
Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

[^{F1}Nature reserves, [^{F2} marine nature reserves] and Ramsar sites

Textual Amendments

- F1** S. 34A and preceding cross-heading inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1), 107, [Sch. 11 para. 84](#); S.I. 2006/2541, [art. 2](#)
- F2** Words in cross-heading preceding s. 34A omitted (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by virtue of [Marine and Coastal Access Act 2009](#) (c. 23), ss. 146(1), 324(2)(b)(i), [Sch. 11 para. 2\(3\)](#) (with s. 145); S.I. 2014/3088, [art. 2\(b\)](#); and those same words repealed (S.) (1.7.2010) by [Marine \(Scotland\) Act 2010](#) (asp 5), ss. 167, 168(1), [Sch. 4 para. 5\(a\)](#) (with s. 162); S.S.I. 2010/230, [art. 2\(h\)](#)

34A Meaning of “appropriate conservation body”

In the following provisions of this Part “the appropriate conservation body” means—

- (a) in relation to England, Natural England;
- (b) in relation to Wales, [^{F3}the Natural Resources Body for Wales];
- (c) in relation to Scotland, Scottish Natural Heritage.

Textual Amendments

- F3** Words in s. 34A(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), [art. 1\(2\)](#), [Sch. 2 para. 173](#) (with [Sch. 7](#))

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

^{x1}35 National nature reserves.

- (1) Where [^{F4}the appropriate conservation body] are satisfied that any land which—
- (a) is being managed as a nature reserve under an agreement entered into with [^{F4}the appropriate conservation body];
 - (b) is held by [^{F4}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.

[The land which may be declared to be a national nature reserve in England or Wales ^{F5}(1A) 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;
- (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 [^{F4}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, [^{F4}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—

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

“approved body” means a body approved by [^{F4}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

- F4** 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](#)
- F5** 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\(b\)](#)

^{F6}35A **Power to call in subtidal declarations**

- (1) This section applies where—
 - (a) the appropriate conservation body propose to declare land to be a national nature reserve under section 35(1), and
 - (b) the land to which the proposed declaration relates includes, by virtue of section 35(1B), land lying below mean low water mark (“the subtidal land”).
- (2) The appropriate conservation body may not declare the reserve unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.
- (3) At any time before the reserve is declared the ministerial authority may give notice to the appropriate conservation body that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.
- (4) If the ministerial authority gives notice under subsection (3), the appropriate conservation body may not declare the reserve until the ministerial authority has given a direction under subsection (5).
- (5) The ministerial authority may direct—
 - (a) that the reserve (if declared) must include all of the subtidal land;
 - (b) that the reserve (if declared) must not include any of the subtidal land;
 - (c) that the reserve (if declared) must, or must not, include such part of that land as is specified in the direction;
 - (d) that the decision whether the reserve (if declared) should include the subtidal land is to be taken by the appropriate conservation body.
- (6) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—
 - (a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;
 - (b) providing written representations to such a person.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

- (7) A person appointed under subsection (6) must make a report to the ministerial authority of any oral or written representations made under that subsection.
- (8) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (6).
- (9) The power to make regulations under subsection (8) is exercisable by statutory instrument.
- (10) A statutory instrument containing regulations made under subsection (8) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) A statutory instrument containing regulations made under subsection (8) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) In this section “the ministerial authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.]

Textual Amendments

- F6** S. 35A inserted (E.W.) (12.11.2009 for certain purposes, 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(1)(c)(2)(b)(ii), [Sch. 13 para. 11](#); S.I. 2014/3088, art. 2(b)

^{x2}36 **Marine nature reserves.** E+W

- [^{F7}(1) Where, in the case of any land covered (continuously or intermittently) by tidal waters or parts of the sea [^{F8}which are landward of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured or are seaward of those baselines up to a distance of three nautical miles], it appears to the Secretary of State expedient, on an application made by [^{F9}the appropriate conservation body], that the land and waters covering it should be managed by [^{F9}the appropriate conservation body] for the purpose of—
- (a) conserving marine flora or fauna or geological or physiographical features of special interest in the area; or
 - (b) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area,
- he may by order designate the area comprising that land and those waters as a marine nature reserve; and [^{F9}the appropriate conservation body] shall manage any area so designated for either or both of those purposes.
- (2) An application for an order under this section shall be accompanied by—
- (a) a copy of the byelaws which, if an order is made, [^{F9}the appropriate conservation body] propose making under section 37 for the protection of the area specified in the application; and

