

SCHEDULES

SCHEDULE 1

Sections 7, 12 and 16.

PROPOSALS SUBMITTED TO STATUTORY UNDERTAKERS AND OTHER AUTHORITIES

- 1 This Schedule has effect where any authority are consulted in accordance with section 8, section 12(4) or section 16(7) of this Act.
- 2 (1) If the authority withhold their consent to the proposals about which they are consulted, the proposals shall not be proceeded with unless, on an application in that behalf specifying the proposals and the grounds for withholding consent, the Minister so directs, and subject to any conditions or modifications specified in the direction.
(2) Before giving a direction under this paragraph the Minister shall afford to the objecting authority, and the authority by whom the proposals are made, an opportunity of being heard by a person appointed by him for the purpose, and shall consider that person's report.
(3) This Schedule shall apply with the necessary modifications where the Minister in accordance with section 16(8) of this Act consults any authority as respects an access order to be made by him.

SCHEDULE 2

Section 9.

PROCEDURE FOR TAKING COMMON LAND

- 1 (1) For the purpose of enabling a local authority to exercise their powers under the principal section on land taken out of the common land the Minister may in accordance with this Schedule authorise a local authority to acquire any part of the common land, including all commonable and other rights in or over the land, and, where the local authority already hold the land, to appropriate that land for the purposes of the principal section.
(2) Where the local authority already hold the land, but subject to any commonable or other rights in or over the land, they shall not appropriate the land until they have, under sub-paragraph (1) above, acquired all those rights.
(3) Land acquired or appropriated as authorised under this paragraph shall be held by the local authority free from the public right of access, but shall be used for the benefit of the public resorting to the common land.
(4) The Minister shall not give his authority under this paragraph unless he is satisfied—
 - (a) that there has been or will be given in exchange for the land other land, not being less in area and being equally advantageous to the persons, if any, entitled to commonable and other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land taken was vested, and subject to the like rights, trusts and incidents as attached to the land taken, or

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- (b) that the giving in exchange of such other land is unnecessary, whether in the interests of the persons, if any, entitled to commonable or other rights or in the interests of the public.

Preliminary notices

- 2 (1) Before a local authority apply to the Minister for authority under paragraph 1 above as respects any part of the common land, they shall in two successive weeks publish in one or more newspapers circulating in the locality of the land a notice—
 - (a) stating that the local authority propose to make the application ;
 - (b) giving particulars of the land which it is proposed to take out of the common land ;
 - (c) stating whether land has been or is to be given in exchange, and, if so, giving particulars of that land, and stating the respective areas of the land to be taken and of the land given or to be given in exchange.
- (2) If all or any part of the land to be taken is in a parish, the local authority shall, not later than the time of first publication of the notice, serve a copy of the notice on the parish council or, in the case of a parish not having a parish council, on the chairman of the parish meeting.
- (3) The notice shall name a place within the locality where a map showing the said land, and any land given or to be given in exchange, may be inspected, and shall specify the time (not being less than twenty-eight days from first publication of the notice) within which and the manner in which representations with respect to the proposals in the notice may be made to the Minister.
- (4) The Minister shall before giving his decision on the application take into consideration every representation which has been duly made and which has not been withdrawn, and may if he thinks fit either afford to each person making such a representation an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, or cause a public inquiry to be held.

Compulsory purchase

- 3 (1) A local authority shall have power to acquire compulsorily any land which is required by them for the purposes of their functions under the principal section, and which is part of the common land (or any commonable or other rights in or over that land), but the Minister shall not confirm a compulsory purchase order made in pursuance of this section except after giving his authority under paragraph 1 above as respects the land.
- (2) Any notice which relates to a compulsory purchase order made in pursuance of this paragraph and which is published or served under paragraph 3 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 shall refer to the provisions of this Schedule and shall state whether land has been, or is to be, given in exchange.
- (3) The notice to be published under paragraph 2 of this Schedule may be combined with a notice to be published under the said paragraph 3 in the Act of 1946 in the same newspaper and relating to the same land.
- (4) If land has been, or is to be, given in exchange—

