Wildlife and Countryside Act 1981

1981 CHAPTER 69

An Act to repeal and re-enact with amendments the Protection of Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975; to prohibit certain methods of killing or taking wild animals; to amend the law relating to protection of certain mammals; to restrict the introduction of certain animals and plants; to amend the Endangered Species (Import and Export) Act 1976; to amend the law relating to nature conservation, the countryside and National Parks and to make provision with respect to the Countryside Commission; to amend the law relating to public rights of way; and for connected purposes. [30th October 1981]

Annotations:

Modifications etc. (not altering text)

C1 Act amended (1.4.1996) by S.I. 1996/593, reg. 2, Sch. 1
Act: certain functions transferred (E.W.) (19.9.1995) by 1995 c. 25, ss. 69(1), 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)

PART I

WILDLIFE

Protection of birds [F1 and prevention of poaching]

Annotations:

Amendments (Textual)

F1 Words in Pt. I cross-heading added (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(2), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
1 Protection of wild birds, their nests and eggs. E+W

(1) Subject to the provisions of this Part, if any person intentionally—
   (a) kills, injures or takes any wild bird;
   (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
   (c) takes or destroys an egg of any wild bird,
he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—
   (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
   (b) an egg of a wild bird or any part of such an egg,
he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—
   (a) the bird or egg had not been killed or taken, or had been lawful killed or taken . . . ; or
   (b) the bird, egg or other thing in his possession or control had been lawful sold (whether to him or any other person) . . . ;

(F3ZA) A person shall not be guilty of an offence under subsection (2)(b) if the person shows that the egg, or the part of the egg, was in any person’s possession or control before 28th September 1982.

(F3A) In subsection (3) “lawfully” means without any contravention of—
   (a) this Part and orders made under it,
   (b) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts,
   (c) any other legislation which implements the Wild Birds Directive and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976, and
   (d) the provisions of the law of any member State (other than the United Kingdom) implementing the Wild Birds Directive.

(F4) Subject to the provisions of this Part, if any person intentionally—
   (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
   (b) disturbs dependent young of such a bird,
he shall be guilty of an offence.

(F5) For the purposes of this section the definition of “wild bird in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless it has been lawfully released into the wild as part of a re-population or re-introduction programme.
(6A) “Re-population” and “re-introduction” have the same meaning as in [F19 the Wild Birds Directive].

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I and, during the close season for the bird in question, any bird included in Part II of that Schedule.

Annotations:

Extent Information

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

Amendments (Textual)

F2 S. 1(1)(aa) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c.16), ss. 47(2),107; S. I. 2006/1382, art. 2


F10 1954 c. 30; 1964 c. 59; 1967 c. 46.

F11 Words in s. 1(3A)(c) substituted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, & c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(2)(a)(i)

F12 1964 c. 29.

F13 1976 c. 86.

Protection of wild birds, their nests and eggs.

(1) Subject to the provisions of this Part, if any person intentionally or recklessly—
   (a) kills, injures or takes any wild bird;
   (b) takes, damages, destroys or otherwise interferes with the nest of any wild bird while that nest is in use or being built; or
   (ba) at any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
   (bb) obstructs or prevents any wild bird from using its nest;
   (c) takes or destroys an egg of any wild bird,

   he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control—
   (a) any live or dead wild bird or any part of, or anything derived from, such a bird; or
   (b) an egg of a wild bird or any part of such an egg,

   he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—
   (a) the bird or egg had not been killed or taken, or had been killed or taken at or from a place in Scotland otherwise than in contravention of the relevant provisions;
   (ba) the bird, egg or other thing in his possession or control had been sold at a place in Scotland (whether to him or any other person) otherwise than in contravention of those provisions; or
   (c) that the bird, egg or other thing in his possession or control had been killed at, taken from or sold at a place outwith Scotland and—

      (i) that the act of killing, taking or sale would not, if it had been committed in Scotland, have been in contravention of the relevant provisions; or

      (ii) that the bird, egg or other thing had been brought from the place where it was killed, taken or sold in accordance with the relevant regulations.

F631(3A) In subsection (3)—
“the relevant provisions” means such of the provisions of—
(a) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts, and
(b) this Part and orders made under it,
as were in force at the time when the bird or egg was killed or taken or, as the case may be, the bird, egg or other thing was sold,
“the relevant regulations” means—
(a) Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade, and
(b) Commission Regulation 1808/2001/EC on the implementation of that Council Regulation,
as amended from time to time (or any instrument replacing either of them).

(4) .....

(5) Subject to the provisions of this Part, if any person intentionally or recklessly—
(a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
(b) disturbs dependent young of such a bird,
he shall be guilty of an offence...

(5A) Subject to the provisions of this Part, any person who intentionally or recklessly disturbs any wild bird included in Schedule 1 which leks while it is doing so shall be guilty of an offence.

(5B) Subject to the provisions of this Part, any person who intentionally or recklessly harasses any wild bird included in Schedule 1A shall be guilty of an offence.

(5C) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.

(6) For the purposes of this section, the definition of “wild bird” in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless—
(a) it has been lawfully released or allowed to escape from captivity as part of a re-population or re-introduction programme; or
(b) it is a mallard, grey or red-legged partridge, common pheasant or red grouse which is no longer in captivity and is not in a place where it was reared.

(7) Any reference in this Part to any bird included in Schedule 1 is a reference to any bird included in Part I and, during the close season for the bird in question, any bird included in Part II of that Schedule.

Annotations:

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.
(1) Subject to the provisions of this section, a person shall not be guilty of an offence under section 1 by reason of the killing or taking of a bird included in Part I of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

(2) Subject to the provisions of this section, an authorised person shall not be guilty of an offence under section 1 by reason of—
(a) the killing or taking of a bird included in Part II of Schedule 2, or the injuring of such a bird in the course of an attempt to kill it;
(b) the taking, damaging or destruction of a nest of such a bird; or
(c) the taking or destruction of an egg of such a bird.

(3) Subsections (1) and (2) shall not apply in Scotland on Sundays or on Christmas Day; and subsection (1) shall not apply on Sundays in any area of England and Wales which the Secretary of State may by order prescribe for the purposes of that subsection.
(4) In this section and section 1 “close season” means—
   
   (a) in the case of capercaillie and (except in Scotland) woodcock, the period in any year commencing with 1st February and ending with 30th September;
   
   (b) in the case of snipe, the period in any year commencing with 1st February and ending with 11th August;
   
   (c) in the case of wild duck and wild geese in or over any area below high-water mark of ordinary spring tides, the period in any year commencing with 21st February and ending with 31st August;
   
   (d) in any other case, subject to the provisions of this Part, the period in any year commencing with 1st February and ending with 31st August.

(5) The Secretary of State may by order made with respect to the whole or any specified part of Great Britain vary the close season for any wild bird specified in the order.

(6) If it appears to the Secretary of State expedient that any wild birds included in Part II of Schedule 1 or Part I of Schedule 2 should be protected during any period outside the close season for those birds, he may by order made with respect to the whole or any specified part of Great Britain declare any period (which shall not in the case of any order exceed fourteen days) as a period of special protection for those birds; and this section and section 1 shall have effect as if any period of special protection declared under this subsection for any birds formed part of the close season for those birds.

(7) Before making an order under subsection (6) the Secretary of State shall consult a person appearing to him to be a representative of persons interested in the shooting of birds of the kind proposed to be protected by the order.

Annotations:

Extent Information

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

Modifications etc. (not altering text)

C2 S.2(6): Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

2 Exceptions to s. 1\[^636\]: acts by certain persons outside close season. S

(1) Subject to the provisions of this section \[^637\] where subsection (1A) applies, a person shall not be guilty of an offence under section 1 by reason of the killing or taking of a bird included in Part I of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

\[^638\] (1A) This subsection applies where—

   (a) the person who kills or injures had—
      
      (i) a legal right to kill such a bird; or
      
      (ii) permission, from a person who had a right to give permission, to kill such a bird; or

   (b) the person who takes had—

      (i) a legal right to take such a bird; or
      
      (ii) permission, from a person who had a right to give permission, to take such a bird.]
(2) 

(3) [F639 Subsection (1) shall not apply in Scotland on Sundays or on Christmas Day [F640 in relation to those birds included in Part I of Schedule 2 which are also included in Part IA of that Schedule]; and subsection (1) shall not apply on Sundays in any area of England and Wales which the Secretary of State may by order prescribe for the purposes of that subsection.

[F642 (3A) Subject to the provisions of this section, where subsection (3B) applies a person does not commit an offence under section 1 by reason of the taking for the purposes of breeding of—

(a) a partridge or pheasant included in Part I of Schedule 2; or
(b) an egg of such a bird.

(3B) This subsection applies where—

(a) the person who takes does so during the period of 28 days commencing with the first day of the close season for the bird; and
(b) the person who takes had—

(i) a legal right to take such a bird; or
(ii) permission, from a person who had a right to give permission, to take such a bird.

(3C) A person does not commit an offence under section 1 by reason of the taking of a red grouse if—

(a) the grouse is taken—

(i) for the purpose of preventing the spread of disease; and
(ii) with the intention of releasing it from captivity after no more than 12 hours; and
(b) the person had—

(i) a legal right to take such a grouse; or
(ii) permission, from a person who had a right to give permission, to take such a grouse.]

(4) In [F643 section 1, this section and section 6] “close season” means—

(a) in the case of [F644 capercaillie and] (except in Scotland) woodcock, the period in any year commencing with 1st February and ending with 30th September;
(b) in the case of snipe, the period in any year commencing with 1st February and ending with 11th August;
[F645 (ba) in the case of pheasant, the period in any year commencing with 2nd February and ending with 30th September;
(bb) in the case of partridge, the period in any year commencing with 2nd February and ending with 31st August;]
(c) in the case of wild duck and wild geese in or over any area below high-water mark of ordinary spring tides, the period in any year commencing with 21st February and ending with 31st August;
[F646 (ca) in the case of black grouse, the period commencing with 11th December in any year and ending with 19th August in the following year;
(cb) in the case of ptarmigan and red grouse, the period commencing with 11th December in any year and ending with 11th August in the following year;]
(d) in any other case, subject to the provisions of this Part, the period in any year commencing with 1st February and ending with 31st August.

(5) The Secretary of State may by order made with respect to the whole or any specified part of Great Britain vary the close season for any wild bird specified in the order.

(6) If it appears to the Secretary of State expedient that any wild birds included in Part II of Schedule 1 or Part I of Schedule 2 should be protected during any period outside the close season for those birds, he may by order made with respect to the whole or any specified part of Great Britain declare any period (which shall not in the case of any order exceed fourteen days) as a period of special protection for those birds; and [F647] section 1, this section and section 6] shall have effect as if any period of special protection declared under this subsection for any birds formed part of the close season for those birds.

(7) Before making an order under subsection (6) the Secretary of State shall consult [F648] such persons appearing to him to be a representative of persons interested in the shooting of birds of the kind proposed to be protected by the order [F649] as he considers appropriate].

Annotations:

Extent Information

E33 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F636 Words in s. 2 title added (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F637 Words in s. 2(1) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F638 S. 2(1A) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(c), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F639 S. 2(2) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 3(a); S.S.I. 2004/407, art. 2

F640 Words in s. 2(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 3(b); S.S.I. 2004/407, art. 2

F641 Words in s. 2(3) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(d), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F642 S. 2 inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(e), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F643 Words in s. 2(4) substituted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 5(2)(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(c)

F644 Words in s. 2(4)(a) omitted (S.) (4.11.2001) by virtue of s. S.S.I. 2001/337, reg. 2(2)

F645 S. 2(4)(ba)(bb) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(f)(i), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F646 S. 2(4)(ca)(cb) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(f)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F647 Words in s. 2(6) substituted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 5(2)(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(c)

F648 Words in s. 2(7) substituted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(4)(g)(i), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
Areas of special protection. E+W

(1) The Secretary of State may by order make provision with respect to any area specified in the order providing for all or any of the following matters, that is to say—

(a) that any person who, within that area or any part of it specified in the order, at any time or during any period so specified, intentionally—

(i) kills, injures or takes any wild bird or any wild bird so specified;
(ii) takes, damages or destroys the nest of such a bird while that nest is in use or being built;
(iii) takes or destroys an egg of such a bird;
(iv) disturbs such a bird while it is building a nest or is in, on or near a nest containing eggs or young; or
(v) disturbs dependent young of such a bird, shall be guilty of an offence under this section;

(b) that any person who, except as may be provided in the order, enters into that area or any part of it specified in the order at any time or during any period so specified shall be guilty of an offence under this section;

(c) that where any offence under this Part, or any such offence under this Part as may be specified in the order, is committed within that area, the offence shall be treated as falling within section 7(3A).

(2) An authorised person shall not by virtue of any such order be guilty of an offence by reason of—

(a) the killing or taking of a bird included in Part II of Schedule 2, or the injuring of such a bird in the course of an attempt to kill it;
(b) the taking, damaging or destruction of the nest of such a bird;
(c) the taking or destruction of an egg of such a bird; or
(d) the disturbance of such a bird or dependent young of such a bird.

(3) The making of any order under this section with respect to any area shall not affect the exercise by any person of any right vested in him, whether as owner, lessee or occupier of any land in that area or by virtue of a licence or agreement.

(4) Before making any order under this section the Secretary of State shall give particulars of the intended order either by notice in writing to every owner and every occupier of any land included in the area with respect to which the order is to be made or, where the giving of such a notice is in his opinion impracticable, by advertisement in a newspaper circulating in the locality in which that area is situated.

(5) The Secretary of State shall not make an order under this section unless—

(a) all the owners and occupiers aforesaid have consented thereto;
(b) no objections thereto have been made by any of those owners or occupiers before the expiration of a period of three months from the date of the giving of the notice or the publication of the advertisement; or
(c) any such objections so made have been withdrawn.
3 Areas of special protection.

4 Exceptions to ss. 1 and 3.

(1) Nothing in section 1 or in any order made under section 3 shall make unlawful—
   (a) anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section 98 of the Agriculture Act 1947, or by the Secretary of State under section 39 of the Agriculture (Scotland) Act 1948;
   (b) anything done under, or in pursuance of an order made under, section 21 or 22 of the Animal Health Act 1981; or
   (c) except in the case of a wild bird included in Schedule 1 or the nest or egg of such a bird, anything done under, or in pursuance of an order made under, any other provision of the said Act of 1981.

(2) Notwithstanding anything in the provisions of section 1 or any order made under section 3, a person shall not be guilty of an offence by reason of—
   (a) the taking of any wild bird if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;
   (b) the killing of any wild bird if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or
   (c) any act made unlawful by those provisions if he shows that the act was the incidental result of a lawful operation and could not reasonably have been avoided.
(3) Notwithstanding anything in the provisions of section 1 or any order made under section 3, an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1, if he shows that his action was necessary for the purpose of—
   (a) preserving public health or public or air safety;
   (b) preventing the spread of disease; or
   (c) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, [F23 fisheries or inland waters].

(4) An authorised person shall not be regarded as showing that any action of his was necessary for a purpose mentioned in subsection (3)(c) unless he shows that as regards that purpose, there was no other satisfactory solution.

(5) An authorised person shall not be entitled to rely on the defence provided by subsection (3)(c) as respects any action taken at any time for any purpose mentioned in that paragraph if it had become apparent, before that time, that that action would prove necessary for that purpose and either—
   (a) a licence under section 16 authorising that action had not been applied for by him as soon as reasonably practicable after that fact had become apparent; or
   (b) an application by him for such a licence had been determined.

(6) An authorised person shall not be entitled to rely on the defence provided by subsection (3)(c) as respects any action taken at any time unless he notified the agriculture Minister as soon as reasonably practicable after that time that he had taken the action.]
(b) anything done under, or in pursuance of an order made under, section 21 or 22 of the Animal Health Act 1981; or

c) except in the case of a wild bird included in Schedule 1 or the nest or egg of such a bird, anything done under, or in pursuance of an order made under, any other provision of the said Act of 1981.

(2) Notwithstanding anything in the provisions of section 1 ..., a person shall not be guilty of an offence by reason of—

(a) the taking of any wild bird if he shows that the bird had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;

(b) the killing of any wild bird if he shows that the bird had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(c) any act made unlawful by those provisions (an unlawful act if he shows that each of the conditions specified in subsection (2A) was satisfied in relation to the carrying out of the unlawful act).

(2A) Those conditions are—

(a) that the unlawful act was the incidental result of a lawful operation or other activity;

(b) that the person who carried out the lawful operation or other activity—

(i) took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or

(ii) did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and

(c) that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent to the person, such steps as were reasonably practicable in the circumstances to minimise the damage or disturbance to the wild bird, nest or, as the case may be, egg in relation to which the unlawful act was carried out.

(3) Notwithstanding anything in the provisions of section 1 ..., an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1, if he shows that his action was necessary for the purpose of—

(a) preserving public health or public or air safety;

(b) preventing the spread of disease; or

(c) preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.

(4) An authorised person shall not be regarded as showing that any action of his was necessary for a purpose mentioned in subsection (3) unless he shows that as regards that purpose, there was no other satisfactory solution.

(5) An authorised person shall not be entitled to rely on the defence provided by subsection (3) as respects any action taken at any time for any purpose mentioned in that subsection if it had become apparent, before that time, that that action would prove necessary for that purpose and either—

(a) a licence under section 16 authorising that action had not been applied for by him as soon as reasonably practicable after that fact had become apparent; or
(b) an application by him for such a licence had been determined.

(6) An authorised person shall not be entitled to rely on the defence provided by subsection [F660(3)] as respects any action taken at any time unless he notified the agriculture Minister as soon as reasonably practicable after that time that he had taken the action.]
(c) uses for the purpose of killing or taking any wild bird—
   (i) any bow or crossbow;
   (ii) any explosive other than ammunition for a firearm;
   (iii) any automatic or semi-automatic weapon;
   (iv) any shot-gun of which the barrel has an internal diameter at the
       muzzle of more than one and three-quarter inches;
   (v) any device for illuminating a target or any sighting device for night
       shooting;
   (vi) any form of artificial lighting or any mirror or other dazzling device;
   (vii) any gas or smoke not falling within paragraphs (a) and (b); or
   (viii) any chemical wetting agent;

(d) uses as a decoy, for the purpose of killing or taking any wild bird, any sound
    recording or any live bird or other animal whatever which is tethered, or which
    is secured by means of braces or other similar appliances, or which is blind,
    maimed or injured; \[F25\] ...

(e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird
    for the purpose of killing or taking that bird, [F26]; or

(f) knowingly causes or permits to be done an act which is mentioned in
    the foregoing provisions of this subsection and which is not lawful under
    subsection (5),]

he shall be guilty of an offence[F27] . . . .

(2) Subject to subsection (3), the Secretary of State may by order, either generally or in
    relation to any kind of wild bird specified in the order, amend subsection (1) by adding
    any method of killing or taking wild birds or by omitting any such method which is
    mentioned in that subsection.

(3) The power conferred by subsection (2) shall not be exerciseable, except for the purpose
    of complying with an international obligation, in relation to any method of killing or
    taking wild birds which involves the use of a firearm.

(4) In any proceedings under subsection (1)(a) it shall be a defence to show that the article
    was set in position for the purpose of killing or taking, in the interests of public health,
    agriculture, forestry, fisheries or nature conservation, any wild animals which could
    be lawfully killed or taken by those means and that he took all reasonable precautions
    to prevent injury thereby to wild birds.

[F28] (4A) In any proceedings under subsection (1)(f) relating to an act which is mentioned in
    subsection (1)(a) it shall be a defence to show that the article was set in position for
    the purpose of killing or taking, in the interests of public health, agriculture, forestry,
    fisheries or nature conservation, any wild animals which could be lawfully killed or
    taken by those means and that he took or caused to be taken all reasonable precautions
    to prevent injury thereby to wild birds.

(5) Nothing in subsection (1) shall make unlawful—
    (a) the use of a cage-trap or net by an authorised person for the purpose of taking
        a bird included in Part II of Schedule 2;
    (b) the use of nets for the purpose of taking wild duck in a duck decoy which is
        shown to have been in use immediately before the passing of the Protection
        of Birds Act 1954; or
    (c) the use of a cage-trap or net for the purpose of taking any game bird if it is
        shown that the taking of the bird is solely for the purpose of breeding;
but nothing in this subsection shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

5 Prohibition of certain methods of killing or taking wild birds. S

(1) Subject to the provisions of this Part, if any person—

(a) sets in position any of the following articles, being an article which is of such a nature and is so placed as to be likely to cause bodily injury to any wild bird coming into contact therewith, that is to say, any springe, trap, gin, snare, hook and line, any electrical device for killing, stunning or frightening or any poisonous, poisoned or stupefying substance;

(b) uses for the purpose of killing or taking any wild bird any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net, baited board, bird-lime or substance of a like nature to bird-lime;

(c) uses for the purpose of killing or taking any wild bird—

(i) any bow or crossbow;
(ii) any explosive other than ammunition for a firearm;
(iii) any automatic or semi-automatic weapon;
(iv) any shot-gun of which the barrel has an internal diameter at the muzzle of more than one and three-quarter inches;
(v) any device for illuminating a target or any sighting device for night shooting;
(vi) any form of artificial lighting or any mirror or other dazzling device;
(vii) any gas or smoke not falling within paragraphs (a) and (b); or
(viii) any chemical wetting agent;

(d) uses as a decoy, for the purpose of killing or taking any wild bird, any sound recording or any live bird or other animal whatever which is tethered, or which
is secured by means of braces or other similar appliances, or which is blind, maimed or injured;\(^{F25}\).

(e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or taking that bird,\(^{F26}\); or

(f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection and which is not lawful under subsection (5), he shall be guilty of an offence.\(^{F27}\).

(2) Subject to subsection (3), the Secretary of State may by order, either generally or in relation to any kind of wild bird specified in the order, amend subsection (1) by adding any method of killing or taking wild birds or by omitting any such method which is mentioned in that subsection.

(3) The power conferred by subsection (2) shall not be exercisable, except for the purpose of complying with an international obligation, in relation to any method of killing or taking wild birds which involves the use of a firearm.

(4) In any proceedings under subsection (1)(a) it shall be a defence to show that the article was set in position for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to wild birds.

(5) Nothing in subsection (1) shall make unlawful—

(a) \(^{F662}\).

(b) \(^{F662}\).

(c) the use of a cage-trap or net for the purpose of taking any\(^{F663}\) grouse, mallard, partridge or pheasant included in Part I of Schedule 2 if it is shown that the taking of the bird is solely for the purpose of breeding.

but nothing in this subsection shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.

Annotations:

Extent Information

E36 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F25 Word "or" in s. 5(1)(d) omitted (25.9.1991) by virtue of Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5, ss. 1(2), 3(3).

F26 Word "or" and s. 5(1)(f) inserted (25.9.1991) by Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5, ss. 1(3), 3(3).
6 Sale etc. of live or dead wild birds, eggs etc. E+W

(1) Subject to the provisions of this Part, if any person—
   (a) sells, offers or exposes for sale, or has in his possession or transports for the
       purpose of sale, any live wild bird other than a bird included in Part I of
       Schedule 3, or an egg of a wild bird or any part of such an egg; or
   (b) publishes or causes to be published any advertisement likely to be understood
       as conveying that he buys or sells, or intends to buy or sell, any of those things,
       he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person—
   (a) sells, offers or exposes for sale, or has in his possession or transports for the
       purpose of sale, any dead wild bird other than a bird included in Part II or III
       of Schedule 3, or any part of, or anything derived from, such a wild bird; or
   (b) publishes or causes to be published any advertisement likely to be understood
       as conveying that he buys or sells, or intends to buy or sell, any of those things,
       he shall be guilty of an offence.

