



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

## PART VI

GENERAL, FINANCIAL AND SUPPLEMENTARY

### *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.

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- (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 . . . <sup>F1</sup> 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.
- (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) . . . . . <sup>F2</sup>
- (10) Notwithstanding anything in subsection (3) or subsection (6) of this section—
  - (a) an agreement authorised by the said subsection (3) and made . . . <sup>F3</sup> 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;

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(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**

- F1 Words repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33, SIF 81:1\)](#), [Sch. 6 para. 70](#)
- F2 [S. 101\(9\)](#) repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)
- F3 Words repealed by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [Sch. 5](#)

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

- C1 [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 ..... F4

**Textual Amendments**

- F4 [S. 102](#) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

**103 General provisions as to acquisition of land.**

[<sup>F5</sup>(1) Any power conferred by this Act on the Nature Conservancy Council [<sup>F6</sup>(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.]

[<sup>F7</sup>(1A) The <sup>M1</sup>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 <sup>M2</sup>Compulsory Purchase Act 1965 shall apply with any necessary modifications.]

[<sup>F8</sup>(2) In relation to the compulsory acquisition of land under this Act by [<sup>F9</sup>Scottish Natural Heritage] or a local authority, the <sup>M3</sup>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 [<sup>F9</sup>Scottish Natural Heritage]:

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) ..... <sup>F10</sup>

(4) ..... <sup>F11</sup>

(5) The following provision shall have effect, in relation to the acquisition of land under this Act, in substitution for [<sup>F12</sup>section 120 of the <sup>M4</sup>Local Government Act 1972]

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(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; <sup>F13</sup>and the provisions of the Lands Clauses Acts incorporated with this Act by virtue of paragraph 1 of the Second Schedule to the <sup>M5</sup>Acquisition of Land (Authorisation Procedure) Act 1946, as applied by subsections (2) and (4) of this section, shall apply with the 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 <sup>M6</sup>Acquisition of Land (Authorisation Procedure) Act 1946, and to <sup>F12</sup>section 120 of the <sup>M7</sup>Local Government Act 1972] respectively, references to the <sup>M8</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and to section <sup>F14</sup>70 of the <sup>M9</sup>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

- F5** S. 103(1) substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), **Sch. 1 para. 2(1)**
- F6** 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**
- F7** S. 103(1A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 8**
- F8** S. 103(2) repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F9** Words in s. 103(2) substituted (1.4.1992) by virtue of [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 4(6), **Sch. 2 para. 1(4)**; [S.I. 1991/2633](#), **art.4**
- F10** 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**
- F11** S. 103(4) repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F12** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 272(2)**
- F13** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F14** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 103**

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

- C2** S. 103 extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 46(1)**
- C3** S. 103(1)(2) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 46(2)**  
s. 103 applied (30.1.2001) by [1981 c. 69](#), **s. 28N(5)** (as substituted (30.1.2001) by [2000 c. 37](#), ss. 75(1), 103(2), **Sch. 9 para. 1**)

#### Marginal Citations

- M1** [1981 c. 67\(28:1\)](#).
- M2** [1965 c. 56\(28:1\)](#).
- M3** [1946 c. 49](#).
- M4** [1972 c. 70](#).

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- M5** 1946 c. 49.
- M6** 1946 c. 49.
- M7** 1972 c. 70.
- M8** 1947 c. 42.
- M9** 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.
- (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, [<sup>F15</sup>subsection (4) of section 122 of the <sup>M10</sup>Local Government Act 1972], . . . <sup>F16</sup> (which relate to the operation of section sixty-eight of the <sup>M11</sup>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) . . . . . <sup>F17</sup>

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- (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 [<sup>F15</sup>subsections (1) to (3), (5) and (6) of section 122 and section 123 of the <sup>M12</sup>Local Government Act 1972], . . . <sup>F16</sup>, [<sup>F18</sup>or of sections 73 and 74 of the <sup>M13</sup>Local Government (Scotland) Act 1973].
- [<sup>F19</sup>(11) [<sup>F15</sup>Section 153 of the <sup>M14</sup>Local Government Act 1972], . . . <sup>F16</sup> (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 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

- F15** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 272(2)**
- F16** Words repealed by [London Government Act 1963 \(c. 33, SIF 81:1\)](#), **Sch. 18 Pt. II**
- F17** **Ss. 104(7)(8), 105** repealed by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), **Sch. 8**
- F18** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 104**
- F19** **S. 104(11)** repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

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

- C4** **S. 104** extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 46(1)**, excluded by *ibid.*, Sch. 2 para. 4(2)
- C5** **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

- M10** 1972 c. 70.
- M11** 1845 c. 18.
- M12** 1972 c. 70.
- M13** 1973 c. 65.

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**M14** 1972 c. 70.

**105** ..... **F20**

#### Textual Amendments

**F20** 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) [<sup>F21</sup>Sections 236 to 238 of the <sup>M15</sup>Local Government Act 1972] shall apply to all byelaws under this Act as if any authority having power to make them were a local authority within the meaning of the said Act of [<sup>F21</sup>1972] so however, that in relation to byelaws made by [<sup>F22</sup>the Nature Conservancy Council][<sup>F23</sup>(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 [<sup>F21</sup>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 [<sup>F21</sup>the <sup>M16</sup>Local Government Act 1972 and to sections 236 to 238] thereof there shall be substituted references to the Local Government (Scotland) Act [<sup>F24</sup><sup>M17</sup>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

- F21** Words substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **s. 272(2)**
- F22** Words substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 2(2)**
- F23** 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**
- F24** Words substituted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 105**

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

- C6** 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**)

