



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

84^{F1}

Textual Amendments

F1 S. 84 repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)

General powers and duties of Commission

85 **General duty of Commission to advise on questions relating to natural beauty.**

Without prejudice to [^{F2}their respective duties] relating to National Parks, it shall be the duty of the Commission [^{F3}and the Council]—

- (a)^{F4}
- (b) in circumstances where it appears to the Minister and to the Commission [^{F5}, or, as the case may be, to the Minister and to the Council,] desirable that their assistance should be generally available, to inquire into and report on such questions referred to them by any other body of persons or person;
- (c) to bring to the attention of the Minister or of local planning authorities the effect on the natural beauty of such areas or places as aforesaid of developments, or developments of any class, which appear to the Commission [^{F6}(as respects England) or to the Council (as respects Wales)] to be likely to be prejudicial thereto.

Status: Point in time view as at 01/04/1991.

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

Textual Amendments

- F2** Words in s. 85 substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(10\)\(a\)](#); S.I. 1991/685, [art.3](#)
- F3** Words in s. 85 inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(10\)\(b\)](#); S.I. 1991/685, [art.3](#)
- F4** S. 85(a) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)
- F5** Words in s. 85(b) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(10\)\(c\)](#); S.I. 1991/685, [art.3](#)
- F6** Words in s. 85(c) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(10\)\(d\)](#); S.I. 1991/685, [art.3](#)

86 Information services to be provided by Commission.

- (1) It shall be the duty of the Commission to take such steps as appear to them expedient for securing that persons interested—
- (a) will be informed of the situation and extent of, and means of access to, National Parks, other areas, being areas of outstanding natural beauty, and long-distance routes for which proposals under section fifty-one of this Act have been approved, and the accommodation and facilities available for persons wishing to visit National Parks and such other areas or persons wishing to use such routes;
 - (b) will be able to learn about the history, natural features, flora and fauna of National Parks and the objects of architectural, [^{F7}archaeological] or historical interest therein and the opportunities for recreation available therein,
- and that suitable methods of publicity are used for the prevention of damage in National Parks and such other areas as aforesaid and otherwise for encouraging a proper standard of behaviour on the part of persons visiting National Parks and such other areas; and the said methods shall include the preparation and publication of a code of conduct for the guidance of persons visiting the countryside.
- (2) Without prejudice to the provisions of the last foregoing subsection, the Commission may for the purposes thereof procure the production and sale to the public of books, guides and maps, the exhibition of posters and other advertisements, the giving of lectures and the provision and exhibition of cinematograph films.
- (3) For the avoidance of doubt it is hereby declared that the steps mentioned in subsection (1) of this section include the making of contributions towards expenses incurred by other bodies of persons.

Textual Amendments

- F7** Word inserted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 21\(4\)](#)

Modifications etc. (not altering text)

- C1** S. 86 extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 12\(1\)](#)

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

[^{F8}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.]

Textual Amendments

F8 S. 86A inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), Sch. 8 para. 1(11); S.I. 1991/685, art.3

Areas of outstanding natural beauty

87 Designation of areas of outstanding natural beauty.

(1) The Commission [^{F9}, or as the case may be, the Council,] may, by order made as respects any area in England or Wales, not being in a National Park, which appears to them to be of such outstanding natural beauty that it is desirable that the provisions of this Act relating to such areas should apply thereto, designate the area for the purposes of this Act as an area of outstanding natural beauty; and references in this Act to such an area shall be construed as references to an area designated under this section.

[^{F10}(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.]

(2) Where the Commission propose to make an order under this section they shall consult with every local authority whose area includes any part of the area to which the proposed order is to relate, and shall then, before making the order, publish, in the London Gazette and in one or more local newspapers circulating in the area of every such authority as aforesaid, notice that they propose to make the order, indicating the effect of the order and stating the time within which and manner in which representations with respect thereto may be made to the Commission, and shall consider any representations duly made.

(3) An order under the last foregoing subsection shall not come into operation unless and until submitted to and confirmed by the Minister, and in submitting any such order to the Minister the Commission shall forward to him any observations made by a local authority consulted in pursuance of the last foregoing subsection and any representations duly made thereunder, other than observations or representations to which effect is given by the order as submitted to the Minister.

(4) The Minister may confirm an order submitted to him under this section either as submitted or with such modifications as he thinks expedient.

(5) Before refusing to confirm an order under this section, or determining to confirm it with modifications, the Minister shall consult with the Commission and with every local authority whose area includes any land to which the order as submitted, or as proposed to be modified, relates.

(6) In this section the expression “local authority” means a joint planning board, county council, county borough council or county district council.

(7) Without prejudice to the power of the Commission to vary an order under this section, the Minister may by order vary any such order of the Commission; and subsection (2)

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of this section shall apply to any order of the Minister under this subsection, with the substitution for references to the Commission of references to the Minister.

- (8) It shall be the duty of the Commission to secure that copies of any order such as is mentioned in this section shall be available, at the office of the Commission, at the offices of each local authority whose area includes any part of the area to which the order relates, and at such other place or places in or near that area as the Commission may determine, for inspection by the public at all reasonable times.

