



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART II

#### NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

##### *Countryside*

### **39 Management agreements with owners and occupiers of land.**

- (1) A relevant authority may, for the purpose of conserving or enhancing the natural beauty or amenity of any land which is <sup>F1</sup> . . . within their area or promoting its enjoyment by the public, make an agreement (in this section referred to as a “management agreement”) with any person having an interest in the land with respect to the management of the land during a specified term or without limitation of the duration of the agreement.
- (2) Without prejudice to the generality of subsection (1), a management agreement—
  - (a) may impose on the person having an interest in the land restrictions as respects the method of cultivating the land, its use for agricultural purposes or the exercise of rights over the land and may impose obligations on that person to carry out works or agricultural or forestry operations or do other things on the land;
  - (b) may confer on the relevant authority power to carry out works for the purpose of performing their functions under the 1949 Act and the 1968 Act; and
  - (c) may contain such incidental and consequential provisions (including provisions for the making of payments by either party to the other) as appear to the relevant authority to be necessary or expedient for the purposes of the agreement.
- (3) The provisions of a management agreement with any person interested in the land shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the relevant authority against those persons accordingly.

**Changes to legislation:** *Wildlife and Countryside Act 1981, Section 39 is up to date with all changes known to be in force on or before 27 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*

- (4) Schedule 2 to the <sup>M1</sup>Forestry Act 1967 (power for tenant for life and others to enter into forestry dedication covenants) shall apply to management agreements as it applies to forestry dedication covenants.
- (5) In this section “the relevant authority” means—
- <sup>F2</sup>(a) . . . . .
  - [<sup>F3</sup>(aa) as respects land within the Broads, the Broads Authority;]
  - <sup>F4</sup>(b) . . . . .
  - (c) as respects any other land, the local planning authority.
  - [<sup>F5</sup>(d) <sup>F6</sup>. . . . .
  - <sup>F7</sup>(e) . . . . .
  - (f) as respects land in any area of outstanding natural beauty designated under section 82 of the Countryside and Rights of Way Act 2000 for which a conservation board has been established under section 86 of that Act, that board.]
- (6) The powers conferred by this section on a relevant authority shall be in addition to and not in derogation of any powers conferred on such an authority by or under any enactment.

#### Textual Amendments

- F1** Words in s. 39(1) repealed (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, ss. 96(a), 102, 103(2), **Sch. 16 Pt. VI**; S.I. 2001/114, **art. 2(2)(m)**; S.I. 2001/1410, **art. 2(q)**
- F2** S. 39(5)(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, Sch.**
- F3** S. 39(5)(aa) inserted by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), **Sch. 3 para. 31(2)**
- F4** S. 39(5)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F5** S. 39(5)(d)-(f) inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, **s. 96(b)**; S.I. 2001/114, **art. 2(2)(f)**; S.I. 2001/1410, **art. 2(h)**
- F6** S. 39(5)(d) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 87, **Sch. 12**; S.I. 2006/2541, **art. 2**
- F7** S. 39(5)(e) omitted (21.5.2016) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), **Sch. 2 para. 3(5)**

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

- C1** S. 39 modified (19.9.1995) by 1995 c. 25, **ss. 69(2)(a)**, 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)  
S. 39 modified (20.9.2006) by The Natural Environment and Rural Communities Act 2006 (Commencement No. 3 and Transitional Provisions) Order 2006 (S.I. 2006/2541), art. 3(1), **Sch. para. 5**

#### Marginal Citations

- M1** 1967 c. 10.

**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](#)