

Power to grant licences

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

[44.— Grant of licences for certain purposes

(1) Regulations 39, 41 and 43 do not apply to anything done for any of the following purposes under and in accordance with the terms of a licence granted by the appropriate authority.

(2) The purposes referred to in paragraph (1) are—

- (a) scientific, research or educational purposes;
- (b) ringing or marking, or examining any ring or mark on, wild animals;
- (c) conserving wild animals, including wild birds, or wild plants or introducing them to particular areas;
- (ca) conserving natural habitats;
- (d) protecting any zoological or botanical collection;
- (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (f) preventing the spread of disease; or
- (g) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

[(2A) Subject to paragraph (2B), the appropriate authority may grant a licence to permit the taking or the possession or control of certain specimens of any of the species listed in Annex IV to the Habitats Directive notwithstanding that the licence is for a purpose not falling within paragraph (2).

(2B) The appropriate authority shall only grant a licence under paragraph (2A) where it is satisfied that the grant of the licence would be compatible with the restrictions in Article 16(1)(e) of the Habitats Directive.

(2C) Regulations 39, 41 and 43 do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority under paragraph (2A).]²

(3) The appropriate authority shall not grant a licence under this regulation unless they are satisfied—

- (a) that there is no satisfactory alternative, and
- (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

(4) For the purposes of this regulation “the appropriate authority” means—

(a) in the case of a licence under any of sub-paragraphs (a) to (d) of paragraph (2), the appropriate nature conservation body; and

[(b) in the case of any other licence granted under this regulation, the Scottish Ministers.]²

[(5) The Scottish Ministers shall from time to time consult with the nature conservation bodies as to the exercise of the Scottish Ministers' functions under this regulation; and they shall not grant a licence of any description unless they have been advised by the appropriate nature conservation body as to the circumstances in which, in the opinion of the appropriate nature conservation body, licences of that description should be granted.]²

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Notes

¹ Amended by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2004/475 (Scottish SI) Pt IV reg.14 (November 29, 2004)

² Amended by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt II reg.15 (February 15, 2007)

England and Wales

[...] ¹

Notes

¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Commencement

Pt III reg. 44(1)-(5): October 30, 1994

Extent

Pt III reg. 44(1)-(6): England, Wales, Scotland

✓ Law In Force

[44A.— Delegation of licence granting power: Scotland

(1) The Scottish Ministers may delegate their functions in relation to licences under regulation 44 to the appropriate nature conservation body.

(2) A delegation may be, to any degree, general or specific and may in particular relate to—

- (a) a particular type of animal or plant,
- (b) a particular licence or type of licence, or
- (c) a particular area.

(3) Unless it specifies otherwise, a delegation relating to a particular licence (or type of licence) includes the power to modify or revoke the licence (or licences of that type) where granted before the delegation.

(4) A delegation is to be made by written direction.

(5) The Scottish Ministers may modify or revoke a direction under paragraph (4).

(6) The requirement on the Scottish Ministers under regulation 44(5) to take advice from the appropriate nature conservation body does not apply in the period when a direction under paragraph (4) has effect, in respect of any licence granted under the direction.

(7) Where a direction is revoked, any existing licence granted under the direction continues to have effect (unless the revoking direction provides otherwise).

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Notes

- ¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2011/155 (Scottish SI) reg.6 (April 6, 2011)

Extent

Pt III reg. 44A(1)-(7): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)



Partially Repealed

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Scotland

[45.— Licences: supplementary provisions

(1) Subject to the provisions of this regulation, a licence under regulation 44—

- (a) may be, to any degree, general or specific;
- (b) may be granted either to persons of a class or to a particular person; and
- (c) may be subject to compliance with any specified conditions.

(2) For the purposes of a licence under regulation 44 the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.

(3) A licence under regulation 44 may be modified or revoked at any time by the appropriate authority; but otherwise shall be valid for the period stated in the licence.

(4) A licence under regulation 44 which authorises any person to kill wild animals shall specify the area within which and the methods by which the wild animals may be killed and shall not be granted for a period of more than two years.

(4A) A licence granted under regulation 44(2A) shall specify—

- (a) the species of animal or plant the specimens of which the person authorised by the licence may take or possess or control;
- (b) the maximum number of specimens which the person authorised by the licence may take or possess or control, or which particular specimens that person may take or possess or control; and
- (c) the conditions subject to which the action authorised by the licence may be taken and in particular—
 - (i) the methods, means or arrangements by which specimens may be taken or be in the possession or control of the person authorised by the licence;
 - (ii) when or over what period the action authorised by the licence may be taken; and
 - (iii) where it authorises any person to take specimens, the area from which they may be taken.

