



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97 12 13 and 14 Geo 6

PART III

NATURE CONSERVATION

16 ^[F1]Agreements for management of nature reserves in Scotland and Wales]

- (1) ^[F2]^[F3]The ^[F4]Natural Resources Body for Wales^[F3] ^[F3]A Welsh local authority^[F3] 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 ^[F5]the ^[F4]^[F6]Natural Resources Body for Wales^[F6] ^[F6]Welsh local authority^[F6] 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.

^[F7](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 ^[F8]^[F9]the ^[F4]Natural Resources Body for

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- Wales][^{F9} 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 [^{F10} [^{F11} the [^{F4} Natural Resources Body for Wales][^{F11} 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 [^{F12} [^{F13} the][^{F4} Natural Resources Body for Wales][^{F13} a Welsh local authority]] .
- (5) The following provisions shall have effect in the application of this section to Scotland:
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- (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;
- ^{F14}(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.
- ^{F15}(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

- F1** 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.)
- F2** 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.)

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- F3** 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)**
- F4** 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)
- F5** 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.)
- F6** 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)**
- F7** 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)**
- F8** 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.)
- F9** 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)**
- F10** 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.)
- F11** 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)**
- F12** 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.)
- F13** 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)**
- F14** 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)**
- F15** 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)

- C1** 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**)
- C2** 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.

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Changes and effects yet to be applied to :

- s. 16(5)(b) words substituted by [2024 asp 2 Sch. 1 para. 3\(a\)](#)
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