Textual Amendments

- F9** Words in s. 87(1) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 1(12)(a)**; S.I. 1991/685, **art.3**
- F10** S. 87(1A) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 1(12)(b)**; S.I. 1991/685, **art. 3**

88 Application to areas of outstanding natural beauty of provisions relating to National Parks.

- (1) Paragraphs . . . ^{F11} (e)of subsection (4) of section six, section nine, subsection (1) of section sixty-two, subsection (5) of section sixty-four and subsections (5) and (6) of section sixty-five of this Act shall apply in relation to areas of outstanding natural beauty as they apply in relation to National Parks.
- (2) Section eleven of this Act, so far as it confers powers for preserving and enhancing natural beauty, shall apply as aforesaid.
- [^{F12}(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.]

Textual Amendments

- F11** Words repealed by Countryside Act 1968 (c. 41, SIF 46:1), **Sch. 5**
- F12** S. 88(2A) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 1(13)**; S.I. 1991/685, **art.3**

General Powers of Local Planning Authorities

89 Planting of trees and treatment of derelict land.

- (1) A local planning authority may plant trees on land in their area for the purpose of preserving or enhancing the natural beauty thereof.
- [^{F13}(2) Where it appears to a local authority that any land in their area—
- (a) is derelict, neglected or unsightly; or
 - (b) is not derelict, neglected or unsightly but is likely to become so by reason of actual or apprehended collapse of the surface as the result of the carrying out of relevant operations which have ceased to be carried out,

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they may carry out, for the purpose of reclaiming or improving that land or of enabling it to be brought into use, such works on that land or any other land as appear to them expedient.

In this subsection “relevant operations” means underground mining operations other than operations for the purpose of the working and getting of coal, or of coal and other minerals worked with coal, or for the purpose of getting any product from coal in the course of working and getting coal.]

(2A) ^{F14}

(3) The powers conferred by this section may be exercised by an authority either on land belonging to them or with the consent of all persons interested therein on other land; and in relation to such other land the said powers shall include power to make arrangements whereby the planting or work is carried out, on such terms as may be provided under the arrangements, by a person other than the authority.

(4) ^{F15} nothing in [^{F16}the foregoing provisions of this section] shall authorise the doing of anything in contravention of any prohibition or restriction having effect under any enactment or rule of law.

(5) [^{F17}A local authority] may acquire land compulsorily for the purpose of any of their functions under this section.

(6) Where a [^{F17}local authority] exercise their powers under the foregoing provisions of this section on land not belonging to the authority, the management of the land, so far as relates to anything done by the authority, may be undertaken either by the authority or by a person interested in the land, as may be agreed between the authority and the persons so interested, and on such terms as may be so agreed.

[^{F18}(7) In this section “local authority” means a local planning authority, the council of a county . . . ^{F19} not being a local planning authority, or the council of a county district.]

Textual Amendments

- F13** S. 89(2) substituted by Derelict Land Act 1982 (c. 42, SIF 46:4), s. 3(1)
- F14** Ss. 89(2A), 90(2) repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30
- F15** Words repealed by Countryside Act 1968 (c. 41, SIF 46:1), Sch. 5
- F16** Words substituted by Local Authorities (Land) Act 1963 (c. 29, SIF 81:1), s. 6(2)
- F17** Words substituted by Local Authorities (Land) Act 1963 (c. 29, SIF 81:1), s. 6(1)
- F18** S. 89(7) added by Local Authorities (Land) Act 1963 (c. 29, SIF 81:1), s. 6(4)
- F19** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30

Modifications etc. (not altering text)

- C2** S. 89 amended by London Government Act 1963 (c. 33, SIF 81:1), s. 60(6)
- C3** S. 89(3) excluded by Minerals Workings Act 1985 (c. 12, SIF 86), s. 8(2)

90 Local authority byelaws.

(1) A local planning authority may, as respects land in their areas belonging to them and comprised either in a National Park or area of outstanding natural beauty, or as respects land or a waterway to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of this Act, make byelaws for the preservation of order, for the prevention of damage to the land or waterway

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or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land or waterway by other persons.

- (2) ^{F20}
- (3) Without prejudice to the generality of subsection (1) of this section, byelaws under that subsection—
- (a) may prohibit or restrict the use of the land or waterway, either generally or in any manner specified in the byelaws, by traffic of any description so specified;
 - (b) may contain provisions prohibiting the depositing of rubbish and the leaving of litter;
 - (c) may regulate or prohibit the lighting of fires;
 - (d) may be made so as to relate either to the whole or to any part of the land or waterway, and may make different provisions for different parts thereof:

..... ^{F21}

- (4) Before making byelaws under the foregoing provisions of this section as respects a National Park or area of outstanding natural beauty, [^{F22}the local planning authority] shall consult with the Commission [^{F23}(as regards land in England) or the Council (as regards land in Wales)].
- (5) A local planning authority may, as respects parking places provided in pursuance of arrangements made by them under Part II of this Act, make byelaws as to the conditions of use, and charges to be made for the use, of such parking places, and for prohibiting or restricting persons from plying for hire with vehicles at such parking places.

Nothing in this subsection shall be construed as limiting the general power of a local planning authority to make charges for any services or facilities provided by them under this Act.

- (6) A county council or county district council shall have power to enforce byelaws made under this section by another authority as respects land in the area of the council.

