



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

^{F1}^{F1}Nature reserves, ... and Ramsar sites]

^{X1}35 National nature reserves.

- (1) Where [^{F1}the appropriate conservation body] are satisfied that any land which—
- (a) is being managed as a nature reserve under an agreement entered into with [^{F1}the appropriate conservation body];
 - (b) is held by [^{F1}the appropriate conservation body] and is being managed by them as a nature reserve; or
 - (c) is held by an approved body and is being managed by that body as a nature reserve,

is of national importance, they may declare that land to be a national nature reserve.

[^{F2}(1A) The land which may be declared to be a national nature reserve in England or Wales includes—

- (a) any land lying above mean low water mark;
- (b) any land covered by estuarial waters.

(1B) Where the area of land to which a declaration under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—

- (a) area B adjoins area A, and
- (b) any of the conditions in subsection (1C) is satisfied.

(1C) The conditions are—

- (a) that the flora, fauna or features leading to the management of area A as a nature reserve is or are also present in area B;

Changes to legislation: Wildlife and Countryside Act 1981, Section 35 is up to date with all changes known to be in force on or before 22 August 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

- (b) that the management of area A as a nature reserve is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
 - (c) that, without the inclusion of area B, the identification of the boundary of the land declared to be a national nature reserve (either in the declaration or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.
- (1D) The ministerial authority may issue guidance to the appropriate conservation body about the exercise of the power conferred by subsection (1B) to make a declaration in relation to land lying below mean low water mark.
- “The ministerial authority” has the meaning given by section 35A(12).]
- (2) A declaration by [^{F1}the appropriate conservation body] that any land is a national nature reserve shall be conclusive of the matters declared; and subsections (4) and (5) of section 19 of the 1949 Act shall apply in relation to any such declaration as they apply in relation to a declaration under that section.
 - (3) On the application of the approved body concerned, [^{F1}the appropriate conservation body], as respects any land which is declared to be a national nature reserve under subsection (1)(c), make byelaws for the protection of the reserve.
 - (4) Subsections (2) and (3) of section 20 and section 106 of the 1949 Act shall apply in relation to byelaws under this section as they apply in relation to byelaws under the said section 20.
 - (5) In this section—
 - “approved body” means a body approved by [^{F1}the appropriate conservation body] for the purposes of this section;
 - “nature reserve” has the same meaning as in Part III of the 1949 Act.

Editorial Information

- X1** The insertion of the new cross-heading "Nature reserves, marine nature reserves and Ramsar sites" in Part II on 1.10.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

- F1** Words in s. 35 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 85](#); S.I. 2006/2541, [art. 2](#)
- F2** S. 35(1A)-(1D) inserted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 148, 324(2)(b)(ii), [Sch. 13 para. 10](#) (with Sch. 13 para. 10(2)); S.I. 2014/3088, [art. 2\(b\)](#)

Changes to legislation:

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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. 11(1)(ab)-(ad) substituted for s. 11(1)(a)(aa) by [2024 asp 4 s. 6\(2\)\(a\)](#)
- s. 11(2)(aa)(ab) inserted by [2024 asp 4 s. 6\(2\)\(c\)\(ii\)](#)
- s. 11(2A) inserted by [2024 asp 4 s. 1\(6\)\(b\)](#)
- s. 11(3CA) inserted by [2024 asp 4 s. 6\(2\)\(e\)](#)
- s. 12A-12G and cross-heading inserted by [2024 asp 4 s. 7\(2\)](#)
- s. 16(1A)(c)(d) inserted by [2024 asp 4 s. 6\(4\)\(a\)\(ii\)](#)
- s. 16A(ab) inserted by [2024 asp 4 s. 7\(4\)\(b\)](#)
- s. 16A(1A) inserted by [2024 asp 4 s. 7\(4\)\(a\)](#)
- s. 16A(5B) inserted by [2024 asp 4 s. 7\(4\)\(c\)](#)
- s. 21(ga)(gb) inserted by [2024 asp 4 s. 7\(6\)](#)
- s. 26(2)(c) inserted by [2024 asp 4 s. 7\(7\)\(a\)\(ii\)](#)
- s. 26(2)(f) and word inserted by [2024 asp 4 s. 6\(7\)\(a\)](#)
- s. 26(3)(c) inserted by [2024 asp 4 s. 7\(7\)\(b\)\(ii\)](#)
- s. 26(3)(f) and word inserted by [2024 asp 4 s. 6\(7\)\(b\)](#)
- 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](#)