



Countryside Act 1968

1968 CHAPTER 41

New powers of local authorities

6 Country parks and commons: preliminary

- (1) The powers conferred by this and the three next following sections shall be exercisable for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public, and a local authority in exercising those powers in any area in the countryside shall have regard—
 - (a) to the location of that area in the countryside in relation to an urban or built-up area, and
 - (b) to the availability and adequacy of existing facilities for the enjoyment of the countryside by the public.
- (2) In this and the three next following sections " local authority " means—
 - (a) the council of a county, county borough or county district, or
 - (b) the Greater London Council, the Common Council of the City of London or any London borough council, or
 - (c) a National Park joint planning board, that is to say a joint planning board constituted under section 2 of the Town and Country Planning Act 1962 for an area which consists of or includes any part of a National Park.
- (3) A local authority may exercise the powers conferred by the three next following sections inside or outside their area, except that only the council of a county borough may exercise those powers wholly or partly within the county borough.
- (4) Before a local authority exercise any of the powers conferred by the next following section as respects any land, or acquire any land, or any additional land, for the purpose of exercising those powers, they shall comply with the requirements in the following Table.

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TABLE

<i>Authority exercising powers</i>	<i>Requirement</i>
A county council	Consult the council of any county district in the county which will comprise all or any part of the land. Obtain the consent of the council of any other county which will comprise all or any part of the land.
Council of a county district	Obtain the consent of the county council, and of the council of any other county which will comprise all or any part of the land.
Council of a county borough, the Greater London Council, Common Council of the City of London, or any London borough council.	Obtain the consent of the council of any county which will comprise all or any part of the land.
National Park joint planning board.	Consult the council of any county district which is wholly or partly in the area of the board and which will comprise all or any part of the land. If any part of the land will be outside the area of the board, obtain the consent of the council of any county which will comprise any such part of the land.
Any local authority	If any part of the land is within a National Park and also within the area of a National Park joint planning board, obtain the consent of the board (in addition to any necessary consent of a county council).
Any local authority	If all or any part of the land is in a parish, inform the parish council or, in the case of a parish not having a parish council, the chairman of the parish meeting.

- (5) Before a county council or National Park joint planning board give any consent so required they shall consult the council of any county district within, or partly within, their area which will comprise all or any part of the land.
- (6) A local authority may apply to the Minister on the grounds that a county council or National Park joint planning board have unreasonably withheld any consent so required, and the Minister, after affording to the county council, or the board, an opportunity of making representations, may if he thinks fit direct the county council, or the board, to give the consent to which the application relates.

The county council or board shall comply with any direction given by the Minister under this subsection.

- (7) Section 29 of the Town and Country Planning Act 1959 (protection of persons deriving title under transactions requiring the consent of a Minister) shall apply as if any reference in that section to the consent of a Minister included a reference to a consent of a local authority required under this section.

7 Power to provide country parks

- (1) Subject to section 6 above, a local authority shall have power, on any site in the countryside appearing to them suitable or adaptable for the purpose set out in section 6(1) above, to provide a country park, that is to say a park or pleasure ground to be used for that purpose.
- (2) A local authority shall have power to extend, maintain and manage the country park and to do all other things appearing to them desirable for the said purpose in connection with the provision of a country park and in particular—
- (a) to lay out, plant and improve the site, and to erect buildings and carry out works,
 - (b) to provide facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation,
 - (c) to provide facilities and services for open-air recreation:

Provided that a local authority shall not under this section provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor within the country park are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (3) The powers conferred by the foregoing provisions of this section and by the next following section may be exercised by the local authority—
- (a) on land belonging to them, or
 - (b) on such terms as may be agreed with the owners and any other persons whose authority is required for the purpose, on other land,

and an agreement under paragraph (b) above may provide for the making by the local authority of payments in consideration of the making of the agreement and payments by way of contribution towards expenditure incurred by the persons making the agreement in consequence thereof.

- (4) A local authority shall have power to acquire compulsorily any land required by them for the purpose of their functions under this and the next following section.
- (5) If it appears to a local authority that a park or pleasure ground provided or acquired by the local authority before the coming into force of this section, or otherwise than under or for the purposes of this section, can suitably be used as a country park, that park or pleasure ground shall, from such date as the local authority may determine, be treated for all the purposes of this Act as a country park provided under this section, but—
- (a) this subsection shall not affect any trust, covenant or other restriction to which the park or pleasure ground is subject, and
 - (b) no grant shall be payable under this Act in respect of expenditure incurred before the date so determined.