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- (a) the notice to be published and served under the said paragraph 3 in the Act of 1946 shall give particulars of that land and state the respective areas of the land to be taken and of the land given or to be given in exchange,
 - (b) the map in the compulsory purchase order shall show that land,
 - (c) the compulsory purchase order may provide for vesting any land to be given in exchange in the persons, and subject to the rights, trusts and incidents, mentioned in paragraph 1(4) above.
- (5) A compulsory purchase order made in pursuance of this paragraph may provide for discharging the land purchased from all rights, trusts and incidents to which it was previously subject.
- (6) Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (special provisions for acquisition of common land) shall not apply to a compulsory purchase order made in pursuance of this paragraph, and section 22 of the Commons Act 1899 (consent of Minister required for purchase of common land) shall not apply to the acquisition of land in pursuance of such a compulsory purchase order.

Acquisition by agreement and appropriation

- 4 (1) A local authority shall not acquire by agreement, or appropriate, any common land for the purposes of the principal section except as authorised under paragraph 1 of this Schedule.
- (2) Subject to sub-paragraph (1) above, a local authority may appropriate any common land for the purposes of the principal section without compliance with the provisions of section 163 of the Local Government Act 1933 or section 104 of the Act of 1949 as amended by section 23 of the Town and Country Planning Act 1959 (under which the approval of the Minister is required).
- (3) On an appropriation of land under this paragraph such adjustment shall be made in the accounts of the local authority as the Minister may direct.

Power to override restrictions affecting common land

- 5 No restrictions applying to commons generally, or to any particular common, contained in or having effect under any enactment, and no trust subject to which the common land is held, shall prevent a local authority from taking part of common land in accordance with this Schedule.

Protection for statutory undertakers

- 6 References in this Schedule to commonable and other rights in or over common land shall not be taken as including references to any right vested in statutory undertakers for the purpose of the carrying on of their undertaking.

Interpretation

- 7 In this Schedule "common land" has the meaning given by section 22(1) of the Commons Registration Act 1965.

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SCHEDULE 3

Section 31.

PUBLIC RIGHTS OF WAY

PART I

MISCELLANEOUS AMENDMENTS

ACT OF 1949

Section 29 (representations and objections as to draft maps and statements)

The Minister shall give an opportunity of being heard under subsection (6) (appeal to Minister), at the same time as to the appellant, to any other person appearing to the Minister to have an interest in the matter to which the appeal relates.

In paragraph (b) of the said subsection (6) (appeal against decision under subsection (4)) for the words " to reverse the decision " there shall be substituted the words " to vary or reverse the decision ", and the particulars to be contained in the provisional map and statement in accordance with section 30(3) of the Act of 1949 shall reflect any such variation or reversal of the decision.

Section 33 (revision of maps and statements)

In carrying out a review under section 33(1) the authority shall have regard to the discovery by the authority, in the period mentioned in that subsection, of any new evidence, or of evidence not previously considered by the authority concerned, showing that there was no public right of way over land shown on the map as a public path, or as a road used as a public path, or that any other particulars in the map or statement were not within the powers of Part IV of the Act of 1949, and their powers of preparing a revised map and statement under subsection (4) or as the case may be proviso (d) to subsection (5), of the said section 33 may be exercised accordingly:

Provided that the authority shall not take account of the evidence if satisfied that the person prejudiced by the public right of way, or his predecessor in title, could have produced the evidence before the relevant date mentioned in the said section 33(1) and had no reasonable excuse for failing to do so.

This amendment applies to a review begun before or after the coming into force of this Act.

Section 38(2) (places where maps and statements are to be available for inspection)

The places at which the maps and statements described in section 38(2) are to be available for inspection shall include the offices of the council of each county district comprised in the area to which the map and statement relates, whether or not the offices are in the county district.

WATER ACT 1945

(1945 c. 42)

Section 23 (orders authorising construction of works, etc.)

The applicant for an order under section 23 which would authorise the stopping up or diversion of a footpath or bridleway shall, not later than the date on which the notice required by paragraph 1 of Part I of Schedule 1 to the Act is first published, cause a copy of the notice to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted.

