



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

103 General provisions as to acquisition of land.

[^{F1}(1) Any power conferred by this Act on [^{F2}the appropriate conservation body][^{F3}(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.]

[^{F4}(1A) The ^{M1} 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 ^{M2} Compulsory Purchase Act 1965 shall apply with any necessary modifications.]

[^{F5}(2) In relation to the compulsory acquisition of land under this Act by [^{F6} Scottish Natural Heritage] or a local authority, the ^{M3} 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 [^{F6} 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) ^{F7}

(4) ^{F8}

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 103. (See end of Document for details)

- (5) The following provision shall have effect, in relation to the acquisition of land under this Act, in substitution for [F⁹section 120 of the M⁴Local 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; [F¹⁰and the provisions of the Lands Clauses Acts incorporated with this Act by virtue of paragraph 1 of the Second Schedule to the M⁵Acquisition 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 M⁶Acquisition of Land (Authorisation Procedure) Act 1946, and to [F⁹section 120 of the M⁷Local Government Act 1972] respectively, references to the M⁸Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and to section [F¹¹70 of the M⁹Local 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

- F1** S. 103(1) substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), **Sch. 1 para. 2(1)**
- F2** Words in s. 103(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(g\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F3** Words in s. 103(1) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. sx 43, SIF 46:4\)](#), s. 132, Sch. 9 para. 1(4)(a); S.I. 1991/685, **art. 3**
- F4** S. 103(1A) inserted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 4 para. 8**
- F5** S. 103(2) repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F6** 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**
- F7** 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**
- F8** S. 103(4) repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F9** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 272(2)**
- F10** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, **Sch. 6 Pt. I**
- F11** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 103**

Modifications etc. (not altering text)

- C1** S. 103 extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), **s. 46(1)**
- C2** 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**)

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 103. (See end of Document for details)

Marginal Citations

- M1** 1981 c. 67(28:1).
- M2** 1965 c. 56(28:1).
- M3** 1946 c. 49.
- M4** 1972 c. 70.
- M5** 1946 c. 49.
- M6** 1946 c. 49.
- M7** 1972 c. 70.
- M8** 1947 c. 42.
- M9** 1973 c. 65.

Changes to legislation:

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 103.