



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

Countryside

39 Management agreements with owners and occupiers of land.

- (1) A relevant authority may, for the purpose of conserving or enhancing the natural beauty or amenity of any land which is ^{F1} . . . within their area or promoting its enjoyment by the public, make an agreement (in this section referred to as a “management agreement”) with any person having an interest in the land with respect to the management of the land during a specified term or without limitation of the duration of the agreement.
- (2) Without prejudice to the generality of subsection (1), a management agreement—
 - (a) may impose on the person having an interest in the land restrictions as respects the method of cultivating the land, its use for agricultural purposes or the exercise of rights over the land and may impose obligations on that person to carry out works or agricultural or forestry operations or do other things on the land;
 - (b) may confer on the relevant authority power to carry out works for the purpose of performing their functions under the 1949 Act and the 1968 Act; and
 - (c) may contain such incidental and consequential provisions (including provisions for the making of payments by either party to the other) as appear to the relevant authority to be necessary or expedient for the purposes of the agreement.
- (3) The provisions of a management agreement with any person interested in the land shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the relevant authority against those persons accordingly.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Countryside is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Schedule 2 to the ^{M1}Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants) shall apply to management agreements as it applies to forestry dedication covenants.
- (5) In this section “the relevant authority” means—
- ^{F2}(a)
 - [^{F3}(aa) as respects land within the Broads, the Broads Authority;]
 - ^{F4}(b)
 - (c) as respects any other land, the local planning authority.
 - [^{F5}(d) ^{F6}.....]
 - ^{F7}(e)
 - (f) as respects land in any area of outstanding natural beauty designated under section 82 of the Countryside and Rights of Way Act 2000 for which a conservation board has been established under section 86 of that Act, that board.]
- (6) The powers conferred by this section on a relevant authority shall be in addition to and not in derogation of any powers conferred on such an authority by or under any enactment.

Textual Amendments

- F1** Words in s. 39(1) repealed (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, ss. 96(a), 102, 103(2), **Sch. 16 Pt. VI**; S.I. 2001/114, **art. 2(2)(m)**; S.I. 2001/1410, **art. 2(q)**
- F2** S. 39(5)(a) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/2560, **art. 2, Sch.**
- F3** S. 39(5)(aa) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), **Sch. 3 para. 31(2)**
- F4** S. 39(5)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F5** S. 39(5)(d)-(f) inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, **s. 96(b)**; S.I. 2001/114, **art. 2(2)(f)**; S.I. 2001/1410, **art. 2(h)**
- F6** S. 39(5)(d) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 87, Sch. 12**; S.I. 2006/2541, **art. 2**
- F7** S. 39(5)(e) omitted (21.5.2016) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 3(5)**

Modifications etc. (not altering text)

- C1** S. 39 modified (19.9.1995) by 1995 c. 25, **ss. 69(2)(a)**, 125(2) (with ss. 7(6), 115, **Sch. 8 para. 7**)
S. 39 modified (20.9.2006) by The Natural Environment and Rural Communities Act 2006 (Commencement No. 3 and Transitional Provisions) Order 2006 (S.I. 2006/2541), **art. 3(1), Sch. para. 5**

Marginal Citations

- M1** 1967 c. 10.

^{F8}**40** Experimental schemes.

.....

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Countryside is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F8 S. 40 omitted (21.5.2016) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(6)

41 Duties of agriculture Ministers with respect to the countryside.

^{F9}[^{F10}(1)

(2) In the exercise of his general duty under section 4(2) of the ^{M2}Small Landholders (Scotland) Act 1911 of promoting the interests of agriculture and other rural industries, and without prejudice to the generality of that duty, the Secretary of State shall make provision, through such organisation as he considers appropriate, for the giving of

- [^{F11}(a) advice to persons carrying on agricultural businesses on the conservation and enhancement of the natural beauty and amenity of the countryside;
- (b) advice to such persons on diversification into other enterprises of benefit to the rural economy; and
- (c) advice to government departments and other bodies exercising statutory functions on the promotion and furtherance of such diversification as is mentioned in paragraph (b).]

