



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART II

#### NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

##### *Miscellaneous and supplemental*

#### **47 Provisions with respect to the Countryside Commission.**

- (1) Schedule 13 shall have effect as respects the Countryside Commission.
- (2) The Secretary of State may, with the approval of the Treasury, make to the Countryside Commission [<sup>F1</sup>or to the Countryside Council for Wales] out of moneys provided by Parliament grants of such amount and subject to such conditions (if any) as he may, with the approval of the Treasury, think fit.
- (3) Sections 2, 4 and 95 of the 1949 Act and section 3 of the 1968 Act (which are superseded by this section) shall cease to have effect.

#### **Textual Amendments**

- F1** Words inserted (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 130, 164(3), [Sch. 8 para. 6\(5\)](#)

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

- C1** The text of ss. 15(1), 38(6), 40, 46(1)–(3), and 47(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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#### Textual Amendments

**F2** S. 48 repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)

### 49 Extension of power to appoint wardens.

- (1) This section applies to any land in a National Park or in the countryside if—
  - (a) the public are allowed access to the land; and
  - (b) there is no power under any of the provisions of the 1949 Act and the 1968 Act for a local authority, a local planning authority [<sup>F3</sup>, the Countryside Council for Wales.] or the Countryside Commission to appoint wardens as respects that land.
- (2) Subject to subsections (3) and (4) the power conferred on a local authority by section 92(1) of the 1949 Act (appointment of wardens) shall include a power, exercisable only with the agreement of the owner and of the occupier of any land to which this section applies, to appoint persons to act as wardens as respects that land.
- (3) The only purpose for which wardens may be appointed by virtue of subsection (2) is to advise and assist the public.
- (4) Notwithstanding the provisions of section 41(8) of the 1968 Act (Countryside Commission [<sup>F3</sup> or the Countryside Council for Wales] to be local authority for purposes of section 92 of the 1949 Act), nothing in this section shall be construed as conferring on the Countryside Commission [<sup>F3</sup> or the Countryside Council for Wales] any additional power to appoint wardens.

#### Textual Amendments

**F3** Words inserted (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 130, 164(3), [Sch. 8 para. 6\(6\)](#)

### 50 Payments under certain agreements offered by authorities.

- (1) This section applies where—
  - (a) the Nature Conservancy Council offer to enter into an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act providing for the making by them of payments to—
    - (i) a person who has given notice under section 28(5) or 29(4); or
    - (ii) a person whose application for farm capital grant has been refused in consequence of an objection by the Council; or
  - (b) the relevant authority offer to enter into a management agreement providing for the making by them of payments to a person whose application for a farm capital grant has been refused in consequence of an objection by the authority.
- (2) Subject to subsection (3), the said payments shall be of such amounts as may be determined by the offeror in accordance with guidance given by the Ministers.
- (3) If the offeree so requires within one month of receiving the offer, the determination of those amounts shall be referred to an arbitrator (or, in Scotland, an arbiter) to be

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appointed, in default of agreement, by the Secretary of State; and where the amounts determined by the arbitrator exceed those determined by the offeror, the offeror shall—

- (a) amend the offer so as to give effect to the arbitrator’s (or, in Scotland, the arbiter’s) determination; or
- (b) except in the case of an offer made to a person whose application for a farm capital grant has been refused in consequence of an objection by the offeror, withdraw the offer.

(4) In this section—

[<sup>F4</sup> “farm capital grant” has the same meaning as in section 32;]  
“management agreement” and “the relevant authority” have the same meanings as in section 41.

#### Textual Amendments

**F4** Definition substituted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), **s. 20(6)**

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

**C2** [S. 50](#) modified (E.W.) (19.9.1995) by [1995 c. 25, ss. 69\(2\)\(a\)](#), [125\(2\)](#) (with [ss. 7\(6\)](#), [115](#), [Sch. 8 para. 7](#))

## 51 Powers of entry.

(1) Any person authorised in writing by the relevant authority may, at any reasonable time and (if required to do so) upon producing evidence that he is authorised, enter any land for any of the following purposes—

- (a) to ascertain whether an order should be made in relation to that land under section 29 or if an offence under that section is being, or has been, committed on that land;
- (b) to ascertain the amount of any compensation payable under section 30 in respect of an interest in that land;
- (c) to ascertain whether an order should be made in relation to that land under section 34 or if an offence under that section is being, or has been, committed on that land;
- (d) to ascertain whether an order should be made in relation to that land under section 42 or if an offence under that section is being, or has been, committed on that land;

but nothing in this subsection shall authorise any person to enter a dwelling.

(2) In subsection (1) “the relevant authority” means—

- (a) for the purposes of paragraphs (a) and (b) of that subsection, the Nature Conservancy Council;
- (b) for the purposes of paragraph (c) of that subsection, the Secretary of State or the relevant authority within the meaning of section 34;
- (c) for the purposes of paragraph (d) of that subsection, the Ministers or the [<sup>F5</sup>local planning authority].

(3) A person shall not demand admission as of right to any land which is occupied unless either—

- (a) 24 hours notice of the intended entry has been given to the occupier; or

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- (b) the purpose of the entry is to ascertain if an offence under section 29, 34 or 42 is being, or has been, committed on that land.
- (4) Any person who intentionally obstructs a person acting in the exercise of any power conferred by subsection (1) shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 3 on the standard scale].

#### Textual Amendments

- F5** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 7, **Sch. 3 para. 7(4)**
- F6** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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#### [<sup>F7</sup>51A Summary prosecutions

- (1) Proceedings in England and Wales for a summary offence under this Part may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

#### Textual Amendments

- F7** [S. 51A](#) inserted (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 53, 107, **Sch. 6 para. 4**; [S.I. 2006/1382](#), **art. 2**

## 52 Interpretation of Part II.

- (1) In this Part, unless the context otherwise requires,—
- “agricultural land” does not include land which affords rough grazing for livestock but is not otherwise used as agricultural land;
- “the Ministers”, in the application of this Part to England, means the Secretary of State and the Minister of Agriculture, Fisheries and Food, and, in the application of this Part to Scotland or Wales, means the Secretary of State.
- [<sup>F8</sup> “the Nature Conservancy Councils” means the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland and the Countryside Council for Wales;
- and references to “the Nature Conservancy Council” shall be construed in accordance with section 27A.]

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- (2) [<sup>F9</sup>In the application of this Part to England (except as respects a metropolitan county or Greater London) and to Wales references to a local planning authority shall be construed—
- (a) in sections 42, 43, 44 and 51(2)(c) as references to a county planning authority; and
  - (b) in any other provision, as references to a county planning authority and a district planning authority;]

and in the application of this Part to Scotland references to a local planning authority shall be construed as references to a regional planning authority, a general planning authority and a district planning authority.

- (3) References in this Part to the conservation of the natural beauty of any land shall be construed as including references to the conservation of its flora, fauna and geological and geographical features.
- (4) Section 114 of the 1949 Act shall apply for the construction of this Part.
- (5) Any power or duty which under this Part (except sections 41 and 42(1)) falls to be exercised or performed by or in relation to the Ministers may, in England, be exercised or performed by or in relation to either of them.

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**Textual Amendments**

- F8** Definition inserted (*prosp.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 132(1)(a), 164(3), [Sch. 9 para. 11\(13\)](#)
- F9** Words and s. 52(2)(a)(b) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 7, [Sch. 3 para. 7\(5\)](#)

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