Textual Amendments

F20 Ss. 89(2A), 90(2) repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

F21 S. 90(3) proviso repealed by Countryside Act 1968 (c. 41, SIF 46:1), **Sch. 5**

F22 Words substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 17 para. 39**

F23 Words in s. 90(4) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130(1), **Sch. 8 para. 1(14)**; S.I. 1991/685, **art.3**

Modifications etc. (not altering text)

C4 S. 90 amended by London Government Act 1963 (c. 33, SIF 81:1), **s. 60(5)** and Countryside Act 1968 (c. 41, SIF 46:1), **s. 41(10)**

C5 S. 90(3) restricted by Countryside Act 1968 (c. 41, SIF 46:1), **s. 41(12)**

91 Default powers of Secretary of State as to certain byelaws.

- (1) If a local planning authority, when required by the Secretary of State to make, as respects land or a waterway to which the public are given access by an agreement or order, or in consequence of acquisition, under Part V of this Act, byelaws with respect

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to any of the matters with respect to which they are empowered by the last foregoing section to make byelaws, do not within three months after being so required comply with the requirement to the satisfaction of the Secretary of State, he may himself make byelaws in relation to the matters, and as respects the land or waterway, in question:

Provided that before making byelaws under this section as respects a National Park or area of outstanding natural beauty the Secretary of State shall consult with the Commission [^{F24}(as regards land or waterways in England) or the Council (as regards land or waterways in Wales)].

- (2) Any byelaws made by the Secretary of State under this section shall have effect as if they had been made by the local planning authority and confirmed by the Secretary of State, and the provisions of this Act and of any enactment thereby applied shall have effect in relation to the byelaws accordingly.

Textual Amendments

F24 Words in s. 91(1) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130(1), [Sch. 8 para. 1\(15\)](#); S.I. 1991/685, [art.3](#)

Modifications etc. (not altering text)

C6 [S. 91](#) amended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 41\(10\)](#)

92 Wardens.

- (1) A local authority may appoint such number of persons as may appear to the authority to be necessary or expedient to act as wardens as respects any land or waterway in relation to which byelaws made by the authority are in force under the last but one foregoing section, or in relation to which the authority have power to make such byelaws.

- (2) ^{F25}

- (3) For the purpose of exercising any function conferred on him by or under this section a warden appointed thereunder may enter upon any land, or go on any waterway, comprised in an access agreement or order in force under Part V of this Act:

Provided that this subsection shall not confer any power of entry on land which is excepted land for the purposes of the said Part V.

- (4) Subject to the provisions of the last foregoing subsection, the foregoing provisions of this section shall not authorise a warden appointed by an authority thereunder, on land or a waterway in which any person other than that authority has an interest, without the consent of that person to do anything which apart from this section would be actionable at his suit by virtue of that interest.

Textual Amendments

F25 [Ss. 92\(2\), 93, 94](#) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)

Modifications etc. (not altering text)

C7 [S. 92](#) amended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [ss. 13\(9\)\(10\)](#), [41\(9\)\(10\)](#)

C8 [S. 92\(1\)](#) extended by [Mineral Workings Act 1985 \(c. 12, SIF 86\)](#), [s 49\(2\)](#)

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C9 S. 92(3)(4) applied (coming into force in accordance with s. 1(2)-(4) of the amending Act) by 2002 c. i, **ss. 1(2)-(4), 15(6)** (with ss. 38, 39)

93, 94. **F26**

Textual Amendments

F26 Ss. 92(2), 93, 94 repealed by Countryside Act 1968 (c. 41, SIF 46:1), **Sch. 5**

Financial Provisions

95 **F27**

Textual Amendments

F27 S. 95 repealed and superseded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), ss. 47, 73(1), **Sch. 17 Pt. II**

96 **F28**

Textual Amendments

F28 S. 96 repealed by Science and Technology Act 1965 (c. 4, SIF 57), **Sch. 4**

97 **F29**

Textual Amendments

F29 S. 97 repealed and superseded by Derelict Land Act 1982 (c. 42, SIF 46:1). ss. 1(12), 2(3), 5, Sch.

98 **F30**

Textual Amendments

F30 S. 98 repealed by Local Government Act 1974 (c. 7, SIF 81:1), **Sch. 8**

99 Contributions by local authorities.

- (1) A local authority may defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred for the purposes of this Act by any other local authority.

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- (2) In this section the expression “local authority”^{F31} means a local planning authority, the council of a county . . .^{F32} not being a local planning authority, or the council of a county district^{F31} means a regional, islands or district council].
- (3) Where, under subsection (4) of section thirteen of this Act, the Minister directs that any power of a local planning authority under that section shall be exercisable by another authority, subsection (1) of this section shall apply as if that other authority were a local authority; and if the direction so provides the local planning authority shall be under a duty to exercise their powers under subsection (1) of this section to such extent as may be specified in the direction.
- (4)^{F33}
- (5) Any expenditure incurred under this section by a local planning authority in respect of the erection of buildings or the carrying out of work by any such other authority as is mentioned in subsection (3) of this section shall be treated for the purposes of section ninety-seven of this Act as if it were expenditure incurred in the exercise of the powers of the local planning authority mentioned in paragraph (a) of subsection (1) of the said section ninety-seven.
- (6) The council of a county . . .^{F32} may defray or contribute towards any expenditure [^{F34}incurred by a river board or other drainage authority, being]^{F34} incurred by the National Rivers Authority or an internal drainage board being] expenditure incurred for the benefit of a nature reserve managed by or under an agreement with the council or in consequence of anything done in the management of such a reserve.

