



National Parks and Access to the Countryside Act 1949

1949 CHAPTER 97

PART III

NATURE CONSERVATION

16 Agreements with Nature Conservancy for establishment of nature reserves

- (1) The Nature Conservancy may enter into an agreement with every owner, lessee and occupier of any land, being land as to which it appears to the Conservancy expedient in the national interest that it should be managed as a nature reserve, for securing that it shall be so managed.
- (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 the Conservancy, or partly in one way and partly in another ;
 - (c) may contain such other provisions as to the making of payments by the Conservancy, 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 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 Law of Property Act, 1925 (which

Status: This is the original version (as it was originally enacted).

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 the Nature Conservancy.

(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 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;
- (c) subsection (2) of section three of the Forestry Act, 1947, shall apply to an agreement under this section to which an owner or limited owner of land or a trustee acting under the last foregoing paragraph is a party as it applies to a forestry dedication agreement, with the substitution for the reference to the Forestry Commissioners of a reference to the Nature Conservancy;
- (d) the expression " owner" includes any person empowered under this subsection to enter into agreements relating to land ;
- (e) subsection (4) shall not apply.