



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

Miscellaneous and supplemental

^{F2}47 [^{F1}Grants to the Countryside Council for Wales]

.....

Textual Amendments

- F1** S. 47 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1), 107, **Sch. 11 para. 92(4)**; S.I. 2006/2541, **art. 2**
- F2** S. 47 omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (S.I. 2013/755), art. 1(2), **Sch. 2 para. 177** (with Sch. 7)

48 ^{F3}

Textual Amendments

- F3** S. 48 repealed by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1),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

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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, [F⁴the Natural Resources Body for Wales] or [F⁵Natural England] 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 ([F⁵Natural England][F⁶or [F⁴the Natural Resources Body 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 [F⁵Natural England][F⁶or [F⁴the Natural Resources Body for Wales]] any additional power to appoint wardens.

Textual Amendments

- F4** Words in s. 49 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 178](#) (with [Sch. 7](#))
- F5** Words in s. 49(1)(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 105\(1\)](#), [107](#), [Sch. 11 para. 93](#); [S.I. 2006/2541](#), [art. 2](#)
- F6** Words inserted ([1.4.1991](#)) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), [s. 130](#), [Sch. 8 para. 6\(6\)](#); [S.I. 1991/685](#), [art.3](#).

50 Payments under certain agreements offered by authorities. **E+W**

- (1) This section applies where—
- (a) [F⁷Natural England or [F⁸the Natural Resources Body for Wales] offer to enter into a nature reserve agreement or an SSSI agreement]^{F9} ... providing for the making by them of payments [F¹⁰to any person; 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 ^{F11} . . . to be 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 ^{F11} . . . 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—
- [F¹² “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.

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F13}“nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;

“SSSI agreement” has the same meaning as in section 15A of the 1968 Act.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F7** Words in s. 50(1)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 94\(2\)](#); S.I. 2006/2541, [art. 2](#)
- F8** Words in s. 50(1)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 179](#) (with Sch. 7)
- F9** Words in s. 50(1)(a) omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), [Sch. 2 para. 3\(8\)](#)
- F10** Words in s. 50(1)(a) substituted for words and s. 50(1)(a)(i)(ii) (E.W.) (30.1.2001) by [2000 c. 37](#), ss. [79](#), [103\(2\)](#)
- F11** Words in s. 50(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1)(2), 107, [Sch. 11 para. 94\(3\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F12** Definition substituted by [Agriculture Act 1986 \(c. 49\)](#), SIF 2:1), [s. 20\(6\)](#)
- F13** S. 50(4): definitions inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 94\(4\)](#); S.I. 2006/2541, [art. 2](#)

Modifications etc. (not altering text)

- C1** 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](#))

50 Payments under certain agreements offered by authorities. **S**

^{F45}

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F45** S. 50 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](#)

51 Powers of entry. **E+W**

- (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—

- [^{F14}(a) to determine whether the land should be notified under section 28(1);
(b) to assess the condition of the flora, fauna, or geological or physiographical features by reason of which land which has been notified under section 28(1) is of special interest;

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- (c) to determine whether or not to offer to enter into [^{F15}a nature reserve agreement or an SSSI agreement]^{F16}... in relation to the land;
- (d) to ascertain whether a condition to which a consent referred to in section 28E(3)(a) was subject has been complied with in relation to the land;
- (e) to ascertain whether an offence under section 28P or under byelaws made by virtue of section 28R is being, or has been, committed on or in relation to the land;
- (f) to formulate a management scheme for the land or determine whether a management scheme (or a proposed management scheme) for the land should be modified;
- (g) to prepare a management notice for the land;
- (h) to ascertain whether the terms of [^{F15}a nature reserve agreement or an SSSI agreement]^{F17}... in relation to the land, or the terms of a management scheme or the requirements of a management notice in relation to the land, have been complied with;
- (i) to determine whether or not to offer to make a payment under section 28M in relation to the land;
- (j) to determine any question in relation to the acquisition of the land by agreement or compulsorily;
- (k) to determine any question in relation to compensation under section 20(3) of the 1949 Act as applied by section 28R of this Act;
- [^{F18}(ka) for the purposes of putting up, maintaining or removing notices or signs under section 28S;]
- (l) to ascertain whether an order should be made in relation to the land under section 34 or if an offence under that section is being, or has been, committed on the land;
- (m) to ascertain whether an order should be made in relation to the land under section 42 or if an offence under that section is being, or has been, committed on the land;]

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

[^{F19}(1A) The power conferred by subsection (1) to enter land for any purpose includes power to enter for the same purpose any land other than that referred to in subsection (1).

