



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART III

NATURE CONSERVATION

Modifications etc. (not altering text)

C1 Pt. III extended by [Countryside Act 1968 \(c. 41, SIF 46:1\)](#), s. 15(7)

[^{F1} 15 Meaning of “nature reserve.”

- (1) In this Part, “nature reserve ” means—
 - (a) land managed solely for a conservation purpose, or
 - (b) land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.
- (2) Land is managed for a conservation purpose if it is managed for the purpose of—
 - (a) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the fauna and flora of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area, or
 - (b) preserving flora, fauna or geological or physiographical features of special interest in the area,or for both those purposes.

[^{F2}(2A) In subsection (2)(b) the reference to preserving flora or fauna includes enabling or facilitating its recovery or increase.]

- (3) Land is managed for a recreational purpose if it is managed for the purpose of providing opportunities for the enjoyment of nature or for open-air recreation.]

Changes to legislation: There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Part III. (See end of Document for details)

Textual Amendments

- F1** S. 15 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 12](#); [S.I. 2006/2541, art. 2](#) (with Sch.)
- F2** S. 15(2A) inserted (E.W.S) (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\), regs. 1\(1\), 26](#); [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2012 \(S.S.I. 2012/228\), regs. 1\(1\), 7](#)

Modifications etc. (not altering text)

- C2** In s. 15 definition of "nature reserves" applied (S.) (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 4\(7\)](#); [S.I. 1991/2633, art.4](#)

[^{F3}15A Meaning of [^{F4}appropriate conservation body].

[In this Part of this Act [^{F6}references to the appropriate conservation body are ^{F5}(1)] references]—

- (a) in relation to land in England, to [^{F7}Natural England];
- (b) in relation to land in Scotland, to [^{F8}Scottish Natural Heritage] for Scotland; and
- (c) in relation to land in Wales, to the [^{F9}Countryside Council for Wales][^{F9}Natural Resources Body for Wales]]

[^{F10}(2) In this Part of this Act—

- (a) “ nature reserve agreement ” means an agreement under section 7 of the 2006 Act [^{F11}or section 16 of the 2016 Act] for securing that land which it appears expedient in the national interest should be managed as a nature reserve shall be so managed, [^{F12}and]
- (b) “ the 2006 Act ” means the Natural Environment and Rural Communities Act 2006.]

[^{F13}(c) “the 2016 Act” means the Environment (Wales) Act 2016.]

Textual Amendments

- F3** S. 15A inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 1\(2\)](#); [S.I. 1991/685, art. 3](#)
- F4** Words in s. 15A substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 13\(5\)](#); [S.I. 2006/2541, art. 2](#) (with Sch.)
- F5** S. 15A(1): s. 15A renumbered as s. 15A(1) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 13\(2\)](#); [S.I. 2006/2541, art. 2](#) (with Sch.)
- F6** Words in s. 15A(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 13\(3\)\(a\)](#); [S.I. 2006/2541, art. 2](#) (with Sch.)
- F7** Words in s. 15A(1)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 13\(3\)\(b\)](#); [S.I. 2006/2541, art. 2](#) (with Sch.)
- F8** Words in s. 15A(b) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\), s. 4\(6\), Sch. 2 para. 1\(2\)](#); [S.I. 1991/2633, art. 4](#)
- F9** Words in s. 15A(1)(c) substituted (E.W.) (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\), art. 1\(2\), Sch. 2 para. 16](#) (with Sch. 7)
- F10** S. 15A(2) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 13\(4\)](#); [S.I. 2006/2541, art. 2](#) (with Sch.)

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- F11** Words in s. 15A(2)(a) inserted (E.W.) (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 1(2)(a)(i)**
- F12** Word in s. 15A(2)(a) omitted (E.W.) (21.5.2016) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 1(2)(a)(ii)**
- F13** S. 15A(2)(c) inserted (E.W.) (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 1(2)(b)**

16 ^{F14}Agreements for management of nature reserves in Scotland and Wales]

- (1) [^{F15}[^{F16}The [^{F17}Natural Resources Body for Wales][^{F16}A Welsh local authority]] or Scottish Natural Heritage] may enter into an agreement with every owner, lessee and occupier of any land, being land as to which it appears to [^{F18}the [^{F17}[^{F19}Natural Resources Body for Wales][^{F19}Welsh local authority]] or (as the case may be) Scottish Natural Heritage] expedient in the national interest that it should be managed as a nature reserve, for securing that it shall be so managed.