(3) Subject to the provisions of this Part, if any person shows or causes or permits to be
    shown for the purposes of any competition or in any premises in which a competition
    is being held—
    (a) any live wild bird other than a bird included in Part I of Schedule 3; or
    (b) any live bird one of whose parents was such a wild bird,
    he shall be guilty of an offence.

(4) Any reference in this section to any bird included in Part 1 of Schedule 3 is a reference
    to any bird included in that Part which—
    (a) was bred in captivity,
    (b) has been ringed or marked in accordance with regulations made by the
        Secretary of State, and
    (c) has not been lawfully released into the wild as part of a re-population or re-
        introduction programme.

(5A) “ Re-population ” and “ re-introduction ” have the same meaning as in [the Wild
    Birds Directive ].

(5B) Regulations made for the purposes of subsection (5)(b) may make different provision
    for different birds or different provisions of this section.]
(6) Any reference in this section to any bird included in Part II or III of Schedule 3 is a reference to any bird included in Part II and, during the period commencing with 1st September in any year and ending with 28th February of the following year, any bird included in Part III of that Schedule.

(7)

(8)

(8A)

(9)

(10)

Annotations:

Extent Information
E6 This version on this provision extends to England and Wales only; a separate version has been created for Scotland only.

Amendments (Textual)
F29 Words in s. 6(2) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), Sch. 12 para. 3, Sch. 16 Pt. IV (with Sch. 12 para. 10(6))
F30 S. 6(4) repealed (30.1.2001 for E.W. and 26.3.2003 for S.) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6)) and by the Criminal Justice (Scotland) Act 2003 (asp 7), ss. 86, 89(2)(d), Sch. 5
F31 S. 6(5)-(5B) substituted (E.W.) (1.10.2006) for s. 6(5) by Natural Environment and Rural Communities Act 2006 (c.16), ss. 48(2), 107; S.I. 2006/2541, art. 2
F32 Words in s. 6(5A) substituted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, & c.) (Amendment) Regulations 2007 (S.I. 2007/1843) [reg. 7(3)]
F33 S. 6(7)-(10) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6))

6 Sale etc. of live or dead wild birds, eggs etc.

(1) Subject to the provisions of this Part, if any person—

(a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live wild bird or an egg of a wild bird or any part of such an egg other than—

(i) a bird included in Part I of Schedule 3 (see also subsection (5));
(ii) a bird included in Part 1A of that Schedule to which subsection (1A) applies; or
(iii) an egg to which subsection (1B) applies or any part of such an egg; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.

(1A) This subsection applies to a bird which—

(a) was bred in captivity and remained in captivity or a place where it was reared;
(b) was a wild bird for the purposes of section 1 (see section 1(6)) and was taken by a person who had a legal right to take such a bird or a person with
permission, from a person who had a right to give permission, to take such a
bird outside the close season for the bird; or
(c) was such a wild bird of the following type and was taken by a person with
such right or permission during the period of 28 days which commences with
the first day of its close season—
(i) a partridge included also in Part I of Schedule 2; or
(ii) a pheasant included also in that Part.

(1B) This subsection applies to the following eggs—
(a) an egg of a bird included in Part IA of Schedule 3 to which subsection (1A)
applies; or
(b) an egg of a bird included in Part IA of Schedule 3 to which that subsection
does not apply if the egg was taken—
(i) outside the close season for the bird or during the period of 28 days
commencing with the first day of its close season; and
(ii) by a person who had a legal right to take such a bird or a person with
permission, from a person who had a right to give permission, to take
such a bird.]

(2) Subject to the provisions of this Part, if any person who is not for the time being
registered in accordance with regulations made by the Secretary of State—
(a) sells, offers or exposes for sale, or has in his possession or transports for the
purpose of sale, any dead wild bird other than a bird included in Part II[F667],
IIA] or III of Schedule 3 [F668(see also subsections (5B) and (6)), or any part
of, or anything derived from, such a wild bird; or
(b) publishes or causes to be published any advertisement likely to be understood
as conveying that he buys or sells, or intends to buy or sell, any of those things,
he shall be guilty of an offence.

[2A] Subject to the provisions of this Part, any person who knowingly causes or permits
to be done an act which is made unlawful by any of the foregoing provisions of this
section (other than subsections (1)(b) and (2)(b)) shall be guilty of an offence.]

(3) Subject to the provisions of this Part, if any person shows or causes or permits to be
shown for the purposes of any competition or in any premises in which a competition
is being held—
(a) any live wild bird other than a bird included in Part I of Schedule 3; or
(b) any live bird one of whose parents was such a wild bird,
he shall be guilty of an offence.

(4) [F30] ....................................................

[5] Any reference in this section to any bird included in Part I of Schedule 3 is a reference
to any bird included in that Part which—
(a) was bred in captivity;
(b) has been ringed or marked in accordance with regulations made by the
Scottish Ministers; and
(c) has not been lawfully released or allowed to escape from captivity as part of
a re-population or re-introduction programme.

(5A) Regulations made for the purposes of subsection (5)(b) may make different provision
for different birds or different provisions of this section.]
[F671(5B) Any reference in this section to any bird included in Part IIA of Schedule 3 is a reference to any bird included in that Part which was killed outside the close season for the bird by a person who had a legal right to kill such a bird or permission, from a person who had a right to give permission, to kill such a bird.]

[F672(6) Any reference in this section to any bird included in Part III of Schedule 3 is a reference, during the period commencing with 1st September in any year and ending with 28th February of the following year, to any bird included in that Part.]

(7) The power of the Secretary of State to make regulations under subsection (2) shall include power—

(a) to impose requirements as to the carrying out by a person registered in accordance with the regulations of any act which, apart from the registration, would constitute an offence under this section; and

(b) to provide that any contravention of the regulations shall constitute such an offence.

(8) Regulations under subsection (2) shall secure that no person shall become or remain registered within five years of his having been convicted of—

(a) an offence under this Part (being an offence relating to the protection of birds or other animals); or

(b) any other offence involving their ill-treatment, no account being taken for this purpose of a conviction which has become spent by virtue of the Rehabilitation of Offenders Act 1974.

(8A) The Secretary of State may charge such reasonable sum (if any) as he may determine in respect of any registration effected in accordance with regulations under subsection (2).
Registration etc. of certain captive birds. E+W

(1) If any person keeps or has in his possession or under his control any bird included in Schedule 4 which has not been registered and ringed or marked in accordance with regulations made by the Secretary of State, he shall be guilty of an offence.

(2) The power of the Secretary of State to make regulations under subsection (1) shall include power—

(a) to impose requirements which must be satisfied in relation to a bird included in Schedule 4 before it can be registered in accordance with the regulations; and

(b) to make different provision for different birds or different descriptions of birds.

The Secretary of State may charge such reasonable sum (if any) as he may determine in respect of any registration effected in accordance with regulations under subsection (1).]

(3) If any person keeps or has in his possession or under his control any bird included in Schedule 4—

(a) within five years of his having been convicted of an offence under this Part which falls within subsection (3A); or

(b) within three years of his having been convicted of any other offence under this Part so far as it relates to the protection of birds or other animals or any offence involving their ill-treatment, he shall be guilty of an offence.

The offences falling within this subsection are—

(a) any offence under section 1(1) or (2) in respect of—

(i) a bird included in Schedule ZA1 or any part of, or anything derived from, such a bird,

(ii) the nest of such a bird, or

(iii) an egg of such a bird or any part of such an egg;

(b) any offence under section 1(5) or 5;

(c) any offence under section 6 in respect of—
(i) a bird included in Schedule [ZA1 or] 1 or any part of, or anything derived from, such a bird, or
(ii) an egg of such a bird or any part of such an egg;

(4) If any person knowingly disposes of or offers to dispose of any bird included in Schedule 4 to any person—
(a) within five years of that person’s having been convicted of such an offence as is mentioned in paragraph (a) of subsection (3); or
(b) within three years of that person’s having been convicted of such an offence as is mentioned in paragraph (b) of that subsection,
he shall be guilty of an offence.

(5) No account shall be taken for the purposes of subsections (3) and (4) of any conviction which has become spent for the purpose of the Rehabilitation of Offenders Act 1974.

Annotations:

Extent Information
E7 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F34 Words in s. 7(1) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6))
F35 S. 7(2A) inserted (21.3.1997) by 1997 c. 55, s. 1(2)
F36 Words in s. 7(3)(a) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 4(1)
F37 S. 7(3A) inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 4(2)
F38 Words in s. 7(3A)(a)(i)(c)(i) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c.16), ss. 47(4)(b), 107; S.I. 2006/1382, art. 2
F39 S. 7(3A)(ca) inserted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c.16), ss. 49, 107; S.I. 2006/2541, art. 2
F40 S. 7(6)(7) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV (with Sch. 12 para. 10(6))

Modifications etc. (not altering text)
C3 S. 7(2A): power to transfer functions conferred (1.5.2000) by S.I. 2000/745, art. 2(1), Sch.

Marginal Citations
M5 1974 c. 53.

7 Registration etc. of certain captive birds.

(1) If any person keeps or has in his possession or under his control any bird included in Schedule 4 which has not been registered and ringed or marked in accordance with regulations made by the Secretary of State, he shall be guilty of an offence.
(2) The power of the Secretary of State to make regulations under subsection (1) shall include power—
   (a) to impose requirements which must be satisfied in relation to a bird included in Schedule 4 before it can be registered in accordance with the regulations; and
   (b) to make different provision for different birds or different descriptions of birds.

(2A) The Secretary of State may charge such reasonable sum (if any) as he may determine in respect of any registration effected in accordance with regulations under subsection (1).

(3) If any person keeps or has in his possession or under his control any bird included in Schedule 4 within five years of his having been convicted of—
   (a) an offence under this Part (being an offence relating to the protection of birds or other animals); or
   (b) any other offence involving their ill-treatment; or
   (c) any offence under the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) relating to birds (other than an offence under Regulation 9 of those Regulations)

he shall be guilty of an offence.

(4) If any person knowingly disposés or offers to dispose of any bird included in Schedule 4 to any person within five years of that person’s having been convicted of such an offence as is mentioned in subsection (3), he shall be guilty of an offence.

(5) No account shall be taken for the purposes of subsections (3) and (4) of any conviction which has become spent for the purpose of the Rehabilitation of Offenders Act 1974.

(5A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.

Annotations:

Extent Information

E38 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F675 Words in s. 7(1) repealed (S.) (26.3.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), s. 86, Sch. 5
F676 S. 7(2A) inserted (21.3.1997) by 1997 c. 55, s. 1(2)
F677 S. 7(3): paras. (a)(b) and preceding words substituted (S.) (26.3.2003) for paras. (a)(b) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 77, 89(2)(b), Sch. 3 para. 2
F678 Word in s. 7(3)(a) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 7(a); S.S.I. 2004/407, art. 2
F679 S. 7(3)(c) and preceding word inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 7(b); S.S.I. 2004/407, art. 2
8 **Protection of captive birds.**

(1) If any person keeps or confines any bird whatever in any cage or other receptacle which is not sufficient in height, length or breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence[^41]. . . .

(2) Subsection (1) does not apply to poultry, or to the keeping or confining of any bird—

(a) while that bird is in the course of conveyance, by whatever means;

(b) while that bird is being shown for the purposes of any public exhibition or competition if the time during which the bird is kept or confined for those purposes does not in the aggregate exceed 72 hours; or

(c) while that bird is undergoing examination or treatment by a veterinary surgeon or veterinary practitioner.

(3) Every person who—

(a) promotes, arranges, conducts, assists in, receives money for, or takes part in, any event whatever at or in the course of which captive birds are liberated by hand or by any other means whatever for the purpose of being shot immediately after their liberation; or

(b) being the owner or occupier of any land, permits that land to be used for the purposes of such an event, shall be guilty of an offence[^42]. . . .

[^41]: F680 S. 7(4)(a)(b) substituted (S.) (26.3.2003) for words by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 77, 89(2)(b), Sch. 3 para. 3

[^42]: F682 S. 7(6)(7) repealed (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 21(3), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)

[^41]: F681 S. 7(5A) inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 21(3), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(e)

[^42]: Marginal Citations

M51 1974 c. 53.
Protection of other animals (and prevention of poaching)

(1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—
   (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or
   (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions and in this subsection "the relevant provisions" means the provisions of this Part and of the Conservation of Wild Creatures and Wild Plants Act 1975

(4) Subject to the provisions of this Part, a person is guilty of an offence if intentionally or recklessly—
   (a) he damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
   (b) he disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or
   (c) he obstructs access to any structure or place which any such animal uses for shelter or protection.

(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—
   (a) a dolphin or whale (cetacea), or
   (b) a basking shark (cetorhinus maximus),
   he shall be guilty of an offence.

(5) Subject to the provisions of this Part, if any person—
   (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
   (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.

(6) In any proceedings for an offence under subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.
9 Protection of certain wild animals.

(1) Subject to the provisions of this Part, if any person intentionally or recklessly kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.

(3) A person shall not be guilty of an offence under subsection (2) if he shows that—

(a) the animal had not been killed or taken, or had been killed or taken at or from a place in Scotland otherwise than in contravention of the relevant provisions; or

(b) the animal or other thing in his possession or control had been sold at a place in Scotland (whether to him or any other person) otherwise than in contravention of those provisions; or

(c) that the animal or other thing in his possession or control had been killed at, taken from or sold at a place outwith Scotland and—

(i) that the act of killing, taking or sale would not, if it had been committed in Scotland, have been in contravention of the relevant provisions; or

(ii) that the animal or other thing had been brought from the place where it was killed, taken or sold in accordance with the relevant regulations.

(3A) In subsection (3)—

“the relevant provisions” means such of the provisions of the Conservation of Wild Creatures and Wild Plants Act 1975 (c. 48) and this Part as were in force at the time when the animal was killed or taken or, as the case may be, the animal or other thing was sold, and

“the relevant regulations” means—

(a) Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade, and

(b) Commission Regulation 1808/2001/EC on the implementation of that Council Regulation,

as amended from time to time (or any Community instrument replacing either of them).}
(4) Subject to the provisions of this Part, if any person intentionally or recklessly—
   (a) damages or destroys, or obstructs access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
   (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose,
   he shall be guilty of an offence.

(4A) Subject to the provisions of this Part, any person who, intentionally or recklessly, disturbs or harasses any wild animal included in Schedule 5 as a—
   (a) dolphin, whale or porpoise (cetacea); or
   (b) basking shark (cetorhinus maximus),
   shall be guilty of an offence.

(5) Subject to the provisions of this Part, if any person—
   (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
   (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,
   he shall be guilty of an offence.

(5A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section (other than subsection (5)(b)) shall be guilty of an offence.

(6) In any proceedings for an offence under subsection (1), (2) or (5)(a) or for an offence under subsection (5A) relating to an act which is mentioned in subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Annotations:

Extent Information
E39 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)
F683 Word in s. 9(1) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(2); S.S.I. 2004/407, art. 2
F684 Words in s. 9(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(3)(a); S.S.I. 2004/407, art. 2
F685 Word in s. 9(3)(a) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(3)(b); S.S.I. 2004/407, art. 2
F686 Words in s. 9(3)(b) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(3)(c); S.S.I. 2004/407, art. 2
F687 S. 9(3)(c) and preceding word inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(3)(d); S.S.I. 2004/407, art. 2
F688 Words in s. 9(3) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(3)(e); S.S.I. 2004/407, art. 2
F689 S. 9(3A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 8(4); S.S.I. 2004/407, art. 2
10 Exceptions to s. 9  E+W

(1) Nothing in section 9 shall make unlawful—
   (a) anything done in pursuance of a requirement by the Minister of Agriculture,
       Fisheries and Food or the Secretary of State under section 98 of the
       Agriculture Act 1947, or by the Secretary of State under section 39 of the
       Agriculture (Scotland) Act 1948; or
   (b) anything done under, or in pursuance of an order made under, the
       Animal Health Act 1981.

(2) Nothing in subsection (4) of section 9 shall make unlawful anything done within a
    dwelling-house.

(3) Notwithstanding anything in section 9, a person shall not be guilty of an offence by
    reason of—
   (a) the taking of any such animal if he shows that the animal had been disabled
       otherwise than by his unlawful act and was taken solely for the purpose of
       tending it and releasing it when no longer disabled;
   (b) the killing of any such animal if he shows that the animal had been so seriously
       disabled otherwise than by his unlawful act that there was no reasonable
       chance of its recovering; or
   (c) any act made unlawful by that section if he shows that the act was the
       incidental result of a lawful operation and could not reasonably have been
       avoided.

(4) Notwithstanding anything in section 9, an authorised person shall not be guilty of an
    offence by reason of the killing or injuring of a wild animal included in Schedule 5 if
    he shows that his action was necessary for the purpose of preventing serious damage
    to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any
    other form of property or to fisheries.

(5) A person shall not be entitled to rely on the defence provided by subsection (2) or
    (3)(c) as respects anything done in relation to a bat otherwise than in the living area
    of a dwelling house unless he had notified the conservation body for the area
    in which the house is situated or, as the case may be, the act is to take place] of the
    proposed action or operation and allowed them a reasonable time to advise him as to
    whether it should be carried out and, if so, the method to be used.

(6) An authorised person shall not be entitled to rely on the defence provided by
    subsection (4) as respects any action taken at any time if it had become apparent,
    before that time, that that action would prove necessary for the purpose mentioned in
    that subsection and either—
10 Exceptions to s. 9. S

(1) Nothing in section 9 shall make unlawful—

(a) anything done in pursuance of a requirement by the Minister of Agriculture, Fisheries and Food or the Secretary of State under section 98 of the Agriculture Act 1947, or by the Secretary of State under section 39 of the Agriculture (Scotland) Act 1948; or

(b) anything done under, or in pursuance of an order made under, the Animal Health Act 1981.

(2) Nothing in subsection (4) of section 9 shall make unlawful anything done within a dwelling-house.

(3) Notwithstanding anything in section 9, a person shall not be guilty of an offence by reason of—

(a) the taking of any such animal if he shows that the animal had been disabled otherwise than by his unlawful act and was taken solely for the purpose of tending it and releasing it when no longer disabled;

(b) the killing of any such animal if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering; or

(c) any act made unlawful by that section [F694 (“an unlawful act”) if he shows—

(i) that each of the conditions specified in subsection (3A) was satisfied in relation to the carrying out of the unlawful act, or

(ii) that the unlawful act was carried out in relation to an animal bred and, at the time the act was carried out, lawfully held in captivity.] [F695 (3A) Those conditions are—

(a) that the unlawful act was the incidental result of a lawful operation or other activity;
(b) that the person who carried out the lawful operation or other activity—
   (i) took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or
   (ii) did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and

(c) that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent to the person, such steps as were reasonably practicable in the circumstances to minimise the damage or disturbance to the wild animal, or the damage or obstruction to the structure or place, in relation to which the unlawful act was carried out.]

(4) Notwithstanding anything in section 9, an authorised person shall not be guilty of an offence by reason of the killing or injuring of a wild animal included in Schedule 5 if he shows that his action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

(5) A person shall not be entitled to rely on the defence provided by subsection (2) or (3)(c) as respects anything done in relation to a bat otherwise than in the living area of a dwelling house unless he had notified the conservation body[ for the area in which the house is situated or, as the case may be, the act is to take place] of the proposed action or operation and allowed them a reasonable time to advise him as to whether it should be carried out and, if so, the method to be used.

(6) An authorised person shall not be entitled to rely on the defence provided by subsection (4) as respects any action taken at any time unless he notified the Scottish Ministers as soon as reasonably practicable after that time that he had taken the action.

Annotations:

Extent Information

E40 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F47 Words in s. 10(5) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132, Sch. 9 para. 11(2); S.I. 1991/685, art.3.

F694 Words in s. 10(3)(c) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 9(a); S.S.I. 2004/407, art. 2

F695 S. 10(3A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 9(b); S.S.I. 2004/407, art. 2

F696 Words in s. 10(5) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 70; S.I. 2006/2541, art. 2
Protection of wild hares etc.

(1) Subject to the provisions of this Part, any person who intentionally or recklessly kills, injures or takes any wild animal included in Schedule 5A in the close season for the animal is guilty of an offence.

(2) In this section, “close season” means—
(a) in the case of a mountain hare, the period in any year beginning with 1st March and ending with 31st July;
(b) in the case of a brown hare, the period in any year beginning with 1st February and ending with 30th September.

(3) The Scottish Ministers may by order vary the close season for any wild animal included in Schedule 5A which is specified in the order.

(4) If it appears to the Scottish Ministers expedient that any wild animals included in Schedule 5A should be protected during any period outside the close season for those animals, they may by order declare any period not exceeding 14 days as a period of special protection for those animals.

(5) Before making an order under subsection (4), the Scottish Ministers must consult such persons appearing to them to be representative of persons interested in the killing or taking of animals of the kind proposed to be protected by the order as they consider appropriate.

(6) Where an order is made under subsection (4), this section has effect as if any period of special protection declared by the order forms part of the close season for those animals.

(7) An order under subsection (3) or (4) may be made as respects the whole of Scotland or any part of Scotland specified in the order.

(8) In any proceedings for an offence under subsection (1), the animal in question is to be presumed to have been a wild animal unless the contrary is shown.
10B Exceptions to s. 10A

(1) A person is not guilty of an offence under section 10A(1) by reason of the killing of an animal included in Schedule 5A if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering.

(2) A person is not guilty of an offence under section 10A(1) by reason of taking any such animal if he shows that—
   (a) he had a legal right to take such an animal or permission, from a person who had a right to give permission, to take such an animal; and
   (b) the animal—
       (i) had been disabled otherwise than by his unlawful act; and
       (ii) was taken solely for the purpose of tending it and releasing it when no longer disabled.

(3) An authorised person is not guilty of an offence under section 10A(1) by reason of the killing or injuring of an animal included in Schedule 5A if he shows that his action was necessary for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.

(4) An authorised person is not entitled to rely on the defence provided by subsection (3) as respects any action if—
   (a) it had become apparent, before the action was taken, that it would prove necessary for the purpose mentioned in that subsection; and
   (b) either—
       (i) a licence under section 16 authorising the action had not been applied for as soon as reasonably practicable after that fact had become apparent; or
       (ii) an application for such a licence had been determined.

(5) An authorised person is not entitled to rely on the defence provided by subsection (3) as respects any action unless he notified the appropriate authority as soon as reasonably practicable after the action was taken that he had taken it.

(6) In subsection (5), “the appropriate authority” has the same meaning as in section 16(9).

(7) Nothing in section 10A makes unlawful—
   (a) anything done in pursuance of a requirement by the Scottish Ministers under section 39 of the Agriculture (Scotland) Act 1948; or
   (b) anything done under, or in pursuance of an order made under, the Animal Health Act 1981.

Annotations:

Amendments (Textual)
F48 Ss. 10A, 10B inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 6(2), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(d); S.S.I. 2011/433, art. 2(1)(b)
11 Prohibition of certain methods of killing or taking wild animals. E+W

(1) Subject to the provisions of this Part, if any person—
   (a) sets in position any self-locking snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith;
   (b) uses for the purpose of killing or taking any wild animal any self-locking snare, whether or not of such a nature or so placed as aforesaid, any bow or cross-bow or any explosive other than ammunition for a firearm; \[^{49}\] . . .
   (c) uses as a decoy, for the purpose of killing or taking any wild animal, any live mammal or bird whatever, \[^{50}\]; or
   (d) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this section,\[^{51}\] he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person—
   (a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal included in Schedule 6 which comes into contact therewith, that is to say, any trap or snare, any electrical device for killing or stunning or any poisonous, poisoned or stupefying substance;
   (b) uses for the purpose of killing or taking any such wild animal any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net;
   (c) uses for the purpose of killing or taking any such wild animal—
      (i) any automatic or semi-automatic weapon;
      (ii) any device for illuminating a target or sighting device for night shooting;
      (iii) any form of artificial light or any mirror or other dazzling device; or
      (iv) any gas or smoke not falling within paragraphs (a) and (b);
   (d) uses as a decoy, for the purpose of killing or taking any such wild animal, any sound recording; \[^{54}\] . . .
   (e) uses any mechanically propelled vehicle in immediate pursuit of any such wild animal for the purpose of driving, killing or taking that animal, \[^{55}\]; or
   (f) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this subsection,\[^{56}\] he shall be guilty of an offence.