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) ACT 1946

(1946 c. 49)

Section 3 (power to extinguish certain public rights of way)

- 1 Section 3(1) shall have effect with the substitution for references to the Minister of references to the acquiring authority.
- 2 In the case of an order under section 3(1) extinguishing a right of way (but not an order reviving a right of way)—
 - (a) the order shall not take effect unless confirmed by the Minister, as defined in this Act, or unless confirmed, as an unopposed order, by the acquiring authority,
 - (b) the Minister shall not confirm the order unless satisfied as to the matters set out in section 3(1),
 - (c) the time specified in the order as the time from which the right of way is extinguished shall not be earlier than confirmation of the order,
 - (d) Schedule 7 to the Highways Act 1959, as amended below, shall have effect as to the making, confirmation, validity and date of operation of the order, but paragraphs (a), (b) and (c) above shall not apply where the acquiring authority is the Minister.
- 3 These amendments of section 3 of the Act of 1946 shall not affect that section as applied by section 15 of the Opencast Coal Act 1958 (suspension of rights of way).
- 4 These amendments of the said section 3 shall not apply in relation to an order if made before the date of the coming into force of this Act, or if a notice relating to the order was published pursuant to subsection (2) of the said section 3 before that date.

HIGHWAYS ACT 1959

(1959 c. 25)

Sections 27 and 28 (creation of footpaths)

In sections 27 and 28 " local authority " shall include any county council, and any joint planning board, being a board for an area which comprises any part of a National Park, but before a county council or joint planning board exercise any power under either of those sections over

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any land they shall consult the council of any county borough or county district comprising any part of that land.

This amendment shall not affect section 29 (exercise by other authorities of powers under sections 27 and 28) and accordingly this amendment shall not require a county council or local planning authority exercising powers by virtue of the said section 29 to consult any other authority.

This amendment shall apply to Greater London as if Greater London were a county, the Greater London Council were the council of that county and the London boroughs and the City of London were county districts in that county.

Section 32 (protection for agriculture and forestry)

In section 32 " councils " shall include all local planning authorities.

Sections 110 and 111 (stopping up and diversion of footpaths)

In sections 110 and 111 "local authority" shall include any county council, and any joint planning board, being a board for an area which comprises any part of a National Park, but before a county council or joint planning board exercise any power under section 110 or 111 over any land they shall consult the council of any county borough or county district comprising any part of that land.

This amendment shall not affect section 112(3) (exercise by other authorities of powers under sections 110 and 111) or the definition of "appropriate authority" in section 112(7), and accordingly this amendment shall not require a county council exercising powers by virtue of the said section 112(3) to consult any other authority.

Section 112(5) (public path diversion order made at instance of Minister)

Where under section 112(5) the Minister directs an authority to make a public path diversion order or decides himself to make a public path diversion order, the local authority, or as the case may be the Minister, may require the owner, lessee or occupier on whose representations the Minister is acting to enter into an agreement with the local authority (that is to say, both where the local authority are directed to make the order and where the Minister himself is to make the order, the " appropriate authority" as denned in section 112(7)) for the owner, lessee or occupier to defray, or to make such contribution as may be specified in the agreement towards, any such compensation or expenses as are specified in paragraphs (a), (b) and (c) of section 111(4) of the Act of 1959.

Section 126 (authority for erection of stiles etc. in footpath or bridleway)

In section 126 references to agricultural land, and to land being brought into use for agriculture, shall include references to land used, or as the case may be land being brought into use, for forestry.

Schedule 7 (Orders for creation, extinguishment or diversion of public paths)

- 1 Paragraph 2 of the Schedule shall have effect as respects any order not made by the Minister, as defined in this Act, subject as follows.

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- 2 If no representations or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Minister, themselves confirm the order (but without any modification).
- 3 The authority shall not confirm a public path extinguishment order or a public path diversion order unless satisfied on all the matters on which the Minister must, under section 110(2), or as the case may be section 111(5), of the Act be satisfied when it is the Minister who is confirming the order.
- 4 The words " or confirmed as an unopposed order" shall be inserted—
- (a) in section 28(1), section 110(1) and section 111(1) of the Act of 1959 after the words " and submitted to and confirmed by the Minister of Housing and Local Government",
 - (b) in paragraph 1(1) of Schedule 7 to the Act of 1959 after " Government for confirmation ", and
 - (c) in paragraph 4 of the said Schedule 7 after " confirmed or made by the Minister of Housing and Local Government",
- and in paragraph (a) of the said paragraph 1(1) after "confirmation " insert " or to be confirmed as an unopposed order ".
- 5 Section 286(2) of the Act of 1959 (variation or revocation of orders) shall apply to a public path creation order, a public path extinguishment order, or a public path diversion order, confirmed as an unopposed order as it applies to such an order confirmed by the Minister, but so that an order confirmed in either way may be revoked or varied by a subsequent order confirmed in the other way.
- 6 In paragraph 3(1) of the said Schedule 7 (regulations about procedure) the word " making " shall be inserted before " submission and confirmation " .
- 7 These amendments of the Act of 1959 shall not affect an order made before the coming into force of this Act.

