the agreement.

- (3) Where, as respects land comprised in an access order (whether made by the Minister or by a local authority), it is represented to the Minister, and the Minister is satisfied, that the conditions specified in paragraph (a) or (b) of subsection (1) of this section are fulfilled, then subject to the provisions of this section the Minister shall make an order varying the access order so as to exclude the land.
- (4) Before coming to a conclusion on any such representation as is mentioned in the two last foregoing subsections, the Minister shall either cause a local inquiry to be held or afford to the person by whom the representation was made an opportunity of being heard by a person appointed by the Minister for the purpose, and shall consider the report of the person by whom the inquiry was held or the person appointed as aforesaid, as the case may be.
- (5) In determining whether the conditions specified in paragraph (a) or (b) of subsection (1) of this section are fulfilled in the case of any proposed access order, the Minister shall have regard to the provisions of subsection (3) of section sixty of this Act; and references in this section to varying an agreement or order so as to exclude land shall include references to varying an agreement or order by the imposition of such restrictions under the said subsection (3) as may be specified by the Minister as requisite for the purposes of this section.
- (6) In this section the expression " timber " includes trees of every description, and also saleable underwood ; but notwithstanding anything in the foregoing provisions of this section those provisions shall not apply where the use or proposed use mentioned in subsection (1) of this section is such that the land is or will become agricultural land.