(3) Subject to the provisions of this Part, if any person—
   (a) sets in position \[^{57}\] or knowingly causes or permits to be set in position any snare which is of such a nature and so placed as to be calculated to cause bodily injury to any wild animal coming into contact therewith; and
   (b) while the snare remains in position fails, without reasonable excuse, to inspect it, or cause it to be inspected, at least once every day,
he shall be guilty of an offence.

(4) The Secretary of State may, for the purpose of complying with an international obligation, by order, either generally or in relation to any kind of wild animal specified in the order, amend subsection (1) or (2) by adding any method of killing or taking wild animals or by omitting any such method as is mentioned in that subsection.
(5) In any proceedings for an offence under subsection (1)(b) or (c) or (2)(b), (c), (d) or (e), and in any proceedings for an offence under subsection (1)(d) or (2)(f) relating to an act which is mentioned in any of those paragraphs the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

(6) In any proceedings for an offence under subsection (2)(a) it shall be a defence to show that the article was set in position by the accused for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took all reasonable precautions to prevent injury thereby to any wild animals included in Schedule 6.

(7) In any proceedings for an offence under subsection (2)(f) relating to an act which is mentioned in subsection (2)(a) it shall be a defence to show that the article was set in position for the purpose of killing or taking, in the interests of public health, agriculture, forestry, fisheries or nature conservation, any wild animals which could be lawfully killed or taken by those means and that he took or caused to be taken all reasonable precautions to prevent injury thereby to any wild animals included in Schedule 6.

Annotations:

Extent Information

E10 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F49 Word “or” in s. 11(1)(b) omitted (25.9.1991) by virtue of Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5), ss. 2(2)(a), 3(3).
F50 Word “or” and s. 11(1)(d) inserted (25.9.1991) by Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5), ss. 2(2)(b), 3(3).
F51 Word “or” in s. 11(2)(d) omitted (25.9.1991) by virtue of Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5), ss. 2(3)(a), 3(3).
F52 Word “or” and s. 11(2)(f) inserted (25.9.1991) by Wildlife and Countryside (Amendment) Act 1991 (c. 39, SIF 4:5), ss. 2(3)(b), 3(3).
uses for the purpose of killing or taking any animal, any bow or crossbow or any explosive other than ammunition for a firearm; . . .

c uses as a decoy, for the purpose of killing or taking any wild animal, any live mammal or bird whatever, or

d knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this section,

he shall be guilty of an offence.

For the purposes of subsection (1)(aa), a snare which is of such a nature or so placed (or both) as to be calculated to cause unnecessary suffering to any animal coming into contact with it includes—

(a) where the person who sets in position or otherwise uses the snare does so to catch any animal other than a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 13 centimetres;

(b) where the person who sets in position or otherwise uses the snare does so to catch a fox, a snare which is not fitted with a stop which is capable of preventing the noose of the snare reducing in circumference to less than 23 centimetres;

c a snare which is neither—

(i) staked to the ground; nor

(ii) attached to an object,

in a manner which will prevent the snare being dragged by an animal caught by it; and

d a snare which is set in a place where an animal caught by the snare is likely to—

(i) become fully or partially suspended; or

(ii) drown.

Subject to the provisions of this Part, if any person—

(a) sets in position any of the following articles, being an article which is of such a nature and so placed as to be likely to cause bodily injury to any wild animal included in Schedule 6 which comes into contact therewith, that is to say, any trap or snare, any electrical device for killing or stunning or any poisonous, poisoned or stupefying substance;

(b) uses for the purpose of killing or taking any such wild animal any such article as aforesaid, whether or not of such a nature and so placed as aforesaid, or any net;

c uses for the purpose of killing or taking any such wild animal—

(i) any automatic or semi-automatic weapon;

(ii) any device for illuminating a target or sighting device for night shooting;

(iii) any form of artificial light or any mirror or other dazzling device; or

(iv) any gas or smoke not falling within paragraphs (a) and (b);

d uses as a decoy, for the purpose of killing or taking any such wild animal, any sound recording; . . .

e uses any mechanically propelled vehicle in immediate pursuit of any such wild animal for the purpose of driving, killing or taking that animal, or
(3) Subject to the provisions of this Part, any person who—
(a) is, without reasonable excuse, in possession of; or
(b) sells, or offers or exposes for sale,
a snare which is capable of operating as a self-locking snare or a snare of any other
type specified in an order under subsection (1)(a) shall be guilty of an offence.

(3A) Subject to the provisions of this Part, any person who—
(a) is, without reasonable excuse, in possession of; or
(b) sells, or offers or exposes for sale,
a snare which is capable of operating as a self-locking snare or a snare of any other
type specified in an order under subsection (1)(a) shall be guilty of an offence.

(3B) Subject to the provisions of this Part, any person who—
(a) is, without reasonable excuse, in possession of; or
(b) sells, or offers or exposes for sale,
a snare which is capable of operating as a self-locking snare or a snare of any other
type specified in an order under subsection (1)(a) shall be guilty of an offence.

(3C) Subject to the provisions of this Part, any person who—
(a) is, without reasonable excuse, in possession of; or
(b) sells, or offers or exposes for sale,
a snare which is capable of operating as a self-locking snare or a snare of any other
type specified in an order under subsection (1)(a) shall be guilty of an offence.

(3D) Subject to the provisions of this Part, any person who uses a snare otherwise than
in accordance with such requirements as may be specified in an order made by the
Scottish Ministers, or who knowingly causes or permits any other person to do so,
shall be guilty of an offence.

(3E) Subject to the provisions of this Part, any person who uses a snare otherwise than
in accordance with such requirements as may be specified in an order made by the
Scottish Ministers, or who knowingly causes or permits any other person to do so,
shall be guilty of an offence.

(4) The Secretary of State may, for the purpose of complying with an international
obligation, by order, either generally or in relation to any kind of wild animal specified
in the order, amend subsection (1) or (2) by adding any method of killing or taking
wild animals or by omitting any such method as is mentioned in that subsection.

(4A) The Scottish Ministers may by order specify—
(a) criteria which articles of a type referred to in subsections (1) to (3E) must meet
to be treated as articles of that type for the purposes of those subsections,
(b) circumstances in which articles of that type are to be treated as having been
set or used in a manner which constitutes an offence under those subsections.

(5) In any proceedings for an offence under subsection (1)(c) or (2)(b), (c), (d) or (e),
and in any proceedings for an offence under subsection (1)(d) or (2)(f) relating to
an act which is mentioned in any of those paragraphs] the animal in question shall be
presumed to have been a wild animal unless the contrary is shown.

(6) In any proceedings for an offence under subsection (2)(a) it shall be a defence to show
that the article was set in position by the accused for the purpose of killing or taking,
in the interests of public health, agriculture, forestry, fisheries or nature conservation,
any wild animals which could be lawfully killed or taken by those means and that he
took all reasonable precautions to prevent injury thereby to any wild animals included
in Schedule 6.

(7) In any proceedings for an offence under subsection (2)(f) relating to an act which
is mentioned in subsection (2)(a) it shall be a defence to show that the article was
set in position for the purpose of killing or taking, in the interests of public health,
agriculture, forestry, fisheries or nature conservation, any wild animals which could
be lawfully killed or taken by those means and that he took or caused to be taken
all reasonable precautions to prevent injury thereby to any wild animals included
in Schedule 6.
Snares: training, identification numbers, tags etc.

(1) Any person who sets a snare in position must have an identification number (see also subsections (3), (4) and (7) in relation to identification numbers and training).

(2) Any person who sets in position or otherwise uses a snare must ensure—

(a) that a tag is fitted on the snare in such a manner that it is not capable of being easily removed from the snare;
(b) that there is displayed on the tag (in a manner in which it will remain readable) the identification number of the person who set the snare in position; and

(c) where the snare is intended to catch the following types of animal—
   (i) brown hares or rabbits; or
   (ii) foxes,
   that there is also displayed on the tag (in a manner in which it will remain readable) a statement that it is intended to catch the type of animal in question.

(3) For the purposes of this section and sections 11D and 11E, the identification number of a person who sets a snare in position is the identification number issued to him by the chief constable.

(4) The chief constable—
   (a) on receipt of an appropriate application from any person for an identification number for the purpose of setting snares in position...; and
   (b) on being satisfied that the applicant has been trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control,

must grant the application and issue the applicant with an identification number.

(5) Any person who fails to comply with subsection (1) is guilty of an offence.

(6) Any person who—
   (a) has an identification number and sets in position or otherwise uses a snare; but
   (b) fails to comply with subsection (2) in any respect,

is guilty of an offence.

(7) The Scottish Ministers may by order make provision as regards—
   (a) when a person has been trained to set a snare in position and on the circumstances in which the setting of snares is an appropriate method of predator control;
   (b) how the chief constable is to be satisfied that an applicant for an identification number has been so trained;
   (c) the manner in which a tag is to be fitted for the purposes of subsection (2)(a) (including the material from which a tag is to be made);
   (d) the manner in which an identification number is to appear on a tag for the purposes of subsection (2)(b), and in which a statement is to be displayed on a tag for the purposes of subsection (2)(c);
   (e) the form of and manner of making an application for an identification number;
   (f) the determining by the Scottish Ministers, or by the chief constable in accordance with the order, of any fee to accompany the application and the charging of any such fee;
   (g) the issuing of identification numbers under subsection (4);
   (h) the keeping of records of identification numbers issued, the persons to whom they are issued and the sharing of information from such records;
   (i) such other matters in relation to training, tags or identification numbers (including the making of an application for, or the issuing of, an identification number) as they consider appropriate.

(9) In this section—
11B  Snares: duty to inspect etc.

(1) Any person who sets a snare in position must while it remains in position inspect it or cause it to be inspected, at least once every day at intervals of no more than 24 hours, for the following purposes—
   (a) to see whether any animal is caught by the snare; and
   (b) to see whether the snare is free-running.

(2) Any person who while carrying out such an inspection—
   (a) finds an animal caught by the snare must, during the course of the inspection, release or remove the animal (whether it is alive or dead); and
   (b) finds that the snare is not free-running must remove the snare or restore it to a state in which it is free-running.

(3) Subject to the provisions of this Part, any person who—
   (a) without reasonable excuse, contravenes subsection (1); or
   (b) contravenes subsection (2),
is guilty of an offence.

(4) For the purposes of this section, a snare is “free-running” if—
   (a) it is not self-locking;
11C Snares: authorisation from landowners etc.

Subject to the provisions of this Part, any person who without reasonable excuse—

(a) while on any land has in his possession any snare without the authorisation of the owner or occupier of the land; or

(b) sets any snare in position on any land without the authorisation of the owner or occupier of the land,

is guilty of an offence.

11D Snares: presumption arising from identification number

The identification number which appears on a tag fitted on a snare is presumed in any proceedings to be the identification number of the person who set the snare in position.

11E Snares: record keeping

(1) Any person who has an identification number must keep a record of the following—

(a) the location of every snare set in position by the person which remains in position;
Section 11—Snaring

(b) the location of every other snare set in position by the person within the past two years;
(c) the date on which each snare mentioned in paragraph (a) or (b) was set;
(d) the date on which each snare mentioned in paragraph (b) was removed;
(e) in relation to each animal caught in a snare mentioned in paragraph (a) or (b)—
   (i) the type of animal;
   (ii) the date it was found;
(f) such other information as the Scottish Ministers may by order specify.

(2) For the purposes of subsection (1)(a) and (b), the location of a snare is to be recorded—
   (a) by reference to a map; or
   (b) by such other means (for example, by means of a description) capable of readily identifying the location.

(3) Any person who, without reasonable excuse, fails to comply with the duty under subsection (1) is guilty of an offence.

(4) Any person who—
   (a) is requested to produce the record kept under subsection (1) to a constable; and
   (b) fails to do so within 21 days of being so requested,
is guilty of an offence.

(5) Subsection (1) does not apply in relation to any snare set in position by a person before the person is issued with an identification number.

Annotations:

Amendments (Textual)

F56 Ss. 11A-11F inserted (1.1.2012 for specified purposes, 22.11.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 13(3), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(c)(ii)(3A)(a)(4)

11F Snaring: review and report to the Scottish Parliament

(1) The Scottish Ministers must carry out, or secure the carrying out by another person of, a review of the operation and effect of—
   (a) section 11 and any orders made under that section (in so far as the section and the orders make provision as regards snaring);
   (b) sections 11A, 11B, 11C, 11D and 11E and any orders made under those sections.

(2) A review must be carried out under subsection (1) no later than—
   (a) 31st December 2016 (“the first review date”);
   (b) the end of the period of 5 years beginning with the first review date; and
   (c) the end of each subsequent period of 5 years.

(3) In carrying out a review under subsection (1), the matters that must be considered include whether in the opinion of the Ministers (or, if the review is being carried out by another person, that person) amendment of this Act or enactment of other legislation is appropriate.
(4) In carrying out a review under subsection (1), the Scottish Ministers (or, if the review is being carried out by another person, that person) must consult such persons and organisations as they consider (or, as the case may be, the other person considers) have an interest in it.

(5) The Scottish Ministers must, as soon as practicable after a review is carried out under subsection (1), lay a report of the review before the Scottish Parliament.

Annotations:

Amendments (Textual)

F56 Ss. 11A-11F inserted (1.1.2012 for specified purposes, 22.11.2012 for specified purposes, 1.4.2013 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 13(3), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(c)(ii)(3A)(a)(4)

11G Prevention of poaching: wild hares, rabbits etc.

(1) Subject to the provisions of this Part, any person who intentionally or recklessly kills, injures or takes any wild animal included in Schedule 6A is guilty of an offence.

(2) In any proceedings for an offence under subsection (1), the animal in question is to be presumed to have been a wild animal unless the contrary is shown.

Annotations:

Amendments (Textual)

F65 Ss. 11G, 11H inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 7(3), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(e)

11H Exceptions to s. 11G

(1) A person is not guilty of an offence under section 11G(1)—
   (a) by reason of the killing of an animal included in Schedule 6A if he had a legal right, or permission from a person who had a right to give permission, to kill such an animal; or
   (b) by reason of the taking of such an animal if he had a legal right, or permission from a person who had a right to give permission, to take such an animal.

(2) A person is not guilty of an offence under section 11G(1) by reason of the killing of an animal included in Schedule 6A if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering.

(3) Nothing in section 11G makes unlawful—
   (a) anything done in pursuance of a requirement by the Scottish Ministers under section 39 of the Agriculture (Scotland) Act 1948; or
   (b) anything done under, or in pursuance of an order made under, the Animal Health Act 1981.]
Sale, possession etc. of wild hares, rabbits etc. killed or taken unlawfully

(1) Any person who does any of the following is guilty of an offence—
   (a) has in his possession or control any live or dead wild animal which has been
       killed or taken in contravention of section 10A or 11G, or any part of or
       anything derived from such an animal;
   (b) sells, offers or exposes for sale, or has in his possession or transports for the
       purposes of sale any such animal or any part of or anything derived from such
       an animal; or
   (c) publishes or causes to be published any advertisement likely to be understood
       as conveying that he buys or sells or intends to buy or sell any of those things.

(2) A person is not guilty of an offence under subsection (1) in relation to an activity
    mentioned in that subsection if he shows that he carried out the activity concerned
    with reasonable excuse.

(3) In any proceedings for an offence under subsection (1), the animal in question is to be
    presumed to have been a wild animal unless the contrary is shown.

Relaxation of restriction on night shooting of hares and rabbits

Schedule 7, which amends certain Acts prohibiting night shooting of hares and rabbits
by occupiers of land etc., has effect.

Protection of certain mammals.

Schedule 7, which amends the law relating to the protection of certain mammals,
shall have effect.
13 Protection of wild plants.

(1) Subject to the provisions of this Part, if any person—
   (a) intentionally picks, uproots or destroys any wild plant included in Schedule 8;
   or
   (b) not being an authorised person, intentionally uproots any wild plant not included in that Schedule,
   he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person—
   (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant; or
   (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,
   he shall be guilty of an offence.

(3) Notwithstanding anything in subsection (1), a person shall not be guilty of an offence by reason of any act made unlawful by that subsection if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.

(4) In any proceedings for an offence under subsection (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.
(a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.

(3) Notwithstanding anything in subsection (1), a person shall not be guilty of an offence by reason of any act made unlawful by that subsection [F713 (“an unlawful act”) if he shows—

(a) that the unlawful act was the incidental result of a lawful operation or other activity;

(b) that the person who carried out the lawful operation or other activity—

(i) took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or

(ii) did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and

(c) that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent, such steps as were reasonably practicable in the circumstances to minimise the damage to the wild plant in relation to which the unlawful act was carried out.]

[F714(3A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.]

(4) In any proceedings for an offence under subsection (2)(a) [F714 or for an offence under subsection (3A) relating to an act which is mentioned in subsection (2)(a)] , the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Annotations:

Extent Information

E42 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F709 Words in s. 13(1)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(2)(a); S.S.I. 2004/407, art. 2

F710 Words in s. 13(1)(a) renumbered (S.) (1.10.2004) as s. 13(1)(a)(i) by virtue of Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(2)(b); S.S.I. 2004/407, art. 2

F711 S. 13(1)(a)(ii) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(2)(c); S.S.I. 2004/407, art. 2

F712 Words in s. 13(1)(b) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(3); S.S.I. 2004/407, art. 2

F713 Words in s. 13(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(4); S.S.I. 2004/407, art. 2

F714 S. 13(3A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 11(5); S.S.I. 2004/407, art. 2
14 Introduction of new species etc. E+W

(1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—
   (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
   (b) is included in Part I of Schedule 9,
he shall be guilty of an offence.

(2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.

(3) Subject to subsection (4), it shall be a defence to a charge of committing an offence under subsection (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

[F70(4A) Schedule 9A contains provision about species control agreements and orders and related matters.]

[F71(5) ............................................................]

[F71(6) ............................................................]

Annotations:

Extent Information
E12 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F69 Words in s. 14(1)(b) inserted (E.W.) (5.3.2015 for E.) by Infrastructure Act 2015 (c. 7), ss. 25(2), 57(4); S.I. 2015/481, reg. 2(c)
F70 S. 14(4A) inserted (E.W.) (12.4.2015) by Infrastructure Act 2015 (c. 7), ss. 23(2), 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2
F71 S. 14(5)(6) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. IV

Modifications etc. (not altering text)
14 **Introduction of new species etc.**

(1) Subject to the provisions of this Part, any person who—
   (a) releases, or allows to escape from captivity, any animal—
       (i) to a place outwith its native range; or
       (ii) of a type the Scottish Ministers, by order, specify; or
   (b) otherwise causes any animal outwith the control of any person to be at a place
       outwith its native range,

   is guilty of an offence.

(2) Subject to the provisions of this Part, any person who plants, or otherwise causes to
   grow, any plant in the wild at a place outwith its native range is guilty of an offence.

(2A) Subsection (1) does not apply to the following animals where those animals are
   released or allowed to escape from captivity for the purpose of being subsequently
   killed by shooting—
   (a) common pheasant;
   (b) red-legged partridge.

(2B) The Scottish Ministers may, by order, specify—
   (a) other types of animals to which subsection (1)(a)(i) or (1)(b) does not apply; and
   (b) types of plants to which subsection (2) does not apply.

(2C) The Scottish Ministers may, by order, disapply subsection (1) or (2) in relation to—
   (a) any person specified in the order;
   (b) any conduct undertaken for the purposes of any enactment (including any
       enactment contained in or made under an Act of the Scottish Parliament) so
       specified; or
   (c) any conduct authorised by, under or in pursuance of any such enactment.

(2D) An order under subsection (1)(a)(ii), (2B) or (2C) may make different provision for
   different cases and, in particular, for—
   (a) different types of animal or plant;
   (b) different circumstances or purposes;
   (c) different persons;
   (d) different times of the year; and
   (e) different areas or places.

(3) Subject to subsection (4), it shall be a defence to a charge of committing an offence
   under subsection (1) or (2) to show that the accused took all reasonable steps and
   exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the
   commission of the offence was due to the act or default of another person, the person
   charged shall not, without leave of the court, be entitled to rely on the defence
   unless, within a period ending seven clear days before the hearing, he has served
   on the prosecutor a notice giving such information identifying or assisting in the
   identification of the other person as was then in his possession.
(5) Subject to the provisions of this Part, a person is guilty of an offence if he sells, offers or exposes for sale, or has in his possession or transports for the purposes of sale—
   (a) an animal or plant to which this section applies, or
   (b) anything from which such an animal or plant can be reproduced or propagated.

(2) Subject to the provisions of this Part, a person is guilty of an offence if he publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell—
   (a) an animal or plant to which this section applies, or
   (b) anything from which such an animal or plant can be reproduced or propagated.

(3) This section applies to an animal or plant which—
   (a) is within section 14(1) or (2) (animals and plants which must not be released etc. into the wild),
   (b) is of a description prescribed for the purposes of this section by an order made by the Secretary of State, and
   (c) is a live animal or live plant.

(4) An order under subsection (3) may be made in relation to a particular area or a particular time of the year.

(5) Subsections (3) and (4) of section 14 (defence of due diligence etc.) apply to an offence under this section as they apply to an offence under that section.]
[F74] Codes of practice in connection with [F75] species which are non-native or included in Schedule 9

(1) The Secretary of State may issue or approve a code of practice relating to—
   (a) animals which are not ordinarily resident in and are not regular visitors to Great Britain in a wild state,
   (b) animals or plants included in Schedule 9, or
   (c) any description of animals or plants mentioned in paragraph (a) or (b).

(2) The Secretary of State may revise or replace a code or approve its revision or replacement.

(3) The Secretary of State must ensure that a code is published in a way that is appropriate for bringing it to the attention of persons likely to be affected by it.

(4) A person's failure to comply with a provision of a code does not make him liable to criminal or civil proceedings.

(5) A code—
   (a) is admissible in evidence in any proceedings, and
   (b) must be taken into account by a court in any case in which it appears to the court to be relevant.

Annotations:

Amendments (Textual)

F74 S. 14ZB inserted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 51, 107; S.I. 2006/2541, art. 2
F75 Words in s. 14ZB heading substituted (5.3.2015 for E.) by Infrastructure Act 2015 (c. 7), ss. 25(4), 57(4); S.I. 2015/481, reg. 2(c)

[F76] Prohibition on keeping etc. of invasive animals or plants

(1) Subject to the provisions of this Part, any person who keeps, has in the person's possession, or has under the person's control—
   (a) any invasive animal of a type which the Scottish Ministers, by order, specify; or
   (b) any invasive plant of a type so specified, is guilty of an offence.

(2) An order under subsection (1) may make different provision for different cases and, in particular, for—
   (a) different types of invasive animal or invasive plant;
   (b) different circumstances or purposes;
   (c) different persons;
   (d) different times of the year; and
   (e) different areas or places.
(3) Subject to subsection (4), it is a defence to a charge of committing an offence under subsection (1) to show that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

(4) Where the defence provided by subsection (3) involves an allegation that the commission of the offence was due to the act or omission of another person, the person charged must not, without leave of the court, be entitled to rely on the defence unless, within a period ending 7 days before the hearing, the person has served on the prosecutor a notice giving such information or assisting in the identification of the other person as was then in the person's possession.