WATER RESOURCES ACT 1963

(1963 c. 38)

Section 67 (compulsory powers for carrying out works of building or engineering)

The applicants for an order under section 67 which would authorise the stopping up or diversion of a footpath or bridleway shall, not later than the date on which the notice required by paragraph 2 of Part I of Schedule 8 to the Act is first published, cause a copy of the notice to be displayed in a prominent position at the ends of the part of the path or way to be stopped up or diverted.

PART II

REVISION OF MAPS AND STATEMENTS

- 1 Any review or further review begun under section 33 of the Act of 1949 after the coming into force of this Act shall be carried out in accordance with this Part of this Schedule, and subsections (1) and (2) of section 34 of the Act of 1949 shall not apply to it.

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- 2 (1) Before carrying out the review the authority shall consult with the councils of county districts and parishes in the area of the authority as to the arrangements to be made for the provision by the councils of information for the purposes of the review, and subsections (2), (3) and (4) of section 28 of the Act of 1949 shall apply to the arrangements.
- (2) If the authority is a joint planning board the reference in sub-paragraph (1) above to the councils of county districts and parishes shall include a reference to the council of every county or county borough wholly or partly comprised in the area of the board.
- 3 The review shall include the preparation of a revised map and statement in draft.
- 4 (1) On completing the preparation of the draft map and statement (hereafter called the "draft revision") the authority shall notify the Minister and shall publish in the London Gazette and in one or more newspapers circulating in the area of the authority a notice of the preparation of the draft revision stating—
- (a) the places where copies of the draft revision can be inspected at all reasonable hours,
 - (b) the time (not being less than 28 days) within which, and the manner in which, representations or objections with respect to alterations effected by the draft revision, or to anything omitted therefrom, may be made to the Minister.
- (2) If the alterations effected by the draft revision include a new item showing a public path, or a road used as a public path, or any alteration of the particulars concerning a public path, or road used as a public path, section 29(2) of the Act of 1949 (right of owner and other interested persons to require the authority to give information about documents taken into account by the authority) shall apply with any necessary modifications.
- (3) If any representation or objection is duly made in respect of alterations effected by the draft revision, or of anything omitted therefrom, and is not withdrawn, the Minister shall cause a local inquiry to be held.
- (4) If any such representation or objection is duly made, and is not withdrawn, the Minister shall, subject to the following provisions of this paragraph, and after taking into consideration any report by the person appointed to hold the local inquiry, take a decision on the objection or representation, and if he considers that the draft revision should be modified to give effect to his decision he shall give to the authority such directions as appear to him necessary for the purpose.
- (5) If it appears to the Minister that any modification which he proposes to make under sub-paragraph (4) above may adversely affect any persons other than the person who made the representation or objection, he shall, before giving any direction to the authority, afford to those persons an opportunity of being heard by a person appointed by the Minister.
- 5 (1) This paragraph has effect as respects the revised map and statement, if any, to be prepared under subsection (4) or proviso (d) of subsection (5) of section 33 of the Act of 1949 (map and statement to be prepared on completion of the review except where there is no change).
- (2) The map and statement shall be prepared as soon as may be after the time prescribed by the notice under paragraph 4(1)(b) above, and after any representations or objections duly made, and not withdrawn, have been dealt with by the Minister.