(1B) More than one person may be authorised for the time being under subsection (1) to enter any land.]

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

- (a) for the purposes of [^{F20}paragraphs (a) to (ka)] of that subsection, [^{F21}Natural England or [^{F22}the Natural Resources Body for Wales]];]
- (b) for the purposes of [^{F23}paragraph (l)] of that subsection, the Secretary of State or the relevant authority within the meaning of section 34;
- (c) for the purposes of [^{F23}paragraph (m)] of that subsection, ^{F24}... the [^{F25}National Park authority].

[^{F26}(2A) In subsection (1)—

“nature reserve agreement” has the same meaning as in Part 3 of the 1949 Act;

“SSSI agreement” has the same meaning as in section 15A of the 1968 Act.]

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- (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
 - ^{F27}(b) the purpose of the entry is to ascertain if an offence under section 28P, 34 or 42 is being, or has been, committed on or (as the case may be) in relation to that land.]
- ^{F28}(3A) A person acting in the exercise of a power conferred by subsection (1) may—
- (a) use a vehicle or a boat to enter the land;
 - (b) take a constable with him if he reasonably believes he is likely to be obstructed;
 - (c) take with him equipment and materials needed for the purpose for which he is exercising the power of entry;
 - (d) take samples of the land and of anything on it.
- (3B) If in the exercise of a power conferred by subsection (1) a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.]
- (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 ^{F29}level 3 on the standard scale].
- ^{F30}(5) It is the duty of a relevant authority to compensate any person who has sustained damage as a result of—
- (a) the exercise of a power conferred by subsection (1) by a person authorised to do so by that relevant authority, or
 - (b) the failure of a person so authorised to perform the duty imposed on him by subsection (3B),
- except where the damage is attributable to the fault of the person who sustained it; and any dispute as to a person's entitlement to compensation under this subsection or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement, by the Secretary of State.]

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F14** S. 51(1)(a)-(m) substituted for s. 51(1)(a)-(d) (E.W.) (30.1.2001) by 2000 c. 37, **ss. 80(2)**, 103(2)
- F15** Words in s. 51(1)(c)(h) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **ss. 105(1)**, 107, **Sch. 11 para. 95(2)**; S.I. 2006/2541, **art. 2**
- F16** Words in s. 51(1)(c) omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 3(9)(a)**
- F17** Words in s. 51(1)(h) omitted (E.W.) (21.5.2016) by virtue of [Environment \(Wales\) Act 2016 \(anaw 3\)](#), s. 88(2)(a), **Sch. 2 para. 3(9)(b)**
- F18** S. 51(1)(ka) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **ss. 58(2)**, 107; S.I. 2006/2541, **art. 2**
- F19** S. 51(1A)(1B) inserted (E.W.) (30.1.2001) by 2000 c. 37, **ss. 80(3)**, 103(2)
- F20** Words in s. 51(2) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **ss. 58(3)**, 107; S.I. 2006/2541, **art. 2**

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- F21** Words in s. 51(2)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 95\(3\)](#); S.I. 2006/2541, [art. 2](#)
- F22** Words in s. 51(2)(a) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 179](#) (with Sch. 7)
- F23** Words in s. 51(2)(a)(b)(c) substituted (E.W.) (30.1.2001) by 2000 c. 37, [ss. 80\(4\)\(a\)\(b\)\(c\)](#)
- F24** Words in s. 51(2)(c) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 63\(6\), 105\(2\), 107, Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F25** Words in s. 51(2)(c) substituted (1.4.1996) by virtue of 1995 c. 25, s. 78, [Sch. 10 para. 22\(5\)](#) (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1995/2950, [art. 3\(1\)\(2\)](#)
- F26** S. 51(2A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 95\(4\)](#); S.I. 2006/2541, [art. 2](#)
- F27** S. 51(3)(b) substituted (E.W.) (30.1.2001) by 2000 c. 37, [ss. 80\(5\)](#), 103(2)
- F28** S. 51(3A)(3B) inserted (E.W.) (30.1.2001) by 2000 c. 37, [ss. 80\(6\)](#), 103(2)
- F29** 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](#)
- F30** S. 51(5) inserted (E.W.) (30.1.2001) by 2000 c. 37, [ss. 80\(7\)](#), 103(2)

Modifications etc. (not altering text)

- C2** S. 51 amended (E.W.) (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), [Sch. 11 para. 21](#)

51 Powers of entry. **S**

F46

Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F46** S. 51 repealed (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\), ss. 57, 59, Sch. 7 para. 4](#) (with transitional provisions and savings in [Sch. 5 Pt. 2](#)); S.S.I. 2004/495, [art. 2](#)

[^{F31}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.]