(5) The Scottish Ministers may, in an order under subsection (1), make provision for or in connection with the compensation of persons who, at the time of the coming into force of the order, may no longer keep, have in their possession or have under their control, an animal or plant.

Annotations:

Amendments (Textual)

F76 S. 14ZC inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 14(3), 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(a)(ii); S.S.I. 2012/175, art. 2(1)(a) (with art. 3(3))

[F77]14A Prohibition on sale etc. of [F78]invasive[ F79] animals or plants

[F79](1) This section applies to—

(a) any type of invasive animal; or

(b) any type of invasive plant,

the Scottish Ministers, by order, specify.

(2) Subject to the provisions of this Part, any person who—

(a) sells, offers or exposes for sale or has in the person's possession or transports for the purpose of sale any animal or plant to which this section applies; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such animal or plant,

is guilty of an offence.

[F80](3) An order under subsection (1) may make different provision for different cases and, in particular, for—

(a) different types of invasive animal or invasive plant;

(b) different circumstances or purposes;

(c) different persons;

(d) different times of the year; and

(e) different areas or places.]

14B Notification of presence of invasive animals or plants etc.

(1) The Scottish Ministers may, by order, make provision about the notification of the presence of—
   (a) invasive animals; or
   (b) invasive plants,
   at any specified place outwith their native range where persons are, or become, aware of the presence of such animals or plants.

(2) An order under subsection (1) may make provision for, or in connection with—
   (a) the persons (or types of persons) who must make a notification;
   (b) the circumstances in which a notification must be made;
   (c) the times of the year when a notification must be made;
   (d) the persons to whom a notification must be made;
   (e) the form and method of any notification; and
   (f) the period within which any notification must be made.

(3) An order under subsection (1) may require a person (or type of person) to make a notification only if the Scottish Ministers consider that the person (or that type of person) has or should have knowledge of, or is likely to encounter, the invasive animal or invasive plant to which the order relates.

(4) An order under subsection (1) may make different provision for different cases and, in particular, for—
   (a) different types of invasive animal or invasive plant;
   (b) different circumstances or purposes;
   (c) different persons;
   (d) different times of the year; and
   (e) different areas or places.

(5) A person who, without reasonable excuse, fails to make a notification in accordance with the requirements of an order made under subsection (1) is guilty of an offence.
Annotations:

Amendments (Textual)

F81 S. 14B substituted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 14(5), 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(a)(iii); S.S.I. 2012/175, art. 2(1)(a) (with art. 3(3))

[F82 14C Non-native species etc.: code of practice

(1) The Scottish Ministers may make a code of practice for the purpose of providing practical guidance in respect of—

(a) the application of any of sections 14, 14ZC, 14A and 14B;
(b) the application of any order made under any of those sections;
(c) species control agreements;
(d) species control orders;
(e) licences granted under section 16(4)(c).

(2) A code of practice may, in particular, provide guidance on—

(a) how Scottish Natural Heritage, the Scottish Environment Protection Agency, the Forestry Commissioners and the Scottish Ministers should co-ordinate the way in which they exercise their respective functions in relation to animals or plants which are outwith their native range;
(b) which species, sub-species, varieties or races of animal or plant, or hybrids of animals or plants, are considered to be particular types of animals or plants for the purposes of—

(i) this section;
(ii) section 14, 14ZC, 14A or 14B;
(iii) any order made under any of those sections;
(iv) species control agreements;
(v) species control orders;
(vi) the code;
(c) the native range of any type of animal or plant;
(d) the circumstances in which any type of animal is considered to be—

(i) in captivity; or
(ii) under the control or otherwise of a person at a place outwith its native range;
(e) the circumstances in which a type of plant is considered to be growing in the wild outwith its native range, and conduct that would cause any type of plant to grow in the wild;
(f) the circumstances in which a type of invasive animal or plant is considered to be kept in a person's possession or under a person's control;
(g) which types of animals or plants are invasive and the circumstances (if any) in which any such type of animal or plant is not considered to be invasive;
(h) best practice (where permitted) for—

(i) keeping animals of any type which are invasive or which are kept at a place from which they may not be put outwith the control of any person;
(ii) keeping plants of any type which are invasive or which are kept at a place outwith their native range;

(iii) releasing animals of any type from captivity; and

(iv) planting, or otherwise causing to grow, any type of plant in the wild;

(i) best practice for—

(i) containing, capturing or killing animals of any type which are outwith the control of any person and which are—

(A) at a place outwith their native range; or

(B) animals of a type specified in an order made under section 14(1)(a)(ii);  

(ii) containing, uprooting or destroying plants of any type which are growing in the wild outwith their native range; and

(iii) transferring animals or plants of any type which are not permitted to be kept by virtue of section 14ZC into the custody of Scottish Natural Heritage or any other person (and for keeping such animals or plants prior to the transfer);

(j) the making and content of species control agreements;

(k) the making, content of and enforcement of species control orders.

(3) The Scottish Ministers may revoke, replace or revise a code of practice.

(4) The first code of practice, and any replacement code of practice, made under this section—

(a) requires to be laid before, and approved by resolution of, the Scottish Parliament; and

(b) comes into effect on such date after approval under paragraph (a) as is specified in the code.

(5) Any revision to a code of practice (or revocation of a code of practice which is not being replaced) must—

(a) be laid before the Scottish Parliament; and

(b) specify the date on which it is to come into effect (such date to be at least 40 days after it is so laid, disregarding any period during which the Parliament is dissolved or in recess).

(6) The Scottish Parliament may, before any such revision or revocation comes into effect, resolve that it is not to come into effect.

(7) The Scottish Ministers must publish a code of practice (or any replacement or revision) made under this section no later than the day before the code (or replacement or revision) is to come into effect.

(8) Before making, revoking, replacing or revising a code of practice, the Scottish Ministers must consult—

(a) Scottish Natural Heritage; and

(b) any other person appearing to them to have an interest in the code.

(9) A person's failure to comply with a provision of a code of practice—

(a) does not of itself render the person liable to proceedings of any sort; but

(b) may be taken into account in determining any question in any such proceedings.
(10) In any proceedings for an offence under section 14, 14ZC, 14A, 14B or 14K—
   (a) failure to comply with a relevant provision of a code of practice may be relied upon as tending to establish liability;
   (b) compliance with a relevant provision of a code of practice may be relied upon as tending to negative liability.]

Annotations:

Amendments (Textual)

F82  S. 14C inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 15, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(d)

[F83]14D  Power to make species control orders

(1) A relevant body may make an order (a “species control order”) in respect of premises where—
   (a) it is satisfied of the presence on the premises of—
       (i) an invasive animal at a place outwith its native range; or
       (ii) an invasive plant at a place outwith its native range; and
   (b) any of subsections (2) to (4) applies.

(2) This subsection applies where—
   (a) the relevant body has offered to enter into an agreement with the owner or, as the case may be, occupier of the premises to control or eradicate—
       (i) invasive animals outwith their native range; or
       (ii) invasive plants outwith their native range,
       on the premises (referred to in this section as a “species control agreement”);
   (b) 42 days have elapsed since the date of the offer; and
   (c) the owner or occupier has refused or otherwise failed to enter into the agreement.

(3) This subsection applies where—
   (a) a person has entered into a species control agreement with the relevant body; and
   (b) the person has failed to comply with the terms of the agreement.

(4) This subsection applies where the relevant body has failed to ascertain the name or address of any owner or occupier of the premises (having made reasonable efforts to do so) and accordingly has not been able to offer to enter into a species control agreement.

(5) Subsection (4) does not apply unless—
   (a) the relevant body has given notice in accordance with subsection (6) stating that it wishes to offer to enter into a species control agreement;
   (b) 48 hours have passed since the notice was given; and
   (c) no owner or occupier of the premises has identified themselves to the relevant body.

(6) A notice under this subsection must be addressed to “The owners and any occupiers” of the premises (describing it) and a copy of it must be affixed to some conspicuous
object on the premises (in so doing the relevant body is to be treated as having provided notice to each owner or occupier whose name and address is unknown).

Annotations:

Amendments (Textual)
F83  Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14E  Emergency species control orders

(1) Where a relevant body considers that the making of a species control order is urgently necessary, the relevant body may, despite section 14D(1)(b), make a species control order whether or not any of subsections (2) to (4) of section 14D apply (such an order is referred to in this Part as an “emergency species control order”).

(2) An emergency species control order expires 49 days after it is made.

Annotations:

Amendments (Textual)
F83  Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14F  Content of species control orders

(1) A species control order must—
(a) describe the premises to which it relates;
(b) be accompanied by a map on which the premises to which it relates are delineated;
(c) specify the type of invasive animal or plant in question;
(d) specify—
(i) any operations which are to be carried out on the premises for the purpose of controlling or eradicating the type of invasive animal or plant in question;
(ii) the person who is to carry out the operations; and
(iii) how and when the operations are to be carried out;
(e) specify any operations which must not be carried out on the premises (referred to in this Part as “excluded operations”);
(f) specify the date on which the order is to come into effect and the period for which it is to have effect; and
(g) set out the circumstances in which an appeal may be made under section 14H against either the decision to make the order or the terms of the order.

(2) A species control order—
(a) may provide for the making of payments by the relevant body making the order;
(b) other than an emergency species control order, may provide for the making of payments by the owner or occupier of the premises to which the order relates,
to any person in respect of reasonable costs incurred by a person carrying out an operation under the order.

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14G Notice of species control orders

(1) A relevant body making a species control order must give notice of the making of the order—
   (a) to the owner and any occupier of the premises to which the order relates; and
   (b) where the relevant body is a body other than the Scottish Ministers, to the Scottish Ministers.

(2) Notice must—
   (a) be in writing;
   (b) specify the relevant body's reasons for making the order;
   (c) attach a copy of the order; and
   (d) where the order is an emergency species control order, state that fact.

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14H Appeals in connection with species control orders

(1) Any owner or occupier of premises to which a species control order relates may appeal to the sheriff if aggrieved by—
   (a) a decision of a relevant body to make the species control order; or
   (b) the terms of such an order.

(2) An appeal under subsection (1) must be lodged not later than 28 days after the date on which the relevant body gave notice to the appellant of the decision being appealed.

(3) The sheriff may suspend any effect of an emergency species control order pending the determination of an appeal.

(4) The sheriff must determine an appeal under subsection (1) on the merits rather than by way of review and may do so by—
   (a) affirming the order in question;
   (b) directing the relevant body to amend the order in such manner as the sheriff may specify;
   (c) directing the relevant body to revoke the order; or
   (d) making such other order as the sheriff thinks fit.
(5) A decision of the sheriff on appeal is final except on a point of law.

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14I Coming into effect of species control orders

Unless a species control order specifies a later date under section 14F(1)(f), such an order has effect from—

(a) in the case where an order is an emergency species control order, the giving of notice in accordance with section 14G;

(b) in any other case—

(i) the expiry of the time limit for appealing against the decision to make the order; or

(ii) where such an appeal is made, its withdrawal or final determination.

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14J Review of species control orders

(1) A relevant body which has made a species control order may, when it thinks fit, review the order prior to its expiry for the purposes of determining whether it should make an order revoking the order.

(2) If, on completion of a review, the relevant body decides that the species control order should be revoked, it may make an order to that effect.

(3) The making of an order to revoke a species control order does not prevent a relevant body subsequently making a species control order in relation to the same premises.

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14K Offences in relation to species control orders

(1) Any person who, without reasonable excuse, fails to carry out, in the manner required by a species control order, an operation which the person is required by the order to carry out is guilty of an offence.
(2) Any person who intentionally obstructs any person from carrying out an operation required to be carried out under a species control order is guilty of an offence.

(3) Any person who, without reasonable excuse, carries out, or causes or permits to be carried out, any excluded operation is guilty of an offence.

Annotations:

Amendments (Textual)
F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14L Enforcement of operations under species control orders

(1) This section applies where a relevant body considers—
(a) that any operation required to be carried out by a species control order it has made has not been carried out within the period or by the date specified in it; or
(b) that any such operation has been carried out otherwise than in the manner required under the order.

(2) The relevant body—
(a) may carry out the operation, or such further work as is necessary to ensure that it is carried out, in the manner required under the order;
(b) is not required to make any payment (and may recover any payments made) in pursuance of the species control order in relation to the operation in question; and
(c) may recover from the person whom the species control order required to carry out the operation any expenses reasonably incurred by it in doing so (less any payment which the relevant body is required to make in relation to the carrying out of the operation under the order by virtue of section 14F(2)(a)).

Annotations:

Amendments (Textual)
F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14M Species control orders: powers of entry

(1) A person authorised in writing by a relevant body may enter any premises for any of the following purposes—
(a) to determine whether or not to offer to enter into a species control agreement with the owner or, as the case may be, occupier of the premises;
(b) to determine whether or not to make or revoke a species control order;
(c) to serve notice to an owner or occupier of premises in accordance with section 14D(5)(a) or 14G;
(d) to ascertain whether an offence under section 14K is being, or has been, committed in relation to an order made by the relevant body;
(e) to carry out an operation or other work in pursuance of section 14L(2)(a).
(2) A person so authorised to enter premises may not demand admission as of right to any
land which is occupied unless—
(a) the entry is for a purpose mentioned in subsection (1)(a) or (b) and at least 24
hours' notice of the intended entry has been given;
(b) the entry is for a purpose mentioned in subsection (1)(c) or (d); or
(c) the entry is for a purpose mentioned in subsection (1)(e) and at least 14 days'
otice of the intended entry has been given.

(3) Subsection (2) does not apply in relation to entry in connection with an emergency
species control order.

(4) Nothing in this section authorises any person to break any lock barring access to
premises which the person is authorised to enter.

Annotations:

Amendments (Textual)
F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp
6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

14N Species control orders: entry by warrant etc.

(1) If a sheriff or justice of the peace is satisfied, by evidence on oath, that there are
reasonable grounds for a person authorised by a relevant body to enter premises for a
purpose mentioned in section 14M(1) and that—
(a) admission to the premises has been refused;
(b) such refusal is reasonably apprehended;
(c) the premises are unoccupied;
(d) the occupier is temporarily absent from the premises;
(e) the giving of notice under section 14M(2) would defeat the object of the
proposed entry; or
(f) the situation is one of urgency,
the sheriff or justice may grant a warrant authorising the person to enter premises
(including lockfast places), if necessary using reasonable force.

(2) In the cases of a warrant under subsection (1)(a) to (d), a sheriff or justice must not
grant a warrant unless satisfied that notice of the intended entry has been given in the
manner described in section 14M.

(3) A warrant under this section—
(a) may be executed without notice; and
(b) continues in force until the purpose for which the entry is required has been
satisfied or, if earlier, the expiry of such period as the warrant may specify.

(4) Any person authorised by a warrant to enter any premises must, if required to do so
by the owner or occupier or anyone acting on the owner or occupier's behalf, show
that person the warrant.

(5) Any person authorised by a warrant to use reasonable force—
(a) must be accompanied by a constable when doing so; and
(b) may not use force against an individual.
14O Species control orders: powers of entry: supplemental

(1) Any person who exercises a power of entry to premises in accordance with section 14M or 14N may—
   (a) be accompanied by any other person; and
   (b) take any machinery, other equipment or materials on to the premises,
       for the purpose of assisting the person in the exercise of that power.

(2) A power specified in subsection (1) which is exercisable under a warrant is subject to the terms of the warrant.

(3) Any person leaving any premises which have been entered in exercise of a power conferred by section 14M or a warrant granted under section 14N, being either unoccupied premises or premises from which the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as the person found the premises.

(4) A relevant body must compensate any person who has sustained damage by reason of—
   (a) the exercise by a person authorised by the relevant body of any powers of entry conferred on the person by section 14M or a warrant granted under section 14N; or
   (b) the failure of a person so authorised to perform the duty imposed by subsection (3),
       unless the damage is attributable to the fault of the person who sustained it.

(5) Any dispute as to a person's entitlement to compensation, or to the amount of such compensation, is to be determined by arbitration.
(3) The native range of a hybrid animal or plant is any locality within the native range of both parents of the hybrid animal or plant.

(4) Any reference to an invasive animal or invasive plant, or type of such an animal or plant, is a reference to an animal or plant of a type which if not under the control of any person, would be likely to have a significant adverse impact on—

(a) biodiversity;
(b) other environmental interests; or
(c) social or economic interests.

(5) Any reference to premises—

(a) includes reference to land (including lockfast places and other buildings), movable structures, vehicles, vessels, aircraft and other means of transport;

(b) does not include reference to dwellings.

(6) Any reference to a relevant body is a reference to—

(a) the Scottish Ministers;
(b) Scottish Natural Heritage;
(c) the Scottish Environment Protection Agency; or
(d) the Forestry Commissioners.

(7) Any reference to an animal includes a reference to ova, semen and milt of the animal.

(8) “Plant” includes fungi and any reference to a plant includes a reference to—

(a) bulbs, corms and rhizomes of the plant; and
(b) notwithstanding section 27(3ZA), seeds and spores of the plant.]

Annotations:

Amendments (Textual)

F83 Ss. 14D-14P inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 16, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(b)

15 Endangered species (import and export).

X1(1) The M8Endangered Species (Import and Export) Act 1976 shall have effect subject to the amendments provided for in Schedule 10 ; and in that Schedule “the 1976 Act” means that Act.

(2) The functions of the [F84GB conservation bodies] shall include power to advise or assist—

(a) any constable;
(b) any officer commissioned or other person appointed or authorised by the Commissioners of Customs and Excise to exercise any function conferred on the Commissioners by the said Act of 1976; or
(c) any person duly authorised by the Secretary of State under section 7(3) of that Act,
in, or in connection with, the enforcement of that Act or any order made under it.
 Possession of pesticides

(1) Any person who is in possession of any pesticide containing one or more prescribed active ingredient shall be guilty of an offence.

(2) A person shall not be guilty of an offence under subsection (1) if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—

(a) any regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c. 48), or


(b) any regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c. 48), or


(2A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section (other than subsections (1)(b) and (2)(b)) shall be guilty of an offence.

(3) In this section—

“pesticide” has the meaning given in the Food and Environment Protection Act 1985 (c. 48), and

“prescribed active ingredient” means an ingredient of a pesticide which fits it for use as such and which is of a type prescribed by order made by the Scottish Ministers.
16 Power to grant licences. **E+W**

(1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—

| (a) for scientific, research or educational purposes; |
| (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds; |
| (c) for the purpose of conserving wild birds; |
| (ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes; |
| (cb) for the purpose of conserving flora or fauna; |
| (d) for the purpose of protecting any collection of wild birds; |
| (e) for the purposes of falconry or aviculture; |
| (f) for the purposes of any public exhibition or competition; |
| (g) for the purposes of taxidermy; |
| (h) for the purpose of photography; |
| (i) for the purposes of preserving public health or public or air safety; |
| (j) for the purpose of preventing the spread of disease; or |
| (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters, if it is done under and in accordance with the terms of a licence granted by the appropriate authority. |

(1A) The appropriate authority—

| (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; |
| and |
| (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds. |

(2) Section 1 and orders under section 3 do not apply to anything done for the purpose of providing food for human consumption in relation to—

| (a) a gannet on the island of Sula Sgeir; or |
| (b) a gull’s egg or, at any time before 15th April in any year, a lapwing’s egg, if it is done under and in accordance with the terms of a licence granted by the appropriate authority. |

(3) Sections 9(1), (2), 11(1) and (2) and 13(1) do not apply to anything done—

| (a) for scientific or educational purposes; |
| (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals; |
| (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas; |
| (d) for the purpose of protecting any zoological or botanical collection; |
| (e) for the purpose of photography; |
(f) for the purpose of preserving public health or public safety;
(g) for the purpose of preventing the spread of disease; or
(h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(4) The following provisions, namely—

(a) section 6(1) and (2);
(b) sections 9(5) and 13(2); and
(c) sections 14 and 14ZA,

do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

(5) Subject to subsections (5A) and (6), a licence under the foregoing provisions of this section—

(a) may be, to any degree, general or specific;
(b) may be granted either to persons of a class or to a particular person;
(c) may be subject to compliance with any specified conditions;
(d) may be modified or revoked at any time by the appropriate authority; and
(e) subject to paragraph (d), shall be valid for the period stated in the licence; and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.

(5A) A licence under subsection (1) which authorises any action in respect of wild birds—

(a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
(b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
(c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(6) A licence under subsection (2) or (3) which authorises any person to kill wild birds or wild animals—

(a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
(b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(7) It shall be a defence in proceedings for an offence under section 8(b) of the Protection of Animals Act 1911 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 issued under subsection (1) or (3); and
(b) any conditions specified in the licence were complied with.

(8) For the purposes of a licence granted under the foregoing provisions of this section, 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.
In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.

In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to Wales, “the appropriate authority” means the Natural Resources Body for Wales.

Except as provided by subsections (8A) and (8C), in this section “the appropriate authority” means—

(a) in the case of a licence under any of paragraphs (a) to (cb) of subsection (1), either the Secretary of State after consultation with whichever one of the advisory bodies he considers is best able to advise him as to whether the licence should be granted, or the relevant conservation body;

(b) in the case of a licence under any of paragraphs (d) to (g) of subsection (1), subsection (2) or paragraph (a) or (b) of subsection (4), the Secretary of State after such consultation as aforesaid;

(c) in the case of a licence under paragraph (h) of subsection (1) or any of paragraphs (a) to (e) of subsection (3), the relevant conservation body;

(d) in the case of a licence under paragraph (i), (j) or (k) of subsection (1) or paragraph (f), (g) or (h) of subsection (3) or a licence under paragraph (c) of subsection (4) which authorises anything to be done in relation to fish or shellfish, the agriculture Minister; and

(e) in the case of any other licence under paragraph (c) of subsection (4), the Secretary of State.

In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Wild Birds Directive.

The agriculture Minister—

(a) shall from time to time consult with each of the GB conservation bodies as to the exercise in the area of that body of his functions under this section; and

(b) shall not grant a licence of any description unless he has been advised by the relevant conservation body as to the circumstances in which, in their opinion, licences of that description should be granted.

For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the conservation body for the area in which it is proposed to carry on the activity requiring a licence.

