



# 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- When citing any legislation, it is important to check whether any parts of it have been amended (or repealed) by later Acts or Statutory Instruments.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)

(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.

SCH. 14

*Notice of applications*

2.—(1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates.

(2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description "owner" or "occupier" of the land (describing it) and by affixing it to some conspicuous object or objects on the land.

(3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.

(4) Every notice or certificate under this paragraph shall be in the prescribed form.

*Determination by authority*

3.—(1) As soon as reasonably practicable after receiving a certificate under paragraph 2(3), the authority shall—

(a) investigate the matters stated in the application ; and

(b) after consulting with every local authority whose area includes the land to which the application relates, decide whether to make or not to make the order to which the application relates.

(2) If the authority have not determined the application within twelve months of their receiving a certificate under paragraph 2(3), then, on the applicant making representations to the Secretary of State, the Secretary of State may, after consulting with the authority, direct the authority to determine the application before the expiration of such period as may be specified in the direction.

(3) As soon as practicable after determining the application, the authority shall give notice of their decision by serving a copy of it on the applicant and any person on whom notice of the application was required to be served under paragraph 2(1).

*Appeal against a decision not to make an order*

4.—(1) Where the authority decide not to make an order, the applicant may, at any time within 28 days after service on him of notice of the decision, serve notice of appeal against that decision on the Secretary of State and the authority.

(2) If on considering the appeal the Secretary of State considers that an order should be made, he shall give to the authority such directions as appear to him necessary for the purpose.

*Interpretation*

5.—(1) In this Schedule—

"application" means an application under section 53(5) ;

“local authority” means a district council, the Greater London Council, a parish or community council or the parish meeting of a parish not having a separate parish council ;  
 “prescribed” means prescribed by regulations made by the Secretary of State.

Sch. 14

(2) 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 15

Sections 53  
and 54.

### PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

#### *Consultation*

1. Before making an order, the authority shall consult with every local authority whose area includes the land to which the order relates.

#### *Coming into operation*

2. An order shall not take effect until confirmed either by the authority or the Secretary of State under paragraph 6 or by the Secretary of State under paragraph 7.

#### *Publicity for orders*

3.—(1) On making an order, the authority shall give notice in the prescribed form—

- (a) describing the general effect of the order and stating that it has been made and requires confirmation ;
- (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours ; and
- (c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

(2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) shall be given—

- (a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated ;
- (b) by serving a like notice on—
  - (i) every owner and occupier of any of that land ;
  - (ii) every local authority whose area includes any of that land ;
  - (iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3) ; and
  - (iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate ; and