



Wildlife and Countryside Act 1981

CHAPTER 69

This is an extract from a scanned copy of the Wildlife and Countryside Act 1981, **as at the time when it received Royal Assent**. The Act remains one of the most important pieces of wildlife legislation in Great Britain, but it is important to be aware that **this document does not represent the Act as it currently stands**.

Please Note:

- Since the passing of the Wildlife and Countryside Act 1981 there have been various amendments to the text of the Act, most significantly through the [Countryside and Rights of Way \(CROW\) Act 2000](#) (in England and Wales) and the [Nature Conservation \(Scotland\) Act 2004](#) (in Scotland), but also through other legislation including the Local Government Act 1985, the Water Act 1989, and the Environmental Protection Act 1990 (**PLEASE NOTE:** This is not a complete list of amending legislation).
- There have also been changes to the species listed in the schedules, through Variations to the Schedules Orders. There is a statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the statutory conservation agencies and coordinated through JNCC, but changes to the Schedules can be made by the Secretary of State at any time, if it is considered necessary because of a threat of extinction or in response to international obligations. JNCC maintain a central spreadsheet of [conservation designations for all taxa](#) which includes any changes to the Schedules of the 1981 Wildlife and Countryside Act.
- When citing any legislation, it is important to check whether any parts of it have been amended (or repealed) by later Acts or Statutory Instruments. Most UK legislation introduced since 1988 is available online from the website of the Office of Public Sector Information <http://www.opsi.gov.uk/legislation>. If necessary, a qualified legal adviser should be consulted for definitive guidance over what legislation may be applicable, and its interpretation.

The remaining parts of this original text of the act can be found at www.jncc.gov.uk/page-3614

PART III
Interpretation
of Part III.

66.—(1) In this Part—

- “bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway ;
- “byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used ;
- “definitive map and statement” has the meaning given by section 53(1) ;
- “footpath” means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road ;
- “horse” includes a pony, ass and mule, and “horseback” shall be construed accordingly ;
- “public path” means a highway being either a footpath or a bridleway ;
- “right of way to which this Part applies” means a right of way such that the land over which the right subsists is a public path or a byway open to all traffic ;
- “surveying authority”, in relation to any area, means the county or London borough council whose area includes that area.

(2) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in subsection (1) by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right there-over.

(3) The provisions of section 30(1) of the 1968 Act (riding of pedal cycles on bridleways) shall not affect the definition of bridleway in subsection (1) and any rights exercisable by virtue of those provisions shall be disregarded for the purposes of this Part.

PART IV

MISCELLANEOUS AND GENERAL

Application
to Crown.

67.—(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 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. PART IV

(2) No order shall be made under section 29, 34, 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.

68. 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; and 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. Applica-
tion to
the Isles of
Scilly.

69.—(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. Offences by
bodies
corporate
etc.

(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.—(1) There shall be defrayed out of money provided by Parliament— Financial
provisions.

- (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.

- PART IV
General interpretation.
1949 c. 97.
1968 c. 41.
71. In this Act—
- “ the 1949 Act ” means the National Parks and Access to the Countryside Act 1949 ;
- “ the 1968 Act ” means the Countryside Act 1968 ;
- “ 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 ;
- “ statutory maximum ”, in relation to a fine on summary conviction, means—
- (a) in England and Wales, the prescribed sum within the meaning of section 32 of the Magistrates’ Courts Act 1980 (at the passing of this Act £1,000) ; and
- (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000).
- 1980 c. 43.
- 1975 c. 21.
- Minor amendments.
1935 c. 47.
- 72.—(1) Section 4 of the Restriction of Ribbon Development Act 1935 (power to fence roads subject to restrictions) 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.
- 1946 c. 73.
- (2) In section 20(2) of the 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 ”.
- (3) In section 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 ”.
- 1948 c. 45.
- (4) In section 39 of the Agriculture (Scotland) Act 1948 for the words “ the First Schedule to the Protection of Birds Act 1954 ” there shall be substituted the words “ Schedule 1 to the Wildlife and Countryside Act 1981 ”.

(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". PART IV

(6) In section 74(4) of the 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". 1961 c. 64.

(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".

(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.

(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".

(10) The functions of a county council under this Act as a local planning authority shall be included among the functions of such a council to which Part I of Schedule 17 to the Local Government Act 1972 (planning and countryside functions in National Parks) applies. 1972 c. 70.

(11) In section 31(10) of the 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. 1980 c. 66.

(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.

(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".

PART IV
1981 c. 37.

(14) In section 4(5) of the 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 ”.

Repeals and
savings.

73.—(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.

1975 c. 48.

1973 c. 57.

(4) Notwithstanding the repeal by this section of the Conservation of Wild Creatures and Wild Plants Act 1975, section 9 of the Badgers Act 1973 shall continue to have effect with the amendment made by section 16 of the said Act of 1975.

Short title
commence-
ment and
extent.

74.—(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.

PART IV

(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.