In this section—

(a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;

(b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

“Wales” has the meaning given by section 158 of the Government of Wales Act 2006.
Annotations:

Extent Information

E13 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F88 S. 16(1)(a) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(2)(a)
F89 S. 16(1)(ca)(cb) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(2)(b)
F90 Words in s. 16(2)(k) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(2)(c)
F91 S. 16(1A) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(3)
F92 Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 9(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
F93 Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 9(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
F94 Words in s. 16(3) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 6
F95 Words in s. 16(4)(b) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 9(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
F96 Words in s. 16(4) substituted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(2); S.I. 2006/2541, art. 2
F97 Words in s. 16(5) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(4)
F98 S. 16(5A) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(5)
F99 Words in s. 16(6) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(6)
F100 S. 16(8A) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 10(2)(5), 324(3); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2
F101 S. 16(8C) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 170(2) (with Sch. 7)
F102 Words in s. 16(9) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 10(3)(5), 324(3); S.I. 2010/298, art. 2, Sch. Pt. 1 para. 2
F103 Words in s. 16(9) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 170(3) (with Sch. 7)
F104 Words in s. 16(9)(a) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(7)
F105 Word in s. 16(9) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(a); S.I. 1991/685, art. 3
F106 Words in s. 15(9)(a)(c)(10)(b)(11) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(3); S.I. 2006/2541, art. 2
F107 S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(8)
F108 Words in s. 16(9A) substituted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, & c.) Regulations 2007 (S.I. 2007/1843), reg. 7(5)
F109 Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(b); S.I. 1991/685, art. 3
F110 Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(4)(a); S.I. 2006/2541, art. 2
F111 Words in s. 16(10)(a) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(b); S.I. 1991/685, art. 3
F112 Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(4)(b); S.I. 2006/2541, art. 2
F113 Words in s. 16(10)(b) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(c); S.I. 1991/685, art. 3
16 Power to grant licences. S

(1) Sections 1, 5, 6(3), 7 and 8 do not apply to anything done—

(a) for scientific, research or educational purposes;

(b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;

c) for the purpose of conserving wild birds;

d) for the purposes of re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;

e) for the purpose of conserving flora or fauna;

(f) for the purposes of falconry or aviculture;

(g) for the purposes of taxidermy;

(h) for the purpose of photography;

(i) for the purposes of preserving public health or public or air safety;

(j) for the purpose of preventing the spread of disease; or

(k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(1A) The appropriate authority—

(a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and

(b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]

(2) Section 1 does not apply to anything done for the purpose of providing food for human consumption in relation to—

(a) a gannet on the island of Sula Sgeir; or

(b) a gull’s egg . . . ,
if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(3) Sections 9(1), (2), [F726, (4) and (4A)], [F9310A(1),] 11(1) [F727, (2) and (3C)(a)] [F728, 11C][F92, 11G(1)] and 13(1) do not apply to anything done—
(a) for scientific [F729, research] or educational purposes;
(b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
(c) for the purpose of conserving [F730, wild birds,] wild animals or wild plants or introducing them to particular areas;
[F731] for the purpose of conserving any area of natural habitat;
(d) for the purpose of protecting any zoological or botanical collection;
(e) for the purpose of photography;
(f) for the purpose of preserving public health or public safety;
(g) for the purpose of preventing the spread of disease; [F732,]
(h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries [F733], or
(i) for any other social, economic or environmental purpose,
if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[F734] (3A) The appropriate authority shall not grant a licence under subsection (3)(i) unless it is satisfied—
(a) that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and
(b) that there is no other satisfactory solution.

(4) The following provisions, namely—
(a) section 6(1) and (2);
(b) sections 9(5), [F95, 11I(1)] and 13(2); and
(c) [F735,sections 14 [F736, 14ZC] and 14A],
do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

[F737] (4A) The appropriate authority shall not grant a licence under subsection (4) permitting anything to be done in contravention of section 6(1) or (2) unless it is satisfied that there is no other satisfactory solution.

(5) Subject to [F738, subsections (5A) and (6)], a licence under the foregoing provisions of this section—
(a) may be, to any degree, general or specific;
(b) may be granted either to persons of a class or to a particular person;
(c) may be subject to compliance with any specified conditions;
(d) may be modified or revoked at any time by the appropriate authority; and
(e) subject to paragraph (d), shall be valid for the period stated in the licence; and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.
(5A) A licence under subsection (1) which authorises any action in respect of wild birds—
(a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
(b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
(c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(6) A licence under subsection (2) or (3) which authorises any person to kill wild birds or wild animals—
(a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
(b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(7) It shall be a defence in proceedings for an offence under section 8(b) of the Protection of Animals Act 1911 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 issued under subsection (1) or (3); and
(b) any conditions specified in the licence were complied with.

(8) For the purposes of a licence granted under the foregoing provisions of this section, 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.

(8A) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.

(9) In this section “the appropriate authority” means the Scottish Ministers or such other person to whom the Scottish Ministers delegate power under section 16A.

(9ZA) The Scottish Ministers must consult Scottish Natural Heritage before granting or modifying a licence under any of subsections (1) to (5).

(9ZB) Subsection (9ZA) does not apply in relation to licences granted under—
(a) paragraph (i), (j) or (k) of subsection (1);
(b) paragraph (f), (g) or (h) of subsection (3); or
(c) paragraph (c) of subsection (4).

(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 (No. 79/409/EEC) on the conservation of wild birds.

(10) The agriculture Minister—
(a) shall from time to time consult with each of the GB conservation bodies as to the exercise in the area of that body of his functions under this section; and
shall not grant a licence of any description unless he has been advised by the relevant conservation body as to the circumstances in which, in their opinion, licences of that description should be granted.

For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the conservation body for the area in which it is proposed to carry on the activity requiring a licence.

(a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;
(b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

“Wales” has the meaning given by section 158 of the Government of Wales Act 2006.
Wildlife and Countryside Act 1981 (c. 69)  
Part I – Wildlife

Document Generated: 2017-07-26

Status: This version of this Act contains provisions that are prospective. Changes to legislation:
Changes on or before 26 July 2017. 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)

F727 Words in s. 16(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 15(b)(ii); S.S.I. 2004/407, art. 2
F728 Word in s. 16(3) inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(a)(i), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F729 Words in s. 16(3)(i) and word inserted (S.) (29.6.2011) by Marine (Scotland) Act 2010 (asp 5), ss. 18(2)(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F730 Words in s. 16(3) substituted (S.) (1.1.2012) by Nature Conservation (Scotland) Act 2011 (asp 6), ss. 18(2)(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F731 S. 16(3)(ca) inserted (S.) (1.1.2012) by Nature Conservation (Scotland) Act 2011 (asp 6), ss. 50, 59, Sch. 6 para. 15(b)(iv); S.S.I. 2004/407, art. 2
F732 Word in s. 16(3) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(2), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c) (with art. 3(3)(4))
F733 S. 16(4A) inserted (S.) (1.1.2012) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 15(d); S.S.I. 2004/407, art. 2
F734 S. 16(3A) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F735 Words in s. 16(4) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 15(c); S.S.I. 2004/407, art. 2
F736 Word in s. 16(4)(e) inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(e), 43(1) (with s. 41(1)); S.S.I. 2012/157, art. 2(1)(c) (with art. 3(3)(4))
F737 S. 16(4A) inserted (S.) (1.1.2012) by Marine (Scotland) Act 2010 (asp 5), ss. 104(2), 168(1) (with s. 162); S.S.I. 2010/230, art. 2(b)
F738 Words in s. 16(5) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(4)
F739 S. 16(5A) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(5)
F740 Words in s. 16(6) substituted (30.11.1995) by S.I. 1995/2825, reg. 3(6)
F741 S. 16(8B) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(c), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F742 S. 16(8B) inserted (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 104(2), 168(1) (with s. 162); S.S.I. 2010/230, art. 2(b)
F743 S. 16(9)-(9ZB) substituted for s. 16(9)-(9ZC) (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(d), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F744 S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, reg. 3(8)
F745 Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(b); S.I. 1991/685, art. 3
F746 Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(4)(a); S.I. 2006/2541, art. 2
F747 Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(b); S.I. 1991/685, art. 3
F748 Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(4)(b); S.I. 2006/2541, art. 2
F749 Words in s. 16(10)(b) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(c); S.I. 1991/685, art. 3
F750 Words in s. 16(9)(c)(10)(b)(11) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 72(3); S.I. 2006/2541, art. 2
F751 S. 16(11) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(4)(d); S.I. 1991/685, art. 3
F752 S. 16(13) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(2)(e), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
F753 S. 16(13) inserted (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 104(5), 168(1) (with s. 162); S.S.I. 2010/230, art. 2(b)

Modifications etc. (not altering text)
C36  S. 16: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1
F117 16A Delegation of licence-granting power: Scotland

(1) The Scottish Ministers may delegate their functions in relation to licences under section 16 to—
   (a) Scottish Natural Heritage; or
   (b) a local authority.

(2) But a function may be delegated to a local authority only in so far as it relates to—
   (a) the development of land within the meaning of section 26(1) of the Town and Country Planning (Scotland) Act 1997 (c. 8); or
   (b) the demolition of buildings within the meaning of section 55 of the Building (Scotland) Act 2003 (asp 8).

(3) A delegation may be, to any degree, general or specific and may in particular relate to—
   (a) a particular type of bird, other animal or plant;
   (b) a particular licence or type of licence;
   (c) a particular area.

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

(5) A delegation to—
   (a) Scottish Natural Heritage under subsection (1)(a) is to be made by written direction;
   (b) a local authority under subsection (1)(b) is to be made by order.

(6) A local authority which is delegated a function under subsection (1)(b) must, before granting or modifying a licence, consult Scottish Natural Heritage.

(7) The Scottish Ministers may modify or revoke a direction under subsection (5)(a).

(8) Where a direction or order under subsection (5) is revoked, any existing licence granted under the direction or order continues to have effect (unless the revoking direction or order provides otherwise).]
17 False statements made for obtaining registration[\textsuperscript{F118}, identification number] or licence etc.

A person who, for the purposes of obtaining, whether for himself or another, a registration in accordance with regulations made under section [\textsuperscript{F119}(2) or] \textsuperscript{7}(1)[\textsuperscript{F120}, an identification number under section 11A(4)] or the grant of a licence under section 16—

(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,

shall be guilty of an offence.

Annotations:

Amendments (Textual)

\textsuperscript{F118} Words in s. 17 heading inserted (S.) (22.11.2012) by \textit{Wildlife and Natural Environment (Scotland) Act 2011 (asp 6)}, ss. \textit{13(5)(a), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3A)(b) (as inserted by S.S.I. 2012/281, art. 2(2))}

\textsuperscript{F119} Words in s. 17 repealed (E.W.) (30.1.2001) by \textit{2000 c. 37}, ss. 102, 103(2), \textit{Sch. 16 Pt. IV}

\textsuperscript{F120} Words in s. 17 inserted (S.) (22.11.2012) by \textit{Wildlife and Natural Environment (Scotland) Act 2011 (asp 6)}, ss. \textit{13(5)(b), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(3A)(b) (as inserted by S.S.I. 2012/281, art. 2(2))}

18 Attempts to commit offences etc.

(1) Any person who attempts to commit an offence under the foregoing provisions of this Part shall be guilty of an offence and shall be punishable in like manner as for the said offence.

(2) Any person who for the purposes of committing an offence under the foregoing provisions of this Part, has in his possession anything capable of being used for committing the offence shall be guilty of an offence and shall be punishable in like manner as for the said offence.

\[\textsuperscript{F121}]18A Wildlife inspectors \textsuperscript{E+W}

(1) In this Part, “wildlife inspector” means a person authorised in writing under this section by—

(a) the Secretary of State (in relation to England), or

(b) the National Assembly for Wales (in relation to Wales).

(2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it.

(3) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under section 18B or 18D.

(4) A wildlife inspector entering premises under either of those sections may take with him a veterinary surgeon if he has reasonable grounds for believing that such a person will be needed for the exercise of powers under section 18C or 18E.]
(1) This subsection applies where, on or in relation to any land, a person (A) commits a relevant offence while acting as the employee or agent of a person (B) who—
   (a) has a legal right to kill or take a wild bird on or over that land; or
   (b) manages or controls the exercise of any such right.

(2) Where subsection (1) applies, B is also guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In any proceedings under subsection (2), it is a defence for B to show—
   (a) that B did not know that the offence was being committed by A; and
   (b) that B took all reasonable steps and exercised all due diligence to prevent the offence being committed.

(4) Proceedings may be taken against B in respect of the offence whether or not proceedings are also taken against A.

(5) For the purposes of subsection (1)(b), management or control of the exercise of a right to kill or take any wild bird on or over land includes in particular management or control of any of the following—
   (a) the operation or activity of killing or taking any such birds on or over that land;
   (b) the habitat of any such birds on that land;
   (c) the presence on or over that land of predators of any such birds;
   (d) the release of birds from captivity for the purpose of their being killed or taken on or over that land.

(6) In this section and section 18B, “a relevant offence” is—
   (a) an offence under—
      (i) section 1(1), (5) or (5B);
      (ii) section 5(1)(a) or (b); or
      (iii) section 15A(1); and
   (b) an offence under section 18 committed in relation to any of the offences mentioned in paragraph (a).]
Annotations:

Extent Information
E45 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)
F754 Ss. 18A, 18B inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 24, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(e)

[F121]18B Group 1 offences and licences: power to enter premises

(1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
   (a) for the purpose of ascertaining whether a Group 1 offence is being or has been committed;
   (b) for the purpose of—
      (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 1 licence, or
      (ii) ascertaining whether any condition to which a Group 1 licence was subject has been complied with.

(2) In this Part—
   “Group 1 offence” means an offence under section 1, 5, 9(1), (2) or (4), 11, 13(1) or 14ZA, and
   “Group 1 licence” means a licence authorising anything which would otherwise be a Group 1 offence.

(3) Nothing in this section confers power to enter a dwelling.

Annotations:

Extent Information
E15 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F121 Ss. 18A-18F inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 1; S.I. 2006/1382, art. 2

Modifications etc. (not altering text)
C8 S. 18B applied (with modifications) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 7-11; S.I. 2006/1382, art. 2

[F754]18B Liability where securing services through another

(1) This subsection applies where, on or in relation to any land—
   (a) a person (A) commits a relevant offence;
   (b) at the time the offence is committed, A is providing relevant services for a person (B); and
(c) B—
   (i) has a legal right to kill or take a wild bird on or over that land; or
   (ii) manages or controls the exercise of any such right.

(2) Where subsection (1) applies, B is also guilty of the offence and liable to be proceeded against and punished accordingly.

(3) In any proceedings under subsection (2), it is a defence for B to show—
   (a) that B did not know that the offence was being committed by A; and
   (b) that B took all reasonable steps and exercised all due diligence to prevent the offence being committed.

(4) Proceedings may be taken against B in respect of the offence whether or not proceedings are also taken against A.

(5) For the purposes of subsection (1)(b), A is providing “relevant services” for B—
   (a) if A manages or controls any of the following—
      (i) the operation or activity of killing or taking any wild birds on or over that land;
      (ii) the habitat of any such birds on that land;
      (iii) the presence on or over that land of predators of any such birds;
      (iv) the release of birds from captivity for the purpose of their being killed or taken on or over that land; and
   (b) whether A is providing the services—
      (i) by arrangement between A and B; or
      (ii) by arrangement with or as employee or agent of any other person (C) who is providing or securing the provision of relevant services for B.

(6) For the purposes of subsection (5)(b)(ii), C is providing or securing the provision of relevant services for B if C manages or controls any of the things mentioned in subparagraphs (i) to (iv) of subsection (5)(a).

Annotations:

Extent Information
E46 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)
F754 Ss. 18A, 18B inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 24, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(c)

[\[F121\]

18C Group 1 offences and licences: examining specimens and taking samples

(1) The powers conferred by this section are exercisable where a wildlife inspector has entered any premises for a purpose mentioned in section 18B(1)(a) or (b).

(2) The inspector, or a veterinary surgeon accompanying him, may—
   (a) for any such purpose, examine any specimen, and
   (b) subject to subsection (5) and section 18F, take a sample from it.

(3) “Specimen” means—
(a) any bird, other animal or plant, or
(b) any part of, or anything derived from, a bird, other animal or plant.

(4) “Sample” means a sample of blood, tissue or other biological material.

(5) No sample may be taken under subsection (2) from a live bird, other animal or plant except for the purpose of establishing its identity or ancestry.

(6) The inspector may require an occupier of the premises to give such assistance as is reasonable in the circumstances for the purpose of—
(a) making an examination under subsection (2)(a), or
(b) taking a sample under subsection (2)(b).

(7) The inspector may take and remove from the premises a specimen which is not a live bird, other animal or plant, if there are reasonable grounds for believing that it is evidence of a Group 1 offence.

Annotations:

Amendments (Textual)

F121 Ss. 18A-18F inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 1; S.I. 2006/1382, art. 2

Modifications etc. (not altering text)

C9 S. 18C applied (with modifications) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 7-11; S.I. 2006/1382, art. 2

18D Group 2 offences and licences etc. : power to enter premises

(1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
(a) for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;
(b) where he has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
(c) for the purpose of ascertaining whether an offence under section 14 is being, or has been, committed on those premises;
(d) for the purpose of—
(i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 2 licence or a relevant registration, or
(ii) ascertaining whether any condition to which a Group 2 licence was subject has been complied with.

(2) In this Part—
“Group 2 offence” means an offence under section 6, 7, 9(5), 13(2) or 14,
“Group 2 licence” means a licence authorising anything which would otherwise be a Group 2 offence, and
“relevant registration” means a registration in accordance with regulations under section 7(1).
(3) In subsection (1)—
   (a) paragraphs (a) and (b) do not confer power to enter a dwelling except for purposes connected with—
       (i) a Group 2 licence or a relevant registration held by an occupier of the dwelling, or
       (ii) an application by an occupier of the dwelling for a Group 2 licence or a relevant registration, and
   (b) paragraph (c) does not confer any power to enter a dwelling.

Annotations:

Amendments (Textual)
F121 Ss. 18A-18F inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 1; S.I. 2006/1382, art. 2

18E Group 2 offences: examining specimens and taking samples

(1) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.

(2) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by section 18D in order to determine its identity or ancestry.

(3) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed in respect of any specimen (the relevant specimen), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
   (a) is alleged to be, or
   (b) which the wildlife inspector suspects with reasonable cause to be,
   a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(4) Where, pursuant to a requirement under this section—
   (a) a bird or other animal is to be examined, or
   (b) a sample is to be taken from a bird or other animal,
   a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

(5) “Specimen” and “sample” have the same meaning as in section 18C.

(6) This section is subject to section 18F.
18F Restrictions on taking of samples from live specimens

(1) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird or other animal except by a veterinary surgeon.

(2) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

19 Enforcement. E+W

(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—
   (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
   (b) search or examine any thing which that person may then be using or have in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that thing;
   (c) \footnote{F122} seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.

(2) If a constable suspects with reasonable cause that any person is committing [\footnote{F125}or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1) [\footnote{F126}or arresting a person, in accordance with [\footnote{F127}section 24] of Police and Criminal Evidence Act 1984, for such an offence], [\footnote{F128}enter any premises other than a dwelling].

[\footnote{F127}2A] A constable may, for the purpose of assisting him in exercising the powers conferred by subsection (1)(b) and (d) when he has entered any premises under subsection (2), take with him—
   (a) any other person, and
   (b) any equipment or materials.]
(3) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for [F128 suspecting that an offence under this Part has been committed] and that evidence of the offence may be found on any premises, he may grant a warrant to any constable F129... to enter upon and search those premises for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

[F130(9) This section does not apply in relation to offences under Schedule 9A.]

Annotations:

Extent Information
E16 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F122 S. 19(1)(c) repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), Sch. 7 Pt. 1
F123 Words in s. 19(2) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 2(2)(a); S.I. 2006/1382, art. 2
F124 Words inserted (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), Sch. 6 para. 25
F125 Words in s. 19(2) substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 111, 178, Sch. 7 para. 56 (subject to art. 2(2)); S.I. 2005/3495, art. 2(1)(m)
F126 Words in s. 19(2) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 2(2)(b); S.I. 2006/1382, art. 2
F127 S. 19(2A) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 2(3); S.I. 2006/1382, art. 2
F128 Words in s. 19(3) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 7
F129 Words in s. 19(3) omitted (E.W.) (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 2(4) and repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(2), 107, Sch. 12; S.I. 2006/1382, art. 2; S.I. 2006/2541, art. 2
F130 S. 19(9) inserted (E.W.) (12.4.2015) by Infrastructure Act 2015 (c. 7), ss. 23(4), 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2; S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

Modifications etc. (not altering text)
C11 S. 19(3) applied (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 13; S.I. 2006/1382, art. 2

19 Enforcement. S

(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—

(a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;

(b) [F755 search for,] search or examine anything which that person may then be using or [F756 may have used, or may have or have had in his possession,] if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found [F757 in or] on that thing;

(c) arrest that person [F758 . . . ;]
(d) seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.

(2) If a constable suspects with reasonable cause that any person is committing [\textit{F759}] or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1), enter any land other than a [\textit{F760}] dwelling or lockfast premises].

(3) If a justice of the peace is satisfied by [\textit{F761}] evidence] on oath that there are reasonable grounds for suspecting that [\textit{F762}] an offence under this Part has been committed and that evidence of the offence may be found on any premises, he may grant a warrant to any constable [\textit{F763}] to enter those premises, if necessary using reasonable force, and search them] for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

(4) A warrant under subsection (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.

(5) A constable authorised by virtue of this section to enter any land must, if required to do so by the occupier or anyone acting on the occupier’s behalf, produce evidence of the constable’s authority.

(6) A constable who enters any land in the exercise of a power conferred by this section—

(a) may—

(i) be accompanied by any other persons, and

(ii) take any machinery, other equipment or materials on to the land, for the purpose of assisting the constable in the exercise of that power,

(b) may take samples of any articles or substances found there and remove the samples from the land.

(7) A power specified in subsection (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.

(8) A constable leaving any land which has been entered in exercise of a power conferred by subsection (2) or by a warrant under subsection (3), being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it."

Annotations:

\textbf{Extent Information}

E47 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

\textbf{Amendments (Textual)}

F755 Words in s. 19(1)(b) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 16(a)(i); S.S.I. 2004/407, art. 2

F756 Words in s. 19(1)(b) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 16(a)(ii); S.S.I. 2004/407, art. 2
19X. Constables' powers in connection with samples

(1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by section 19 is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample.

(2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (the relevant specimen) may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
   (a) is alleged to be, or
   (b) the constable suspects with reasonable cause to be,
   a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.

(3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this section, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.

(4) “Specimen” and “sample” have the same meaning as in section 18C.

(5) This section is subject to section 18F (restrictions on taking samples).
19XB  Offences in connection with enforcement powers

(1) A person is guilty of an offence if he—
   (a) intentionally obstructs a wildlife inspector acting in the exercise of powers
       conferred by section 18B(1) or 18C(2) or (7), or
   (b) fails without reasonable excuse to give any assistance reasonably required
       under section 18C(6).

(2) A person is guilty of an offence if he—
   (a) intentionally obstructs a wildlife inspector acting in the exercise of powers
       conferred by section 18D(1) or 18E(2), or
   (b) fails without reasonable excuse to make available any specimen in accordance
       with a requirement under section 18E(1) or (3), or
   (c) fails without reasonable excuse to give any assistance reasonably required
       under section 18E(4).

(3) A person is guilty of an offence if he—
   (a) fails without reasonable excuse to make available any specimen in accordance
       with a requirement under section 19XA(2), or
   (b) fails without reasonable excuse to give any assistance reasonably required
       under section 19XA(3).

(4) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is
    guilty of an offence.

Annotations:

Amendments (Textual)
F131  S. 19XA, 19XB inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 3; S.I. 2006/1382, art. 2

19ZA  Enforcement: wildlife inspectors.

Annotations:

Amendments (Textual)
F133  S. 19ZA omitted (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 4 and repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(2), 107 (Sch. 12); S.I. 2006/1382, art. 2; S.I. 2006/2541, art. 2

19ZB  Power to take samples.

Annotations:
Wildlife inspectors: Scotland

(1) The Scottish Ministers may authorise any person to carry out the functions conferred by this section and section 19ZD(3), (4) and (8) (and any person so authorised is to be known as a “wildlife inspector”).

(2) An authorisation under subsection (1)—
   (a) shall be in writing, and
   (b) is subject to any conditions or limitations specified in it.

(3) A wildlife inspector may, at any reasonable time and (if required to do so) upon producing evidence of authorisation, enter and inspect—
   (a) any premises for the purpose of ascertaining whether an offence under section 6, 9(5)\[^{F136}\], 11I(1)\[^{F136}\] or 13(2) is being, or has been, committed on those premises;
   (b) any premises where the inspector has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
   (c) any premises where the inspector has reasonable cause to believe that any birds are kept, for the purpose of ascertaining whether an offence under section 8(1) is being, or has been, committed on those premises;
   (d) any premises for the purpose of ascertaining whether an offence under section 14\[^{F137}\], 14ZC, 14A, 14B or 14K\[^{F137}\] is being, or has been, committed on those premises;
   (e) any premises for the purpose of\[^{F138}\]—
      (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a relevant registration or licence; or
      (ii) ascertaining whether a condition to which a relevant registration or licence was subject to has been complied with.

