



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART IV

#### MISCELLANEOUS AND GENERAL

#### [<sup>F1</sup>66A Application of Part 1 to Crown

- (1) Subject to subsections (2) to (5), Part 1 and regulations and orders made under it bind the Crown.
- (2) No contravention by the Crown of any provision of Part 1 makes the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful an act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (2), Part 1 applies to persons in the public service of the Crown as it applies to other persons.
- (4) But the powers conferred by sections 18A to 19XA are not exercisable in relation to premises occupied by the Crown.
- (5) Nothing in this Part affects Her Majesty in her private capacity.
- (6) Subsection (5) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (c. 44) (meaning of Her Majesty in her private capacity) were contained in this Act.]

#### Textual Amendments

- F1** S. 66A inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 54\(1\), 107](#); [S.I. 2006/2541](#), [art. 2](#)

#### 67 [<sup>F2</sup>Application of Parts 2 and 3 to Crown land]

- (1) Subject to the following provisions of this section, Part II, except section 51, and Part III shall apply to Crown land, that is to say, land an interest in which belongs

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to Her Majesty in the right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall, and land an interest in which belongs to a Government department or is held in trust for Her Majesty for the purposes of a Government department.

- [<sup>F3</sup>(1A) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 28N, but only with the consent of the appropriate authority.
- (1B) Byelaws made by virtue of section 28R may apply to Crown land if the appropriate authority consents.]
- (2) No order shall be made under section <sup>F4</sup>. . . 34 [<sup>F5</sup>, 36] or 42 in relation to Crown land unless the appropriate authority has consented to the making of that order.
- (3) An agreement under section 39 as respects any interest in Crown land, other than an interest held by or on behalf of the Crown, shall not have effect unless approved by the appropriate authority.
- (4) Section 101(11) of the 1949 Act (Crown land) shall apply for the construction of references in this section to the appropriate authority.

#### Textual Amendments

- F2** S. 67 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 54\(2\), 107; S.I. 2006/2541, art. 2](#)
- F3** S. 67(1A)(1B) inserted (E.W.) (30.1.2001) by [2000 c. 37, ss. 75\(1\), 103\(2\), Sch. 9 para. 6](#)
- F4** Word in s. 67(2) repealed (30.1.2001) by [2000 c. 37, ss. 102, 103\(2\), Sch. 16 Pt. III](#)
- F5** Word in s. 67(2) 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. 321, 324\(2\)\(b\)\(i\)\(4\), Sch. 22 Pt. 3](#) (with s. 145, Sch. 12); [S.I. 2014/3088, art. 2\(c\)](#); and same word repealed (S.) (1.7.2010) by [Marine \(Scotland\) Act 2010 \(asp 5\), ss. 167, 168\(1\), Sch. 4 para. 5\(c\)](#) (with s. 162); [S.I. 2010/230, art. 2\(h\)](#)

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

- C1** S. 67 amended (E.W.) (2.5.2006 for E. and 11.5.2006 for W.) by [2000 c. 37, ss. 49\(6\), 103\(3\); S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2](#)

## 68 Application to the Isles of Scilly.

The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide for the application of the provisions of Part II or III to the Isles of Scilly as if those Isles were a separate county; any any such order may provide for the application of those provisions to those Isles subject to such modifications as may be specified in the order.

## 69 Offences by bodies corporate etc.

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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- (2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 70 Financial provisions.

- (1) There shall be defrayed out of money provided by Parliament—
- (a) any administrative expenses incurred by any Minister of the Crown under this Act; and
  - (b) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.
- (2) Any sums received by a Minister of the Crown under this Act shall be paid into the Consolidated Fund.

### [<sup>F6</sup>70A Service of notices.

- (1) Subject to subsection (2), [<sup>F7</sup>section 329 of the <sup>M1</sup>Town and Country Planning Act 1990]] and [<sup>F8</sup>section 271 of the Town and Country Planning (Scotland) Act 1997] (which provide for the service of notices and other documents) shall apply to notices and other documents required or authorised to be served or given under this Act.
- (2) [<sup>F9</sup>Subsections (2) and (3) of the said section 329] shall not apply to a notice required to be served under paragraph 2 of Schedule 14.
- (3) This section shall not affect the operation of paragraph 2(4) of Schedule 11 or paragraph 3(4) of Schedule 15.

#### Textual Amendments

- F6** S. 70A inserted by Wildlife and Countryside (Services of Notices) Act 1985 (c. 59, SIF 4:5), s. 1(1)
- F7** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 54(2)(a)
- F8** Words in s. 70A(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 34(2)
- F9** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 54(2)(b)

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

- C2** S. 70A applied (E.W.) (30.1.2001) by 2000 c. 37, ss. 76(2), 103(2), Sch. 11 para. 22

#### Marginal Citations

- M1** 1990 c. 8 (123:1).

