

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE BILL

HL Deb 22 November 1949 vol 165 cc813-94

EARL HOWE

moved, in subsection (4) (a) after "anything" to insert "contained in or." The noble Earl said: My Lords, this Amendment is really consequent upon what the noble Lord, Lord Macdonald himself said when this clause was going through Committee. He moved a number of Amendments which he said would go a considerable way to meet the point which I was endeavouring to put forward, and he suggested that it would be for the convenience of the House if we were to accept his Amendments and, if we thought fit, put down a further Amendment on Report stage. The noble Lord was right in saying that the Amendments went some way to meet us, but they did not go the whole way, and we consider that the Amendment that we now put forward is still required.

A person can appeal to the Minister on anything that is contained in or omitted from these maps and that sort of thing, but has no right of appeal in a case where a statutory authority have decided upon a point. If the statutory authority decide to have a map in a certain form, there is then no right of appeal to the Minister. **As an example of what we are getting at, there may be on the map, or in the particulars, a road described as a road "used as a public path." Transport interests may wish to challenge this description and to contend that the road is just as much a road for vehicles; and we suggest that if the surveying authority will not nullify the particulars in this respect, there should be an appeal to the Minister.** It is said that an appeal to the Minister is unnecessary, because if a map is erroneous it does not matter. **What we are anxious about is that, once a road becomes scheduled or appears on a map, if it is accepted, then the whole case may be prejudiced at a later stage under Clause 92, where the Minister may have to take action.**

Therefore we suggest that these additional words should be inserted. I beg to move.

Amendment moved— Page 22, line 25, after ("anything") insert ("contained in or").—
(Earl Howe.)

LORD MACDONALD OF GWAENYSGOR

My Lords, I agree that the substantial Amendments which I moved to this clause do not give the noble Earl all he asked for. He has agreed, however, that they go some way to meet his request. **He has made his trouble quite clear. What he is anxious about is that a road used as a public path may be included on the map, and that it may therefore in due course become subject to traffic restrictions under Clause 92. I would prefer to leave Clause 92 until we reach it; nevertheless, it is to some extent involved here. What I would say is this: if it should happen that an order were made by the local authority restricting traffic on such a highway as the noble Earl has in mind, then the provisions of Part II of the First Schedule would apply.** That allows full scope for making objections to orders under Clause 92, and requires that where the highway authority object to the order a public inquiry shall be held. I should also like to add that the Minister of Transport has undertaken to inform those organisations which he feels may be responsible for promoting this Amendment when such an order is submitted to him, so that there will be no case where they will not be in a position to object if they want to. In view of that I hope the noble Earl will not press his Amendment.

EARL HOWE

My Lords, I should like to thank the noble Lord very much for the answer that he has given, and for the assurance which the Minister has conveyed. In the circumstances I will not press the Amendment.

Amendment, by leave, withdrawn.