



# 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- When citing any legislation, it is important to check whether any parts of it have been amended (or repealed) by later Acts or Statutory Instruments.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](http://www.jncc.gov.uk/page-3614)

*Supplemental*

SCH. 12

9.—(1) In this Schedule—

“ area ” includes district ;

“ council offices ” means offices or buildings acquired or provided by a local authority ;

“ the Gazette ” means—

(a) if the order relates in whole or in part to England and Wales, the London Gazette ;

(b) if the order relates in whole or in part to Scotland, the Edinburgh Gazette ;

“ order ” means an order under section 36 ;

“ prescribed ” means prescribed by regulations made by the Secretary of State ;

and expressions to which a meaning is assigned by section 36 have the same meanings in this Schedule as in that section.

(2) References in this Schedule to land include references to any waters covering it ; and for the purposes of this Schedule any area in Great Britain which is bounded by tidal waters or parts of the sea shall be taken to include—

(a) the waters adjacent to that area up to the seaward limits of territorial waters ; and

(b) the land covered by the said adjacent waters.

(3) Regulations under this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SCHEDULE 13

Section 47.

## PROVISIONS WITH RESPECT TO THE COUNTRYSIDE COMMISSION

*Status*

1. The Commission shall be a body corporate.

2. The Commission shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown ; and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

*Members*

3.—(1) The Commission shall consist of a chairman and such number of other members as the Secretary of State may determine, of whom one may be appointed to be deputy chairman.

(2) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with such terms as may be prescribed by or under regulations made by the Secretary of State and, on vacating office, shall be eligible for re-appointment.

SCH. 13 (3) Regulations under sub-paragraph (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A member may at any time by notice in writing to the Secretary of State resign his office.

4.—(1) The Commission—

(a) shall pay to their members such remuneration and allowances (if any) as the Secretary of State may, with the approval of the Minister, determine ; and

(b) as regards any member in whose case the Secretary of State may, with the approval of the Minister, so determine, shall pay such pension to or in respect of him, or make such payments towards the provision of such pension as the Secretary of State may, with the Minister's approval, determine.

(2) If a person ceases to be a member of the Commission, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may, with the approval of the Minister, require the Commission to pay to that person a sum of such amount as the Secretary of State may, with the Minister's approval, determine.

#### *Committee for Wales*

5.—(1) The Commission shall, after consultation with the Secretary of State, appoint a Committee for Wales.

(2) The membership of the Committee for Wales shall consist partly of persons who are members of the Commission, one of whom shall be the chairman of the Committee, and partly of persons, not exceeding such number as the Secretary of State may for the time being approve, who are not members of the Commission.

(3) The Commission may, after consulting the Secretary of State and subject to such conditions as they think appropriate, delegate any of their functions in Wales to the Committee for Wales, including (for Wales) their advisory functions under section 2 of the 1968 Act, and their duty of making recommendations under that section in respect of local authorities' applications for Exchequer grants.

(4) The Commission may, in the case of such members of the Committee for Wales as are not members of the Commission, pay to them such reasonable allowances in respect of—

(a) expenses properly incurred in the performance of their duties ;

(b) loss of remunerative time ; or

(c) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject,

as the Secretary of State may, with the approval of the Minister, determine.

#### *Procedure*

6. The procedure (including the quorum) of the Commission shall be such as they may determine.

7. The validity of any proceeding of the Commission shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

SCH. 13

*Staff*

8.—(1) The Commission shall appoint—

- (a) with the approval of the Secretary of State, a chief officer and
- (b) such number of other employees as they may with the approval of the Secretary of State and the Minister determine.

(2) The Commission shall pay to their employees such remuneration and allowances as they may with the approval of the Secretary of State and the Minister determine.

(3) In the case of any person to be employed by them on and after the appointed day who immediately before that day was a civil servant, the Commission shall ensure that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the coming into force of this Schedule, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.