(4) In subsection (3)—
   (a) paragraphs (a) to (c) do not confer power to enter a dwelling except for purposes connected with—
      (i) a relevant registration or licence held by an occupier of the dwelling; or
      (ii) an application by an occupier of the dwelling for a relevant registration or licence,
   (b) paragraph (d) does not confer power to enter a dwelling.

(5) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 8(1), 9(5), 11I(1), 13(2), 14, 14ZC, 14A, 14B or 14K\[^{F139}\] is being, or has been, committed in respect of any specimen, require any person who has possession or control of the specimen to make it available for examination by the inspector.
(6) Any person who has possession or control of any live bird or other animal shall give any wildlife inspector acting in the exercise of powers conferred by this section such assistance as the inspector may reasonably require for the purpose of examining the bird or other animal.

(7) Any person who—
   (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by subsection (3) or (5); or
   (b) fails without reasonable excuse to give any assistance reasonably required under subsection (6),
shall be guilty of an offence.

(8) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector shall be guilty of an offence.

(9) In this section—
   “relevant registration or licence” means—
   (a) a registration in accordance with regulations under section 7(1); or
   (b) a licence under section 16 authorising anything which would otherwise be an offence under section 6, 7, 8(1), 9(5), 11I(1), 13(2), 14, 14ZC or 14A;[F140]
   “specimen” means any bird, other animal or plant or any part of, or anything derived from, a bird, other animal or plant.

Annotations:

Amendments (Textual)
F135 Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 17; S.S.I. 2004/407, art. 2
F136 Word in s. 19ZC(3)(a) inserted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(4)(a)(i), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)
F137 Words in s. 19ZC(3)(d) substituted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(4)(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)
F138 Words in s. 19ZC(3)(e) substituted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(4)(a)(iii), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)
F139 Words in s. 19ZC(5) substituted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(4)(b), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)
F140 Words in s. 19ZC(9) substituted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(4)(c), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)

Modifications etc. (not altering text)
C12 S. 19ZC applied (with modifications) (S.) (29.11.2004) by S.I. 1994/2716, reg. 101A(3) (as substituted by The Conservation (Natural Habitats, & c.) Amendment (Scotland) Regulations 2004 (S.S.I. 2004/475), reg. 18

19ZD Power to take samples: Scotland

(1) A constable who suspects with reasonable cause that a specimen found by the constable in the exercise of powers conferred by section 19 is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample of blood or tissue in order to determine its origin, identity or ancestry.
(2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (“the relevant specimen”) may require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person’s possession or control which is alleged to be, or which the constable suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.

(3) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2), 14, 14ZC, 14A, 14B or 14K is being or has been committed, require the taking of a sample of blood or tissue from a specimen found by the inspector in the exercise of powers conferred by section 19ZC(3)(a) to (d) in order to determine its origin, identity or ancestry.

(4) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2), 14, 14ZC, 14A, 14B or 14K is being or has been committed in respect of any specimen (“the relevant specimen”), require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person’s possession or control which is alleged to be, or which the inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.

(5) No sample from a live bird, other animal or plant shall be taken pursuant to a requirement under this section unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.

(6) No sample from a live bird or other animal shall be taken pursuant to such a requirement except by a veterinary surgeon.

(7) Where a sample from a live bird or other animal is to be taken pursuant to such a requirement, any person who has possession or control of the specimen shall give the person taking the sample such assistance as that person may reasonably require for that purpose.

(8) A constable entering premises under section 19(2), and any wildlife inspector entering premises under section 19ZC(3), may take with him a veterinary surgeon if the constable or, as the case may be, inspector has reasonable grounds for believing that such a person will be required for the exercise on the premises of powers under subsection (1) or (2) or, as the case may be, (3) or (4).

(9) Any person who—
   (a) intentionally obstructs a wildlife inspector acting in the exercise of the power conferred by subsection (3),
   (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under subsection (2) or (4), or
   (c) fails without reasonable excuse to give any assistance reasonably required under subsection (7),
   shall be guilty of an offence.

(10) In this section—
   (a) “specimen” has the same meaning as in section 19ZC;
   (b) in relation to a specimen which is a part of, or is derived from, a bird, other animal or plant, references to determining its origin, identity or ancestry are to determining the origin, identity or ancestry of the bird, other animal or plant.
Annotations:

Amendments (Textual)
F135 Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 17; S.S.I. 2004/407, art. 2
F141 Words in s. 19ZD(3)(4) substituted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(5)(a), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)
F142 S. 19ZD(10)(c) inserted (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 22(5)(b), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(d)

Modifications etc. (not altering text)

19A Evidence in Scotland [F142in certain proceedings].

In any proceedings in Scotland for [F146any of the following offences], the accused may be convicted on the evidence of one witness [F146—

(a) an offence under section 1(1)(a) in relation to a grouse, partridge, pheasant or ptarmigan included in Part I of Schedule 2;

(b) an offence under section 1(1)(c);

(c) an offence under section 6(1) in relation to a grouse, partridge or pheasant included in Part IA of Schedule 3;

(d) an offence under section 6(2) in relation to a grouse, partridge, pheasant or ptarmigan included in Part IIA of that Schedule;

(e) an offence under section 10A(1), 11G(1) or 11I(1).]

Annotations:

Amendments (Textual)
F143 Words in s. 19A substituted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 12(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(i); S.S.I. 2011/433, art. 2(1)(b)
F144 S. 19A inserted (18.9.1993) (S.) by 1993 c. 9, s.36 (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, art. 3(3), Sch.2.
F145 Words in s. 19A substituted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 12(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(i); S.S.I. 2011/433, art. 2(1)(b)
F146 S. 19A(a)(c) inserted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 12(c), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(i); S.S.I. 2011/433, art. 2(1)(b)

20 [F147Proceedings for summary offences], E+W

F148(1) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
(2) \[^{F149}\text{Proceedings for a summary offence under this Part}\] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than two years after the commission of the offence.

(3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Annotations:

Extent Information

E17 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F147 S. 20 heading substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 53, 107, Sch. 6 para. 3(3); S.I. 2006/1382, art. 2

F148 S. 20(1) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), Sch. 12 para. 9(1)(a), Sch. 16 Pt. IV (with Sch. 12 para. 9(2))

F149 Words in s. 20(2) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 53, 107, Sch. 6 para. 3(2); S.I. 2006/1382, art. 2

20 Summary prosecutions.

(1) \[^{S765}\].............

(2) Summary proceedings for an offence \[^{S766}\text{under this Part}\] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than \[^{S767}\text{three}\] years after the commission of the offence \[^{S768}\text{or, in the case of a continuous contravention, after the last date on which the offence was committed}\].

(3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Annotations:

Extent Information

E48 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F765 S. 20(1) repealed (S.) (26.3.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 77, 89(2)(b), Sch. 3 para. 5(a)

F766 Words in s. 20(2) substituted (S.) (26.3.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 77, 89(2)(b), Sch. 3 para. 5(b)
21 Penalties, forfeitures etc.

(1) Subject to subsection (5), a person guilty of an offence under any of sections 1 to 13 or section 17 shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(4) A person guilty of an offence under section 14 or 14ZA shall be liable—
   (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
   (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4A) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(4B) A person guilty of an offence under section 19XB(1), (2) or (3) shall be liable—
   (a) on summary conviction, to a fine not exceeding the statutory maximum;
   (b) on conviction on indictment, to a fine.

(4C) A person guilty of an offence under section 19XB(4) shall be liable—
   (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or to both;
   (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(5) Where an offence to which subsection (1) applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(6) The court by which any person is convicted of an offence under this Part—
   (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
   (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14 or 14ZA, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.
(7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

21 Penalties, forfeitures etc.

Subject to subsection (5), a person guilty of an offence under any of sections 1 to 13, 14, 15A, 17, 19ZC (other than an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by section 19ZC(3)(d)) or 19ZD shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) .

(3) .
(4) A person guilty of an offence under section 14 [F773, 14ZC][F774 or 14A] shall be liable—

[F775] (a) on summary conviction, to imprisonment for a term not exceeding [F776]12 months or to a fine not exceeding the [F777]£40,000, or to both;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.]

[F778](4ZA) Any person guilty of an offence under section 14K is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000, or to both;
(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

[F779](4A) A person guilty of an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by subsection (3)(d) of that section shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(5) Where an offence to which subsection (1), F780... applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(6) The court by which any person is convicted of an offence under this Part—

(a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
(b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14 [F781, 14ZC, 14A, 14B or 14K], any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.

(7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

Annotations:

Extent Information
E49 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)
F769 S. 21(1) substituted (S.) (26.3.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 77, 89(2)(b), Sch. 3 para. 6(a)
F770 Word in s. 21(1) inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(3)(a), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)
22 Power to vary Schedules. E+W

(1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year, add any bird to, or remove any bird from, any of or any Part of Schedules ZA1 to 4.

(2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.

(3) The Secretary of State may, on a representation made to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act, by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year—

(a) add to Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is in danger of extinction in Great Britain or is likely to become so endangered unless conservation measures are taken; and

(b) remove from Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is no longer so endangered or likely to become so endangered.

(4) The Secretary of State may, for the purpose of complying with an international obligation, by order, either generally or with respect to particular provisions of this Part or particular times of the year—
(a) add any animals to, or remove any animals from, Schedule 5 or Schedule 6; and
(b) add any plants to, or remove any plants from, Schedule 8.

(5) The Secretary of State may by order, either generally or with respect to particular areas of Great Britain—
(a) add any animals to, or remove any animals from, Part I \[F166\], IA or IB\] of Schedule 9; and
(b) add any plants to, or remove any plants from, Part II of that Schedule.

Annotations:

Extent Information
E19 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Amendments (Textual)
F162 Words in s. 22(1) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 47(5), 107; S.I. 2006/1382, art. 2
F163 Words in s. 22(3) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 74(2)(a); S.I. 2006/2541, art. 2
F164 Words in s. 22(3) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 74(2)(b), Sch. 12; S.I. 2006/2541, art. 2
F165 S. 22(3A) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 74(3); S.I. 2006/2541, art. 2
F166 Words in s. 22(5)(a) inserted (5.3.2015 for E., 12.4.2015 for W.) by Infrastructure Act 2015 (c. 7), ss. 25(5), 57(4); S.I. 2015/481, reg. 2(c); S.I. 2015/990, reg. 2

22 Power to vary Schedules.

(1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year \[F785(a)\] add any bird to, or remove any bird from, any of or any Part of Schedules \[F783\] to 4.
\[F784(b)\] add any animal to, or remove any animal from, Schedule 5 \[F785, 5A, 6 or 6A\] ...
\[F786\] add any plant to, or remove any plant from, Schedule 8 \[F787\] ...

(2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.

\[F788(2ZA)\] An order under subsection (1) adding any animal to Schedule 5A may prescribe a close season in the case of that animal for the purposes of section 10A.

\[F789(2A)\] Before making an order under subsection (1) the Scottish Ministers shall consult Scottish Natural Heritage.

(3) The Secretary of State may, on a representation made \[F790\] to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act, by order, either generally or with respect to
Advisory bodies and their functions.

(1) The Secretary of State may—

(a) establish any body or bodies, consisting in each case of such members as he may from time to time appoint;
(b) assign to any body or bodies the duty referred to in subsection (4).

(2) Without prejudice to his power under subsection (1), the Secretary of State shall, as soon as practicable after the commencement date,—

(a) establish at least one body under paragraph (a) of subsection (1); or

(b) assign to at least one body, under paragraph (b) of that subsection, the duty referred to in subsection (4).

(3) A reference in this Part to an advisory body is a reference to a body which is established under subsection (1) or to which the duty there referred to is assigned under that subsection.

(4) It shall be the duty of an advisory body to advise the Secretary of State on any question which he may refer to it or on which it considers it should offer its advice—

(a) in connection with the administration of this Part; or

(b) otherwise in connection with the protection of birds or other animals or plants.

(5) In so far as it does not have power to do so apart from this subsection, an advisory body may publish reports relating to the performance by it of its duty under subsection (4).

(6) Before appointing a person to be a member of an advisory body established under subsection (1)(a), the Secretary of State shall consult such persons or bodies as he thinks fit.

(7) The Secretary of State may, out of moneys provided by Parliament and to such an extent as may be approved by the Treasury, defray or contribute towards the expenses of an advisory body established under subsection (1)(a).

24 [F167] Functions of GB conservation bodies | E+W

(1) The [F168] GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act| may at any time and shall five years after [F169] 30th October 1991| and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—

(a) any animal should be added to, or removed from, Schedule 5;

(b) any plant should be added to, or removed from, Schedule 8

[F170]

[F171](1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.]

(2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led [F172] to that advice being given.]

[F173](3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.]

(4) The functions of the [F174] GB conservation bodies| shall include power to advise or assist—

(a) any constable;

(b) any proper officer of a local authority; or

[F175(c)] any wildlife inspector.]
in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

Annotations:

Extent Information

E20 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F167 S. 24 heading substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 75(5); S.I. 2006/2541, art. 2

F168 Words in s. 24(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 75(2)(a); S.I. 2006/2541, art. 2

F169 Words in s. 24(1) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132, Sch. 9 para. 11(6)(a); S.I.1991/685, art.3.

F170 Words in s. 24(1) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 75(2)(b), Sch. 12; S.I. 2006/2541, art. 2

F171 S. 24(1A) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 75(3); S.I. 2006/2541, art. 2

F172 Words in s. 24(2) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(6)(b); 1991/685, art.3.

F173 S. 24(3) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(6)(c); S.I. 1991/685, art. 3.

F174 Words in s. 24(4) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 75(4); S.I. 2006/2541, art. 2

F175 S. 24(4)(c) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 11

24 Functions of GB conservation bodies[8794]

(1) The GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act may at any time and shall five years after 30th October 1991 and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—

(a) any animal should be added to, or removed from, Schedule 5;

(b) any plant should be added to, or removed from, Schedule 8

(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.

(2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led to that advice being given.

(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.

(4) The functions of the GB conservation bodies shall include power to advise or assist—

(a) any constable;
Functions of local authorities.

(1) Every local authority shall take such steps as they consider expedient for bringing to the attention of the public and of schoolchildren in particular the effect of—
   (a) the provisions of this Part; and
   (b) any order made under this Part affecting the whole or any part of their area.

(2) A local authority in England and Wales may institute proceedings for any offence under this Part or any order made under it which is committed within their area.
(3) Nothing in this section applies in relation to Schedule 9A or orders or offences under it.

Annotations:

Amendments (Textual)
F176  S. 25(3) inserted (E.W.) (12.4.2015) by Infrastructure Act 2015 (c. 7), ss. 23(5), 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

26 Regulations, orders, notices etc. E+W

(1) Any power to make regulations or orders under this Part shall be exercisable by statutory instrument.

(2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than sections 2(6), 3, 5 and 11, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order under section 5 or 11 shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(4) Before making any order under this Part, the Secretary of State—
   F177(a) except in the case of an order under section 2(6), shall give to any local authority affected and, except in the case of an order under section 3, any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order;
   F178(b) except in the case of an order under section 22(3), shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and
   (c) may, if he thinks fit, cause a public inquiry to be held.

(5) Notice of the making of an order under this Part shall be published by the Secretary of State—
   (a) if the order relates in whole or in part to England and Wales, in the London Gazette; and
   (b) if the order relates in whole or in part to Scotland, in the Edinburgh Gazette.

(6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.

(7) In this section references to orders do not include species control orders under Schedule 9A.]
26 Regulations, orders, notices etc.

(1) Any power to make regulations or orders under a provision of this Part other than section 14D shall be exercisable by statutory instrument.

(2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than—

- an order under any of sections 2(6), 10A(4), 11(4), and
- an order under section 22(1)(a) which removes from Part I of Schedule 2 black grouse, common pheasant, grey partridge, ptarmigan, red grouse or red-legged partridge, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order under—

- order under section 5 or 11(4), or
- order under section 22(1)(a) which removes from Part I of Schedule 2 any bird referred to in paragraph (b) of subsection (2), shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

(4) Before making any order under a provision of this Part other than section 14D, the Secretary of State—

- except in the case of an order under section 2(6), shall give to any local authority affected and any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order; and
- in the case of an order under section 16A(5)(b), shall consult Scottish Natural Heritage;

- except in the case of an order under section 16A(5)(b) or 22, shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and
- may, if he thinks fit, cause a public inquiry to be held.

The Scottish Ministers may make an order under section 14, 14ZC or 14A only where they have consulted—

- Scottish Natural Heritage; and
(b) any other person appearing to them to have an interest in the making of the order.

(4B) Subsection (4A) does not apply where the Scottish Ministers consider it necessary to make the order urgently and without consultation.

(5) Notice of the making of an order under this Part [F822 other than an order under section 16A(5)(b),] shall be published by the Secretary of State—

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

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

(6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.

Annotations:

Extent Information

E52 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F177 Words in s. 26(4)(a) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(6)(b)(ii), 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(ii); S.S.I. 2012/175, art. 2(1)(c)

F178 Words in s. 26(4)(b) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(6)(b)(iii), 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(ii); S.S.I. 2012/175, art. 2(1)(c)

F806 Words in s. 26(1) substituted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(6)(a), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)

F807 S. 26(2)(a) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(6)(a)(i), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F808 Word in s. 26(2) repealed (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 4(5)(a), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)

F809 Word in s. 26(2) inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 6(3), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(b)

F810 Word in s. 26(2) substituted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(6)(a)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F811 Word in s. 26(2)(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 21(a); S.S.I. 2004/407, art. 2

F812 S. 26(2)(b) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(6)(a)(iii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F813 Para reference (a) in s. 26(3) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(6)(b)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F814 S. 26(3)(b) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(6)(b)(ii), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)

F815 Words in s. 26(4) substituted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(6)(b)(i), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)

F816 Words in s. 26(4)(a) repealed (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 4(5)(b), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)

F817 S. 26(4)(aa) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 18(4)(a)(i), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
Changes to legislation:
Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

Enforcement of wildlife legislation

Regulations under section 2(2) of the European Communities Act 1972 (c. 68) for the purpose of implementing Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (that is, the Directive as amended from time to time by any other EU instrument or otherwise) may, despite paragraph 1(1)(d) of Schedule 2 to that Act, create offences punishable on summary conviction with imprisonment for a term not exceeding six months.

Annual report on wildlife crime

(1) The Scottish Ministers must, after the end of each calendar year, lay before the Scottish Parliament a report on offences relating to wildlife.

(2) The report may, in particular, include—
   (a) information on the incidence and prosecution of such offences during the year to which the report relates;
   (b) information on research and advice relating to wildlife which the Scottish Ministers consider relevant to such offences.

(3) The report need only include information in relation to such offences relating to wildlife as the Scottish Ministers consider appropriate.

(4) For the purposes of this section, an offence relating to wildlife is an offence—
   (a) under Part 1 of this Act; or
   (b) under any other enactment which the Scottish Ministers consider may have an impact on wildlife.
27 Interpretation of Part I. E+W

(1) In this Part, unless the context otherwise requires—

“advertisement” includes a catalogue, a circular and a price list;
“advisory body” has the meaning given by section 23;
“agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;
“authorised person” means—

(a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
(b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
(c) as respects anything done in relation to wild birds, any person authorised in writing [F183] by—

(i) the Welsh Ministers, in relation to things done for purposes relating to fishing or fisheries in the Welsh inshore region (within the meaning of the Marine and Coastal Access Act 2009);
(ii) any one of the following bodies, that is to say, [F185] any of the [F186] GB conservation bodies[ F187], . . a district board for a fishery district within the meaning of the [M12] Salmon Fisheries (Scotland) Act 1862 [F188] or an inshore fisheries and conservation authority [F189] . . ;
(d) [F190] any person authorised in writing by—

(i) the Environment Agency, in relation to anything done in England;
(ii) the Natural Resources Body for Wales, in relation to anything done in Wales; or
(iii) a water undertaker or a sewerage undertaker,

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;
“aviculture” means the breeding and rearing of birds in captivity;
“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;
“domestic duck” means any domestic form of duck;
“domestic goose” means any domestic form of goose;
“firearm” has the same meaning as in the [M13] Firearms Act 1968;
“game bird” means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;
(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.
(3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.

[^205] (3A) In this Part “the GB conservation bodies” means—

(a) Natural England,
(b) [^206] the Natural Resources Body for Wales, and
(c) Scottish Natural Heritage,
and references to a conservation body are to be read accordingly.

(4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.

(5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

Annotations:

Extent Information
E22 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F184 S. 27(1): words in para. (c) of definition of "authorised person" substituted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), ss. 193(4), 324(2)(c)
F185 Words in s. 27(1) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(7)(a); S.I. 1991/685, art. 3.
F186 S. 27(1): words in definition of “authorised person” substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 76(2); S.I. 2006/2541, art. 2
F187 Words in s. 27(1) 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(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. 1
F188 Words in s. 27(1) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 14 para. 11(a); S.I. 2011/556, art. 2(2)(k)
F189 Words in s. 27(1) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))
F190 Words in s. 27(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 171(2) (with Sch. 7)
F191 Definition in s. 27(1) inserted (30.11.1995) by S.I. 1995/2825, reg. 4
F192 Definition "inshore fisheries and conservation authority" in s. 27(1) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 14 para. 11(b); S.I. 2011/556, art. 2(2)(k)
F193 Words in s. 27(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(2), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F194 Words in s. 27(1) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F195 S. 27(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F196 Words in s. 27(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 125(2); S.I. 1996/323, art. 4(1)(b)(c)
F197 S. 27(1): definition of “premises” inserted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(2), 107, Sch. 11 para. 76(3)(5); S.I. 2006/2541, art. 2
F198 S. 27(1): definition of "water authority" repealed (S.) (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, Sch. 7 para. 11(2); S.S.I. 2002/118, art. 2(3)


F204 S. 27(1): words in definition of "wildlife inspector" substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, Sch. 5 para. 6; S.I. 2006/1382, art. 2

F205 S. 27(3A) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(2), 107, Sch. 11 para. 76(4); S.I. 2006/2541, art. 2

F206 Words in s. 27(3A) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 171(3) (with Sch. 7)

Marginal Citations
M12 1862 c. 97.
M13 1968 c. 27.
M14 1991 c.57.
M15 1974 c.40.

27 Interpretation of Part I.

(1) In this Part, unless the context otherwise requires—

"advertisement" includes a catalogue, a circular and a price list;
"advisory body" has the meaning given by section 23;
"agriculture Minister" means the Minister of Agriculture, Fisheries and Food or the Secretary of State;
"authorised person" means—
(a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
(b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
(c) as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, [F185 any of the [F824 GB conservation bodies]], [F187 . . . a district board for a fishery district within the meaning of the [M18 Salmon Fisheries (Scotland) Act 1862] F189 . . . M54 . . . ;

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

"automatic weapon" and "semi-automatic weapon" do not include any weapon the magazine of which is incapable of holding more than two rounds;
"aviculture" means the breeding and rearing of birds in captivity;
“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“domestic duck” means any domestic form of duck;
“domestic goose” means any domestic form of goose;
“firearm” has the same meaning as in the Firearms Act 1968;

“inland waters” means—
(a) inland waters within the meaning of the Water Resources Act 1991;
(b) any waters not falling within paragraph (a) above which are within the seaward limits of the territorial sea;
(c) controlled waters within the meaning of Part II of the Control of Pollution Act 1974 other than ground waters as defined in section 30A(1)(d) of that Act.