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Textual Amendments

F31 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;
 - [^{F32} “estuarial waters” has the meaning given by section 28(9A);]
 - “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.
 - ^{F33}
 - ^{F34}
 - [^{F35} “notice” and “notification” mean notice or notification in writing;
 - “site of special scientific interest” means an area of land which has been notified under section 28(1)(b);]

- (2) [^{F36} In the application of this Part to England (except as respects [^{F37} a National Park for which a National Park authority is the local planning authority,] a metropolitan county or Greater London) ^{F38} . . . references to a local planning authority shall be construed—
- ^{F39}(a)
 - (b) ^{F40} . . . 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 [^{F41}and, in sections 28 to 28D, shall also be construed in accordance with section 28(10);].

[^{F42}(2A) Where a notification under section 28(1)(b) has been—

- (a) modified under section 28(5)(b),
- (b) varied under section 28A(3), or
- (c) varied with modifications under section 28A(5)(b),
- (d) extended under section 28B(2), or
- (e) extended with modifications by virtue of section 28B(7),

a reference to such a notification (however expressed) is (unless the context otherwise requires) a reference to the notification as thus altered.

(2B) References to a notification under section 28(1) or 28(5)(b), or to a local land charge existing by virtue of section 28(9), shall be construed in accordance with section 28C(9).

(2C) For the purposes of this Part, in relation to land in England and Wales which is [^{F43} common land][^{F43} subject to rights of common (within the meaning of the Commons Act 2006)], “occupier” includes [^{F43} the commoners or any of them; and

[^{F43} the persons with such rights or any of them and any commons council established under Part 2 of the Commons Act 2006 for that land]]

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- (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 physiological features.
- (4) Section 114 of the 1949 Act shall apply for the construction of this Part.
- (5) ^{F44}

Textual Amendments

- F32** S. 52(1): definition of "estuarial waters" inserted (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 148, 324(2)(b)(ii), **Sch. 13 para. 4**; S.I. 2014/3088, **art. 2(b)**
- F33** S. 52(1): definition of "the Nature Conservancy Councils" repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1)(2), 107, Sch. 11 para. 96, **Sch. 12**; S.I. 2006/2541, **art. 2**
- F34** Words in s. 52(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1)(2), 107, Sch. 11 para. 96, **Sch. 12**; S.I. 2006/2541, **art. 2**
- F35** S. 52(1): definitions of "notice", "notification" and "site of special scientific interest" inserted (E.W.) (30.1.2001) by [2000 c. 37](#), ss. 75(1), 103(2), **Sch. 9 para. 5(2)**
- F36** 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)**
- F37** Words in s. 52(2) inserted (1.4.1997) by [1995 c. 25](#), s. 78, **Sch. 10 para. 22(6)** (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1996/2560, **art. 3**
- F38** Words in s. 52(2) repealed (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), Sch. 16 para. 65(6), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 4**, **Sch. 2**
- F39** S. 52(2)(a) repealed (1.4.1997) by [1995 c. 25](#), s. 120(3), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/2560, **art. 2**
- F40** Words in s. 52(2)(b) repealed (1.4.1997) by [1995 c. 25](#), s. 120(3), **Sch. 24** (with ss. 7(6), 115); S.I. 1996/2560, **art. 2**
- F41** Words in s. 52(2) inserted (E.W.) (30.1.2001) by [2000 c. 37](#), ss. 75(1), 103(2), **Sch. 9 para. 5(3)**
- F42** S. 52(2A)-(2C) inserted (E.W.) (30.1.2001) by [2000 c. 37](#), ss. 75(1), 103(2), **Sch. 9 para. 5(4)**
- F43** Words in s. 52(2C) substituted (E.W.) (31.10.2011 for E. in relation to the pilot areas, 12.11.2014 for E. for specified purposes, 15.12.2014 for E. for specified purposes) by [Commons Act 2006 \(c. 26\)](#), s. 56, **Sch. 5 para. 3** (with s. 60); S.I. 2011/2460, **art. 2(b)**; S.I. 2014/3026, **art. 3(1)(g)** (with **art. 5**)
- F44** S. 52(5) repealed (27.3.2002) by [The Ministry of Agriculture, Fisheries and Food \(Dissolution\) Order 2002 \(S.I. 2002/794\)](#), **art. 5(2)**, **Sch. 2** (with **art. 6**)

Modifications etc. (not altering text)

- C3** S. 52(2) excluded (E.W.) (19.9.1995) by [1995 c. 25](#), **ss. 69(2)(b)**, 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)

Marginal Citations

- M1** [1965 c. 64](#).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)