### [<sup>F10</sup>70B Effect of failure to serve certain notices

- (1) This section applies where the relevant conservation body—
- (a) has (whether before or after the commencement of this section) taken all reasonable steps to ensure that, under any provision listed in subsection (2), notice is served on every owner and occupier of any land to which the notice relates, but
  - (b) has failed to do so.

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- (2) The provisions are—
- (a) section 28(1) (notification of SSSI);
  - (b) section 28(5) (confirmation or withdrawal of notification of SSSI);
  - (c) section 28A(3) (notice varying notification under section 28);
  - (d) section 28A(5) (notice confirming or withdrawing variation of notification);
  - (e) section 28B(2) (notification of additional land to be included in SSSI);
  - (f) section 28B(7) (confirmation or withdrawal of notification);
  - (g) section 28C(2) (notification of enlargement of SSSI);
  - (h) section 28C(3) (confirmation or withdrawal of notification of enlargement);
  - (i) section 28D(2) (denotification);
  - (j) section 28D(5) (withdrawal or confirmation of denotification);
  - (k) section 28J(3) (notice of proposed management scheme);
  - (l) section 28J(8) (withdrawal or confirmation of management scheme).
- (3) The validity of the notice is not affected by the failure to serve it on every owner and occupier of the land.
- (4) For the purposes of sections 28 to 28Q, the time when the notice is to be treated as having been served is the time when the relevant conservation body took the last of the steps referred to in subsection (1)(a).
- (5) If the relevant conservation body becomes aware of its failure to serve a notice on an owner or occupier, it must serve a copy of the notice on that owner or occupier.
- (6) Nothing in subsection (3) or (4) renders the owner or occupier liable—
- (a) in relation to anything done or omitted to be done before the commencement of this section, or
  - (b) under section 28P(1) or 28Q(4) in relation to anything done or omitted to be done before the copy of the notice is served under subsection (5).
- (7) “The relevant conservation body” means—
- (a) in relation to land in an area in England—
    - (i) subject to sub-paragraph (ii), Natural England;
    - (ii) in relation to any time before the commencement of section 27AA, English Nature;
  - (b) in relation to land in an area in Wales, the Countryside Council for Wales.]

#### Textual Amendments

**F10** S. 70B inserted (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 57, 107](#); [S.I. 2006/1382](#), [art. 2](#)

## 71 General interpretation.

[<sup>F11</sup>(1)] In this Act—

“the <sup>M2</sup>1949 Act” means the National Parks and Access to the Countryside Act 1949;

“the <sup>M3</sup>1968 Act” means the Countryside Act 1968;

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[<sup>F12</sup> “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“the commencement date”, in relation to any provision of this Act and any area, means the date of the coming into force of that provision in that area;

“London borough council” includes the Common Council of the City of London;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

<sup>F13</sup>

[<sup>F14</sup>(2) For the avoidance of doubt it is hereby declared that in this Act “plants” include fungi and algae.]

#### Textual Amendments

**F11** S. 71 renumbered (E.W.) (1.10.2006) as s. 71(1) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 97\(2\)\(4\)](#); S.I. 2006/2541, [art. 2](#)

**F12** Definition inserted (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4\)](#), SIF 81:1), ss. 2(5), 23(2), 27(2), [Sch. 3 Pt. 1 para. 31\(5\)](#)

**F13** S. 71: definition of “statutory maximum” repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group2.

**F14** S. 72(2) inserted (E.W.) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105, 107, [Sch. 11 para. 97\(3\)\(4\)](#); S.I. 2006/2541, [art. 2](#)

#### Marginal Citations

**M2** 1949 c. 97.

**M3** 1968 c. 41.

## 72 Minor amendments.

<sup>F15</sup>(1) .....

<sup>X1</sup>(2) In section 20(2) of the <sup>M4</sup> Hill Farming Act 1946 (penalty for contravening regulations with respect to the burning of heather and grass) as originally enacted for the words from “five pounds” onwards there shall be substituted the words “£200”.

<sup>X1</sup>(3) In sections 27 of that Act (penalty for contravening the provisions of that Act relating to muirburn) for the words from “five pounds” onwards there shall be substituted the words “£200”.

<sup>X1</sup>(4) In section 39 of the <sup>M5</sup> Agriculture (Scotland) Act 1948 for the words “the First Schedule to the Protection of Birds Act 1954” there shall be substituted the words “Schedule I to the Wildlife and Countryside Act 1981”.

<sup>X1</sup>(5) In section 11(1) of the 1949 Act (general powers of local planning authorities in relation to National Parks) after the word “accomplishment” there shall be inserted the words “of any”.