Textual Amendments

- F31** Words “means” to “district council” substituted (S.) for words “means” to “county district” by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#) , [Sch. 27 Pt. II para. 102](#)
- F32** Words repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#) , [Sch. 30](#)
- F33** S. 99(4) repealed by [Highways Act 1959 \(c. 25\)](#) , [Sch. 25](#) and [London Government Act 1963 \(c. 33, SIF 81:1\)](#) , [Sch. 6 para. 70](#)
- F34** Words beginning “incurred by the National Rivers Authority” substituted (E.W.) for words beginning “incurred by a river board” by [Water Act 1989 \(c. 15, SIF 130\)](#) , [ss. 58\(7\)](#) , [101\(1\)](#) , [141\(6\)](#) , [160\(1\)\(2\)\(4\)](#) , [163](#) , [189\(4\)–\(10\)](#) , [190](#) , [193\(1\)](#) , [Sch. 25](#) , [para. 13\(2\)](#) , [Sch. 26 paras. 3\(1\)\(2\)](#) , [17](#) , [40\(4\)](#) , [57\(6\)](#) , [58](#)

Modifications etc. (not altering text)

- C10** S. 99 extended by [London Government Act 1963 \(c. 33, SIF 81:1\)](#) , [s. 60\(6\)](#)
- C11** S. 99(1) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#) , [s. 46\(1\)](#)
- C12** S. 99(6) amended by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#) , [Sch. 17 para. 34](#)

100 Payments out of moneys provided by Parliament.

There shall be defrayed out of moneys provided by Parliament—

- (a) the expenses under this Act of the Minister of Town and Country Planning, . . .^{F35} and [^{F36}the Minister of Agriculture, Fisheries and Food];
- (b) any increase attributable to the provisions of this Act in the sums payable out of such moneys under Part I or Part II of the ^{M1}Local Government Act 1948.

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Textual Amendments

F35 Words repealed by [Science and Technology Act 1965 \(c. 4, SIF 57\)](#), [Sch. 4](#)

F36 Words substituted by virtue of [S.I. 1955/554](#) (1955 I, p. 1200), art. 3(1)

Modifications etc. (not altering text)

C13 Reference to Minister of Town and Country Planning to be construed as reference to Secretary of State: [S.I. 1970/1681](#), arts 2, 6(3), [Sch. 1](#)

Marginal Citations

M1 [1948 c. 26](#).

Supplementary Provisions

101 Crown land.

- (1) The following provisions of this section shall have effect for applying certain provisions of this Act to Crown land, that is to say land an interest in which belongs to His Majesty in right of the Crown or the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a Government department or is held in trust for His Majesty for the purposes of a Government department.
- (2) A National Park may include Crown land, and with the consent of the appropriate authority the powers conferred by Part II of this Act may be exercised as respects any interest in Crown land.
- (3) Where a National Park includes any Crown land, the appropriate authority and the local planning authority in whose area the land is situated may enter into an agreement for securing that, so far as any interest held by or on behalf of the Crown is concerned and so far as may be provided by the agreement, the land will be managed in a manner consistent with the accomplishment of either or both of the purposes specified in subsection (1) of section five of this Act.
- (4) The appropriate authority may enter into an agreement under Part III of this Act as respects an interest in Crown land held by or on behalf of the Crown, and an agreement thereunder as respects any other interest in Crown land shall not have effect unless approved by the appropriate authority.
- (5) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under the said Part III, but only with the consent of the appropriate authority.
- (6) Parts IV and V of this Act shall apply to Crown land, but subject to the following modifications, that is to say,—
 - (a) no . . . ^{F37} access order shall be made as respects such land except with the consent of the appropriate authority;
 - (b) no such land shall be acquired under the said Part IV or V except with such consent; and
 - (c) if any land comprised in an access agreement or order, not being excepted land as defined for the purposes of the said Part V, becomes Crown land while it is so comprised, the access agreement or order shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the agreement or order.

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- (7) Section eighty-nine of this Act shall apply to Crown land if the appropriate authority consents to its application thereto, but subject to the following modifications, that is to say—
- (a) an interest in Crown land may be acquired for the purposes of the said section eighty-nine only with the consent of the appropriate authority;
 - (b) if any land affected by arrangements under subsection (3) of that section or an agreement under subsection (6) thereof becomes Crown land, the arrangements or agreement shall cease to apply to the land unless the appropriate authority consent to the continued application thereto of the arrangements or agreement.
- (8) Byelaws made under this Act shall apply to Crown land if the appropriate authority consents to their application thereto.
- (9) F38
- (10) Notwithstanding anything in subsection (3) or subsection (6) of this section—
- (a) an agreement authorised by the said subsection (3) and made . . . F39 by any Government department, or an access agreement so made, shall be of no effect unless it is approved by the Treasury; and
 - (b) in considering whether to make or approve an agreement authorised by the said subsection (3), or an access agreement, relating to land belonging to a Government department or held in trust for His Majesty for the purposes of a Government department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.
- (11) In this section the expression “the appropriate authority”, in relation to any land, means—
- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other Government department having the management of the land in question;
 - (b) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;
 - (d) in the case of land belonging to a Government department or held in trust for His Majesty for the purposes of a Government department, that department;
- and if any question arises under this section as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Textual Amendments

F37 Words repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33\)](#), SIF 81:1), [Sch. 6 para. 70](#)

F38 [S. 101\(9\)](#) repealed by [Countryside Act 1968 \(c. 41\)](#), SIF 46:1), [Sch. 5](#)

F39 Words repealed by [Countryside Act 1968 \(c. 41\)](#), SIF 46:1), [Sch. 5](#)

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Modifications etc. (not altering text)

C14 S. 101(3) modified (19.9.1995) by 1995 c. 25, ss. 61(3)(a), 125(2) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

102 **F40**

Textual Amendments

F40 S. 102 repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30

103 General provisions as to acquisition of land.

[^{F41}(1) Any power conferred by this Act on the Nature Conservancy Council [^{F42}(as defined in section 15A of this Act)] or a local authority to acquire land compulsorily shall be exercisable in any particular case on their being authorised so to do by the Secretary of State.]

