



# National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

## PART V

### ACCESS TO OPEN COUNTRY

#### 65 Access orders.

- (1) Subject to the provisions of this section, the authority by whom an access order may be made shall be the local planning authority in whose area the land in question is situated; and an order made by such an authority shall be submitted to the Minister and shall not have effect unless confirmed by him.
- (2) An access order shall not be made as respects any land—
  - (a) if an access agreement or access agreements are in force with respect thereto which in the opinion of the authority having power to make such an order adequately secure to the public access to the land for open-air recreation;
  - (b) where such an agreement or agreements are not in force with respect to the land, unless it appears to the said authority impracticable to secure the making of such an agreement or agreements.
- (3) An access order shall contain a map, on such scale as may be prescribed by regulations made by the Minister, defining in such manner as may be so prescribed—
  - (a) the land comprised in the order, and
  - (b) so far as appears practicable to the authority making the order, any of the said land which, in the opinion of that authority, is at that time excepted land otherwise than by reason of being agricultural land;and the order shall also include such descriptive matter, if any, as may be so prescribed or as may appear to the said authority to be requisite for the purposes of the order.
- (4) The provisions in that behalf of the First Schedule to this Act shall apply to the making, confirmation, coming into operation and validity of access orders.

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*Changes to legislation:* There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 65. (See end of Document for details)

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(5) Before making an access order in respect of land in a National Park [<sup>F1</sup>in England], the local planning authority shall consult with [<sup>F2</sup>Natural England]; and where it appears to [<sup>F2</sup>Natural England] desirable that such an order should be made in respect of land in a National Park [<sup>F1</sup>in England], and the local planning authority have not made an order in respect thereof, [<sup>F2</sup>Natural England] may request the authority to make an order accordingly.

[<sup>F3</sup>( 5A ) The preceding subsection shall apply in relation to National Parks in Wales, and the [<sup>F4</sup>Natural Resources Body for Wales], as it applies in relation to National Parks in England, and [<sup>F5</sup>Natural England]]

(6) ..... <sup>F6</sup>

#### Subordinate Legislation Made

**P1** S. 65 : power exercised by [S.I. 1950/1066](#)

#### Textual Amendments

**F1** Words in s. 65(5) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#) , s. 130(1) , [Sch. 8 para. 1\(9\)](#) ; [S.I. 1991/685](#) , [art. 3](#)

**F2** Words in s. 65(5) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) , s. 107 , [Sch. 11 para. 10\(h\)](#) ; [S.I. 2006/2541](#) , [art. 2 \(with Sch. \)](#)

**F3** S. 65(5A) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#) , s. 130(1) , [Sch. 8 para. 1\(9\)](#) ; [S.I. 1991/685](#) , [art. 3](#)

**F4** Words in s. 65(5A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#) , [art. 1\(2\)](#) , [Sch. 2 para. 20](#) (with Sch. 7 )

**F5** Words in s. 65(5A) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) , s. 107 , [Sch. 11 para. 10\(h\)](#) ; [S.I. 2006/2541](#) , [art. 2 \(with Sch. \)](#)

**F6** S. 65(6) repealed by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#) , [Sch. 8](#)

#### Modifications etc. (not altering text)

**C1** S. 65(3) extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#) , [s. 17\(6\)](#)

**C2** S. 65(3) functions transferred (W.) (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#) , [arts. 1\(1\)](#) , [6\(a\)](#)

**C3** S. 65(5)(5A) applied (1.4.2001 for E. and 1.5.2001 for W.) by [2000 c. 37](#) , [s. 84\(1\)\(d\)](#) (with s. 84(4)-(6)) ; [S.I. 2001/114](#) , [art. 2\(2\)\(e\)](#) ; [S.I. 2001/1410](#) , [art. 2\(g\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Section 65.