^{F20}(1A) The power of a Welsh local authority in subsection (1)—

- (a) is also exercisable where it appears to the authority that it is expedient in the interests of the locality that land should be managed as a nature reserve;
 - (b) is exercisable only in relation to land in the authority's area that is not held by, or managed in accordance with an agreement entered into with, the Natural Resources Body for Wales.]
- (2) Any such agreement may impose such restrictions as may be expedient for the purposes of the agreement on the exercise of rights over the land by the persons who can be bound by the agreement.
- (3) Any such agreement—
- (a) may provide for the management of the land in such manner, the carrying out thereon 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 the last foregoing paragraph being carried out, or for the cost thereof being defrayed, either by the said owner or other persons, or by [^{F21}[^{F22}the [^{F17}Natural Resources Body for Wales][^{F22}a Welsh local authority]] or (as the case may be) Scottish Natural Heritage] or partly in one way and partly in another;
 - (c) may contain such other provisions as to the making of payments by [^{F23}[^{F24}the [^{F17}Natural Resources Body for Wales][^{F24}a Welsh local authority]] or (as the case may be) Scottish Natural Heritage] and in particular for the payment by them of compensation for the effect of the restrictions mentioned in the last foregoing subsection, as may be specified in the agreement.
- (4) Section two of the ^{M1}Forestry Act 1947 (which empowers tenants for life and other limited owners to enter into forestry dedication covenants) shall apply to any such agreement; and where section seventy-nine of the ^{M2}Law of Property Act 1925 (which provides that unless a contrary intention is expressed the burden of a covenant runs with the land) applies, subsections (2) and (3) of section one of the said Act of 1947 (which provide for enforcement against persons other than the covenantor) shall apply to any such restrictions as are mentioned in subsection (2) of this section, but with the substitution for references to the Forestry Commissioners of references to [^{F25}[^{F26}the][^{F17}Natural Resources Body for Wales][^{F26}a Welsh local authority]] .

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(5) The following provisions shall have effect in the application of this section to Scotland:

- (a) a limited owner of land shall have power to enter into agreements under this section relating to the land;
- (b) the ^{M3}Trusts (Scotland) Act 1921, shall have effect as if among the powers conferred on trustees by section four 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;
- [^{F27}(c) an agreement under this section [to which an owner or limited owner of land or a trustee acting under paragraph (b) is a party] 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 shall have 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;]

- (d) the expression “owner” includes any person empowered under this subsection to enter into agreements relating to land;
- (e) subsection (4) shall not apply.

[^{F28}(6) In this section a “Welsh local authority” means—

- (a) the council of a county or county borough in Wales, and
- (b) a National Park authority for a National Park in Wales.]

Textual Amendments

- F14** S. 16 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 14\(5\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F15** Words in s. 16(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 14\(2\)\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F16** Words in s. 16(1) substituted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016](#) (anaw 3), s. 88(2)(a), [Sch. 2 para. 1\(3\)\(a\)\(i\)](#)
- F17** Words in s. 16 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), [Sch. 2 para. 17](#) (with Sch. 7)
- F18** Words in s. 16(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 14\(2\)\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F19** Words in s. 16(1) substituted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016](#) (anaw 3), s. 88(2)(a), [Sch. 2 para. 1\(3\)\(a\)\(ii\)](#)
- F20** S. 16(1A) inserted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016](#) (anaw 3), s. 88(2)(a), [Sch. 2 para. 1\(3\)\(b\)](#)
- F21** Words in s. 16(3)(b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 14\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F22** Words in s. 16(3)(b) substituted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016](#) (anaw 3), s. 88(2)(a), [Sch. 2 para. 1\(3\)\(c\)](#)
- F23** Words in s. 16(3)(c) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 14\(3\)](#); S.I. 2006/2541, art. 2 (with Sch.)