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#### **Marginal Citations**

- M15** 1972 c. 70.
- M16** 1972 c. 70.
- M17** 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 . . . <sup>F25</sup> 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, [<sup>F26</sup>section 4 of the <sup>M18</sup>Land Compensation Act 1961][<sup>F27</sup>section 5 of the <sup>M19</sup>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 [<sup>F26</sup>section 5 of the said Act of 1961][<sup>F27</sup>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 <sup>M20</sup>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



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appointed under [F27]the M21Land Compensation (Scotland) Act 1963], and the following provisions of the said [F27]Act of 1963] that is to say, [F27]section 3] thereof (which relates to procedure), [F27]section 5] thereof (which relates to costs) . . . F28 but with the substitution for references to the acquiring authority of references to the authority from whom the compensation in question is claimed, and [F27]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

- F25** Words repealed by Highways Act 1959 (c. 25), **Sch. 25** and London Government Act 1963 (c. 33, SIF 81:1), **Sch. 6 para. 70**
- F26** Words substituted (E.W.) by virtue of Land Compensation Act 1961 (c. 33, SIF 28:1), **s. 40(1)**
- F27** Words substituted (S.) by virtue of Land Compensation (Scotland) Act 1963 (c. 51, SIF 28:2), **s. 47(1)**
- F28** Words spent

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

- C7** 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

- M18** 1961 c. 33.  
**M19** 1963 c. 51.  
**M20** 1949 c. 42.  
**M21** 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) ..... F29
  - (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 [F30]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 [F31]level 1 on the standard scale].

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#### Textual Amendments

- F29** 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**
- F30** Words substituted by Countryside Act 1968 (c. 41, SIF 46:1), **s. 46(3)**
- F31** 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)

- C8** S. 108 extended by Countryside Act 1968 (c. 41, SIF 46:1), **s. 46(1)**
- C9** S. 108 restricted (S.) (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), **s. 7(11)**; S.I. 1991/2633, **art.4**

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

- (1) [<sup>F32</sup>Section 282 of the <sup>M22</sup>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) [<sup>F32</sup>Section 283 of the Town and Country Planning Act 1971] and [<sup>F33</sup>section 269 of the <sup>M23</sup>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 <sup>M24</sup>Acquisition of Land (Authorisation Procedure) Act 1946, or the <sup>M25</sup>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

- F32** Words substituted by virtue of Town and Country Planning Act 1971 (c. 78, SIF 123:1), **Sch. 24 para. 2**
- F33** 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)

- C10** Unreliable marginal note
- C11** S. 109 extended by Countryside Act 1968 (c. 41), **s. 46(1)**
- C12** 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

- M22** 1971 c. 78.
- M23** 1972 c. 52.
- M24** 1946 c. 18.
- M25** 1947 c. 49.

*Status: Point in time view as at 20/02/1999.*

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

## 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.

## 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)

**C13** 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

## [<sup>F34</sup>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) <sup>F35</sup> . . . , 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

**F34** 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**

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**F35** Words in s. 111A(3)(b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**

## 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 <sup>M26</sup>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.

### Modifications etc. (not altering text)

**C14** S. 112(2) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 46(4)

### Marginal Citations

**M26** 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)

**C15** 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—

F36

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

[<sup>F37</sup>“the Agency” means [<sup>F38</sup>the Agency] established by section one of this Act;

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

[<sup>F39</sup>“drainage authority” means the National Rivers Authority or an internal drainage board;]

“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 [<sup>F40</sup>the Secretary of State] and as respects Scotland means the Secretary of State;

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“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;

F41

“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 [<sup>F42</sup>the <sup>M27</sup>Town and Country Planning Act 1971] or, in their application to Scotland, as in [<sup>F43</sup>the <sup>M28</sup>Town and Country Planning (Scotland) Act 1972].

- (2) References in this Act to the preservation [<sup>F44</sup>, or the conservation,] of the natural beauty of an area shall be construed as including references to the preservation [<sup>F44</sup>or, as the case may be, the conservation] of [<sup>F45</sup>its flora, fauna and geological and physiological 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

- F36** Definition spent
- F37** 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](#)
- F38** S. 114(1): words substituted (20.2.1999) by S.I. 1999/416, [art. 3](#), [Sch. 1 para. 1\(5\)](#)
- F39** In s. 114(1) the definition of "drainage authority" substituted (1.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), ss. 2(1), 4(2), [Sch. 1 para. 7](#)
- F40** 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\(3\)](#)
- F41** Definition repealed by [Water Resources Act 1963 \(c. 38, SIF 130\)](#), [Sch. 14 Pt. I](#)
- F42** Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78, SIF 123:1\)](#), [Sch. 24 para. 2](#)
- F43** Words substituted by virtue of [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\)](#), [Sch. 22 para. 2](#)
- F44** Words in s. 114(2) inserted (23.11.1995) by 1995 c. 25, s. 78, [Sch. 10 para. 2\(8\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1995/2950, [art. 2\(1\)](#)
- F45** Words substituted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), [s. 21\(7\)](#)

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

- C16** In s. 114(1) the definitions of "interest" and "land" applied (S.) (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 1(2), **Sch. 1 para. 19(2)**; S.I. 1991/2633, **art. 4**
- C17** In s. 114(1) the definitions 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. 199/685, art. 3
- C18** In s. 114(1) the definition of "waterway" applied (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 157(6), 223(2)**  
 In s. 114(1) the definition of "waterway" applied (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 210(1), 225(2), **Sch. 25 para. 3(4)**
- C19** Definition of "open-air recreation" restricted by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 21(6)**

**Marginal Citations**

- M27** 1971 c. 78.  
**M28** 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 20/02/1999.

**Changes to legislation:**

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Cross Heading: Supplementary Provisions.