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- (3) The authority shall publish in the London Gazette and in one or more newspapers circulating in the area of the authority notice of the preparation of the map and statement, and of places where copies of the map and statement may be inspected at all reasonable hours.
 - (4) The particulars to be contained in the map and statement shall be those contained in the draft revision, subject to such modifications as may be required for giving effect to any direction given by the Minister under paragraph 4(4) above.
 - (5) The authority shall furnish to the Minister such number of copies of the revised map and statement, as prepared in definitive form, as he may require.
 - (6) Subsections (4), (5) and (6) of section 32 of the Act of 1949 (effect of definitive maps and statements) shall apply to the said revised map and statement as they apply to an (unrevised) definitive map and statement.
- 6 This Part of this Schedule shall be construed as one with section 33 of the Act of 1949.

PART III

ROADS USED AS PUBLIC PATHS

The special review

- 7 In this Part of this Schedule the " special review " carried out by any authority means the first review begun by that authority after the coming into force of this Act.
- 8 (1) Subject to the provisions of this paragraph, the draft revision in the special review shall be published not later than three years after the date of the coming into force of this Act.
- (2) If on the said date the authority have not completed a survey or revision begun earlier—
- (a) the draft revision in the special review shall be published not later than three years after the date of the coming into force of this Act, or one year after notice is published of the completion of the survey or earlier review, whichever is the later,
 - (b) the special review (hereafter in this Schedule called a " limited special review ") shall be confined to a review of roads used as public paths in accordance with this Part of this Schedule:

Provided that if on a review begun before the date of the coming into force of this Act no revised map and statement has been published in draft before that date, the review shall be abandoned, and shall be begun again under Part II of this Schedule as the special review.

- (3) If it appears to the Minister that any stage of a special review has been or is likely to be unduly delayed, he may give to the authority such directions as appear to the Minister appropriate for expediting the review, and it shall be the duty of the authority to comply with the directions.

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Reclassification of roads used as public paths

- 9 (1) In the special review the draft revision, and the definitive map and statement, shall show every road used as a public path by one of the three following descriptions—
- (a) a " byway open to all traffic ",
 - (b) a " bridleway ",
 - (c) a " footpath ",
- and shall not employ the expression " road used as a public path " to describe any way.
- (2) As from the date of publication of the definitive map and statement in the special review—
- (a) each way shown in the map in pursuance of this paragraph by any of the three descriptions shall be a highway maintainable at the public expense,
 - (b) subject to paragraph (c) below, any entry in the map describing a way as a " byway open to all traffic " shall be conclusive evidence of the existence on the date of publication of a public right of way for vehicular and all other kinds of traffic,
 - (c) section 32(4)(c) of the Act of 1949 (position and width, and limitations or conditions affecting the public right of way, as shown in the statement) shall apply to any byway so shown as it applies to a footpath or bridleway.
- (3) In this paragraph " road used as a public path " means—
- (a) a way which is shown as a " road used as a public path " in the last definitive map and statement, or
 - (b) a way which is shown as a " bridleway " or as a " footpath " in the last definitive map and statement, and which in the opinion of the authority ought to have been there shown as a road used as a public path, or
 - (c) where the special review is not a limited special review, a way which in the opinion of the authority would, but for the provisions of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the special review, as a road used as a public path.
- (4) In subsection (2)(a) and in subsection (5) of section 51 of the Act of 1949 (long distance routes) references to roads used as public paths shall include references to any way shown on a definitive map and statement as a " byway open to all traffic ".
- (5) Nothing in this paragraph shall limit the operation of road traffic orders under the Road Traffic Regulation Act 1967 or oblige a highway authority to provide, on a way shown on a definitive map as a " byway open to all traffic ", a metalled carriage-way, or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.

Test for reclassification

- 10 The considerations to be taken into account in deciding in which class a road used as a public path is to be put shall be—
- (a) whether any vehicular right of way has been shown to exist,
 - (b) whether the way is suitable for vehicular traffic having regard to the position and width of the existing right of way, the condition and state of repair of the way, and the nature of the soil,
 - (c) where the way has been used by vehicular traffic, whether the extinguishment of vehicular rights of way would cause any undue hardship.

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Procedure on special review

- 11 (1) Part II of this Schedule shall apply to a special review subject as follows.
- (2) The published notices shall state that the review reclassifies roads used as public paths.
- (3) The representations or objections referred to in paragraph 4 in Part II shall include representations or objections with respect to the reclassification of any road used as a public path.
- (4) The time, as stated in the published notice of the draft revision, within which any representation or objection (of any description) may be made to the draft revision shall not be less than four months.

