



# 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)

**15** **Meaning of “nature reserve.”**

In this Part of this Act the expression “nature reserve” means land managed for the purpose—

- (a) of 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) of preserving flora, fauna or geological or physiographical features of special interest in the area,

or for both those purposes.

**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

*Status: Point in time view as at 01/04/1997.*

*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)*

## [<sup>F1</sup>15A Meaning of “Nature Conservancy Council”.

In this Part of this Act references to “the Nature Conservancy Council” are references—

- (a) in relation to land in England, to the Nature Conservancy Council for England;
- (b) in relation to land in Scotland, to [<sup>F2</sup>Scottish Natural Heritage] for Scotland; and
- (c) in relation to land in Wales, to the Countryside Council for Wales.]

### Textual Amendments

- F1** 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**
- F2** 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**

## 16 Agreements with Nature Conservancy for establishment of nature reserves.

- (1) [<sup>F3</sup>The Nature Conservancy Council] may enter into an agreement with every owner, lessee and occupier of any land, being land as to which it appears to [<sup>F3</sup>the Council] 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 [<sup>F3</sup>the Council] or partly in one way and partly in another;
  - (c) may contain such other provisions as to the making of payments by [<sup>F3</sup>the Council] 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 <sup>M1</sup>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 <sup>M2</sup>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 [<sup>F3</sup>the Nature Conservancy Council].
- (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 <sup>M3</sup>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 <sup>M4</sup>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 [<sup>F4</sup>Scottish Natural Heritage].
- (d) the expression “owner” includes any person empowered under this subsection to enter into agreements relating to land;
- (e) subsection (4) shall not apply.

#### Textual Amendments

- F3** Words substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 1**
- F4** Words in s. 16(5)(c) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 4(6), **Sch. 2 para. 1(3)**; S.I. 1991/2633, **art.4**

#### 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**)

#### Marginal Citations

- M1** 1947 c. 21.
- M2** 1925 c. 20.
- M3** 1921 c. 58.
- M4** 1947 c. 21.

## 17 Compulsory acquisition of land by Conservancy for establishment of nature reserves.

- (1) Subject to the provisions of the next following subsection, where [<sup>F5</sup>the Nature Conservancy Council] 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) [<sup>F5</sup>The Nature Conservancy Council] 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 agreement under the last foregoing section containing such provisions as in their opinion are required for securing that the land will be satisfactorily managed as a nature reserve.

#### Textual Amendments

- F5** Words substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 1**

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## 18 Compulsory acquisition of land by Conservancy for maintenance of nature reserves.

- (1) Where, as respects any interest in land, [<sup>F6</sup>the Nature Conservancy Council] have entered into an agreement under the last but one foregoing section 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 [<sup>F6</sup>the Nature Conservancy Council] 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 [<sup>F6</sup>the Nature Conservancy Council] 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) <sup>F7</sup>. . . , 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

**F6** Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), [Sch. 1 para. 1](#)

**F7** 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 [<sup>F8</sup>the Nature Conservancy Council] that any land is the subject of an agreement entered into with them under the foregoing provisions of this Part of this Act, or has been acquired and is held by [<sup>F8</sup>the Council], 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 [<sup>F8</sup>the Nature Conservancy Council] that any land which is subject to such an agreement as aforesaid, or is held by [<sup>F8</sup>the Nature Conservancy Council] is being managed as a nature reserve shall be conclusive of the matters declared.
- (3) It shall be the duty of [<sup>F8</sup>the Nature Conservancy Council], 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 [<sup>F8</sup>the Council] 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.
- (4) [<sup>F8</sup>The Nature Conservancy Council] 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 [<sup>F8</sup>the Council] 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.

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#### Textual Amendments

F8 Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), [Sch. 1 para. 1](#)

#### Modifications etc. (not altering text)

C4 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) [<sup>F9</sup>The Nature Conservancy Council] 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—
- (a) may provide for prohibiting or restricting the entry into, or movement within, nature reserves of persons, vehicles, boats and animals;
  - (b) 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;
  - (c) 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 [<sup>F9</sup>the Nature Conservancy Council] requisite for the protection of the reserve;
  - (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 [<sup>F10</sup>undertakers, of a river board or other drainage authority][<sup>F10</sup>undertakers, or an internal drainage board] or a district board for a fishery district within the meaning of the <sup>M5</sup>Salmon Fisheries (Scotland)

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Act 1862, or of the Commissioners appointed under the <sup>M6</sup>Tweed Fisheries Act 1857. [<sup>F11</sup>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 [<sup>F9</sup>the Nature Conservancy Council] compensation in respect thereof.

#### Textual Amendments

- F9** Words substituted by [Nature Conservancy Council Act 1973 \(c. 54, SIF 46:1\)](#), **Sch. 1 para. 1**
- F10** 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](#)
- F11** Words inserted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), **Sch. 4 para. 28(1)**

#### Modifications etc. (not altering text)

- C5** [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)**
- C6** [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

- M5** [1862 c. 97.\(52:2\)](#)
- M6** [1857 c. cxlviii.\(52:2\)](#)

## 21 Establishment of nature reserves by local authorities.

- (1) The council of a county or county borough [<sup>F12</sup>or in Scotland [<sup>F13</sup>a [<sup>F14</sup>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 [<sup>F15</sup>the Nature Conservancy Council]) as to which it appears to the council expedient that it should be managed as a nature reserve.
- (2) ..... <sup>F16</sup>
- (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 [<sup>F15</sup>the Nature Conservancy Council] of references to the local authority and as if the references in subsection (1) of sections sixteen and seventeen respectively of this Act to the national interest included references 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.

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(6) A local authority shall exercise their functions under this Part of this Act in consultation with [<sup>F15</sup>the Nature Conservancy Council].

(7) ..... <sup>F17</sup>

**Textual Amendments**

- F12** Words inserted by Local Government (Scotland) Act 1973 (c. 65, SIF 81:2), **Sch. 27 Pt. II para. 100**
- F13** Words substituted (S.) by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **s. 10**
- F14** 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**
- F15** Words substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 1**
- F16** S. 21(2)(3) repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**
- F17** S. 21(7) repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

**Modifications etc. (not altering text)**

- C7** S. 21 amended (E.W.) by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 17 para. 34**
- C8** 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 [<sup>F18</sup>the Nature Conservancy Council], 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, [<sup>F18</sup>the Council] 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**

- F18** Words substituted by Nature Conservancy Council Act 1973 (c. 54, SIF 46:1), **Sch. 1 para. 1**

**Modifications etc. (not altering text)**

- C9** S. 22 amended (E.W.) by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 17 para. 34**
- C10** 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** ..... <sup>F19</sup>

**Textual Amendments**

- F19** S. 23 repealed and superseded by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 28(13), **Sch. 17 Pt. I**



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24 ..... F20

**Textual Amendments**  
F20 S. 24 repealed by Science and Technology Act 1965 (c. 4, SIF 57), Sch. 4

25 ..... F21

**Textual Amendments**  
F21 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<sup>M7</sup> Forestry Act 1947.

**Marginal Citations**  
M7 1947 c. 21.



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