

SCHEDULES

SCHEDULE 8

AMENDMENT OF ENACTMENTS RELATING TO COUNTRYSIDE MATTERS

National Parks and Access to the Countryside Act 1949 (c. 97)

- 1 (1) The National Parks and Access to the Countryside Act 1949 shall be amended as follows.
- (2) For section 1 (the Countryside Commission) there shall be substituted the following section—

“1 The Countryside Commission and the Countryside Council for Wales

- (1) There shall be a Countryside Commission which shall exercise functions in relation to England for the purposes specified in subsection (2) below; and the Countryside Council for Wales (established by section 128 of the Environmental Protection Act 1990) shall exercise corresponding functions in relation to Wales for the corresponding purposes specified in section 130(2) of the Environmental Protection Act 1990.
- (2) The purposes for which the functions of the Commission are exercisable are—
- (a) the preservation and enhancement of natural beauty in England, both in the areas designated under this Act as National Parks or as areas of outstanding natural beauty and elsewhere;
 - (b) encouraging the provision or improvement, for persons resorting to National Parks, of facilities for the enjoyment thereof and for the enjoyment of the opportunities for open-air recreation and the study of nature afforded thereby.”
- (3) In section 3 (power of Minister to give directions), in subsection (1) after the word “Commission” in the first place it occurs there shall be inserted the words “or to the Council” and after that word in the second place it occurs there shall be inserted the words “or Council”.
- (4) Before section 5 (National Parks) there shall be inserted the following section—

“4A Application of Part II of this Act in Wales

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the Countryside Commission as respects England (or areas of any description in England), the Countryside Council for Wales shall have the corresponding function as respects Wales (or areas of a similar description in Wales).”

Status: This is the original version (as it was originally enacted).

- (5) In sections 5(2) and 6(1) the words “and Wales” shall be omitted.
- (6) Before section 51 (long-distance routes) there shall be inserted the following section—

“50A Application of Part IV of this Act in Wales

- (1) The provisions of this Part of this Act shall, subject to the next following subsection, apply to land in Wales as they apply to land in England.
- (2) Where a provision of this Part of this Act confers a function on the Countryside Commission as respects England (or land of any description in England), the Countryside Council for Wales shall have the corresponding function as respects Wales (or land of a similar description in Wales).”

- (7) In section 51(1) the words “or Wales” shall be omitted.
- (8) In sections 62(1) and 64(5) (consultation requirements as to land in National Parks), after the word “Commission” there shall be inserted the words “(where the Park is in England) or the Council (where the Park is in Wales)”.
- (9) In section 65 (access orders), in subsection (5), after the word “Park” in both places in which it occurs, there shall be inserted the words “in England” and after that subsection there shall be inserted the following subsection—

“(5A) The preceding subsection shall apply in relation to National Parks in Wales, and the Council, as it applies in relation to National Parks in England, and the Commission.”

- (10) In section 85 (general advisory duties)—
- (a) for the words “the duties of the Commission” there shall be substituted the words “their respective duties”;
 - (b) after the word “Commission”, in the second place in which it occurs, there shall be inserted the words “and the Council”;
 - (c) in paragraph (b), after the word “Commission” there shall be inserted the words “, or, as the case may be, to the Minister and to the Council,”; and
 - (d) in paragraph (c), after the word “Commission” there shall be inserted the words “(as respects England) or to the Council (as respects Wales)”.
- (11) After section 86 (information services provided by Commission regarding National Parks) there shall be inserted the following section—

“86A Information services to be provided by Council

The provisions of section eighty-six of this Act shall apply to the Council in relation to National Parks and other land in Wales as they apply to the Commission in relation to National Parks and other land in England.”

- (12) In section 87 (designation of areas of outstanding natural beauty)—
- (a) in subsection (1), after the word “Commission” there shall be inserted the words “, or as the case may be, the Council,”;
 - (b) after that subsection there shall be inserted the following subsection—

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

- “(1A) The following provisions shall apply to the Council in relation to land in Wales as they apply to the Commission in relation to land in England.”
- (13) In section 88 (application of provisions of Part II to designated areas), after subsection (2) there shall be inserted the following subsection—
- “(2A) The provisions of section 4A of this Act shall apply to the provisions mentioned in the preceding subsection for the purposes of their application to areas of outstanding natural beauty as the provisions of that section apply for the purposes of Part II of this Act.”
- (14) In section 90(4) (consultation before making certain byelaws) after the word “Commission” there shall be inserted the words “(as regards land in England) or the Council (as regards land in Wales)”.
- (15) In section 91(1) (consultation before making certain byelaws) after the word “Commission” there shall be inserted the words “(as regards land or waterways in England) or the Council (as regards land or waterways in Wales)”.
- (16) In section 114 (interpretation), after the definition of “area of outstanding natural beauty” there shall be inserted the following definitions—
- ““the Commission” means the Commission established by section one of this Act;
- “the Council” means the Countryside Council for Wales;”.
- (17) In the first Schedule (procedure for certain orders), in paragraph 2(5), after the word “Commission” where it first appears there shall be inserted the words “, the Council” and after that word in the second place it appears there shall be inserted the word “, Council”.