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- F24** Words in s. 16(3)(c) substituted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 1(3)(c)**
- F25** Words in s. 16(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 14(4)**; S.I. 2006/2541, **art. 2** (with Sch.)
- F26** Words in s. 16(4) substituted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 1(3)(d)**
- F27** S. 16(5)(c) 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), **2(2)**
- F28** S. 16(6) inserted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 1(3)(e)**

Modifications etc. (not altering text)

- C3** S. 16 amended (30.1.2001) by [1981 c. 69, s. 28J\(13\)](#) (as substituted (30.1.2001) by [2000 c. 37](#), ss. 75(1), 103(2), **Sch. 9 para. 1**)
- C4** S. 16 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. 3**

Marginal Citations

- M1** [1947 c. 21.](#)
- M2** [1925 c. 20.](#)
- M3** [1921 c. 58.](#)

17 **Compulsory acquisition of land by [^{F29}conservation body]for establishment of nature reserves.**

- (1) Subject to the provisions of the next following subsection, where [^{F30}the appropriate conservation body] are satisfied as respects any land that it is expedient in the national interest that it should be managed as a nature reserve, they may acquire the land compulsorily.
- (2) [^{F31}the appropriate conservation body] shall not acquire any interest in land under the last foregoing subsection unless they are satisfied that they are unable, as respects that interest, to conclude on terms appearing to them reasonable an [^{F32}nature reserve agreement or an agreement under section 16] containing such provisions as in their opinion are required for securing that the land will be satisfactorily managed as a nature reserve.

Textual Amendments

- F29** Words in s. 17 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 16(b)**; S.I. 2006/2541, **art. 2** (with Sch.)
- F30** Words in s. 17(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 15(a)**; S.I. 2006/2541, **art. 2** (with Sch.)
- F31** Words in s. 17(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 15(a)**; S.I. 2006/2541, **art. 2** (with Sch.)
- F32** Words in s. 17(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 16(a)**; S.I. 2006/2541, **art. 2** (with Sch.)

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18 Compulsory acquisition of land by [^{F33}conservation body] for maintenance of nature reserves.

- (1) Where, as respects any interest in land, [^{F34}the appropriate conservation body] have entered into [^{F35}a nature reserve agreement or an agreement under section 16] and any breach of the agreement occurs which prevents or impairs the satisfactory management as a nature reserve of the land to which the agreement relates, then without prejudice to any other remedy [^{F34}the appropriate conservation body] may acquire that interest compulsorily.
- (2) Such a breach shall not be treated as having occurred by virtue of any act or omission capable of remedy unless there has been default in remedying it within a reasonable time after notice given by [^{F36}the appropriate conservation body] requiring the remedying thereof.
- (3) Any dispute arising under this section whether there has been such a breach of an agreement as aforesaid shall be determined by an arbitrator appointed by the Lord Chancellor or, in the case of a dispute relating to land in Scotland, by an arbiter appointed by the Lord President of the Court of Session.
- (4) ^{F37} . . . , at any stage of the proceedings in any arbitration under the last foregoing subsection relating to land in Scotland the arbiter may, and shall if so directed by the Court of Session, state a case for the opinion of that Court on any question of law arising in the arbitration.

Textual Amendments

- F33** Words in s. 18 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 17\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F34** Words in s. 18(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 15\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F35** Words in s. 18(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 17\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F36** Words in s. 18(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 15\(b\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F37** Words in s. 18(4) repealed (31.1.1997) by [1996 c. 23, s. 107\(2\)](#), [Sch. 4](#); S.I. 1996/3146, art. 3

19 Declarations that areas are nature reserves.

- (1) A declaration by [^{F38}the appropriate conservation body] that any land is the subject of [^{F39}a nature reserve agreement or an agreement under section 16], or has been acquired and is held by [^{F38}the appropriate conservation body], shall be sufficient evidence, unless the contrary is proved, that the land is subject to such an agreement or has been so acquired and is so held, as the case may be.
- (2) A declaration by [^{F40}the appropriate conservation body] that any land which is subject to such an agreement as aforesaid, or is held by [^{F40}the appropriate conservation body] is being managed as a nature reserve shall be conclusive of the matters declared.
- (3) It shall be the duty of [^{F41}the appropriate conservation body], where any such declaration has been made and the agreement to which it relates ceases to be in force, or the land to which it relates ceases to be held by the [^{F41}the appropriate conservation body] or to be managed as a nature reserve, as the case may be, to make a declaration of that fact; and any such declaration shall be conclusive of the matters declared.