Survey begun after commencement of Act

- 12 (1) Subject to the provisions of this paragraph, paragraphs 9 and 10 above shall apply to an initial survey begun after the coming into force of this Act as if it were the first review so begun.
- (2) In paragraph 9(1), as applied to the survey, for references to the draft revision and the definitive map and statement there shall be substituted references to the map and statement in draft, provisional and definitive form, and in paragraphs 9 and 10, as applied to the survey, " road used as a public path " shall mean a way which in the opinion of the authority would, but for the provisions of this Part of this Schedule, have fallen to be shown, in the definitive map and statement resulting from the survey, as a road used as a public path.

Interpretation and construction

- 13 (1) In this Part of this Schedule references to a definitive map and statement include references to a revised map and statement prepared in definitive form.
- (2) This Part, and Part IV, of this Schedule shall be construed as one with Part IV of the Act of 1949.

PART IV

TIMING OF REVIEWS

- 14 (1) The period covered by a review, that is to say the period between the two dates specified in section 33(1) of the Act of 1949, shall not exceed five years:
- Provided that this sub-paragraph shall not affect the validity of any review or of any document prepared or thing done in consequence of a review.
- (2) The interval between the end of the period covered by a review and the publication of the draft revision shall be—
- (a) in the case of the special review, not more than two years, and
- (b) in the case of any subsequent review, not more than six months.
- (3) In the case of a limited special review—
- (a) sub-paragraphs (1) and (2) above shall not apply, and

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- (b) the period covered by the next subsequent review shall begin with the relevant date for the original survey, or the date of review of the last review before the special review, whichever is the later.
- (4) Section 33(3) of the Act of 1949 (which is superseded by sub-paragraph (1) above) shall not apply to a review begun after the coming into force of this Act.

SCHEDULE 4

Section 39.

LOCAL AUTHORITY COMMITTEES AND JOINT BOARDS

Planning committees

- 1 (1) Part I of Schedule 2 to the Town and Country Planning Act 1962 (appointment of planning committees) shall have effect as if all appropriate countryside functions exercisable by county councils or county borough councils were functions conferred on them as local planning authorities.
- (2) The functions to be delegated to a separate planning committee, or separate sub-committee of a planning committee, appointed in pursuance of section 8(3) of the Act of 1949 (for the part of the "area of a local planning authority within a National Park, with or without any part of the remainder of the area) shall include, in addition to such of the local planning authority's functions under the said Act of 1962 and the Act of 1949 as are so delegated in pursuance of the said section 8(3), such other appropriate countryside functions exercisable by the local planning authority (whether as a local planning authority or as the council of a county or county borough) as may be agreed between the local planning authority and the Commission, or as in default of agreement the Minister may determine.
- (3) The committee or sub-committee may under the said section 8(3) as extended by sub-paragraph (2) above be authorised to exercise any appropriate countryside functions for all or any part of the area of the local planning authority which is outside the area for which the committee or sub-committee is appointed.
- (4) The purposes for which a committee may be appointed under section 85 of the Local Government Act 1933 (general power to appoint local authority committees) shall include the discharge of any appropriate countryside functions, including any such functions which the local authority in question exercise as a local planning authority.

This sub-paragraph has effect notwithstanding that subsection (5) of the said section 85 restricts that section where the local authority are authorised to appoint a committee by any other enactment, and notwithstanding that the said Part I of Schedule 2 to the Act of 1962 as amended by this paragraph is such an enactment; but this sub-paragraph shall not affect the provisions of the said section 8(3) of the Act of 1949.

Local planning authorities' joint advisory committees

- 2 (1) The purposes for which under Part II of Schedule 2 to the said Act of 1962 a joint advisory committee may be established by local planning authorities or the Minister shall include the purpose of advising as to the exercise of any appropriate countryside

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functions exercisable by any of the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs).