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

- (b) a copy of any byelaws made or proposed to be made for the protection of that area by a relevant authority;
- and an order made on the application shall authorise the making under that section of such of the byelaws proposed to be made by [^{F9}the appropriate conservation body] as may be set out in the order with or without modifications.
- (3) Byelaws the making of which is so authorised—
- (a) shall not require the Secretary of State’s consent under subsection (1) of section 37; and
- (b) notwithstanding anything in the provisions applied by subsection (4) of that section, shall take effect on their being made.
- (4) The provisions of Schedule 12 shall have effect as to the making, validity and date of coming into operation of orders under this section; and an order made under this section may be amended or revoked by a subsequent order so made.
- (5) The powers exercisable by [^{F9}the appropriate conservation body] for the purpose of managing an area designated as a marine nature reserve under this section shall include power to install markers indicating the existence and extent of the reserve.
- (6) Nothing in this section or in byelaws made under section 37 shall interfere with the exercise of any functions of a relevant authority, any functions conferred by or under an enactment (whenever passed) or any right of any person (whenever vested).
- (7) In this section—
- “enactment” includes an enactment contained in a local Act;
- “local authority” means—
- (a) in relation to England and Wales, a county council, [^{F10}a county borough council,] a district council, ^{F11} . . . or a London borough council;
- (b) in relation to Scotland, a [^{F12}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- ^{F13} “nautical miles” means international nautical miles of 1,852 metres;]
- “relevant authority” means a [^{F14}local authority, the Natural Resources Body for Wales, a water][^{F15}undertaker, a sewerage undertaker,] an internal drainage board, a navigation authority, a harbour authority, ^{F16} . . . , a lighthouse authority, a conservancy authority, [^{F17}the Scottish Environment Protection Agency], a district board for a fishery district within the meaning of the ^{M1}Salmon Fisheries (Scotland) Act 1862, or a local fisheries committee constituted under the ^{M2}Sea Fisheries Regulation Act 1966.]

Editorial Information

- X2** 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.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

Textual Amendments

- F7** S. 36 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 146, 321, 324(2)(b)(i)(4), [Sch. 11 para. 2\(2\)\(a\)](#), [Sch. 22 Pt. 3](#) (with s. 145, [Sch. 12](#)); S.I. 2014/3088, art. 2(b)(c); and s. 36 repealed (S.) (1.7.2010) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), ss. 167, 168(1), [Sch. 4 para. 5\(b\)](#) (with s. 162); S.S.I. 2010/230, [art. 2\(h\)](#)
- F8** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(1)(2), [Sch. 1 para. 6\(a\)](#)
- F9** Words in s. 36 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 35](#); S.I. 2006/2541, [art. 2](#)
- F10** Words in s. 36(7) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 65\(4\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F11** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F12** Words in s. 36(7) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 125\(3\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F13** Definition inserted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(1), [Sch. 1 para. 6\(b\)](#)
- F14** Words in s. 36(7) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 174](#) (with [Sch. 7](#))
- F15** S. 36(7): Words in definition of "relevant authority" substituted (E.W.) 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. 66\(2\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\)](#), [58](#)
- F16** Words repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(5), [Sch. 3](#)
- F17** Words in s. 36(7) substituted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, [Sch. para. 6](#)

Modifications etc. (not altering text)

- C1** S. 36(1): power to extend conferred by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(2)(b)

Marginal Citations

- M1** 1862 c. 97.
M2 1966 c. 38.

^{X6}[^{F1}36] **Marine nature reserves.** **S**

(1) Where, in the case of any land covered (continuously or intermittently) by tidal waters or parts of the sea [^{F28}which are landward of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured or are seaward of those baselines up to a distance of three nautical miles], it appears to the Secretary of State expedient, on an application made by [^{F29}the appropriate conservation body], that the land and waters covering it should be managed by [^{F29}the appropriate conservation body] for the purpose of—

- (a) conserving marine flora or fauna or geological or physiographical features of special interest in the area; or
- (b) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of geological and physiographical features of special interest in the area,

he may by order designate the area comprising that land and those waters as a marine nature reserve; and [^{F29}the appropriate conservation body] shall manage any area so designated for either or both of those purposes.