[^{F43}(1A) The ^{M2}Acquisition of Land Act 1981 shall apply to the acquisition of land under this Act, and in relation to the acquisition under this Act of any interest in land the ^{M3}Compulsory Purchase Act 1965 shall apply with any necessary modifications.]

[^{F44}(2) In relation to the compulsory acquisition of land under this Act by [^{F45}the Nature Conservancy Council for Scotland] or a local authority, the ^{M4}Acquisition of Land (Authorisation Procedure) Act 1946, shall apply as if this Act had been in force immediately before the commencement of that Act and as if in paragraph (a) of subsection (1) of section one thereof, in Part I of the First Schedule thereto and in the Second Schedule thereto references to a local authority included references to [^{F45}the Nature Conservancy Council for Scotland]:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to any such compulsory acquisition as is mentioned in this subsection.]

(3) **F46**

(4) **F47**

(5) The following provision shall have effect, in relation to the acquisition of land under this Act, in substitution for [^{F48}section 120 of the ^{M5}Local Government Act 1972] (which provides for the acquisition of land by local authorities by agreement for the purposes of their functions), that is to say, a local authority may with the consent of the Minister by agreement acquire, whether by way of purchase, lease or exchange, any land, whether within or without the area of the local authority, which they require for the purpose of any of their functions under this Act or any other land which they may be authorised under this Act to acquire compulsorily.

(6) In this section, and in any enactment in this Act which confers a power to acquire land compulsorily, the expression “land” includes any interest in land; [^{F49}and the provisions of the Lands Clauses Acts incorporated with this Act by virtue of paragraph 1 of the Second Schedule to the ^{M6}Acquisition of Land (Authorisation Procedure) Act 1946, as applied by subsections (2) and (4) of this section, shall apply with the

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necessary modifications in relation to the compulsory acquisition of any interest in land, being an interest not falling within the definition of “lands” contained in the Lands Clauses Acts.]

- (7) In the application of this section to Scotland there shall be substituted, for references to the ^{M7}Acquisition of Land (Authorisation Procedure) Act 1946, and to [^{F48}section 120 of the ^{M8}Local Government Act 1972] respectively, references to the ^{M9}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and to section [^{F50}70 of the ^{M10}Local Government (Scotland) Act 1973] and in subsection (5) there shall be substituted for the words “whether by way of purchase, lease or exchange” the words “whether by way of purchase, feu, lease or excambion”; and subsection (4) shall not apply.

Textual Amendments

- F41** S. 103(1) substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 2(1)**
- F42** Words in s. 103(1) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132, **Sch. 9 para. 1(4)(a); S.I. 1991/685, art.3**
- F43** S. 103(1A) inserted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 4 para. 8**
- F44** S. 103(2) repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**
- F45** Words in s. 103(2) substituted (1.4.1991) by virtue of Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132, **Sch. 9 para. 1(4)(b); S.I. 1991/685, art.3**
- F46** S. 103(3) repealed by Land Compensation Act 1961 (c. 33, SIF 28:1), **Sch. 5** and Land Compensation (Scotland) Act 1963 (c. 51, SIF 28:2), **Sch. 4**
- F47** S. 103(4) repealed by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**
- F48** Words substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), s. 272(2)
- F49** Words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34, **Sch. 6 Pt. I**
- F50** Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 103**

Modifications etc. (not altering text)

- C15** S. 103 extended by Countryside Act 1968 (c. 41, SIF 46:1), s. 46(1)
- C16** S. 103(1)(2) extended by Countryside Act 1968 (c. 41, SIF 46:1), s. 46(2)

Marginal Citations

- M2** 1981 c. 67(28:1).
- M3** 1965 c. 56(28:1).
- M4** 1946 c. 49.
- M5** 1972 c. 70.
- M6** 1946 c. 49.
- M7** 1946 c. 49.
- M8** 1972 c. 70.
- M9** 1947 c. 42.
- M10** 1973 c. 65.

104 General provisions as to appropriation and disposal of land.

- (1) The following provisions of this section shall have effect with respect to the disposal or appropriation by any local authority of land which has been acquired by them under this Act or appropriated by them for purposes for which land can be acquired under this Act, and is for the time being held by the authority for the purposes for which it was acquired or appropriated.