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- (6) If it appears to a local authority that land provided or acquired by them before the coming into force of this section, as open country to be used for the purposes of Part V of the Act of 1949, can suitably be used as a country park, that land, or any part of it, shall, from such date as the local authority may determine, be treated for all the purposes of this Act as a country park provided under this section; and, if the land was acquired under section 76 of the Act of 1949 (compulsory acquisition for public access), the land so treated shall cease to be subject to that section, but—
- (a) this subsection shall not affect any trust, covenant or other restriction to which the land is subject; and
 - (b) no grant shall be payable under this Act in respect of expenditure incurred before the date so determined.
- (7) A country park provided under this section shall not be subject to any of the following enactments (which relate to parks and pleasure grounds):
- Section 164 of the Public Health Act 1875.
 - Section 44 of the Public Health Acts Amendment Act 1890.
 - Sections 76 and 77 of the Public Health Acts Amendment Act 1907.
 - Section 56(5) of the Public Health Act 1925.
 - Section 132 of the Local Government Act 1948.

8 Country parks: sailing, boating, bathing and fishing

- (1) Without prejudice to the generality of section 7(2) of this Act, where a country park comprises any waterway the kinds of open-air recreation for which the local authority may provide facilities and services under that subsection shall include sailing, boating, bathing and fishing.
- (2) If a country park is bounded by the sea, or by any waterway which is not part of the sea, the local authority providing the country park shall have power to carry out such work and do such other things as may appear to them necessary or expedient for facilitating the use of the waters so adjoining the country park by the public for sailing, boating, bathing and fishing and other forms of recreation.
- (3) The powers conferred by subsections (1) and (2) above include power to erect buildings or carry out works on land adjoining the sea or other waters but outside the country park, and to construct jetties or other works wholly or partly in the sea or other waters.
- (4) The local authority, before acting under the foregoing provisions of this section, shall consult with, and seek the consent of, any river authority having functions relating to the sea or other waters in question, and of such other authorities, being authorities which under any enactment have functions relating to the sea or other waters in question, as the Minister may either generally or in any particular case direct, and Schedule 1 to this Act shall have effect where any authority so consulted withhold their consent.
- (5) A local authority may make byelaws regulating the use of works carried out by them pursuant to this section and of any facilities or services provided in connection with the works, but before making any such byelaws the local authority shall consult the Commission:

Provided that byelaws made under this subsection shall not interfere with the exercise of any functions relating to the waters or land to which the byelaws apply which are exercisable by any authority under any enactment.

Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.

- (6) Nothing in this section shall authorise the carrying out of any operation in contravention of section 34 of the Coast Protection Act 1949 (works detrimental to navigation) or section 9 of the Harbours Act 1964 (control of harbour development).

9 Powers exercisable over or near common land

- (1) This section has effect as respects any common land to which the public have rights of access, and the powers conferred by this section are to be exercised in the interests of persons resorting to the common land for open-air recreation.
- (2) Subject to the provisions of section 6 above, a local authority may exercise the powers conferred by this section on land taken out of the common land in accordance with this section and Schedule 2 to this Act, or on other land in the neighbourhood of the common land.
- (3) A local authority shall have power to do anything appearing to the local authority to be desirable for the purpose set out in section 6(1) above, and in the interests of persons resorting to the common land, and in particular—
- (a) to provide facilities and services for the enjoyment or convenience of the public, including meals and refreshments, parking places for vehicles, shelters and lavatory accommodation,
 - (b) to erect buildings and carry out works:

Provided that a local authority shall not under this section provide accommodation, meals or refreshments except in so far as it appears to them that the facilities therefor in the neighbourhood of the common land are inadequate or unsatisfactory, either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

- (4) Schedule 2 to this Act shall have effect for the purposes of this section, and in that Schedule " the principal section " means this section.
- (5) A local authority shall have power to acquire compulsorily any land in the neighbourhood of the common land which is required by them for the purposes of their functions under this section and which is not common land.
- (6) In this section—
- " common land " has the meaning given by section 22(1) of the Commons Registration Act 1965 ;
 - " common land to which the public have rights of access " means—
 - (a) land to which section 193 of the Law of Property Act 1925 for the time being applies, other than land to which that section applies by virtue of a revocable instrument, or
 - (b) common land comprised in an access agreement or access order under Part V of the Act of 1949, other than a revocable access agreement or an access agreement expressed to have effect only for a period specified in the agreement, or

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- (c) any other common land to which the public have rights of access permanently or for an indefinite period.

10 Camping and picnic sites

- (1) A local planning authority and the council of a county district shall have power to provide in the countryside within their area camping sites for holiday and recreational purposes, to be used primarily as places for setting up tents, with space for parking vehicles and a means of access to and from a road.
- (2) A local planning authority and the council of a county district shall have power to provide in the countryside within their area picnic sites for motorists and others using the roads, with space for parking vehicles and a means of access to and from a road.
- (3) Subject to the provisions of this section, the local authority shall have power to do anything appearing to them desirable in connection with the provision of a site under subsection (1) or subsection (2) above, and in particular to manage a site or to lease it to some other person, and to provide for the use of those occupying the site any services or facilities for their health or convenience.
- (4) A local authority shall have power to acquire compulsorily any land required by them for the purposes of their functions under this section.