



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART V

ACCESS TO OPEN COUNTRY

75 Exercise of powers under s. 13 as respects open country and waterways comprised in access orders.

- (1) An access order, whether made in respect of open country or in respect of a waterway, may specify work to be carried out (either at one time or from time to time) on land comprised in the order in the exercise of the powers conferred by section thirteen of this Act.
- (2) An authority proposing, in the exercise of the said powers, to carry out any work on land comprised in an access order, whether the work is specified in the order or not, shall give to the owner and occupier of the land not less than fourteen days' notice of their intention so to do, specifying the work to be carried out.
- (3) Where the work specified in a notice given under the last foregoing subsection is not work specified in the access order, then if before the expiration of the notice the owner or occupier of the land serves notice of objection on the authority, the authority shall not carry out the work except in accordance with the provisions of the two next following subsections.
- (4) An authority on whom notice of objection has been served under the last foregoing subsection shall afford to the objector an opportunity of being heard by a person appointed by them for the purpose and shall then determine either—
 - (a) not to carry out the work to which the objection relates, or
 - (b) to carry out the work, either as originally proposed or with such modifications as the authority may determine,

and shall serve notice of their determination on the objector; and where the authority determine as mentioned in paragraph (b) of this subsection, they may proceed with the

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work in accordance with the determination at any time after the expiration of fourteen days from the date on which notice of the determination is served on the objector:

Provided that if the objector serves notice of appeal under the next following subsection the authority shall not proceed with the work except in accordance with the provisions of that subsection.

- (5) Any person aggrieved by a determination of an authority under the last foregoing subsection may within the period of fourteen days therein mentioned serve notice of appeal against the determination on the Minister and on the authority; and where notice of appeal is served under this subsection the Minister, after affording to the appellant and to the authority an opportunity of being heard by a person appointed by him for the purpose, shall either direct that the authority shall be at liberty to carry out the work (whether as specified in the notice given under subsection (2) of this section or subject to such modifications or conditions as the Minister may think fit) or shall direct the authority not to carry out the work.
- (6) Any power conferred by paragraph (b) of subsection (4) of this section or by the last foregoing subsection to modify the work specified in a notice given under subsection (2) of this section shall not be exercised so as to affect land not affected by the notice.

Modifications etc. (not altering text)

C1 S. 75 amended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 12(6)

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