(4) In relation to any person who—

- (a) is a civil servant before the appointed day ; and
- (b) is as from that day employed by the Commission,

Schedule 13 to the Employment Protection (Consolidation) Act 1978 1978 c. 44.  
(ascertainment, for the purposes of that Act and section 119 of the Employment Protection Act 1975, of the length of an employee's 1975 c. 71.  
period of employment and whether that employment has been continuous) shall have effect as if his service as a civil servant had been employment under the Commission.

9.—(1) The Commission shall in the case of such of their employees as they may with the approval of the Secretary of State and the Minister determine,—

- (a) pay such pension to or in respect of them ;
- (b) make such payments towards the provision of such pensions ;
- or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions,

as they may with the approval of the Secretary of State and the Minister determine.

(2) In this paragraph any reference to the payment of pensions to or in respect of the Commission's employees includes a reference to the payment of pensions by way of compensation to or in respect of any of the Commission's employees who suffer loss of office or employment or loss or diminution of emoluments.

10.—(1) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and 1972 c. 11.

SCH. 13 accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words " Countryside Commission " shall be inserted after the words " Monopolies Commission ".

(2) The Commission shall pay to the Minister at such times in each financial year as may be determined by the Minister, subject to any directions of the Treasury, sums of such amounts as he may so determine for the purposes of this paragraph as being equivalent to the increase during the year of such liabilities of his under the Principal Civil Service Pension Scheme as are attributable to the provision of pensions to or in respect of persons who are, or have been, in the service of the Commission in so far as that increase results from the service of those persons during that financial year and to the expense to be incurred in administering those pensions.

#### *Accounts and report*

11.—(1) The Commission shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.

(2) The Secretary of State shall, as respects each financial year, send the Commission's statement of accounts to the Comptroller and Auditor General not later than the end of November following the year.

(3) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts and lay copies of it, together with his report, before each House of Parliament.

12. The Commission shall furnish the Secretary of State with such returns, accounts and other information with respect to their property and activities or proposed activities as he may from time to time require, and shall afford to the Secretary of State facilities for the verification of information so furnished and for that purpose permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the Commission's accounts, books, documents or papers and give that person such explanation of them as he may reasonably require.

13.—(1) The Commission shall, as soon as possible after the end of each financial year, make to the Secretary of State a report on the discharge by them of their functions under the 1949 Act, the 1968 Act and this Act during that year.

(2) Without prejudice to the generality of sub-paragraph (1), but subject to the provisions of sub-paragraph (3), the report of the Commission for any year shall include—

(a) a statement of the action taken by the Commission to promote the enjoyment of the countryside by members of the public who are disabled ; and

(b) a record of all questions with which the Commission have been concerned during that year and which appear to the Commission to be of general public interest, indicating the purport of any representations or recommendations made by the Commission with respect thereto, and the conclusions (if any) reached thereon.

SCH. 13

(3) The report of the Commission for any year shall set out any direction given by the Secretary of State during that year under section 3 of the 1949 Act unless the Secretary of State has notified to the Commission his opinion that it is against the interests of national security so to do.

(4) The Secretary of State shall lay a copy of every report of the Commission under this paragraph before each House of Parliament.

*Land*

14. The Commission, for the purpose of providing themselves with office or other accommodation in connection with the exercise of any of their functions, may, with the approval of the Secretary of State, acquire land, erect and maintain buildings or other structures thereon, and, when the land is no longer required for such purpose, dispose of it.

15. Any land occupied by the Commission shall, for the purpose of any rate on property, be treated as if it were property occupied by or on behalf of the Crown for public purposes.

*Interpretation*

16. In this Schedule—

“appointed day” means the day appointed for the coming into force of this Schedule ;

“the Commission” means the Countryside Commission ;

“financial year” means the period commencing with the appointed day and ending with 31st March following that day, and each successive period of twelve months ;

“the Minister” means the Minister for the Civil Service ;

“pension” includes allowance or gratuity.

SCHEDULE 14

Section 53.

APPLICATIONS FOR CERTAIN ORDERS UNDER PART III

*Form of applications*

1. An application shall be made in the prescribed form and shall be accompanied by—

(a) a map drawn to the prescribed scale and showing the way or ways to which the application relates ; and

(b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application.