- (2) The functions of a joint advisory committee established, whether before or after the passing of this Act, to meet the requirements of section 8(4) of the Act of 1949 (which requires such a committee to be established where in consequence of a direction under the proviso to subsection (2) of that section there is no one local planning authority for the whole of a National Park) shall include the giving of advice on the exercise of any functions exercisable by the local planning authorities concerned (whether as local planning authorities or as councils of counties or county boroughs) which are conferred by this Act as respects the National Park, but without prejudice to the power given by sub-paragraph (1) above to confer other advisory functions on the joint advisory committee.
- (3) Sub-paragraph (1) above shall not have effect so as to restrict the purposes for which a joint committee may be appointed under section 91 of the Local Government Act 1933 (general power to appoint joint committees of local authorities) notwithstanding that, under subsection (4) of that section, a joint committee is not to be appointed under that section for any purpose for which the local authorities are authorised to appoint a joint committee by any other enactment, and that sub-paragraph (1) above is such an enactment.

Joint planning boards

- 3 An order under section 2(2) of the said Act of 1962 (joint planning boards) may authorise a joint planning board, including one established pursuant to section 8(2) of the Act of 1949 for a National Park, to exercise any appropriate countryside functions exercisable by the councils of counties and county boroughs wholly or partly in the area of the joint planning board ; and any functions so conferred shall be treated for the purposes of Part I of the said Schedule 2 as functions exercisable by the joint planning board as a local planning authority.

Appointment of members of board or committee for National Park area

- 4 (1) Not less than one third of the members of—
 - (a) a joint board or joint advisory committee constituted for an area being or including the whole or any part of a National Park, or
 - (b) a planning committee, or sub-committee of a planning committee, for such an area, where no joint board is constituted for the area,shall be persons appointed by the Minister after consultation with the Commission:

Provided that if in any particular case the Minister, with the agreement of the Commission, so determines, this sub-paragraph shall have effect as if for the words " one third " there were substituted the words " one quarter ".
- (2) The persons appointed in pursuance of sub-paragraph (1) above shall hold office for such period, not being less than one year nor more than three years, as the Minister may, after consultation with the Commission, determine and shall be eligible for re-appointment.
- (3) This paragraph shall not affect any appointment made before this Act comes into force.

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

- (4) This paragraph shall be construed as if it formed part of section 8 of the Act of 1949 (administration of functions of local authorities as respects National Parks), and shall be in substitution for subsection (6) of that section.

Interpretation

- 5 In this Schedule " appropriate countryside functions " means such functions under this Act, the Act of 1949, or any other enactment, as in the opinion of the local authority or local authorities concerned, or where the functions are ones which may be conferred by an order or determination of a Minister, of that Minister, relate to the countryside and are appropriate for reference to a committee or board concerned with matters relating to the countryside.

SCHEDULE 5

Section 50.

REPEALS

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	Section 3(2)(3) except as applied by section 15 of the Opencast Coal Act 1958 and except as respects an order made, or notice of which was published, before the coming into force of this Act.
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	<p>In section 2(3) the words " to any of the members of the Commission ".</p> <p>In section 6(4) paragraphs (b) and (d).</p> <p>Section 8(6).</p> <p>Section 11(3).</p> <p>In section 34 subsections (1) and (2) except as respects any review begun before the coming into force of this Act.</p> <p>In section 73(1) the words from " whereby " to " undue hardship ".</p> <p>Section 84.</p> <p>Section 85(a).</p> <p>In section 88 the words " (d) and ".</p>

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

Chapter	Short Title	Extent of Repeal
		<p>In section 89(4) the words from the beginning to "this Act; and".</p> <p>In section 90(3) the proviso.</p> <p>Section 92(2).</p> <p>Sections 93 and 94.</p> <p>In section 97, except as respects expenditure incurred before the end of the financial year in which this Act is passed, in subsection (1) in paragraph (c) the words " (1) and ", and paragraphs (d) and (f), and subsections (2), (3) and (4).</p> <p>In section 101 subsection (9) and in subsection (10) (a) the words " by the Commissioners of Crown Lands or".</p> <p>In Schedule 1, Part II, in paragraph 8 the words " or Part II", and in paragraph 11 the words " or 6 ".</p>
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part III of Schedule 1 the words " Chairman or Deputy Chairman of the National Parks Commission ".
11 & 12 Eliz. 2. c. 29.	The Local Authorities (Land) Act 1963.	In section 6(2), the words from the beginning to " accordingly " and the words from " for the words ' by' to ' section and' ".