(3) Where an application for [^{F12}a farm capital grant] is made as respects expenditure incurred or to be incurred for the purposes of activities on land which is in a National Park [^{F13}(including a National Park in Scotland)] or an area specified for the purposes of this subsection by the Ministers, the appropriate Minister—

- (a) shall, so far as may be consistent with the purposes of the [^{F14}the grant provisions], so exercise his functions thereunder as to further the conservation and enhancement of the natural beauty and amenity of the countryside and to promote its enjoyment by the public; and
- (b) where the relevant authority have objected to the making of the grant on the ground that the activities in question have had or will have an adverse effect on the natural beauty or amenity of the countryside or its enjoyment by the public, shall not make the grant except after considering the objection and, in the case of land in England, after consulting with the Secretary of State;

^{F15}

(4) Where, in consequence of an objection by the relevant authority, an application for a grant as respects expenditure to be incurred is refused on the ground that the activities in question will have such an effect as is mentioned in subsection (3)(b), the relevant authority shall, within three months of their receiving notice of the appropriate Minister’s decision, offer to enter into, in the terms of a draft submitted to the applicant, a management agreement—

- (a) imposing restrictions as respects those activities; and
- (b) providing for the making by them of payments to the applicant.

(5) In this section—

[^{F16} “agricultural business” has the same meaning as in section 29 of the Agriculture Act 1970;]

[^{F16} “the appropriate Minister”, “farm capital grant” and “grant provisions” have the same meanings as in section 32;]

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Countryside is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F17}“management agreement” means—

- (a) in relation to England, an agreement under section 39 or under section 7 of the Natural Environment and Rural Communities Act 2006, and
- (b) in relation to Wales, an agreement under section 39 [^{F18}or under section 16 of the Environment (Wales) Act 2016];

“the relevant authority” has the same meaning as in section 39 except that in relation to England it also includes Natural England [^{F19}and in relation to Wales it also includes the Natural Resources Body for Wales].]

[^{F20}(5A) For the purposes of this section the Broads shall be treated as a National Park [^{F21}(and, as respects land within the Broads, any reference in this section to the relevant authority is accordingly a reference to the Broads Authority).].]

(6) [^{F22}.....]

Textual Amendments

- F9** S. 41(1) repealed by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 24\(5\), Sch. 4](#)
- F10** S. 41 repealed (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\), ss. 57, 59, Sch. 7 para. 4; S.S.I. 2004/495, art. 2](#)
- F11** S. 41(2)(a)–(c) substituted for words by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 24\(4\), Sch. 3 para. 4](#)
- F12** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 20\(4\)\(a\)](#)
- F13** Words in s. 41(3) inserted (S.) (8.9.2000) by [2000 asp 10, s. 36, Sch. 5 para. 8\(2\) \(with s. 32\); S.S.I. 2000/312, art. 2](#)
- F14** Words substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 20\(4\)\(b\)](#)
- F15** Words in s. 41(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 88\(2\), Sch. 12; S.I. 2006/2541, art. 2](#)
- F16** Definition substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\), s. 20\(5\)](#)
- F17** S. 41(5): definitions of “management agreement” and “the relevant authority” substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 88\(3\); S.I. 2006/2541, art. 2](#)
- F18** Words in s. 41(5) inserted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(2\)\(a\), Sch. 2 para. 3\(7\)\(a\)](#)
- F19** Words in s. 41(5) inserted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(2\)\(a\), Sch. 2 para. 3\(7\)\(b\)](#)
- F20** S. 41(5A) inserted (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 2\(5\), 23\(2\), 27\(2\), Sch. 3 Pt. 1 para. 31\(3\)](#)
- F21** Words in s. 41(5A) inserted (1.4.1997) by [1995 c. 25, s. 78, Sch. 10 para. 22\(2\) \(with ss. 7\(6\), 115, Sch. 8 para. 7\); S.I. 1996/2560, art. 2](#)
- F22** S. 41(6) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 88\(4\), Sch. 12; S.I. 2006/2541, art. 2](#)

Modifications etc. (not altering text)

- C2** S. 41 modified (E.W.) (19.9.1995) by [1995 c. 25, ss. 69\(2\)\(a\), 125\(2\) \(with ss. 7\(6\), 115, Sch. 8 para. 7](#)

Marginal Citations

- M2** [1911 c. 49.](#)

Changes to legislation:

Wildlife and Countryside Act 1981, Cross Heading: Countryside is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)