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- (2) Subject to the provisions of subsections (5) and (6) of this section—
- (a) where any such land was acquired or appropriated by the authority for a purpose involving the disposal thereof by the authority or for a purpose which in the opinion of the authority can best be achieved by the disposal thereof, or which can be achieved consistently with the disposal thereof, they may dispose of the land to such person, in such manner and subject to such conditions as may appear to the authority to be expedient in order to secure that the land will be best dealt with having regard to the purpose for which it was acquired;
 - (b) where any such land is no longer required for the purpose for which it is held, the authority may dispose thereof to such person, in such manner and subject to such conditions as may appear to the authority to be expedient, having regard to the nature and situation of the land, in order to secure the best use of the land.
- (3) Subject to the provisions of subsection (5) of this section, the authority may appropriate any such land, where the land is no longer required for the purpose for which it is held, for any other purpose for which the authority are or may be authorised in any capacity to acquire land under this Act or by or under any other enactment.
- (4) In relation to an appropriation under the last foregoing subsection, [^{F51}subsection (4) of section 122 of the ^{M11}Local Government Act 1972], . . . ^{F52} (which relate to the operation of section sixty-eight of the ^{M12}Lands Clauses Consolidation Act 1845, and to adjustments in accounts) shall have effect as they have effect in relation to appropriations under those sections respectively.
- (5) The consent of the Minister shall be requisite to any disposal or appropriation of land by a local authority under this section, and may be given as respects either a particular disposal or appropriation or disposals or appropriations of any class, and either subject to or free from any conditions or limitations.
- (6) The consent of the Minister to a sale by a local authority under this section of the freehold in any land, or to a lease by them thereunder of any land for a term of more than ninety-nine years, shall not be given unless he is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient as mentioned in subsection (2) of this section.
- (7) ^{F53}
- (9) In this section references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation) whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or in any other manner, except disposal by way of gift, mortgage or charge.
- (10) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of [^{F51}subsections (1) to (3), (5) and (6) of section 122 and section 123 of the ^{M13}Local Government Act 1972], . . . ^{F52}, [^{F54}or of sections 73 and 74 of the ^{M14}Local Government (Scotland) Act 1973].
- ^{F55}(11) [^{F51}Section 153 of the ^{M15}Local Government Act 1972], . . . ^{F52} (which relate to the application of capital money received from the disposal of land), and section one hundred and sixty-eight of the Local Government (Scotland) Act, 1947 (so far as it relates to the application of such money), shall have effect as respects capital money received in respect of transactions under the provisions of this section relating to the

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disposal of land as they have effect as respects capital money received in respect of such transactions as are mentioned in those sections respectively.]

(12) In the application of this section to Scotland, the following provision shall be substituted for subsection (4) of this section, that is to say—

“(4) on any appropriation being made under the last foregoing subsection proper adjustments in respect thereof shall be made in the accounts of the authority”;

and the following provision shall be substituted for subsection (9) of this section, that is to say—

“(9) In this section references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation), whether by way of sale, feu, excambion or lease, by the creation of any servitude, right or privilege, or in any other manner except disposal by way of gift or in security”;

and subsections (6), (7) and (8) shall be omitted.

Textual Amendments

- F51 Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)
- F52 Words repealed by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [Sch. 18 Pt. II](#)
- F53 [Ss. 104\(7\)\(8\), 105](#) repealed by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), [Sch. 8](#)
- F54 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 27 Pt. II para. 104](#)
- F55 [S. 104\(11\)](#) repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

Modifications etc. (not altering text)

- C17 [S. 104](#) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 46\(1\)](#), excluded by *ibid.*, [Sch. 2 para. 4\(2\)](#)
- C18 [s. 104](#) amended (E.W.) (19.9.1995) by [1995 c. 25, ss. 68\(9\), 125\(2\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))

Marginal Citations

- M11 [1972 c. 70.](#)
- M12 [1845 c. 18.](#)
- M13 [1972 c. 70.](#)
- M14 [1973 c. 65.](#)
- M15 [1972 c. 70.](#)

105 F56

Textual Amendments

- F56 [Ss. 104\(7\)\(8\), 105](#) repealed by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), [Sch. 8](#)

106 Supplementary provisions as to byelaws.

(1) [^{F57}Sections 236 to 238 of the ^{M16}Local Government Act 1972] shall apply to all byelaws under this Act as if any authority having power to make them were a local

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authority within the meaning of the said Act of [^{F57}1972] so however, that in relation to byelaws made by [^{F58}the Nature Conservancy Council][^{F59}(as defined in section 15A of this Act)] the said sections shall apply subject to such adaptations as may be prescribed by regulations made by the Secretary of State.

- (2) In relation to byelaws made under this Act the confirming authority for the purposes of the said [^{F57}section 236] shall be the Secretary of State.
- (3) Any authority having power under this Act to make byelaws shall have power to enforce byelaws made by them.
- (4) The following provisions shall have effect in the application of this section to Scotland:
 - (a) for references to [^{F57}the ^{M17}Local Government Act 1972 and to sections 236 to 238] thereof there shall be substituted references to the Local Government (Scotland) Act [^{F60}^{M18}1973, and to sections 201 to 204] thereof; and
 - (b) nothing in the last foregoing subsection shall be construed as authorising any such authority as is mentioned therein to institute proceedings in Scotland for an offence.

Subordinate Legislation Made

P1 S. 106: for previous exercises of this power, see Index to Government Orders

Textual Amendments

F57 Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)

F58 Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), [Sch. 1 para. 2\(2\)](#)

F59 Words in s. 106(1) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, [Sch. 9 para. 1\(5\)](#); S.I. 1991/685, [art.3](#)

F60 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [Sch. 27 Pt. II para. 105](#)

Modifications etc. (not altering text)

C19 S. 106 extended by [Wildlife and Countryside Act 1981 \(c. 69, SIF 81:1\)](#), [s. 272\(2\)](#)

s. 106 applied (30.1.2001) by 1981 c. 69, [s. 28R\(2\)\(b\)](#) (as substituted (30.1.2001) by 2000 c. 37, [ss. 75\(1\), 103\(2\)](#), [Sch. 9 para. 1](#))

Marginal Citations

M16 1972 c. 70.

M17 1972 c. 70.

M18 1973 c. 65.