<sup>X1</sup>(6) In section 74(4) of the <sup>M6</sup> Public Health Act 1961 (power to reduce numbers of pigeons and other birds in built-up areas), for the words “the Protection of Birds Act 1954” there shall be substituted the words “Part I of the Wildlife and Countryside Act 1981”.

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- <sup>XI</sup>(7) In section 2(8) of the 1968 Act (publicity and information services) for the words from “encouraging” onwards there shall be substituted the words “informing persons resorting to the countryside of their rights and obligations”.
- <sup>XI</sup>(8) In section 15(1) of that Act (areas of special scientific interest) the words “which is not for the time being managed as a nature reserve but” shall be omitted.
- <sup>XI</sup>(9) In section 37 of that Act (protection for interests in the countryside) for the words “and the Act of 1949” there shall be substituted the words “the Act of 1949 and the Wildlife and Countryside Act 1981”.
- <sup>F16</sup>(10) . . . . .
- <sup>XI</sup>(11) In section 31(10) of the <sup>M7</sup> Highways Act 1980 (dedication of way as highway presumed after public use for 20 years), for the words from “subsection (4)” to “that section” there shall be substituted the words “section 56(1) of the Wildlife and Countryside Act 1981 (which provides that a definitive map and statement” and the words “or of that subsection” onwards shall be omitted.
- (12) Section 80 of that Act (power of highway authority to fence highways) shall have effect in relation to any area in the countryside of which walls of a particular construction are a feature, as if references to fences included references to walls of that construction ; and in exercising their powers under that section in relation to any such area, a highway authority shall have regard to the desirability of exercising the powers conferred by the foregoing provisions of this subsection.
- <sup>XI</sup>(13) In section 136(4) of that Act (time when hedges may not be required to be cut or pruned) immediately before the words “between the last day of September and the first day of April” there shall be inserted the word “except”.
- <sup>XI</sup>(14) In section 4(5) of the <sup>M8</sup>Zoo Licensing Act 1981 (grant or refusal of licence) the entries relating to the Protection of Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975 shall be omitted and there shall be added at the end the following entry—
- “Part I of the Wildlife and Countryside Act 1981”.

#### Editorial Information

- X1** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) 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.

#### Textual Amendments

- F15** S. 72(1) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. VII**
- F16** S. 72(10) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/2560, **art. 2**

#### Marginal Citations

- M4** 1946 c. 73.
- M5** 1948 c. 45.
- M6** 1961 c. 64.
- M7** 1980 c. 66.
- M8** 1981 c. 37.

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### 73 Repeals and savings.

- <sup>X2</sup>(1) The enactments mentioned in Schedule 17 are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in the repeals made by this section shall affect the operation of sections 27 to 32 of the 1949 Act in relation to any survey begun before the commencement date.
- (3) Nothing in the repeals made by this section shall affect the operation of sections 33 and 34 of the 1949 Act and Parts II, III, and IV of Schedule 3 to the 1968 Act in relation to any review begun before the commencement date.
- <sup>F17</sup>(4) .....

#### Editorial Information

**X2** The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) 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.

#### Textual Amendments

**F17** S. 73(4) repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#), s. 15(2)(3), Sch.

### 74 Short title commencement and extent.

- (1) This Act may be cited as the Wildlife and Countryside Act 1981.
- (2) The following provisions of this Act, namely—  
Part II, except sections 29 to 32, 41 and 46 to 48 and Schedule 13;  
sections 59 to 62 and 65 and 66; and  
Part IV, except section 72(4), (6) and (14) and section 73(1) so far as relating to Part II of Schedule 17,  
shall come into force on the expiration of the period of one month beginning with the passing of this Act.
- (3) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed under this subsection for different provisions, different purposes or different areas.
- (4) An order under subsection (3) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.
- (5) The following provisions of this Act, namely—  
sections 39, 40 and 42 to 49 and Schedule 13; and Part III, do not extend to Scotland.
- <sup>F18</sup>(5A) [<sup>F19</sup>Sections 29 and 30 extend to Scotland only.]
- (6) This Act, except section 15(1) and Schedule 10 and, so far as regards any enactment mentioned in Schedule 17 that so extends, section 73 and that Schedule, does not extend to Northern Ireland.

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**Textual Amendments**

- F18** S. 74(5A) inserted (E.W.S.) (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 Pt. I para. 2**  
**F19** S. 74(5A) repealed (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 57, 59,  
**Sch. 7 para. 4; S.S.I. 2004/495, art. 2**
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**Modifications etc. (not altering text)**

- C3** Power of appointment conferred by s. 74(3) fully exercised: **S.I. 1982/3237**, 990, 1136, 1217, 1983/20,  
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**Changes to legislation:**

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