(2) An application for an order under this section shall be accompanied by—

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

- (a) a copy of the byelaws which, if an order is made, [^{F29}the appropriate conservation body] propose making under section 37 for the protection of the area specified in the application; and
 - (b) a copy of any byelaws made or proposed to be made for the protection of that area by a relevant authority;
- and an order made on the application shall authorise the making under that section of such of the byelaws proposed to be made by [^{F29}the appropriate conservation body] as may be set out in the order with or without modifications.
- (3) Byelaws the making of which is so authorised—
- (a) shall not require the Secretary of State’s consent under subsection (1) of section 37; and
 - (b) notwithstanding anything in the provisions applied by subsection (4) of that section, shall take effect on their being made.
- (4) The provisions of Schedule 12 shall have effect as to the making, validity and date of coming into operation of orders under this section; and an order made under this section may be amended or revoked by a subsequent order so made.
- (5) The powers exercisable by [^{F29}the appropriate conservation body] for the purpose of managing an area designated as a marine nature reserve under this section shall include power to install markers indicating the existence and extent of the reserve.
- (6) Nothing in this section or in byelaws made under section 37 shall interfere with the exercise of any functions of a relevant authority, any functions conferred by or under an enactment (whenever passed) or any right of any person (whenever vested).
- (7) In this section—
- “enactment” includes an enactment contained in a local Act;
 - “local authority” means—
- (a) in relation to England and Wales, a county council, [^{F30}a county borough council,] a district council, ^{F31} . . . or a London borough council;
 - (b) in relation to Scotland, a [^{F32}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];
- [^{F33} “nautical miles” means international nautical miles of 1,852 metres;]
- “relevant authority” means a local authority, [^{F34}Scottish Water] or any other statutory water undertakers, an internal drainage board, a navigation authority, a harbour authority, ^{F35} . . . , a lighthouse authority, a conservancy authority, [^{F36}the Scottish Environment Protection Agency], a district board for a fishery district within the meaning of the ^{M7}Salmon Fisheries (Scotland) Act 1862, or a local fisheries committee constituted under the ^{M8}Sea Fisheries Regulation Act 1966.]

Editorial Information

- X6** 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.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F28** Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(1)(2), **Sch. 1 para. 6(a)**
- F29** Words in s. 36 substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, **Sch. 11 para. 35**; S.I. 2006/2541, **art. 2**
- F30** Words in s. 36(7) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 65(4)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, **Sch. 2**
- F31** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F32** Words in s. 36(7) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 125(3)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F33** Definition inserted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(1), **Sch. 1 para. 6(b)**
- F34** Words "Scottish Water" substituted (S.) (1.4.2002) for the words "a water authority" by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, **Sch. 7 para. 11(3)**; S.S.I. 2002/118, **art. 2(3)**
- F35** Words repealed by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(5), **Sch. 3**
- F36** Words in s. 36(7) substituted (S.) (1.4.1996) by S.I. 1996/973, reg. 2, **Sch. para. 6**

Modifications etc. (not altering text)

- C2** S. 36(1): power to extend conferred by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), ss. 1(5), 3(2)(b)

Marginal Citations

- M7** 1862 c. 97.
M8 1966 c. 38.

^{x3}37 **Byelaws for protection of marine nature reserves.**

[^{F18}(1) [^{F19}the appropriate conservation body] may, with the consent of the Secretary of State make byelaws for the protection of any area designated as a marine nature reserve under section 36.

- (2) Without prejudice to the generality of subsection (1), byelaws made under this section as respects a marine nature reserve—
- (a) may provide for prohibiting or restricting, either absolutely or subject to any exceptions—
- (i) the entry into, or movement within, the reserve of persons and vessels;
- (ii) the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the reserve, or the doing of anything therein which will interfere with the sea bed or damage or disturb any object in the reserve; or
- (iii) the depositing of rubbish in the reserve;
- (b) 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 the reserve or the doing of anything which would otherwise be unlawful under the byelaws; and
- (c) may be so made as to apply either generally or with respect to particular parts of the reserve or particular times of the year.
- (3) Nothing in byelaws made under this section shall—

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

- (a) prohibit or restrict the exercise of any right of passage by a vessel other than a pleasure boat; or
 - (b) prohibit, except with respect to particular parts of the reserve at particular times of the year, the exercise of any such right by a pleasure boat.
- (4) Nothing in byelaws so made shall make unlawful—
- (a) anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;
 - (b) the discharge of any substance from a vessel; or
 - (c) anything done more than 30 metres below the sea bed.
- (5) Sections 236 to 238 of the ^{M3}Local Government Act 1972 or sections 202 to 204 of the ^{M4}Local Government (Scotland) Act 1973 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding the amount there specified and provide for the proof of byelaws in legal proceedings) shall apply to byelaws under this section as if [^{F19}the appropriate conservation body] were a local authority within the meaning of the said Act of 1972 or the said Act of 1973, so however that in relation to such byelaws the said sections shall apply subject to such modifications (including modifications increasing the maximum fines which the byelaws may impose) as may be prescribed by regulations made by the Secretary of State.
- Regulations under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In relation to byelaws under this section the confirming authority for the purposes of the said section 236 or the said section 202 shall be the Secretary of State.
- (7) The Secretary of State may, after consultation with [^{F19}the appropriate conservation body], direct them—
- (a) to revoke any byelaws previously made under this section; or
 - (b) to make any such amendments of any byelaws so made as may be specified in the direction.
- (8) [^{F19}the appropriate conservation body] shall have power to enforce byelaws made under this section; but nothing in this subsection shall be construed as authorising the Council to institute proceedings in Scotland for an offence.
- (9) Proceedings in England and Wales for an offence under byelaws made under this section shall not, without the consent of the Director of Public Prosecutions, be taken by a person other than [^{F19}the appropriate conservation body].
- (10) In this section “vessel” includes a hovercraft and any aircraft capable of landing on water and “pleasure boat” shall be construed accordingly.
- (11) References in this section to animals or plants of any description include references to eggs, seeds, spores, larvae or other immature stages of animals or plants of that description.]