107 Supplementary provisions as to compensation under ss. 20, 46 and 70.

- (1) The following provisions shall have effect as to compensation under section twenty of this Act, under that section as applied by section twenty-one thereof . . . ^{F61} and under section seventy thereof.
- (2) Any dispute arising on a claim for any such compensation shall be determined by the Lands Tribunal.
- (3) For the purposes of any reference to the Lands Tribunal under the last foregoing subsection, [^{F62}section 4 of the ^{M19}Land Compensation Act 1961][^{F63}section 5 of the

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- ^{M20}Land Compensation (Scotland) Act 1963] (which relates to costs) shall have effect with the substitution, for references to the acquiring authority, of references to the authority from whom the compensation in question is claimed.
- (4) Rules 2 to 4 of the Rules set out in [^{F62}section 5 of the said Act of 1961][^{F63}section 12 of the said Act of 1963] (which provides rules for valuation on a compulsory acquisition) shall apply to the calculation of any such compensation, in so far as it is calculated by reference to the depreciation of the value of an interest in land.
- (5) In the case of an interest in land subject to a mortgage—
- (a) any such compensation in respect of the depreciation of that interest shall be calculated as if the interest were not subject to the mortgage;
 - (b) a claim or application for the payment of any such compensation, or an application for the recording of a claim in respect of the interest under subsection (1) of section seventy-two of this Act, may be made by any person who when the byelaws or order giving rise to the compensation were or was made was the mortgagee of the interest, or by any person claiming under such a person, but without prejudice to the making of a claim or application by any other person;
 - (c) a mortgagee shall not be entitled to any such compensation in respect of his interest as such; and
 - (d) any compensation payable in respect of the interest subject to the mortgage shall be paid to the mortgagee, or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (6) This section shall apply to Scotland—
- (a) with the substitution for any reference to the Lands Tribunal of a reference to the Lands Tribunal for Scotland; and
 - (b) with the substitution respectively for any reference to a mortgage, to a mortgagee, and to the first mortgagee, of a reference to a heritable security, to the creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land:

Provided that until sections one to three of the ^{M21}Lands Tribunal Act 1949, come into force as respects Scotland the expression “the Lands Tribunal for Scotland” in subsection (2) of this section shall be construed as meaning an official arbiter appointed under [^{F63}the ^{M22}Land Compensation (Scotland) Act 1963], and the following provisions of the said [^{F63}Act of 1963] that is to say, [^{F63}section 3] thereof (which relates to procedure), [^{F63}section 5] thereof (which relates to costs) . . . ^{F64} but with the substitution for references to the acquiring authority of references to the authority from whom the compensation in question is claimed, and [^{F63}subsection (9) of section 3] thereof (which relates to the statement of special cases) as modified by section ten of the said Act of 1949, shall apply for the purposes of the arbitration.

Textual Amendments

- F61** Words repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [Sch. 6 para. 70](#)
- F62** Words substituted (E.W.) by virtue of [Land Compensation Act 1961 \(c. 33, SIF 28:1\)](#), [s. 40\(1\)](#)
- F63** Words substituted (S.) by virtue of [Land Compensation \(Scotland\) Act 1963 \(c. 51, SIF 28:2\)](#), [s. 47\(1\)](#)
- F64** Words spent

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Modifications etc. (not altering text)

C20 S. 107 applied (30.1.2001) by 1981 c. 69, s. 28R(2)(b) (as substituted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1)

Marginal Citations

M19 1961 c. 33.

M20 1963 c. 51.

M21 1949 c. 42.

M22 1963 c. 51.

108 Powers of entry.

- (1) For the purpose of surveying land in connection with—
- (a) the acquisition thereof or of any interest therein, whether by agreement or compulsorily,
 - (b)^{F65}
 - (c) the making of an access order with respect thereto,
- in the exercise of any power conferred by this Act, any person duly authorised in writing by the Minister or other authority having power so to acquire the land or to make the order, as the case may be, may enter upon the land.
- (2) For the purpose of surveying land, or of estimating its value, in connection with any claim for compensation payable under this Act by a Minister or other authority in respect of that or any other land, any person being an officer of the Valuation Office or a person duly authorised in writing by the authority from whom the compensation is claimed may enter upon the land.
- (3) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering; and a person shall not under this section demand admission as of right to any land which is occupied unless at least [^{F66}fourteen days'] notice in writing of the intended entry has been given to the occupier.
- (4) Any person who wilfully obstructs a person in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding [^{F67}level 1 on the standard scale].

Textual Amendments

F65 S. 108(1)(b) repealed by Highways Act 1959 (c. 25), Sch. 25 and London Government Act 1963 (c. 33, SIF 81:1), Sch. 6 para. 70

F66 Words substituted by Countryside Act 1968 (c. 41, SIF 46:1), s. 46(3)

F67 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 389F, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 54)

Modifications etc. (not altering text)

C21 S. 108 extended by Countryside Act 1968 (c. 41, SIF 46:1), s. 46(1)

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109 †Application of provisions of Act of 1947 as to inquiries and service of notices.

- (1) [^{F68}Section 282 of the ^{M23}Town and Country Planning Act 1971] (which provides for the holding by the Minister of local inquiries for the purposes of that Act) shall apply for the purposes of this Act.
- (2) [^{F68}Section 283 of the Town and Country Planning Act 1971] and [^{F69}section 269 of the ^{M24}Town and Country Planning (Scotland) Act 1972] (which provide for the service of notices and other documents) shall apply to notices and other documents required or authorised to be served or given under this Act:

Provided that this subsection shall not apply to the service of any notice required or authorised to be served under the First Schedule to the ^{M25}Acquisition of Land (Authorisation Procedure) Act 1946, or the ^{M26}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, as applied by this Act.

