



Countryside Act 1968

1968 CHAPTER 41

The Countryside Commission

1 General functions of the Commission

- (1) The functions of the National Parks Commission shall be enlarged in accordance with this Act and in future their name shall be the " Countryside Commission ".
- (2) The functions conferred by this Act on the said Commission (in this Act referred to as " the Commission ") are to be exercised for the conservation and enhancement of the natural beauty and amenity of the countryside, and encouraging the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and of open-air recreation in the countryside.
- (3) The Commission shall have power—
 - (a) to make such charges for any of their services as they think fit,
 - (b) to accept any gift or contribution made to them for the purposes of any of their functions, and, subject to the terms of the gift or contribution and to the provisions of the National Parks and Access to the Countryside Act 1949 (in this Act referred to as " the Act of 1949 ") and this Act, to apply it for those purposes, and
 - (c) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.
- (4) In section 2(3) of the Act of 1949 (power to pay remuneration to Commission's chairman and deputy chairman) for the words " the chairman and deputy chairman" there shall be substituted the words " any of the members ".
- (5) In sections 1 and 2(1) of the Act of 1949 for the words " National Parks Commission " there shall be substituted the words " Countryside Commission ", and in section 4(1) of the Act of 1949 (Commission's annual report) the reference to the Commission's functions under the Act of 1949 shall include a reference to their functions under this Act.
- (6) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies offices the holders of which are disqualified under that Act) as it applies

to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the entry " Any member of the Countryside Commission in receipt of remuneration ".

2 New functions of the Commission

- (1) The Commission shall have the general duties imposed by this section, but nothing in this section shall be construed as modifying the effect of any provision of this Act or of the Act of 1949 whereby any general or specific power or duty is conferred or imposed on the Commission, or whereby an obligation is imposed on any other person to consult with the Commission.
- (2) The Commission shall keep under review all matters relating to—
 - (a) the provision and improvement of facilities for the enjoyment of the countryside,
 - (b) the conservation and enhancement of the natural beauty and amenity of the countryside, and
 - (c) the need to secure public access to the countryside for the purposes of open-air recreation,and shall consult with such local planning authorities and other bodies as appear to the Commission to have an interest in those matters.
- (3) The Commission shall encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any person or body, being proposals which the Commission consider to be suitable.
- (4) The Commission shall advise any Minister having functions under this Act, or any other Minister or any public body, on such matters relating to the countryside as he or they may refer to the Commission, or as the Commission may think fit.
- (5) Where it appears to the Commission that the provision and improvement of facilities for enjoyment of the countryside or the conservation and enhancement of the natural beauty and amenity of the countryside presents special problems or requires special professional or technical skill, the Commission—
 - (a) shall notify their opinion to the appropriate local planning authority or other public body, and
 - (b) on the application of any such authority or other body in any case where it appears to the Commission expedient having regard to title provisions of section 1(2) of this Act, and to the provisions of section 5(1) of the Act of 1949 (general provisions as respects National Parks), shall place the services of officers or servants of the Commission, or the services of consultants engaged by the Commission, at the disposal of the authority or other body for such period as may be agreed between them, and on such terms as to payment or otherwise, as may be so agreed with the approval of the Minister.
- (6) The Commission shall make to local planning authorities and other public bodies, as respects the exercise of the powers of making byelaws conferred by this Act and the Act of 1949, recommendations as to the matters in respect of which byelaws should be made.
- (7) The Commission shall carry out, or commission the carrying out of, such inquiries, investigations or researches, either on their own account or jointly with other persons, as the Commission may deem necessary or expedient for the purposes of any of their functions.

- (8) The Commission shall provide, or assist in the provision of, publicity and information services relating to the countryside, to places of beauty or interest therein, or to the functions of the Commission, and shall take such steps as appear to them expedient for securing that suitable methods of publicity are used for the prevention of damage in the countryside and for encouraging a proper standard of behaviour on the part of persons resorting to the countryside.
- (9) The Commission shall make to the Minister such recommendations as the Commission think proper in respect of applications by local authorities for Exchequer grants under this Act or the Act of 1949.