Editorial Information

- X3** 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.

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

Textual Amendments

- F18** S. 37 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by **Marine and Coastal Access Act 2009 (c. 23)**, ss. 146, 321, 324(2)(b)(i)(4), **Sch. 11 para. 2(2)(a)**, **Sch. 22 Pt. 3** (with s. 145, **Sch. 12**); S.I. 2014/3088, art. 2(b)(c); and s. 37 repealed (S.) (1.7.2010) by **Marine (Scotland) Act 2010 (asp 5)**, ss. 167, 168(1), **Sch. 4 para. 5(b)** (with s. 162); S.S.I. 2010/230, **art. 2(h)**
- F19** Words in s. 37 substituted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, ss. 105(1), 107, **Sch. 11 para. 35**; S.I. 2006/2541, **art. 2**

Marginal Citations

- M3** 1972 c. 70.
M4 1973 c. 65.

^{X4}_{F20} 37A **Ramsar sites.**

- (1) Where a wetland in Great Britain has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article, the Secretary of State shall—
- notify [^{F21}Natural England] if all or part of the wetland is in England;
 - notify [^{F22}the Natural Resources Body for Wales] if it is in Wales; or
 - notify both of them if it is partly in England and partly in Wales.
- (2) Subject to subsection (3), upon receipt of a notification under subsection (1), each body notified shall, in turn, notify—
- the local planning authority in whose area the wetland is situated;
 - every owner and occupier of any of that wetland; [^{F23}and]
 - ^{F24}.....
 - every relevant undertaker (within the meaning of section 4(1) of the ^{M5}Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the ^{M6}Land Drainage Act 1991) whose works, operations or activities may affect the wetland.
- [Subject to subsection (3), upon receipt of a notification under subsection (1), Natural ^{F25}(2A) England shall, in turn, notify the Environment Agency.]
- (3) [^{F21}Natural England] and [^{F26}the Natural Resources Body for Wales] may agree that in a case where the Secretary of State notifies both of them under subsection (1)(c), any notice under subsection (2) is to be sent by one or the other of them (and not both), so as to avoid duplicate notices under that subsection.
- (4) Subject to subsection (5), the “Ramsar Convention” is the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by—
- the Protocol known as the Paris Protocol done at Paris on 3rd December 1982; and
 - the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28th May and 3rd June 1987.
- (5) If the Ramsar Convention is further amended after the passing of the Countryside and Rights of Way Act 2000, the reference to the Ramsar Convention in subsection (1) is to be taken after the entry into force of the further amendments as referring to that

Status: Point in time view as at 01/04/2013.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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)

Convention as further amended (and the reference to paragraph 1 of article 2 is, if necessary, to be taken as referring to the appropriate successor provision).]

Editorial Information

- X4** 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

- F20** S. 37A inserted (30.1.2001) by [2000 c. 37, ss. 77, 103\(2\)](#)
- F21** Words in s. 37A(1)(a)(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 36; S.I. 2006/2541, art. 2](#)
- F22** Words in s. 37A(1)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 175\(2\) \(with Sch. 7\)](#)
- F23** Word in s. 37A(2)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 175\(3\)\(a\) \(with Sch. 7\)](#)
- F24** S. 37A(2)(c) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 175\(3\)\(b\) \(with Sch. 7\)](#)
- F25** S. 37A(2A) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 175\(4\) \(with Sch. 7\)](#)
- F26** Words in s. 37A(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 175\(5\) \(with Sch. 7\)](#)

Marginal Citations

- M5** [1991 c. 56.](#)
- M6** [1991 c. 59.](#)

X5F27 38]

Editorial Information

- X5** 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

- F27** S. 38 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](#)

Status:

Point in time view as at 01/04/2013.

Changes to legislation:

Wildlife and Countryside Act 1981, Cross Heading: Nature reserves, marine nature reserves and Ramsar sites is up to date with all changes known to be in force on or before 28 May 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.