- (3) Subsection (1) of this section shall not apply to Scotland.

Textual Amendments

- F68** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 24 para. 2](#)
- F69** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), [Sch. 22 para. 2](#)

Modifications etc. (not altering text)

- C22** Unreliable marginal note
- C23** [S. 109](#) extended by [Countryside Act 1968 \(c. 41\)](#), [s. 46\(1\)](#)
- C24** [S. 109\(2\)](#): [Interpretation Act 1978 \(c. 30 SIF 115:1\)](#), s. 17(2)(a) applies to the construction of the reference to [Acquisition of Land \(Authorisation Procedure\) Act 1946](#)

Marginal Citations

- M23** 1971 c. 78.
- M24** 1972 c. 52.
- M25** 1946 c. 18.
- M26** 1947 c. 49.

110 Regulations and orders.

- (1) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- (2) Any order under Part IV, V or VI of this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions:

Provided that, without prejudice to the making of a new access order under Part V of this Act, an access order under the said Part V shall not be varied so as to comprise land not comprised in the original order.

- (3) Any regulations made under this Act shall be subject to annulment by a resolution of either House of Parliament.

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111 Application to Isles of Scilly.

- (1) The Minister may, after consultation with the Council of the Isles of Scilly, by order provide for the application of this Act to the Isles of Scilly as if those Isles were a separate county; and any such order may provide for the application of this Act to those Isles subject to such modifications, or to the exception of such Parts or provisions thereof, as may be specified in the order.
- (2) The power to make orders conferred by this section shall be exercisable by statutory instrument.

Modifications etc. (not altering text)

C25 S. 111 extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 46\(1\)](#) and by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 17](#), para. 40

[^{F70}111A Application to the Broads Authority.

- (1) Sections 21 and 22 of this Act shall have effect as if the Broads Authority were a county council.
- (2) Sections 54 and 89 of this Act shall have effect as if the Broads Authority were a local planning authority.
- (3) Part V of this Act (apart from section 69) shall have effect as if the Broads Authority were a local planning authority but as if—
 - (a) sections 61 to 63, 74 and 78 were omitted; and
 - (b) for the purposes of sections 64, 65 and 77, the Broads were a National Park.
- (4) Section 69 of this Act shall have effect as if the Broads Authority were a county planning authority.
- (5) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments

F70 S. 111A inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 2(5)(6), 23(2), 27(2), [Sch. 3 para. 2](#)

112 Epping Forest and Burnham Beeches.

- (1) The provisions of this Act mentioned in the next following subsection shall not apply to any of the lands under the regulation and management of the Corporation of London as Conservators of Epping Forest, or acquired by, and vested in, that Corporation under the ^{M27}Corporation of London (Open Spaces) Act 1878, in the area known as Burnham Beeches.
- (2) The said provisions are Part II of this Act, Part V thereof, and sections eighty-seven to ninety-four thereof.

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Modifications etc. (not altering text)

C26 S. 112(2) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 46(4)

Marginal Citations

M27 1878 c. cxxvii.

113 National Trust land.

No power conferred by Part V or Part VI of this Act to acquire land compulsorily shall be exercisable in respect of land belonging to the National Trust which is held by the Trust inalienably.

Modifications etc. (not altering text)

C27 S. 113 extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 46(5)

114 Interpretation.

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

F71

“area of outstanding natural beauty” has the meaning assigned to it by subsection (1) of section eighty-seven of this Act;

[^{F72}“the Commission” means the Commission established by section one of this Act;

“the Council” means the Countryside Council for Wales;]

“drainage authority” has the same meaning as in [^{F73}the ^{M28}Land Drainage Act 1976];

“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 [^{F74}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;

“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;

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“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 [^{F76}the ^{M29}Town and Country Planning Act 1971] or, in their application to Scotland, as in [^{F77}the ^{M30}Town and Country Planning (Scotland) Act 1972].

- (2) References in this Act to the preservation of the natural beauty of an area shall be construed as including references to the preservation of [^{F78}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

- F71** Definition spent
- F72** Definitions in s. 114(1) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 130, [Sch. 8 para. 1\(16\)](#); S.I. 1991/685, [art.3](#)
- F73** Words substituted by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 6 para. 9](#)
- F74** 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)
- F75** Definition repealed by [Water Resources Act 1963 \(c. 38, SIF 130\)](#), [Sch. 14 Pt. I](#)
- F76** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 24 para. 2](#)
- F77** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), [Sch. 22 para. 2](#)
- F78** Words substituted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 21\(7\)](#)

Modifications etc. (not altering text)

- C28** In s. 114(1) the definition 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. 1991/685, [art.3](#)
- C29** Definition of “open-air recreation” restricted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 21\(6\)](#)

Marginal Citations

- M28** 1976 c. 70.
- M29** 1971 c. 78.
- M30** 1972 c. 52.

115 Short title and extent.

- (1) This Act may be cited as the National Parks and Access to the Countryside Act 1949.
- (2) This Act, except Part III thereof and so much of this Part thereof as relates to the said Part III, shall not extend to Scotland; and this Act shall not extend to Northern Ireland.

Status:

Point in time view as at 01/04/1991.

Changes to legislation:

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