(5) It shall be a defence in proceedings for an offence under section 8(b) of the Protection of Animals Act 1911² or section 7(b) of the Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—

- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence under regulation 44, and
- (b) any conditions specified in the licence were complied with.

(6) The appropriate authority may charge for a licence under regulation 44 such reasonable sum (if any) as they may determine.

[(7) Within two years from exit day, and thereafter within two years of the publication of the last such report, the Scottish Ministers must publish, in such form as they see fit, a report on licences granted under regulation 44 in the preceding two years.

(8) The reports made under paragraph (7) must specify—

- (a) the species which are subject to the licence and the reason for granting it, including the nature of the risk, with, if appropriate, a reference to alternatives rejected and scientific data used;
- (b) in relation to any animal species, any means authorised for the capture or killing of the species and the reasons for the use of that means;
- (c) when and where the licence was granted; and
- (d) the supervisory measures taken to check that the required conditions of the licence have been complied with, any monitoring that has been carried out of compliance with the conditions of the licence, and the results of that monitoring.

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Notes

- ¹ Amended by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt II reg.16 (February 15, 2007)
- ² Section 8 was amended by section 1 of the Protection of Animals (Amendment) Act 1927 (c.27).
- ³ Added by Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019/113 (Scottish SI) Pt 2 reg.19 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))


Commencement

Pt III reg. 45(1)-(5)(b): October 30, 1994

Extent

Pt III reg. 45(1)-(5)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

46.— False statements made for obtaining licence

(1) A person commits an offence who, for the purposes of obtaining, whether for himself or another, the grant of a licence under regulation 44—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular, or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular.

(2) A person guilty of an offence under this regulation is liable on summary conviction [to imprisonment for a term not exceeding six months or]¹ to a fine not exceeding level [5]¹ on the standard scale [, or to both]¹ .

Notes

- ¹ Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.5(20) (August 21, 2007)

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Commencement

Pt III reg. 46(1)-(2): October 30, 1994

Extent

Pt III reg. 46(1)-(2): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

[46A.— Offence of breaching licence condition

(1) It is an offence for any person authorised by virtue of a licence granted under regulation 44 on or after 15th May 2007 to contravene, or fail to comply with, any condition imposed on the grant of a licence.

- (2) A person shall not be guilty of an offence under paragraph (1) if that person shows that—
- (a) that person took all reasonable precautions and exercised all due diligence to avoid commission of the offence; or
 - (b) the commission of the offence was otherwise due to matters beyond that person's control.

(3) A person guilty of an offence under paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

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Notes

- ¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt II reg.17 (February 15, 2007)

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)


Extent

Pt III reg. 46A(1)-(3): England, Wales, Scotland

PART IV**ADAPTATION OF PLANNING AND OTHER CONTROLS***Introductory*

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England and Wales](#) | [Scotland](#)

 Partially Repealed

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Scotland

47.— Application of provisions of this Part

(1) The requirements of regulations 48, 48A and 49 (requirement to consider effect on European sites in Great Britain and European offshore marine sites), and regulations 50 and 51 (requirement to review certain existing decisions and consents, &c.) apply,

- (a) subject to and in accordance with the provisions of regulations 53A to 85, in relation to the matters specified in those provisions.
- (b) in relation to all other plans and projects.

(3) Regulations 50 and 51 (requirement to review existing decisions and consents, &c.) apply to any such consent as is mentioned in paragraph (1).

(4) Where on the review of such a consent the competent authority consider that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of the activities authorised by it would be avoided by a variation of the consent, they may vary it, or cause it to be varied, accordingly.

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Notes

- ¹ Revoked by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt II reg.21 (February 15, 2007)

Commencement

Pt IV reg. 85(1)-(4): October 30, 1994

Extent

Pt IV reg. 85(1)-(4): England, Wales, Scotland

[PART IVA


APPROPRIATE ASSESSMENTS FOR LAND USE PLANS

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Notes

- ¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)
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The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

[85A.— Interpretation

(1) In this Part—

“the 1997 Planning Act” means the Town and Country Planning (Scotland) Act 1997;

[“land use plan” means a strategic development plan or local development plan or supplementary guidance as provided for in Part 2 of the 1997 Planning Act;]²

“plan making authority” means—

(a) a planning authority;

(b) the Loch Lomond and the Trossachs National Park Authority³ and the Cairngorms National Park Authority⁴;

[(c) the Scottish Ministers when exercising powers under section 13 (approval or rejection of strategic development plans), 20 (constitution of local development plans) or [section 23B]⁵ (default powers of the Scottish Ministers) of the 1997 Planning Act;]²

“planning authority” has the meaning given in section 1 of the 1997 Planning Act.