“livestock” includes any animal which is kept—
(a) for the provision of food, wool, skins or fur;
(b) for the purpose of its use in the carrying on of any agricultural activity; or
(c) for the provision or improvement of shooting or fishing;

“local authority” means—
(a) in relation to England, a county, district or London borough council;
(b) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“occupier”, in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means the domestic forms of the following, that is to say] fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“vehicle” includes aircraft, hovercraft and boat;

“wild animal” means any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means any bird of a species which is ordinarily resident in or is a visitor to any member State or the European territory of any member State in a wild state but does not include poultry;

“wild plant” means any plant (including fungi) which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Great Britain in a wild state.

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.
[(F831) (2A)] An animal shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully held in captivity—
(a) where the animal is of a viviparous species, when it was born,
(b) where the animal is of an oviparous species, when the egg was laid.]

(3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.

[(F832) (3ZA)] Any reference in this Part to a plant which is growing—
(a) includes a reference to a bulb, corm or rhizome;
(b) does not include a reference to a seed or spore.]

[(F833) (3A)] In this Part “the GB conservation bodies” means—
(a) Natural England,
(b) [F206 the Natural Resources Body for Wales], and
(c) Scottish Natural Heritage,
and references to a conservation body are to be read accordingly.]

(4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.

(5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

Annotations:

Extent Information
E53 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)
F185 Words in s. 27(1) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), Sch. 9 para. 11(7)(a); S.I. 1991/685, art. 3.
F187 Words in s. 27(1) 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. 1
F189 Words in s. 27(1) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))
F191 Definition in s. 27(1) inserted (30.11.1995) by S.I. 1995/2825, reg. 4
F193 Words in s. 27(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(2), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F194 Words in s. 27(1) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F195 S. 27(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(2) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F196 Words in s. 27(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 125(2); S.I. 1996/323, art. 4(1)(b)(c)
F198 S. 27(1): definition of "water authority" repealed (S.) (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, Sch. 7 para. 11(2); S.S.I. 2002/118, art. 2(3)
F206 Words in s. 27(3A) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 171(3) (with Sch. 7)

F823 Words in s. 27(1) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 4; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))

F824 S. 27(1): words in definition of “authorised person” substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 76(2); S.I. 2006/2541, art. 2

F825 Definition "game bird" in s. 27(1) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 2(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(a)

F826 S. 27(1): words in the definition of “poultry” substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(2)(a); S.S.I. 2004/407, art. 2

F827 S. 27(1): word in the definition of “wild bird” substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(2)(b)(i); S.S.I. 2004/407, art. 2

F828 S. 27(1): words in the definition of “wild bird” substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(2)(b)(ii); S.S.I. 2004/407, art. 2

F829 Words in s. 27(1) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 2(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(a)

F830 S. 27(1): words in definition of “wild plant” inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(2)(c); S.S.I. 2004/407, art. 2

F831 S. 27(2A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(3); S.S.I. 2004/407, art. 2

F832 S. 23(3ZA) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 23(4); S.S.I. 2004/407, art. 2

F833 S. 27(3A) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(2), 107, Sch. 11 para. 76(4); S.I. 2006/2541, art. 2

Marginal Citations
M12 1862 c. 97.
M13 1968 c. 27.
M14 1991 c.57.
M15 1974 c.40.
M54 1966 c. 38.

F207 Application of Part 1 to England and Wales
27ZA ................................................................. ]

Annotations:

Amendments (Textual)

F208 S. 27ZA ceases to have effect (W.) (2.8.2004) by virtue of The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004 (S.I. 2004/1733), reg. 3(1)
PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

X2\[F209\] Sites of special scientific interest and limestone pavements

Annotations:

Editorial Information

X2 S. 27A and preceding heading repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 77, Sch. 12; S.I. 2006/2541, art. 2 and new s. 27AA and preceding heading inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 78; S.I. 2006/2541, art. 2

Amendments (Textual)

F209 S. 27AA and preceding heading inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 78; S.I. 2006/2541, art. 2

27A Construction of references to Nature Conservancy Council.

\[F210\] . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)

F210 S. 27A and preceding heading repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 77, Sch. 12; S.I. 2006/2541, art. 2

\[F211\] Application of sections 28 to 34 in Wales

\[F212\] (1) In relation to land in Wales, sections 28 to 34 (which relate to sites of special scientific interest and limestone pavements) have effect as if references to Natural England were references to the Natural Resources Body for Wales and as if section 28D(2)(d) were omitted.

\[F214\] (2) Subsection (3) applies where—

(a) any provision of sections 28 to 34 requires the Natural Resources Body for Wales to give a notification or notice to the local planning authority in whose area land is situated, and

(b) all or part of the land is included in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004.

(3) The Natural Resources Body for Wales must also give the notification or notice to the strategic planning panel for the strategic planning area.]

Annotations:

Amendments (Textual)

F211 S. 27AA and preceding heading inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 78; S.I. 2006/2541, art. 2
Sites of special scientific interest. E+W

(1) Where [F216Natural England] are of the opinion that any area of land is of special interest by reason of any of its flora, fauna, or geological or physiographical features, it shall be the duty of [F216Natural England] to notify that fact—
  (a) to the local planning authority [F217(if any)] in whose area the land is situated;
  (b) to every owner and occupier of any of that land; and
  (c) to the Secretary of State.

(1A) The reference in subsection (1) to land includes—
  (a) any land lying above mean low water mark;
  (b) any land covered by estuarial waters.

(1B) Where the area of land to which a notification under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
  (a) area B adjoins area A, and
  (b) any of the conditions in subsection (1C) is satisfied.

(1C) The conditions are—
  (a) that the flora, fauna or features leading to the notification of area A is or are also present in area B;
  (b) that the notification of area A is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
  (c) that, without the inclusion of area B, the identification of the boundary of the land notified (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(2) [F216Natural England] shall also publish a notification of the fact mentioned in subsection (1) in at least one local newspaper circulating in the area in which the land is situated.

(3) A notification under subsection (1) shall specify the time (not being less than three months from the date of the giving of the notification) within which, and the manner in which, representations or objections with respect to it may be made; and [F216Natural England] shall consider any representation or objection duly made.

(4) A notification under subsection (1)(b) shall also specify—
  (a) the flora, fauna, or geological or physiographical features by reason of which the land is of special interest, and
  (b) any operations appearing to [F216Natural England] to be likely to damage that flora or fauna or those features,
and shall contain a statement of \[F220\]Natural England's\] views about the management of the land (including any views \[F216\]Natural England\] may have about the conservation and enhancement of that flora or fauna or those features).

(5) Where a notification under subsection (1) has been given, \[F216\]Natural England\] may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either—

(a) give notice to the persons mentioned in subsection (1) withdrawing the notification; or

(b) give notice to those persons confirming the notification (with or without modifications).

\[F221\]In the case of a notification given in relation to land lying below mean low water mark by virtue of subsection (1B), this subsection is subject to section 28CB(4) and (6).\]

(6) A notification shall cease to have effect—

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (1); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to there, at the end of that period.

\[F222\](6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3).\]

(7) \[F220\]Natural England's\] power under subsection (5)(b) to confirm a notification under subsection (1) with modifications shall not be exercised so as to add to the operations specified in the notification or extend the area to which it applies.

(8) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (1)(b) a notice under subsection (5)(b) confirming the notification with modifications, the notification shall have effect in its modified form in relation to so much (if any) of that land as remains subject to it.

(9) A notification under subsection (1)(b) of land in England and Wales shall be a local land charge.

\[F223\](9A) For the purposes of this Part “estuarial waters” means any waters within the limits of transitional waters, within the meaning of the Water Framework Directive (that is to say, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy).\]

(10) For the purposes of this section and sections 28A to 28D, “local planning authority”, in relation to land within the Broads, includes the Broads Authority.]
Areas of special scientific interest.

Annotations:

Extent Information

E54 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Amendments (Textual)

F834 S. 28 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]

28A Variation of notification under section 28.

(1) At any time after notice has been given under section 28(5)(b) confirming a notification (with or without modifications), [F228Natural England] may by notice vary the matters specified or stated in the confirmed notification (whether by adding to them, changing them, or removing matter from them).

(2) The area of land cannot be varied under this section.

(3) [F228Natural England] shall give notice setting out the variation to—

(a) the local planning authority [F226(if any)] in whose area the land is situated,

(b) every owner and occupier of any of the land who in the opinion of the Council may be affected by the variation, and

(c) the Secretary of State,
and after service of a notice under paragraph (b) the notification under section 28(1)(b) shall have effect in its varied form.

(4) Section 28(3) shall apply to such a notice as it applies to a notification under section 28(1).

(5) Where a notice under subsection (3) has been given, \[F225\] Natural England may within the period of nine months beginning with the date the last of the owners and occupiers referred to in subsection (3)(b) was served with the notice either—

(a) give notice to the persons mentioned in subsection (3) withdrawing the notice; or

(b) give notice to them confirming the notice (with or without modifications).

(6) A notice under subsection (3) shall cease to have effect—

(a) on the giving of notice of its withdrawal under subsection (5)(a) to any of the persons mentioned in subsection (3); or

(b) if not withdrawn or confirmed by notice under subsection (5) within the period of nine months referred to in that subsection, at the end of that period.

(7) As from the time when there is served on the owner or occupier of any land a notice under subsection (5)(b) confirming a notice of variation with modifications, the notification under section 28(1)(b) shall have effect as so varied.

(8) A local land charge existing by virtue of section 28(9) shall be varied in accordance with a notice under subsection (3) or (5)(b).]

**Annotations:**

**Amendments (Textual)**
- **F224** Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
- **F225** Words in s. 28A substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2
- **F226** Words in s. 28A(3)(a) 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. 3; S.I. 2014/3088, art. 2(b)

**F227 28B Notification of additional land.**

(1) Where \[F228\] Natural England are of the opinion that if land adjacent to a site of special scientific interest (“the extra land”) were combined with the site of special scientific interest (“the SSSI”), the combined area of land would be of special interest by reason of any of its flora, fauna, or geological or physiographical features, \[F228\] Natural England may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority \[F228\] (if any) in whose area the extra land is situated;

(b) every owner and occupier of any of that extra land; and

(c) the Secretary of State.

**F230(2A)** The reference in subsection (1) to land includes—

(a) any land lying above mean low water mark;
(b) any land covered by estuarial waters.

(2B) If any of the conditions in subsection (2C) is satisfied, the extra land may consist of or include an area of land not falling within subsection (2A)(a) or (b).

(2C) The conditions are—

(a) that the flora, fauna or features that led to the notification of the SSSI is or are also present in the area of the extra land not falling within subsection (2A) (a) or (b);

(b) that the notification of the SSSI is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, that area;

(c) that, without the inclusion of that area, the identification of the boundary of the SSSI (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(3) No [F231] notification under subsection (2) may be given until after notice has been given under section 28(5)(b) confirming (with or without modifications) the notification under section 28(1) relating to the SSSI.

(4) Subsections (2) and (3) of section 28 shall apply for the purposes of this section as they apply for the purposes of that section.

(5) A notification under subsection (2)(b) shall also specify—

(a) the area of land constituting the SSSI;

(b) what (as at the date of the notification under subsection (2)(b)) is specified or contained in the notification under section 28(1)(b) relating to the SSSI by virtue of section 28(4); and

(c) the reasons why [F228] Natural England is of the opinion referred to in subsection (1).

(6) In addition, the notification under subsection (2)(b) shall include a statement—

(a) saying whether or not anything among the matters specified in the notification by virtue of subsection (5)(c) is particularly relevant to the extra land; and

(b) if any such thing is of particular relevance, specifying which.

(7) Subsections (5) to (7) of section 28 apply in relation to a notification under subsection (2) of this section as they apply in relation to a notification under subsection (1) of that section, as if references to “subsection (1)” [F222] and “subsection (1B)” [F223] in section 28(5) to (7) were references to subsection (2) [F233] and subsection (2B) of this section respectively.

(8) As from the time when a notification under subsection (2)(b) is served on the owner or occupier of any land, the notification under section 28(1)(b) shall have effect as if it included the notification under subsection (2)(b).

(9) As from the time when there is served on the owner or occupier of any land which has been notified under subsection (2)(b) a notice under section 28(5)(b) (as applied by subsection (7) of this section) confirming the notification under subsection (2)(b) with modifications, the notification under section 28(1)(b) (as extended by virtue of subsection (8) of this section) shall have effect in its modified form.

(10) A local land charge existing by virtue of section 28(9) shall be varied in accordance with a notification under subsection (2) or under section 28(5)(b) as applied by subsection (7) of this section.]
Wildlife and Countryside Act 1981 (c. 69)

Part II – Nature Conservation, Countryside and National Parks

Annotations:

Amendments (Textual)

F227 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)

F228 Words in s. 28B substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

F229 Words in s. 28B(2)(a) 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. 5(2)(6); S.I. 2014/3088, art. 2(b)

F230 S. 28B(2A)-(2C) 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. 5(3)(6); S.I. 2014/3088, art. 2(b)

F231 Words in s. 28B(3) substituted (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. 5(4)(6); S.I. 2014/3088, art. 2(b)

F232 Words in s. 28B(7) 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. 5(5)(a)(6); S.I. 2014/3088, art. 2(b)

F233 Words in s. 28B(7) substituted (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. 5(5)(b)(6); S.I. 2014/3088, art. 2(b)

[^F234] Enlargement of SSSI.

(1) Where [^F235] Natural England are of the opinion that any area of land which includes, but also extends beyond, a site of special scientific interest (“the SSSI”) is of special interest by reason of any of its flora, fauna, or geological or physiographical features, [^F235] Natural England may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority [^F236] (if any) in whose area the land (including the SSSI ) is situated;

(b) every owner and occupier of any of that land (including the SSSI); and

(c) the Secretary of State.

[^F237](2A) The reference in subsection (1) to land includes—

(a) any land lying above mean low water mark;

(b) any land covered by estuarial waters.

(2B) If any of the conditions in subsection (2C) is satisfied, the area of land to which a notification under subsection (2) relates may include an area of land not falling within subsection (2A)(a) or (b).

(2C) The conditions are—

(a) that the flora, fauna or features that led to the notification of the SSSI is or are also present in the area of land not falling within subsection (2A)(a) or (b);

(b) that the notification of the SSSI is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, that area;
(c) that, without the inclusion of that area, the identification of the boundary of the SSSI (either in the notification or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(3) Subsections (2) to (8) of section 28 apply to a notification under subsection (2) of this section as they apply to a notification under subsection (1) of that section, as if references to “subsection (1)” [F238, “subsection (1)(b)” and “subsection (1B)”] in section 28(2) to (8) were references to subsection (2) [F239, subsection (2)(b) and subsection (2B)] of this section respectively.

(4) No notification may be given under subsection (2) until after notice has been given under section 28(5)(b) (or section 28(5)(b) as applied by subsection (3)) confirming (with or without modifications) the notification under section 28(1) (or subsection (2)) relating to the SSSI.

(5) As from the time when a notification under subsection (2) is served on the owner or occupier of any land included in the SSSI, the notification in relation to that land which had effect immediately before the service of the notification under subsection (2) shall cease to have effect.

(6) A notification under subsection (2)(b) of land in England and Wales shall be a local land charge; and, to the extent that any such land was the subject of a local land charge by virtue of section 28(9), that local land charge shall be discharged.

(7) A notice under section 28E(1)(a) and a consent under section 28E(3)(a) given before a notification under subsection (2)(b) continue to have effect.

(8) The enlargement of a site of special scientific interest under this section does not affect anything done under section 28J to 28L.

(9) Any reference to—
   (a) a notification under section 28(1) (or any of its paragraphs) shall be construed as including the corresponding notification under subsection (2);
   (b) a notification under section 28(5)(b) shall be construed as including a notification under that provision as applied by subsection (3); and
   (c) a local land charge existing by virtue of section 28(9) shall be treated as including one existing by virtue of subsection (6).]
28CA Guidance in relation to subtidal notifications of SSSIs

(1) The ministerial authority may issue guidance to Natural England about the exercise of the power conferred by section 28(1B), 28B(2B) or 28C(2B) to give a notification under section 28(1), 28B(2) or 28C(2) (as the case may be) in relation to land lying below mean low water mark.

(2) In this section and section 28CB “the ministerial authority” means—
   (a) in relation to England, the Secretary of State;
   (b) in relation to Wales, the Welsh Ministers.

Annotations:

Amendments (Textual)

F239 Words in s. 28C(3) substituted (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. 6(4)(b)(5); S.I. 2014/3088, art. 2(b)

F240 S. 28CA 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. 7; S.I. 2014/3088, art. 2(b)

28CB Power to call in subtidal notifications

(1) This section applies where a notification under section 28(1), 28B(2) or 28C(2) has been given in relation to land lying below mean low water mark (“the subtidal land”) by virtue of section 28(1B), 28B(2B) or 28C(2B) (as the case may be).

(2) Natural England may not give notice under section 28(5)(b) confirming the notification unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.

(For the meaning of “the ministerial authority”, see section 28CA.)

(3) At any time before the notification is confirmed the ministerial authority may give notice to Natural England that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.

(4) If the ministerial authority gives notice under subsection (3), Natural England may not give notice under section 28(5) until the ministerial authority has given a direction under subsection (5).

(5) The ministerial authority may direct—
   (a) that the notification (if confirmed) must include all of the subtidal land;
   (b) that the notification (if confirmed) must not include any of the subtidal land;
   (c) that the notification (if confirmed) must, or must not, include such part of that land as is specified in the direction;
   (d) that the decision whether the notification (if confirmed) should include the subtidal land is to be taken by Natural England.

(6) If the ministerial authority gives a direction under subsection (5), Natural England must give notice under section 28(5)(a) or (b), in accordance with that direction, within
the period of three months beginning with the date on which the direction is received by them.

(7) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—
   (a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;
   (b) providing written representations to such a person.

(8) A person appointed under subsection (7) must make a report to the ministerial authority of any oral or written representations made under that subsection.

(9) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (7).

(10) The power to make regulations under subsection (9) is exercisable by statutory instrument.

(11) A statutory instrument containing regulations made under subsection (9) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(12) A statutory instrument containing regulations made under subsection (9) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Annotations:

Amendments (Textual)
F241 S. 28CB inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 for specified purposes, 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), s. 324(1) (c)(d)(2)(b)(ii), Sch. 13 para. 8; S.I. 2014/3088, art. 2(b)

<table>
<thead>
<tr>
<th>F242</th>
<th>28D Denotification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Where [F243]Natural England] are of the opinion that all or part of a site of special scientific interest [F244]is [F245]not of special interest by reason of any of the matters mentioned in section 28(1), [F246]or (b) should no longer be the subject of a notification under section 28(1) because that land has been designated as (or as part of) a marine conservation zone under section 116 of the Marine and Coastal Access Act 2009,] they may decide to notify that fact.</td>
<td></td>
</tr>
<tr>
<td>2) If they do so decide, the persons whom they must notify are— (a) the local planning authority [F247](if any)] in whose area [F248]the land mentioned in subsection (1)] is situated; (b) every owner and occupier of any of that land; (c) the Secretary of State; (d) the Environment Agency; and (e) every relevant undertaker (within the meaning of section 4(1) of the M16 Water Industry Act 1991) and every internal drainage board (within the meaning of</td>
<td></td>
</tr>
</tbody>
</table>
section 61C(1) of the 

(*Land Drainage Act 1991*) whose works, operations or activities may affect the land.

(3) [*Natural England*] shall also publish a notification of the fact mentioned in subsection (1)(a) or (b) in at least one local newspaper circulating in the area in which the land referred to in subsection (2)(a) is situated.

(4) Section 28(3) shall apply to a notification under subsection (2) or (3) as it applies to a notification under section 28(1).

(5) Where a notification under subsection (2) has been given, [*Natural England*] may within the period of nine months beginning with the date on which the notification was served on the Secretary of State either—

(a) give notice to the persons mentioned in subsection (2) withdrawing the notification, or

(b) give notice to those persons confirming the notification, or confirming it in relation to an area of land specified in the notice which is smaller than that specified in the notification under subsection (2), but if they do neither the notification shall cease to have effect.

(6) A notification under subsection (2) shall have effect in relation to any land as from the time a notice under subsection (5)(b) is served on its owner or occupier, and from that time a notification under section 28(1)(b) in relation to that land shall cease to have effect.

(7) A local land charge existing by virtue of section 28(9) shall be discharged in relation to land which is the subject of a notice under subsection (5)(b).]

---

**Annotations:**

**Amendments (Textual)**

F242 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)

F243 Words in s. 28D substituted (1.10.2006) by *Natural Environment and Rural Communities Act 2006* (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

F244 Words in s. 28D(1) renumbered (E.W.) (12.1.2010 for E., 12.12.2014 in so far as not already in force) as s. 28D(1)(a) by virtue of *Marine and Coastal Access Act 2009* (c. 23), ss. 148, 324(2)(b)(ii), Sch. 13 para. 9(2); S.I. 2014/3088, art. 2(b)

F245 Words in s. 28D substituted (31.5.2006) by *Natural Environment and Rural Communities Act 2006* (c. 16), ss. 56, 107; S.I. 2006/1382, art. 2

F246 S. 28D(1)(b) and preceding word 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. 9(2); S.I. 2014/3088, art. 2(b)

F247 Words in s. 28D(2)(a) 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. 9(3)(a); S.I. 2014/3088, art. 2(b)

F248 Words in s. 28D(2)(a) substituted (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. 9(3)(b); S.I. 2014/3088, art. 2(b)

F249 Words in s. 28D(3) substituted (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. 9(4); S.I. 2014/3088, art. 2(b)
Duties in relation to sites of special scientific interest.

(1) The owner or occupier of any land included in a site of special scientific interest shall not while the notification under section 28(1)(b) remains in force carry out, or cause or permit to be carried out, on that land any operation specified in the notification unless—

(a) one of them has, after service of the notification, given notice of a proposal to carry out the operation specifying its nature and the land on which it is proposed to carry it out; and

(b) one of the conditions specified in subsection (3) is fulfilled.

(2) Subsection (1) does not apply to an owner or occupier being an authority to which section 28G applies acting in the exercise of its functions.

(3) The conditions are—

(a) that the operation is carried out with written consent;

(b) that the operation is carried out in accordance with the terms of an agreement under section 16 of the 1949 Act, section 7 of the Natural Environment and Rural Communities Act 2006 or section 16 of the Environment (Wales) Act 2016;

(c) that the operation is carried out in accordance with a management scheme under section 28J or a management notice under section 28K.

(4) A consent under subsection (3)(a) may be given—

(a) subject to conditions, and

(b) for a limited period, as specified in the consent.

(5) If Natural England do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).

(6) Natural England may, by notice given to every owner and occupier of any of the land included in the site of special scientific interest, or the part of it to which the consent relates—

(a) withdraw the consent; or

(b) modify it (or further modify it) in any way.

(7) The following—

(a) a consent under subsection (3)(a) granting consent subject to conditions or for a limited period, and

(b) a notice under subsection (5) or (6),

must include a notice of reasons for imposing the conditions, for the limitation of the period, for refusing consent, or for withdrawing or modifying the consent, and also a notice of the matters set out in subsection (8).

(8) The matters referred to in subsection (7) are—

(a) the rights of appeal under section 28F;
(b) the effect of subsection (9); and
(c) in the case of a notice under subsection (6), the effect of section 28M.

(9) A withdrawal or modification of a consent is not to take effect until—
(a) the expiry of the period for appealing against it; or
(b) if an appeal is brought, its withdrawal or final determination.

(10) [F254Natural England] shall have power to enforce the provisions of this section.]

