



Countryside Act 1968

1968 CHAPTER 41

Nature conservation, National Parks and access to open country

15 Areas of special scientific interest.

- [^{F1}(1) This section has effect as respects land ^{F2}. . . which is or forms part of an area which in the opinion of [^{F3}the [^{F4}NRBW] or Scottish Natural Heritage] is of special interest by reason of its flora, fauna, or geological or physiographical features.
- (2) Where, for the purpose of conserving those flora, fauna or geological or physiographical features, it appears to the [^{F4}NRBW][^{F5}or (as the case may be) Scottish Natural Heritage] expedient ^{F6}. . . to do so, the [^{F4}NRBW][^{F5}or (as the case may be) Scottish Natural Heritage] may enter into an agreement with the owners, lessees and occupiers of any such land [^{F7}(or of any [^{F8}adjacent][^{F8}other] land)] which imposes restrictions on the exercise of rights over land by the persons who can be bound by the agreement.
- (3) Any such agreement—
- (a) may provide for the carrying out on the land of such work and the doing thereon of such other things as may be expedient for the purposes of the agreement,
 - (b) may provide for any of the matters mentioned in paragraph (a) above being carried out, or for the cost thereof being defrayed, either by the owners or other persons, or by the [^{F4}NRBW][^{F9}or (as the case may be) Scottish Natural Heritage] , or partly in one way and partly in another, and
 - (c) may contain such other provisions as to the making of payments by the [^{F4}NRBW][^{F9}or (as the case may be) Scottish Natural Heritage] as may be specified in the agreement.
- (4) Where section 79 of the ^{M1}Law of Property Act 1925 (burden of covenant running with the land) applies to any such restrictions as are mentioned in subsection (2) of this section, the [^{F4}NRBW] shall have the like rights as respects the enforcement of the restrictions as if the [^{F4}NRBW] had at all material times been the absolute owner in possession of ascertained land adjacent to the land in respect of which the restriction

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is sought to be enforced, and capable of being benefited by the restriction, and the restriction had been expressed to be for the benefit of that adjacent land.

Section 84 of the Law of Property Act 1925 (discharge or modification of restrictive covenants) shall not apply to such a restriction.

- (5) Schedule 2 to the ^{M2}Forestry Act 1967 (powers of tenants for life and other limited owners to enter into forestry dedication covenants or agreements) shall apply to any agreement made in pursuance of this section as it applies to such a covenant or agreement.

[^{F10}(6) This section shall apply to Scotland subject to the following modifications—

- (a) for subsections (4) and (5) substitute—

“(4) An agreement entered into under this section affecting land in Scotland may be recorded in the General Register of Sasines or (as the case may be) registered in the Land Register of Scotland and, on being so recorded or registered, shall be enforceable at the instance of Scottish Natural Heritage against any person having an interest in the land and against any person deriving title from that person:

Provided that such an agreement shall not be enforceable against any third party who has in good faith and for value acquired right (whether title has been completed or not) to an interest in the land prior to the agreement being recorded or registered as aforesaid, or against any person deriving title from any such third party.

(5) In the case of land in Scotland, a liferenter in possession of the land shall have the power to enter into agreements under this section relating to, or to any part of, the land.”, and

- (b) after subsection (5), insert—

“(5A) The Trusts (Scotland) Act 1921 shall have effect as if among the powers conferred on trustees by section 4 thereof (which relates to the general powers of trustees) there were included a power to enter into agreements under this section relating to the trust estate or any part thereof.”.]

[^{F11}(6A)

(7) The Act of 1949 shall have effect as if this section were included in Part III of that Act.]

Textual Amendments

- F1** S. 15 omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 2\(3\)](#)
- F2** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), [Sch. 17 Pt. I](#)
- F3** Words in s. 15(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 48\(2\)\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F4** Word in s. 15 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 95](#) (with Sch. 7)
- F5** Words in s. 15(2) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 48\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F6** Words in s. 15(2) repealed (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 132, 162(2), [Sch. 9 para. 4\(2\)\(a\)](#), [Sch. 16 Pt. VI](#); S.I. 1991/685, [art. 3](#).

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- F7** Words in s. 15(2) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132, **Sch. 9 para. 4(2)(a)**; S.I. 1991/685, **art. 3**.
- F8** Word in s. 15(2) substituted (E.W.) (30.1.2001) by 2000 c. 37, **ss. 75(3)**, 103(2)
- F9** Words in s. 15(3) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 48(2)(b)**; S.I. 2006/2541, art. 2 (with Sch.)
- F10** S. 15(6) substituted (S.) (1.4.2019) by The Forestry and Land Management (Scotland) Act 2018 (Consequential Amendments) Regulations 2019 (S.S.I. 2019/125), regs. 1(2), **4(2)**
- F11** S. 15(6A) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 48(4), **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

- C1** S. 15 amended (30.1.2001) by 1981 c. 69, **s. 28J(13)** (as substituted (30.1.2001) for s. 28 by 2000 c. 37, **ss. 75(1)**, 103(2), **Sch. 9 para. 1** (with Sch. 11 paras. 1-17, **20**))
- C2** S. 15 modified (1.10.2006) by Natural Environment and Rural Communities Act 2006 (Commencement No.3 and Transitional Provisions) Order 2006 (S.I. 2006/2541), art. 3(2), **Sch. para. 4**

Marginal Citations

- M1** 1925 c. 20.
- M2** 1967 c. 10.

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