

Countryside Act 1968

An Act to enlarge the functions of the Commission established under the National Parks and Access to the Countryside Act 1949, to confer new powers on local authorities and other bodies for the conservation and enhancement of natural beauty and for the benefit of those resorting to the countryside and to make other provision for the matters dealt with in the Act of 1949 and generally as respects the countryside, and to amend the law about trees and woodlands, and footpaths and bridleways, and other public paths.

[3rd July 1968¹]

Wales:

All functions of a Minister of the Crown under this Act, exercisable in relation to Wales, were transferred to the National Assembly for Wales from 1 July 1999 except the Treasury function under section 47(4): S.I. 1999/672. In 2007 the functions exercisable by the Assembly under the 1999 Order were transferred to the Welsh Ministers under the Government of Wales Act 2006; see the note concerning Wales at p. 000 above.

Commencement of 2006 Act provisions:

The Natural Environment and Rural Communities Act 2006 provides for the establishment of Natural England. The amendments to the 1968 Act below made by the 2006 Act came into force on 1 October 2006: S.I. 2006/2541.

The Countryside Council for Wales²

General functions of the Countryside Council for Wales

1. (1) The purposes for which the Countryside Council for Wales is to exercise the functions conferred on them by this Act are those specified in section 130(2) of the Environmental Protection Act 1990³.
- (2) The Council may—
 - (a) make such charges for any of their services as they think fit,

¹ This Act came into force on 3 August 1968: s. 50(3), p.000 below.

² This heading amended by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 41.

³ P.000 below. The Countryside Council for Wales is established by s.128 of the 1990 Act, p.000 below.

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- (b) 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 1949⁴ (in this Act referred to as “the Act of 1949”) and this Act, to apply it for those purposes, and
- (c) do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.⁵

*New functions of the Council*⁶

2. (1) The Council⁷ shall⁸ 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 1949⁹ whereby any general or specific power or duty is conferred or imposed on the Council¹⁰, or whereby an obligation is imposed on any other person to consult with the Council.
- (2) The Council 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 countryside¹¹, 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 authorities¹² and other bodies as appear to the Council to have an interest in those matters.
- (3) The Council shall encourage, assist, concert or promote the implementation of any proposals with respect to those matters made by any

⁴ P.000 above.

⁵ This section substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 42.

⁶ This heading amended by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 43(7).

⁷ “The Council” means the Countryside Council for Wales, s.49(2), p.000 below, established by s.128 of the Environmental Protection Act 1990 (c.43), p.000 below.

⁸ Words “Council shall” substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 43(2)(a).

⁹ The National Parks and Access to the Countryside Act 1949, p.000 above.

¹⁰ Words “Council” in this section substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 43.

¹¹ For the construction of references to the conservation of the natural beauty of an area see s. 49(4), p.000 below.

¹² For statutory provisions in respect of local planning authorities see the Town and Country Planning Act 1990 (c.8), Part 1 and the Local Government Act 1972 (c. 70), s. 184, sch. 17, pt. 1. The Town and Country Planning Act 1990 applies by virtue of s. 49(1), p.000 below, National Parks and Access to the Countryside Act 1949 (c.97), s.114(1) and the Planning (Consequential Provisions) Act 1990 (c. 11), s. 2.

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person or body, being proposals which the Council consider to be suitable.

- (4) The Council shall advise any Minister¹³ having functions under this Act, or any other Minister or any public body¹⁴, on such matters relating to the countryside as he or they may refer to the Council, or as the Council may think fit.
- (5) Where it appears to the Council 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 Council—
 - (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 Council expedient having regard to the purposes mentioned in section 1(1)¹⁵ of this Act, and to the provisions of section 5(1) of the Act of 1949¹⁶ (general provisions as respects National Parks), shall place the services of officers or servants of the Council, or the services of consultants engaged by the Council, 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 Council shall make to local planning authorities and other public bodies, as respects the exercise of the powers of making byelaws conferred by this Act, the Act of 1949 and Part 1 of the Countryside and Rights of Way Act 2000¹⁷, recommendations as to the matters in respect of which byelaws should be made.
- (7) The Council 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 Council may deem necessary or expedient for the purposes of any of their functions.

¹³ "The Minister" defined by s. 49(2), p.000 below.

¹⁴ "Public body" defined by s. 49(2), p.000 below. The definition includes statutory undertakers. The Environment Agency, every water undertaker and every sewerage undertaker are deemed to be statutory undertakers for the purposes of this section in so far as references in this section to a public body are to be construed as references to a statutory undertaker: Water Act 1989 (c.15), s. 190(1), sch. 25, para. 1(1), (2); S.I. 1996/593, art. 3, sch. 2, para. 4.

¹⁵ Words "purposes mentioned in section 1(1)" substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, pt. 1, para. 43(4)(c)(ii).

¹⁶ P.000 above.

¹⁷ Words " the Act of 1949 ... 2000" substituted by the Countryside and Rights of Way Act 2000 (c.37), 46(3), sch. 4, para. 4. This amendment came into force on 1 April 2001 in England: S.I. 2001/114 and 1 May 2001 in Wales: S.I. 2001/1410.

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- (8) The Council shall provide, or assist in the provision of, publicity and information services relating to the countryside, to places of beauty or interest therein, or the functions of the Council, 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 informing persons resorting to the countryside of their rights and obligations¹⁸.
- (9) The¹⁹ Council shall make to the Minister such recommendations as the²⁰ Council think proper in respect of applications by local authorities for grants under section 16 of the Welsh Development Agency Act 1975²¹.
3. (1) *Superseded by s. 47 of the Wildlife and Countryside Act 1981 (c. 69), p. 000 below, and repealed by s. 73(1), sch. 17, pt. 2 of that Act. This amendment came into force on 1 April 1982: S.I. 1982/327.*

Experimental projects or schemes

4. (1) The Council²², after consultation with such local authorities, National Park Authorities²³ and other bodies as appear to the Council to have an interest, may from time to time make and carry out or promote the carrying out of any experimental scheme designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty²⁴ or amenity, which—
- (a) in relation to the countryside generally or to any particular area involves the development or application of new methods, concepts or techniques, or the application or further development of existing methods, concepts or techniques; and
- (b) is designed to illustrate the appropriateness of the scheme in question for the countryside generally or for any particular

¹⁸ Words “informing persons ... obligations” inserted by the Wildlife and Countryside Act 1981 (c.69), s. 72(7). This amendment came into force on 30 November 1981: Wildlife and Countryside Act 1981, s. 74(2).

¹⁹ Former words “Agency and the” repealed by the Natural Environment and Rural Communities Act 2006 (c.16), s.105, sch. 11, para. 43(6)(a), sch. 12.

²⁰ Former words “Agency or” repealed by the Natural Environment and Rural Communities Act 2006 (c.16), s.105, sch. 11, para. 43(6)(a), sch. 12.

²¹ 1975 c.70. Words “grants ... 1975” substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 43(6)(b).

²² “The Council” means the Countryside Council for Wales, s.49(2), p.000 below, established by s.128 of the Environmental Protection Act 1990 (c.43), p.000 below. Words “Council” in this section substituted by the Natural Environment and Rural Communities Act 2006 (c.16), s.105(1), sch. 11, para. 44.

²³ Words “National Park authorities” inserted by the Environment Act 1995 (c.25), s. 78, sch. 10, para. 8(1). This amendment came into force on 1 April 1996: S.I. 1995/2950.

²⁴ For the construction of references to the conservation of the natural beauty of an area see s. 49(4), p.000 below.