



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

National Parks

42 Notification of agricultural operations on moor and heath in National Parks.

- (1) [^{F1}A National Park authority] may, if satisfied that it is expedient to do so, by order apply subsection (2) to any land which is comprised in [^{F2}the relevant Park] and which appears to them to consist of or include moor or heath.
- (2) Subject to subsection (3), no person shall—
 - (a) by ploughing or otherwise convert into agricultural land any land to which this subsection applies and which is moor or heath which has not been agricultural land at any time within the preceding 20 years; or
 - (b) carry out on any such land any other agricultural operation or any forestry operation which (in either case) appears to [^{F3}the National Park authority] to be likely to affect its character or appearance and is specified in the order applying this subsection to that land.
- (3) Subsection (2) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land if—
 - (a) one of them has, after the coming into force of the order, given the [^{F4}National Park authority] written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and
 - (b) one of the conditions specified in subsection (4) is satisfied.
- (4) The said conditions are—
 - (a) that the [^{F4}National Park authority] have given their consent to the carrying out of the operation;
 - (b) where that authority have neither given nor refused their consent, that three months have expired from the giving of the notice; and

Changes to legislation: Wildlife and Countryside Act 1981, Section 42 is up to date with all changes known to be in force on or before 16 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

- (c) where that authority have refused their consent, that twelve months have expired from the giving of the notice.
- (5) A person who, without reasonable excuse, contravenes subsection (2) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) Where the [^{F4}National Park authority] are given notice under this section in respect of any land, the authority shall forthwith send copies of the notice to [^{F5}Natural England] .
- (7) In considering for the purposes of this section whether land has been agricultural land within the preceding 20 years, no account shall be taken of any conversion of the land into agricultural land which was unlawful under the provisions of this section or section 14 of the 1968 Act.
- [^{F6}(8) An order under this section shall be made by statutory instrument and the Statutory Instruments Act 1946 shall apply to such an instrument as if the order had been made by a Minister of the Crown.]
- (9) The said section 14 (which is superseded by this section) shall cease to have effect; but this section shall have effect as if any order under that section in force immediately before the coming into force of this section had been made under this section.

Textual Amendments

- F1** Words in s. 42(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(2\)\(a\), 107; S.I. 2006/2541, art. 2](#)
- F2** Words in s. 42(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(2\)\(b\), 107; S.I. 2006/2541, art. 2](#)
- F3** Words in s. 42(2)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(3\), 107; S.I. 2006/2541, art. 2](#)
- F4** Words in s. 42 substituted (1.4.1996) by [1995 c. 25, s. 78, Sch. 10 para. 22\(3\) \(with ss. 7\(6\), 115, Sch. 8 para. 7\); S.I. 1995/2950, art. 3\(1\)\(2\)](#)
- F5** Words in s. 42(6) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(4\), 107; S.I. 2006/2541, art. 2](#)
- F6** S. 42(8) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(5\), 107; S.I. 2006/2541, art. 2](#)

Modifications etc. (not altering text)

- C1** S. 42(2) applied by [The Peak District National Park Authority Order 2002 \(S.I. 2002/80\), art. 2](#)
- C2** S. 42(2) applied by [S.I. 1991/1616, art. 2](#)

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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](#)