



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

National Parks

[^{F1}41A Application of sections 42 to 45 in Wales

In relation to land in Wales, sections 42 to 45 (which relate to National Parks) have effect as if references to Natural England were references to [^{F2}the Natural Resources Body for Wales].]

Textual Amendments

- F1** S. 41A inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 89](#); S.I. 2006/2541, [art. 2](#)
- F2** Words in s. 41A substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 176](#) (with [Sch. 7](#))

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

- (1) [^{F3}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 [^{F4}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 [^{F5}the National Park authority] to

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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 [^{F6}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 [^{F6}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
 - (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 [^{F6}National Park authority] are given notice under this section in respect of any land, the authority shall forthwith send copies of the notice to [^{F7}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.
- [^{F8}(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

- F3** 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](#)
- F4** 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](#)
- F5** 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](#)
- F6** 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\(1\)\(2\)](#)
- F7** 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](#)
- F8** 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](#)

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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](#)

43 Maps of National Parks showing certain areas of moor or heath.

- (1) Every [^{F9}local planning authority] whose area comprises the whole or any part of a National Park shall—
- before the expiration of the period of two years beginning with [^{F10}the relevant date], prepare a map of the Park or the part thereof showing any areas [^{F11}to which this section applies whose natural beauty] it is, in the opinion of the authority, particularly important to conserve; and
 - [^{F12}at intervals of not more than five years] review the particulars contained in the map and make such revisions thereof (if any) as may be requisite.

[^{F13}(1A) In considering under subsection (1) whether any area to which this section applies is one whose natural beauty it is particularly important to conserve, a [^{F14}local planning authority] shall act in accordance with the guidelines from time to time issued [^{F15} . . . under subsection (1B).

(1B) [^{F16}Natural England shall] issue guidelines for the guidance of county planning authorities in considering as mentioned in subsection (1A), and [^{F17}Natural England may] from time to time revise any guidelines so issued.

(1C) Before issuing or revising any guidelines under subsection (1B) [^{F18}Natural England] shall consult such bodies as appear to them to represent interests concerned; and before preparing or revising any map under subsection (1) a [^{F14}local planning authority] shall consult such bodies as appear to the authority to represent interests concerned with matters affecting the Park or part of the Park in question.]

(2) The authority shall cause a map prepared or revised in pursuance of subsection (1) to be printed, and shall cause copies thereof to be put on sale to the public at such price as the authority may determine.

[^{F19}(3) This section applies to any area of mountain, moor, heath, woodland, down, cliff or foreshore (including any bank, barrier, dune, beach, flat or other land adjacent to the foreshore); and in this section “the relevant date” means the date of issue of the first guidelines under subsection (1B).]

Textual Amendments

- F9 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 7, [Sch. 3 para. 7\(4\)](#)
F10 Words substituted by [Wildlife and Countryside \(Amendment\) Act 1985 \(c. 31, SIF 4:5\)](#), [s. 3\(2\)\(a\)](#)
F11 Words substituted by [Wildlife and Countryside \(Amendment\) Act 1985 \(c. 31, SIF 4:5\)](#), [s. 3\(2\)\(b\)](#)
F12 Words substituted by [Wildlife and Countryside \(Amendment\) Act 1985 \(c. 31, SIF 4:5\)](#), [s. 3\(3\)](#)
F13 [S. 43\(1A\)–\(1C\)](#) inserted by [Wildlife and Countryside \(Amendment\) Act 1985 \(c. 31, SIF 4:5\)](#), [s. 3\(4\)](#)
F14 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 7, [Sch. 3 para. 7\(4\)](#)
F15 Words in [s. 43\(1A\)](#) repealed (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(2), [Sch. 16 Pt. VI](#); [S.I. 1991/685](#), [art. 3](#)
F16 Words in [s. 43\(1B\)](#) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 90\(2\)\(a\)](#); [S.I. 2006/2541](#), [art. 2](#)
F17 Words in [s. 43\(1B\)](#) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 90\(2\)\(b\)](#); [S.I. 2006/2541](#), [art. 2](#)

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F18 Words in s. 43(1C) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 90(3)**; S.I. 2006/2541, **art. 2**

F19 S. 43(3) added by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), **s. 3(5)**

Modifications etc. (not altering text)

C3 S. 43 modified (19.9.1995) by 1995 c. 25, **ss. 69(3)**, 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)

44 Grants and loans for purposes of National Parks.

^{F20}(1)

[^{F21}(1A) ^{F22} . . . the National Park authority for such a Park may give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the authority, is conducive to the attainment in the Park in question of any of the purposes mentioned in section 5(1) of the 1949 Act (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public).]

(2) On making a grant or loan under this section [^{F23}the authority in question] may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.

(3) [^{F23}The authority in question] shall so exercise their powers under subsection (2) as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, insofar as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.

[^{F24}(4) For the purposes of this section the Broads Authority shall be treated as a [^{F25}National Park authority and the Broads as a National Park for which it is the local planning authority.]]

Textual Amendments

F20 S. 44(1) 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.**

F21 S. 44(1A) inserted (19.9.1995) by 1995 c. 25, **ss. 69(4)**, 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)

F22 Words in s. 44(1A) 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.**

F23 Words in s. 44(2)(3) substituted (1.4.1996) by 1995 c. 25, s. 78, **Sch. 10 para. 22(4)(a)(b)** (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1995/2950, **art. 3(1)**

F24 S. 44(4) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), **Sch. 3 Pt. I para. 31(4)**

F25 Words in s. 44(4) substituted (1.4.1997) by 1995 c. 25, s. 78, **Sch. 10 para. 22(4)(c)** (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1996/2560, **art. 3**

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45 Power to vary order designating National Park.

[^{F26}(1) [^{F27}Natural England](as well as the Secretary of State) shall have power to make an order amending an order made under section 5 of the 1949 Act designating a National Park ^{F28} . . . , and—

- (a) section 7(5) and (6) of that Act (consultation and publicity in connection with orders under section 5 or 7) shall apply to an order under this section as they apply to an order under section 7(4) of that Act with the substitution for the reference in section 7(5) to the Secretary of State of a reference to [^{F27}Natural England] ; and
- (b) Schedule 1 to that Act (procedure in connection with the making and confirmation of orders under section 5 or 7) shall apply to an order under this section as it applies to an order designating a National Park.]

(2) ^{F29}

Textual Amendments

- F26** S. 45(1) renumbered from s. 45 (*I.4.1991*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, **Sch. 8 para. 6(4)**; S.I. 1991/685, **art.3**.
- F27** Words in s. 45(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 91(2)(a)**; S.I. 2006/2541, **art. 2**
- F28** Words in s. 45(1) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, **Sch. 11 para. 91(2)(b)**, **Sch. 12**; S.I. 2006/2541, **art. 2**
- F29** S. 45(2) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, **Sch. 11 para. 91(3)**, **Sch. 12**; S.I. 2006/2541, **art. 2**

^{F30}**46**

Textual Amendments

- F30** S. 46 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.**

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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](#)