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- (4) [^{F42}the appropriate conservation body] shall publish notice of any declaration under this section in such manner as appears to them best suited for informing persons concerned.
- (5) A document purporting to be certified on behalf of [^{F43}the appropriate conservation body] to be a true copy of any declaration under this section shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

Textual Amendments

- F38** Words in s. 19(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(c\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F39** Words in s. 19(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 18; S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F40** Words in s. 19(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(c\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F41** Words in s. 19(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(c\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F42** Words in s. 19(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(c\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F43** Words in s. 19(5) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 15\(c\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)

Modifications etc. (not altering text)

- C5** S. 19(4)(5) extended by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 35\(2\)](#)

20 Byelaws for protection of nature reserves.

- (1) [^{F44}the appropriate conservation body] may, as respects land which is being managed as a nature reserve under an agreement entered into with them or land held by them which is being managed as a nature reserve, make byelaws for the protection of the reserve:

Provided that byelaws under this section shall not have effect as respects any land in a reserve unless a declaration under the last foregoing section is in force declaring that the land is being managed as a nature reserve and notice of the declaration has been published in pursuance of that section.

- (2) Without prejudice to the generality of the last foregoing subsection, byelaws under this section—
- may provide for prohibiting or restricting the entry into, or movement within, nature reserves of persons, vehicles, boats and animals;
 - may prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in a nature reserve, the taking, destruction or disturbance of eggs of any such creature, the taking of, or interference with, vegetation of any description in a nature reserve, or the doing of anything therein which will interfere with the soil or damage any object in the reserve;
 - may prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining a nature reserve (whether the area be of land or of sea) as appears to [^{F45}the appropriate conservation body] requisite for the protection of the reserve;

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- (d) may contain provisions prohibiting the depositing of rubbish and the leaving of litter in a nature reserve;
- (e) may prohibit or restrict, or provide for prohibiting or restricting, the lighting of fires in a nature reserve, or the doing of anything likely to cause a fire in a nature reserve;
- (f) may provide for the issue, on such terms and subject to such conditions as may be specified in the byelaws, of permits authorising entry into a nature reserve or the doing of anything therein which would otherwise be unlawful, whether under the byelaws or otherwise;
- (g) may be made so as to relate either to the whole or to any part of the reserve or, in the case of byelaws made under paragraph (c) of this subsection, of any such surrounding or adjoining area as is mentioned in that paragraph, and may make different provisions for different parts thereof:

Provided that byelaws under this section shall not interfere with the exercise by any person of a right vested in him as owner, lessee or occupier of land in a nature reserve, or in the case of such land in Scotland as limited owner thereof, or with the exercise of any public right of way or of any functions of statutory [^{F46}undertakers, of a river board or other drainage authority][^{F46}undertakers, or an internal drainage board] or a district board for a fishery district within the meaning of the ^{M4}Salmon Fisheries (Scotland) Act 1862, or of the Commissioners appointed under the ^{M5}Tweed Fisheries Act 1857. [^{F47}or with the running of a telecommunications code system or the exercise of any right conferred by or in accordance with the telecommunications code on the operator of any such system.]

- (3) Where the exercise of any right vested in a person, whether by reason of his being entitled to any interest in land or by virtue of a licence or agreement, is prevented or hindered by the coming into operation of byelaws under this section, he shall be entitled to receive from [^{F48}the appropriate conservation body] compensation in respect thereof.

Textual Amendments

- F44** Words in s. 20(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 15\(d\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F45** Words in s. 20(2)(c) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 15\(d\)](#); S.I. 2006/2541, art. 2 (with Sch.)
- F46** Words from “undertakers” to “board” substituted (E.W.) for words from “undertakers” to “drainage authority” by [Water Act 1989](#), (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 13(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F47** Words inserted by [Telecommunications Act 1984](#) (c. 12, SIF 96), [Sch. 4 para. 28\(1\)](#)
- F48** Words in s. 20(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 15\(d\)](#); S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

- C6** S. 20 amended by [British Telecommunications Act 1981](#) (c. 38, SIF 96), s. 1(2), [Sch. 3 para. 10\(2\)\(a\) \(6\)](#), s. 20(2)(3) extended by [Wildlife and Countryside Act 1981](#) (c. 69, SIF 4:5), [s. 35\(4\)](#)
- C7** S. 20(2)(3) applied (30.1.2001) by [1981 c. 69, s. 28R\(2\)](#) (as substituted (30.1.2001) by [2000 c. 37, ss. 75\(1\), 103\(2\)](#), [Sch. 9 para. 1](#))

Marginal Citations

- M4** [1862 c. 97.\(52:2\)](#)

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M5 1857 c. cxlviii.(52:2)