(2) References in this Part to giving effect to a land use plan are to—

(a) the adoption by a planning authority, the Loch Lomond and the Trossachs National Park Authority or the Cairngorms National Park Authority of [a local development plan under section 20 of the 1997 Planning Act]²;

[(aa) the adoption of supplementary guidance under section 22 of the 1997 Planning Act;]²

(b) the approval by the Scottish Ministers of [a strategic development plan under section 13 or a local development plan under section 20 of the 1997 Planning Act]².

] ¹

Notes

¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)

² Amended by Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008/427 (Scottish SI) art.8 (February 28, 2009)

³ The Loch Lomond and the Trossachs National Park Authority was established by the Loch Lomond and the Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 (S.S.I. 2002/201). The functions of planning authorities under the Town and Country Planning (Scotland) Act 1997 in relation to local plans are transferred to and exercisable by the Loch Lomond and the Trossachs National Park Authority in terms of Article 7 of that Order.

⁴ The Cairngorms National Park Authority was established by the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (S.S.I. 2003/1). The functions of planning authorities under the Town and Country Planning (Scotland) Act 1997 in relation to local plans are transferred to and exercisable by the Cairngorms National Park Authority in terms of Article 7 of that Order.

⁵ Word substituted by Town and Country Planning (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2009/343 (Scottish SI) reg.2(2) (November 16, 2009)

England and Wales

[...]¹

Notes

¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Extent

Pt IVA reg. 85A(1)-(2)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#) Partially Repealed

Scotland

[85B.— Assessment of implications for European site

(1) Where a land use plan—

- (a) is likely to have a significant effect on a European site in Great Britain [or a European offshore marine site]² (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that land use plan shall, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

(2) The plan-making authority shall for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority may specify.

(3) The plan-making authority shall, if it considers it appropriate, take the opinion of the general public, and in doing so, shall take such steps for that purpose as it considers appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 85C (considerations of overriding public interest), the plan-making authority shall give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site [or the European offshore marine site (as the case may be)]².

(5) A plan-making authority other than the Scottish Ministers shall provide such information as the Scottish Ministers may reasonably require—

- (a) to enable the Scottish Ministers to determine whether an assessment under paragraph (1) is required; or
- (b) for the purposes of an assessment under paragraph (1).

(6) [...] ³] ¹**Notes**

¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)

² Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.5(51) (August 21, 2007)

- ³ Revoked by Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019/113 (Scottish SI) Pt 2 reg.22 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Extent

Pt IVA reg. 85B(1)-(6)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#)



Partially Repealed

Scotland

[85C.— Considerations of overriding public interest

(1) If the plan making authority is satisfied that, there being no alternative solutions, the land use plan must be given effect for imperative reasons of overriding public interest (which subject to paragraph (2), may be of a social or economic nature), it may give effect to the land use plan notwithstanding a negative assessment of the implications for the European site [or the European offshore marine site (as the case may be)] ² .

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in paragraph (1) must be either—

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or
- (b) any other reasons of overriding public interest provided the competent authority has had regard to the opinion of the [Scottish Ministers] ³ in satisfying themselves that there are such reasons.

(3) Where a plan-making authority, other than the Scottish Ministers, desires to obtain the opinion of the [Scottish Ministers] ³ as to whether reasons are to be considered imperative reasons of overriding public interest, it shall submit a written request to the Scottish Ministers—

- (a) identifying the matter on which an opinion is sought; and
- (b) accompanied by any documents or information which may be required.

[(4) In giving their opinion as to whether the reasons are imperative reasons of overriding public interest, the Scottish Ministers must have regard to the national interest, and provide their opinion to the plan-making authority.]⁴

[(4A) Before giving their opinion as to whether the reasons are imperative reasons of overriding public interest, the Scottish Ministers must consult the following, and have regard to their opinion—

- (a) the Joint Nature Conservation Committee;
- (b) the Secretary of State;
- (c) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;
- (d) the Welsh Ministers; and
- (e) any other person the Scottish Ministers consider appropriate.

] ⁵

(5) Where a plan-making authority other than the Scottish Ministers proposes to give effect to a land use plan under this regulation notwithstanding a negative assessment of the implications for [the site concerned]², it shall notify the Scottish Ministers.