3 Exercise of functions of Commission in Wales and Monmouthshire

- (1) The Commission shall, after consultation with the Secretary of State, appoint a Committee for Wales.
- (2) The membership of the Committee for Wales shall consist partly of persons who are members of the Commission, one of whom shall be the chairman of the Committee, and partly of persons, not exceeding four in number, who are not members of the Commission.
- (3) The Commission may, after consulting the Secretary of State and subject to such conditions as they think appropriate, delegate any of their functions in Wales or Monmouthshire to the Committee for Wales, including (for Wales and Monmouthshire) their advisory functions under section 2 of this Act, and their duty of making recommendations under that section in respect of local authorities' applications for Exchequer grants.
- (4) So much of section 2(3) of the Act of 1949 as authorises the payment of allowances in respect of the matters listed in paragraphs (a), (b) and (c) of that subsection shall apply as if all the members of the Committee for Wales were members of the Commission.

4 Experimental projects or schemes

- (1) The Commission, after consultation with such local authorities and other bodies as appear to the Commission to have an interest, may from time to time prepare and submit to the Minister for his approval proposals with respect to any area for an experimental project or scheme designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity, which—
 - (a) in relation to that area involves the application of new or developed methods, concepts or techniques, and
 - (b) is designed to illustrate the appropriateness of such a project or scheme to that area or other areas of a similar nature or which present similar problems to that area,and the Minister may approve in whole or in part or with modifications any proposals so submitted to him, or may refuse to approve them.
- (2) The Commission shall concert, promote, or undertake either by themselves or in conjunction with any other authority or person, measures to implement any proposals so approved.
- (3) For the purpose of their functions under the foregoing provisions of this section the Commission may—

Status: This is the original version (as it was originally enacted).

- (a) with the approval of the Minister acquire land by agreement, or may be authorised by the Minister in a particular case to acquire land compulsorily,
 - (b) hold and manage land, and with the approval of the Minister and subject to the subsequent provisions of this section, dispose of or otherwise deal with land,
 - (c) erect buildings and carry out works or other operations on land,
 - (d) provide equipment, facilities and services on or in connection with land or with the use of land,
 - (e) hold, manage, maintain, hire, let or otherwise dispose of such works, equipment, facilities or services,
 - (f) exercise any powers to carry out work or to provide facilities or services conferred by this Act or the Act of 1949 on local authorities or local planning authorities,
 - (g) with the approval of the Minister and the Treasury, acquire by agreement and carry on or set up and carry on, directly or through an agent, or themselves carry on as agent, any business or undertaking relevant to the experimental project or scheme, and, subject to the approval of the Minister and the Treasury, may dispose of any such business or undertaking.
- (4) The disposal of land under this section may be by way of sale or exchange, or by the letting of land or the granting of any interest in or right over land, but the Commission shall not under this section dispose of land by way of gift.
- (5) The powers conferred by paragraphs (c) to (f) of subsection (3) above may be exercised by the Commission—
- (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 Commission 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.
- (6) The provisions of this section, except for that authorising compulsory purchase of land, shall have effect only for the purpose of removing any limitation imposed by law on the capacity of the Commission, and shall not authorise any act or omission on the part of the Commission which, apart from the said provisions of this section, would be actionable at the suit of any person on any ground other than such a limitation.

5 Grants and loans to persons other than public bodies

- (1) In accordance with arrangements approved by the Minister and the Treasury, the Commission shall have power to give financial assistance by way of grant or loan, or partly in the one way and partly in the other, to any person, other than a public body, carrying on or proposing to carry on any project approved by the Minister for the purposes of this section which in the opinion of the Commission is conducive to the attainment of any of the purposes of this Act or the Act of 1949.
- (2) Financial assistance by way of grant under this section shall not exceed seventy-five per cent, of the expenditure in respect of which the grant is made.
- (3) Before applying for the approval of the Minister under this section to any project the Commission shall satisfy themselves that in all the circumstances it is preferable that the project should be carried out by a person other than a public body.

- (4) On making a grant or loan under this section the Commission may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.
- (5) In this section " public body" does not include the National Trust.