21 Establishment of nature reserves by local authorities.

- (1) The council of a county or county borough [^{F49}or in Scotland [^{F50}a [^{F51}general or district] planning authority]] shall have power to provide, or secure the provision of, nature reserves on any land in their area (not being land held by, or managed in accordance with an agreement entered into with [^{F52}the appropriate conservation body]) as to which it appears to the council expedient that it should be managed as a nature reserve.
- (2) ^{F53}
- (4) The foregoing provisions of this Part of this Act shall apply to the provision of nature reserves by local authorities under this section with the substitution for references to [^{F54}the appropriate conservation body]^{F55}, the [^{F56}Natural Resources Body for Wales]] or Scottish Natural Heritage] of references to the local authority and as if the^{F57} references in subsection (1) of sections sixteen and seventeen respectively of this Act to the national interest included references]]^{F57} reference in subsection (1) of section 17 of this Act to the national interest were a reference] to the interests of the locality.
- (5) A local authority may, as respects any land which is being managed as a nature reserve by the authority, enter into an agreement with any drainage authority for the exercise by the drainage authority, on such terms as to payment or otherwise as may be specified in the agreement, of any power of doing work exercisable by the local authority under the foregoing provisions of this section.
- (6) A local authority shall exercise their functions under this Part of this Act in consultation with [^{F58}the appropriate conservation body].
- (7) ^{F59}

Textual Amendments

- F49** Words inserted by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 27 Pt. II para. 100**
- F50** Words substituted (S.) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), **s. 10**
- F51** Words in s. 21(1) repealed (S.) (1.4.1996) by [1994 c. 39, s. 180\(2\)](#), **Sch. 14**; [S.I. 1996/323, art. 4\(1\)\(d\)](#), **Sch. 2**
- F52** Words in s. 21(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 15(e)**; [S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F53** S. 21(2)(3) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **Sch. 30**
- F54** Words in s. 21(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 19**; [S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F55** Words in s. 21(4) omitted (E.W.) (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 1(4)(a)**
- F56** Words in s. 21(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 18** (with Sch. 7)
- F57** Words in s. 21(4) substituted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 1(4)(b)**
- F58** Words in s. 21(6) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, **Sch. 11 para. 15(e)**; [S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F59** S. 21(7) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**

Modifications etc. (not altering text)

C8 S. 21 amended (E.W.) by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 17 para. 34

C9 S. 21 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125, Sch. 9 para. 3 (with ss. 7(6), 115, 117, Sch. 8 para. 7)

s. 21 extended (S.)(8.9.2000) by 2000 asp 10, s. 9, Sch. 3 para. 2 (with s. 32); S.I. 2000/312, art. 2

22 Power of drainage authorities to do work in nature reserves.

Where [^{F60}the appropriate conservation body], a local authority or any other person enter into an agreement with a drainage authority for the doing by that authority of any work on land managed as a nature reserve by, or under an agreement with, [^{F60}the appropriate conservation body] or a local authority, no limitation imposed by law on the capacity of the drainage authority by virtue of the constitution thereof shall operate so as to prevent the drainage authority carrying out the agreement.

Textual Amendments

F60 Words in s. 22 substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 15(f); S.I. 2006/2541, art. 2 (with Sch.)

Modifications etc. (not altering text)

C10 S. 22 amended (E.W.) by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 17 para. 34

C11 S. 22 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125(2), Sch. 9 para. 3 (with ss. 7(6), 115, 117, Sch. 8 para. 7)

s. 22 extended (S.)(8.9.2000) by 2000 asp 10, s. 9, Sch. 3 para. 2 (with s. 32); S.I. 2000/312, art. 2

23 F61

Textual Amendments

F61 S. 23 repealed and superseded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 28(13), Sch. 17 Pt. I

24 F62

Textual Amendments

F62 S. 24 repealed by Science and Technology Act 1965 (c. 4, SIF 57), Sch. 4

25 F63

Textual Amendments

F63 S. 25 repealed by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), Sch. 4

26 **Application of Part III to Scotland.**

In the application of this Part of this Act to Scotland the expressions “owner” and “limited owner” have the same meanings as in section three of the^{M6}Forestry Act 1947.

Marginal Citations

M6 1947 c. 21.

Changes to legislation:

There are currently no known outstanding effects for the National Parks and Access to the Countryside Act 1949, Part III.