(6) Having notified the Scottish Ministers under paragraph (5), the authority in question shall not give effect to the land use plan before the end of the period of 21 days beginning with the day notified to it by the Scottish Ministers as that on which the notification was received by them, unless the Scottish Ministers notify the authority that it may do so.

(7) Without prejudice to any other power, the Scottish Ministers may give directions to the plan making authority prohibiting it from giving effect to the land use plan, either indefinitely or during such period as may be specified in the direction.

] ¹

Notes

- ¹ Added by Conservation (Natural Habitats, & c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)
- ² Amended by Conservation (Natural Habitats, & c.) (Amendment) Regulations 2007/1843 reg.5(52) (August 21, 2007)
- ³ Words substituted by Conservation (Natural Habitats, & c.) (EU Exit) (Scotland) (Amendment) Regulations 2019/113 (Scottish SI) Pt 2 reg.23(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁴ Substituted by Conservation (Natural Habitats, & c.) (EU Exit) (Scotland) (Amendment) Regulations 2019/113 (Scottish SI) Pt 2 reg.23(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁵ Added by Conservation (Natural Habitats, & c.) (EU Exit) (Scotland) (Amendment) Regulations 2019/113 (Scottish SI) Pt 2 reg.23(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Extent

Pt IVA reg. 85C(1)-(7): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Scotland](#) | [England and Wales](#) Partially Repealed

Scotland

[85D.— Co-ordination for land use plan prepared by more than one planning authority

(1) This regulation applies where two or more planning authorities prepare [a strategic development plan under section 4 or a joint local development plan under section 16 of the 1997 Planning Act]².

(2) Nothing in regulation 85B(1) requires a planning authority to assess any implications of [a strategic development plan or a joint local development plan]² which would be more appropriately assessed under that provision by another planning authority.

(3) The Scottish Ministers may issue guidance to planning authorities for the purposes of regulation 85B(1) as to the circumstances in which a planning authority may or should adopt the reasoning or conclusions of another planning authority as to whether [a strategic development plan or a joint local development plan]² —

(a) is likely to have a significant effect on a European site [or a European offshore marine site]³, or

(b) will adversely affect the integrity of a European site [or a European offshore marine site]³.

(4) The planning authorities involved shall have regard to any guidance issued under paragraph (3) in discharging their functions under regulation 85B(1).

(5) In determining whether [a strategic development plan or a joint local development plan]² should be adopted under regulation 85C(1) a planning authority shall seek and have regard to the views of other planning authorities involved.

] ¹**Notes**

¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)

² Amended by Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008/427 (Scottish SI) art.8(4) (February 28, 2009)

³ Words inserted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.5(53) (August 21, 2007)

England and Wales

[...]¹


Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Extent

Pt IVA reg. 85D(1)-(5): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

[85E. Compensatory measures

Where in accordance with regulation 85C a land use plan is given effect, notwithstanding a negative assessment of the implications for a European site [or a European offshore marine site]², the Scottish Ministers shall secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.]¹

Notes

- ¹ Added by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Sch.1 para.1 (February 15, 2007)
- ² Words inserted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.5(54) (August 21, 2007)

England and Wales

[...]¹

Notes

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(3) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

Extent


Pt IVA reg. 85E: England, Wales, Scotland

 Repealed**85F.— [...]**¹**Notes**

- ¹ Revoked by Conservation of Habitats and Species Regulations 2010/490 Pt 8 reg.133(2)(f) (April 1, 2010: revocation has effect subject to transitional provisions specified in SI 2010/490 reg.134)

PART V**SUPPLEMENTARY PROVISIONS***Supplementary provisions as to management agreements*

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland](#) | [England and Wales](#)

 Partially Repealed

Scotland

86.— Powers of limited owners, &c. to enter into management agreements

(1) In the case of settled land in England and Wales—

- (a) the tenant for life may enter into a management agreement relating to the land, or any part of it, either for consideration or gratuitously;
- (b) the Settled Land Act 1925 shall apply as if the power conferred by sub-paragraph (a) had been conferred by that Act; and
- (c) for the purposes of section 72 of that Act (which relates to the mode of giving effect to a disposition by a tenant for life and to the operation thereof), and of any other relevant statutory provision, entering into a management agreement shall be treated as a disposition.

The above provisions of this paragraph shall be construed as one with the Settled Land Act 1925.

(2) Section 28 of the Law of Property Act 1925 (which confers the powers of a tenant for life on trustees for sale) shall apply as if the power of a tenant for life under paragraph (1)(a) above had been conferred by the Settled Land Act 1925.