Annotations:

Amendments (Textual)
F250 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1
(with Sch. 11 paras. 1-17, 20)
F251 Words in s. 28E substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2
F252 Words in s. 28E substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2
F253 Words in s. 28E(3)(b) substituted (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(2)

Modifications etc. (not altering text)
C15 S. 28E excluded (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, 3(1)(f) (with arts. 4, 5(3))
C16 S. 28E(1) excluded (30.1.2001) by 1987 c. 53, s. 9(7)(a) (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 6)
S. 28E(1) excluded (30.1.2001) by 1996 c. 61, s. 38, Sch. 10 para. 6(a) (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 11)

[F25428F Appeals in connection with consents.

(1) The following persons—
(a) an owner or occupier who has been refused a consent under section 28E(3)(a),
(b) an owner or occupier who has been granted such a consent but who is aggrieved by conditions attached to it, or by the fact that it is for a limited period, or by the length of that period,
(c) an owner or occupier who is aggrieved by the modification of a consent;
(d) an owner or occupier who is aggrieved by the withdrawal of a consent,
may by notice appeal to the Secretary of State against the relevant decision.

(2) If [F254Natural England] neither give consent nor refuse it within the period of four months beginning with the date on which the notice referred to in section 28E(1)(a) was sent, the person who gave that notice may for the purposes of subsection (1) treat [F254Natural England] as having refused consent (and his appeal is to be determined on that basis).

(3) Notice of an appeal must reach the Secretary of State—
(a) except in a case falling within subsection (2), within the period of two months beginning with the date of the notice giving consent or the notice under section 28E(5) or (6), or
(b) in a case falling within subsection (2), within the period of two months beginning immediately after the expiry of the four-month period referred to there,

or, in either case, within such longer period as is agreed in writing between [F255Natural England] and the appellant.

(4) Before determining an appeal, the Secretary of State may, if he thinks fit—

(a) cause the appeal to take, or continue in, the form of a hearing (which may be held wholly or partly in private if the appellant so requests and the person hearing the appeal agrees), or

(b) cause a local inquiry to be held,

and he must act as mentioned in paragraph (a) or (b) if either party to the appeal asks to be heard in connection with the appeal.

(5) On determining an appeal against a decision, the Secretary of State may—

(a) affirm the decision,

(b) where the decision was a refusal of consent, direct [F255Natural England] to give consent,

(c) where the decision was as to the terms of a consent (whether the original or a modified one), quash all or any of those terms,

(d) where the decision was a withdrawal or modification of consent, quash the decision,

and where he exercises any of the powers in paragraphs (b), (c) or (d) he may give directions to [F255Natural England] as to the terms on which they are to give consent.

(6) The Secretary of State may by regulations made by statutory instrument make provision about appeals under this section, and in particular about—

(a) notices of appeal and supporting documentation required, and

(b) how appeals are to be brought and considered,

and any such regulations may make different provision for different cases and circumstances.

(7) A statutory instrument containing regulations under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The Secretary of State may appoint any person to exercise on his behalf, with or without payment, his function of determining an appeal under this section or any matter involved in such an appeal.

(9) Schedule 10A shall have effect with respect to appointments under subsection (8).

(10) Subsections (2) to (5) of section 250 of the M18 Local Government Act 1972 (local inquiries: evidence and costs) apply in relation to hearings or local inquiries under this section as they apply in relation to local inquiries under that section, but as if the reference there—

(a) to the person appointed to hold the inquiry were a reference to the Secretary of State or to the person appointed to conduct the hearing or hold the inquiry under this section; and

(b) to the Minister causing an inquiry to be held were to the Secretary of State.

(11) Section 322A of the M19 Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry
under this section as it applies in relation to a hearing or local inquiry referred to in that section.

(12) In relation to Wales this section has effect as if for subsections (10) and (11) there were substituted—

“(10) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”]

Annotations:

Amendments (Textual)
- F254 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
- F255 Words in s. 28F substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2
- F256 S. 28F(12) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 5 para. 5; S.I. 2016/52, art. 4(a) (with art. 17)

Marginal Citations
- M18 1972 c. 70.
- M19 1990 c. 8.

[257]28G Statutory undertakers, etc.: general duty.

(1) An authority to which this section applies (referred to in this section and in sections 28H and 28I as “a section 28G authority”) shall have the duty set out in subsection (2) in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

(2) The duty is to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

(3) The following are section 28G authorities—

(a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a Government department;
(b) the National Assembly for Wales;
(c) a local authority;
(d) a person holding an office—
   (i) under the Crown,
   (ii) created or continued in existence by a public general Act of Parliament, or
   (iii) the remuneration in respect of which is paid out of money provided by Parliament;
(e) a statutory undertaker ; and
(f) any other public body of any description.
“Statutory undertaker” means a person who is or is deemed to be a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990.]]

Annotations:

Amendments (Textual)
F257 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
F258 Words in s. 28G(3)(e) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 81(2), Sch. 12; S.I. 2006/2541, art.2
F259 S. 28G(4) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 81(3); S.I. 2006/2541, art.2

Modifications etc. (not altering text)
C17 S. 28G(2) excluded (30.1.2001) by 1987 c. 53, s. 9(7)(b) (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 6)
S. 28G(2) excluded (30.1.2001) by 1996 c. 61, s. 38, Sch. 10 para. 6(b) (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 11)

Marginal Citations

28H Statutory undertakers, etc.: duty in relation to carrying out operations.

(1) A section 28G authority shall give notice to Natural England before carrying out, in the exercise of its functions, operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

(2) Subsection (1) applies even if the operations would not take place on land included in a site of special scientific interest.

(3) In response to the notice referred to in subsection (1), Natural England may send a notice—
   (a) saying that they do not assent to the proposed operations, or
   (b) assenting to them (with or without conditions),
but if they do not send a notice under paragraph (b) within the period of 28 days beginning with the date of the notice under subsection (1) they shall be treated as having declined to assent.

(4) If Natural England do not assent, or if the authority proposes to carry out the operations otherwise than in accordance with the terms of the Council’s assent, the authority—
   (a) shall not carry out the operations unless the condition set out in subsection (5) is satisfied, and
   (b) shall comply with the requirements set out in subsection (6) when carrying them out.

(5) The condition is that the authority has, after the expiry of the period of 28 days beginning with the date of the notice under subsection (1), notified the Council of—
(6) The requirements are—

(a) that the authority carry out the operations in such a way as to give rise to as little damage as is reasonably practicable in all the circumstances to the flora, fauna or geological or physiographical features by reason of which the site is of special interest (taking account, in particular, of any such advice as is referred to in subsection (5)(b)); and

(b) that the authority restore the site to its former condition, so far as is reasonably practicable, if any such damage does occur.]

Annotations:

Amendments (Textual)

F260 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)

F261 Words in s. 28H substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

28I Statutory undertakers, etc.: duty in relation to authorising operations.

(1) This section applies where the permission of a section 28G authority is needed before operations may be carried out.

(2) Before permitting the carrying out of operations likely to damage any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest, a section 28G authority shall give notice of the proposed operations to [F263Natural England].

(3) Subsection (2) applies even if the operations would not take place on land included in a site of special scientific interest.

(4) The authority shall wait until the expiry of the period of 28 days beginning with the date of the notice under subsection (2) before deciding whether to give its permission, unless [F263Natural England] have notified the authority that it need not wait until then.

(5) The authority shall take any advice received from [F263Natural England] into account—

(a) in deciding whether or not to permit the proposed operations, and

(b) if it does decide to do so, in deciding what (if any) conditions are to be attached to the permission.

(6) If [F263Natural England] advise against permitting the operations, or advise that certain conditions should be attached, but the section 28G authority does not follow that advice, the authority—

(a) shall give notice of the permission, and of its terms, to [F263Natural England], the notice to include a statement of how (if at all) the authority has taken account of the Council’s advice, and
(b) shall not grant a permission which would allow the operations to start before the end of the period of 21 days beginning with the date of that notice.

(7) In this section “permission”, in relation to any operations, includes authorisation, consent, and any other type of permission (and “permit” and “permitting” are to be construed accordingly).

Annotations:

Amendments (Textual)
F262 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
F263 Words in s. 28I substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

Modifications etc. (not altering text)
C18 S. 28I excluded (30.1.2001) by 1987 c. 53, s. 9(7) (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 6)
S. 28I excluded (30.1.2001) by 1996 c. 61, s. 38, Sch. 10 para. 6 (as substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. II para. 11)


(1) [F265]Natural England may formulate a management scheme for all or part of a site of special scientific interest.

(2) A management scheme is a scheme for—

(a) conserving the flora, fauna, or geological or physiographical features by reason of which the land (or the part of it to which the scheme relates) is of special interest; or

(b) restoring them; or

(c) both.

(3) [F265]Natural England shall serve notice of a proposed management scheme on every owner and occupier of any of the land (or the part of it to which the scheme would relate); but it may be served on them only after they have been consulted about the proposed management scheme.

(4) The notice may be served with the notification referred to in section 28(1)(b) or afterwards.

(5) The owners and occupiers upon whom the notice must be served (referred to in this section as “the relevant owners and occupiers”) are—

(a) if it is served with the notification under section 28(1)(b), or later but before the notification referred to in section 28(5)(b), the owners and occupiers referred to in section 28(1)(b);

(b) if it is served with the notification under section 28(5)(b) or later, the owners and occupiers of such of the land as remains subject to the notification.

(6) The notice of a proposed management scheme must include a copy of the proposed scheme.
(7) The notice must specify the time (not being less than three months from the date of the giving of the notice) within which, and the manner in which, representations or objections with respect to the proposed management scheme may be made; and [F265Natural England] shall consider any representation or objection duly made.

(8) Where a notice under subsection (3) has been given, [F265Natural England] may within the period of nine months beginning with the date on which the notice was served on the last of the relevant owners and occupiers either—
   (a) give notice to the relevant owners and occupiers withdrawing the notice, or
   (b) give notice to them confirming the management scheme (with or without modifications),
and if notice under paragraph (b) is given, the management scheme shall have effect from the time the notice is served on all of the relevant owners or occupiers.

(9) A notice under subsection (3) shall cease to have effect—
   (a) on the giving of a notice of withdrawal under subsection (8)(a) to any of the relevant owners and occupiers; or
   (b) if not withdrawn or confirmed by notice under subsection (8) within the period of nine months referred to there, at the end of that period.

(10) [F266Natural England's] power under subsection (8)(b) to confirm a management scheme with modifications shall not be exercised so as to make complying with it more onerous.

(11) [F265Natural England] may at any time cancel or propose the modification of a management scheme.

(12) In relation to—
   (a) the cancellation of a management scheme, subsections (3) to (5) apply, and
   (b) a proposal to modify a management scheme, subsections (3) to (10) apply, as they apply in relation to a proposal for a management scheme.

[F267(13) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
(b) as a result any flora, fauna or geological or physiographical features by reason of which the land is of special interest are being inadequately conserved or restored,
they may if they think fit serve a notice on him (a “management notice”).

(2) They may not serve a management notice unless they are satisfied that they are unable to conclude, on reasonable terms, an agreement with the owner or occupier as to the management of the land in accordance with the management scheme.

(3) A management notice is a notice requiring the owner or occupier to—
(a) carry out such work on the land, and
(b) do such other things with respect to it,
as are specified in the notice, and to do so before the dates or within the periods so specified.

(4) The work and other things specified in the notice must appear to [F269Natural England] to be measures which it is reasonable to require in order to ensure that the land is managed in accordance with the management scheme.

(5) The management notice must explain the effect of subsection (7) and (8) and of sections 28L and 28M(2) to (4).

(6) A copy of the management notice must be served on every other owner and occupier of the land.

(7) If any of the work or other things required by a management notice have not been done within the period or by the date specified in it, [F269Natural England] may—
(a) enter the land, and any other land, and carry out the work, or do the other things; and
(b) recover from the owner or occupier upon whom the notice was served any expenses reasonably incurred by them in carrying out the work or doing the other things.

(8) If an appeal is brought against the management notice, and upon the final determination of the appeal the notice is affirmed (with or without modifications), subsection (7) applies as if the references there to the management notice were to the notice as affirmed.]

Annotations:

Amendments (Textual)
F268 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
F269 Words in s. 28L substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

[F27028L Appeals against management notices.

(1) A person who is served with a management notice may appeal against its requirements to the Secretary of State; and a management notice does not take effect until—
(a) the expiry of the period for appealing against it; or
(b) if an appeal is brought, its withdrawal or final determination.
(2) An appeal may be on the ground that some other owner or occupier of the land should take all or any of the measures specified in the management notice, or should pay all or part of their cost.

(3) Where the grounds of appeal are, or include, that mentioned in subsection (2), the appellant must serve a copy of his notice of appeal on each other person referred to.

(4) Before determining an appeal, the Secretary of State may, if he thinks fit—
   (a) cause the appeal to take, or continue in, the form of a hearing (which may be held wholly or partly in private if the appellant so requests and the person hearing the appeal agrees), or
   (b) cause a local inquiry to be held,

and he must act as mentioned in paragraph (a) or (b) if either party to the appeal (or, in a case falling within subsection (2), any of the other persons mentioned there) asks to be heard in connection with the appeal.

(5) On determining the appeal, the Secretary of State may quash or affirm the management notice; and if he affirms it, he may do so either in its original form or with such modifications as he thinks fit.

(6) In particular, on determining an appeal whose grounds are, or include, those mentioned in subsection (2), the Secretary of State may—
   (a) vary the management notice so as to impose its requirements (or some of them) upon any such other person as is referred to in the grounds; or
   (b) determine that a payment is to be made by any such other person to the appellant.

(7) In exercising his powers under subsection (6), the Secretary of State must take into account, as between the appellant and any of the other people referred to in subsection (2)—
   (a) their relative interests in the land (considering both the nature of the interests and the rights and obligations arising under or by virtue of them);
   (b) their relative responsibility for the state of the land which gives rise to the requirements of the management notice; and
   (c) the relative degree of benefit to be derived from carrying out the requirements of the management notice.

(8) The Secretary of State may by regulations made by statutory instrument make provision about appeals under this section, and in particular about—
   (a) the period within which and the manner in which appeals are to be brought, and
   (b) the manner in which they are to be considered,

and any such regulations may make different provision for different cases or circumstances.

(9) A statutory instrument containing regulations under subsection (8) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) The Secretary of State may appoint any person to exercise on his behalf, with or without payment, his function of determining an appeal under this section or any matter involved in such an appeal.

(11) Schedule 10A shall have effect with respect to appointments under subsection (10).
(12) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (local inquiries: evidence and costs) apply in relation to hearings or local inquiries under this section as they apply in relation to local inquiries under that section, but as if the reference there—
   (a) to the person appointed to hold the inquiry were a reference to the Secretary of State or to the person appointed to conduct the hearing or hold the inquiry under this section; and
   (b) to the Minister causing an inquiry to be held were to the Secretary of State.

(13) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under this section as it applies in relation to a hearing or local inquiry referred to in that section.

(14) In relation to Wales this section has effect as if for subsections (12) and (13) there were substituted—
   “(12) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under this section in Wales as it applies in relation to a hearing or inquiry mentioned in that section.”]]

Annotations:

Amendments (Textual)
- F270 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
- F271 S. 28L(14) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), s. 58(2)(b)(4)(b), Sch. 5 para. 6; S.I. 2016/52, art. 4(a) (with art. 17)

Marginal Citations
- M21 1972 c. 70.
- M22 1990 c. 8.

Payments.

(1) Where, under section 28E(6), modify or withdraw a consent, they shall make a payment to any owner or occupier of the land who suffers loss because of the modification or withdrawal.

(2) They may, if they think fit, make one or more payments to any owner or occupier of land in relation to which a management scheme under section 28J is in force.

(3) The amount of a payment under this section is to be determined by Natural England in accordance with guidance given and published by the Ministers.

(4) Section 50(3) applies to the determination of the amount of payments under this section as it applies to the determination of the amount of payments under that section.
28N Compulsory purchase.

(1) [F275Natural England] may in circumstances set out in subsection (2) acquire compulsorily all or any part of a site of special scientific interest.

(2) The circumstances are—
   (a) that [F275Natural England] are satisfied that they are unable to conclude, on reasonable terms, an agreement with the owner or occupier as to the management of the land; or
   (b) that [F275Natural England] have entered into such an agreement, but they are satisfied that it has been breached in such a way that the land is not being managed satisfactorily.

(3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) is to be determined by an arbitrator appointed by the Lord Chancellor.

(4) Where [F275Natural England] have acquired land compulsorily under this section, they may—
   (a) manage it themselves; or
   (b) dispose of it, or of any interest in it, on terms designed to secure that the land is managed satisfactorily.

(5) Section 103 of the 1949 Act (general provisions as to acquisition of land) applies for the purposes of this section as it applies for the purposes of that Act.]

Annotations:

Amendments (Textual)
F274 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1
(with Sch. 11 paras. 1-17, 20)
F275 Words in s. 28N substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

28P Offences.

(1) A person who, without reasonable excuse, contravenes section 28E(1) is guilty of an offence and is liable [F277on summary conviction, or on conviction on indictment, to a fine].

(2) A section 28G authority which, in the exercise of its functions, carries out an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—
(a) without first complying with section 28H(1), or
(b) (if it has complied with section 28H(1)) without first complying with section 28H(4)(a),

is, unless there was a reasonable excuse for carrying out the operation without complying, guilty of an offence and is liable \[^{F278}\] on summary conviction, or on conviction on indictment, to a fine.\[^{F279}\]

(3) A section 28G authority acting in the exercise of its functions which, having complied with section 28H(1), fails without reasonable excuse to comply with section 28H(4) (b) is guilty of an offence and is liable \[^{F279}\] on summary conviction, or on conviction on indictment, to a fine.\[^{F279}\]

(4) For the purposes of subsections (1), (2) and (3), it is a reasonable excuse in any event for a person to carry out an operation (or to fail to comply with a requirement to send a notice about it) if—
(a) subject to subsection (5), the operation in question was authorised by a planning permission granted on an application under Part III of the Town and Country Planning Act 1990 or permitted by a section 28G authority which has acted in accordance with section 28I; or
(b) the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to Natural England as soon as practicable after the commencement of the operation.\[^{F280}\]

(5) If an operation needs both a planning permission and the permission of a section 28G authority, subsection (4)(a) does not provide reasonable excuse unless both have been obtained.

\[^{F281}\]A section 28G authority which, in the exercise of its functions, permits the carrying out of an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—
(a) without first complying with section 28I(2), or
(b) where relevant, without first complying with section 28I(4) or (6),
is, unless there was a reasonable excuse for permitting the carrying out of the operation without complying, guilty of an offence and is liable \[^{F282}\] on summary conviction, or on conviction on indictment, to a fine.\[^{F282}\]

(5B) For the purposes of subsection (5A), it is a reasonable excuse in any event for a section 28G authority to permit the carrying out of an operation without first complying with section 28I(2), (4) or (6) if the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to Natural England as soon as practicable after the permission was given.\[^{F280}\]

(6) A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse—
(a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which land is of special interest, or intentionally or recklessly disturbs any of those fauna, and
(b) knew that what he destroyed, damaged or disturbed was within a site of special scientific interest,

is guilty of an offence and is liable \[^{F283}\] on summary conviction, or on conviction on indictment, to a fine.\[^{F283}\]
A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse—

(a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or

(b) intentionally or recklessly disturbs any of those fauna,

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(7) It is a reasonable excuse in any event for a person to do what is mentioned in subsection (6)[F285(6A)] if—

(a) paragraph (a) or (b) of subsection (4) is satisfied in relation to what was done (reading references there to an operation as references to the destruction, damage or disturbance referred to in subsection (6)[F285(6A)]), and

(b) where appropriate, subsection (5) is also satisfied, reading the reference there to an operation in the same way.

(8) A person who without reasonable excuse fails to comply with a requirement of a management notice is guilty of an offence and is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.

(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.

(10) Proceedings in England and Wales for an offence under this section shall not, without the consent of the Director of Public Prosecutions, be taken by a person other than [F280Natural England].

(11) In this section, “a section 28G authority” means an authority to which section 28G applies.

Annotations:

Amendments (Textual)

F276 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)

F277 Words in s. 28P(1) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), Sch. 4 para. 10(2)(a) (with reg. 5(1))

F278 Words in s. 28P(2) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), Sch. 4 para. 10(2)(b) (with reg. 5(1))

F279 Words in s. 28P(3) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), Sch. 4 para. 10(2)(c) (with reg. 5(1))

F280 Words in s. 28P substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

F281 S. 28P(5A)(5B) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 55(2), 107; S.I. 2006/2541, art. 2
Change of owner or occupier.

(1) This section applies where the owner of land included in a site of special scientific interest—

(a) disposes of any interest of his in the land; or

(b) becomes aware that it is occupied by an additional or a different occupier.

(2) If this section applies, the owner shall send a notice to [Natural England] before the end of the period of 28 days beginning with the date on which he disposed of the interest or became aware of the change in occupation.

(3) The notice is to specify the land concerned and—

(a) in a subsection (1)(a) case, the date on which the owner disposed of the interest in the land, and the name and address of the person to whom he disposed of the interest; or

(b) in a subsection (1)(b) case, the date on which the change of occupation took place (or, if the owner does not know the exact date, an indication of when to the best of the owner’s knowledge it took place), and, as far as the owner knows them, the name and address of the additional or different occupier.

(4) A person who fails without reasonable excuse to comply with the requirements of this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(5) For the purposes of subsection (1), an owner “disposes of” an interest in land if he disposes of it by way of sale, exchange or lease, or by way of the creation of any easement, right or privilege, or in any other way except by way of mortgage.]
Byelaws.

(1) [F289] Natural England may make byelaws for the protection of a site of special scientific interest.

(2) The following provisions of the 1949 Act apply in relation to byelaws under this section as they apply in relation to byelaws under section 20 of that Act—
   (a) subsections (2) and (3) of section 20 (reading references there to nature reserves as references to sites of special scientific interest); and
   (b) sections 106 and 107.]

Annotations:

Amendments (Textual)

F289 Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 1 (with Sch. 11 paras. 1-17, 20)
F290 Words in s. 28R substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2

Notices and signs relating to SSSIs

(1) Natural England may, on any land included in a site of special scientific interest, put up and maintain notices or signs relating to the site.

(2) Natural England may remove any notice or sign put up under subsection (1).

(3) Any other person who intentionally or recklessly and without reasonable excuse takes down, damages, destroys or obscures a notice or sign put up under subsection (1) is guilty of an offence.

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

Annotations:

Amendments (Textual)

F291 S. 28S inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 58(1), 107; S.I. 2006/2541, art. 2

Special protection for certain areas of special scientific interest.

Annotations:

Amendments (Textual)

F292 S. 29 repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 102, 103(2), Sch. 9 para. 2, Sch. 16 Pt. III and s. 29 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. II para. 11); S.S.I. 2004/495, art. 2
30  Compensation where order is made under s. 29.

Annotations:

Amendments (Textual)

F293  S. 30 repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 102, 103(2), Sch. 9 para. 2, Sch. 16 Pt. III and s. 30 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

31  [F294]Restoration following offence under section 28P.]

[F295](1) Where—

(a) the operation in respect of which a person is convicted of an offence under section 28P(1), (2) or (3) has destroyed or damaged any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or

(b) a person is convicted of an offence under section 28P(6) [F296or (6A)],

the court by which he is convicted, in addition to dealing with him in any other way, may make an order requiring him to carry out, within such period as may be specified in the order, such operations (whether on land included in the site of special scientific interest or not) as may be so specified for the purpose of restoring the site of special scientific interest to its former condition.

(2) An order under this section made on conviction on indictment shall be treated for the purposes of sections 30 and 42(1) and (2) of the Criminal Appeal Act 1968 (effect of appeals on orders for the restitution of property) as an order for the restitution of property; and where by reason of the quashing by the Court of Appeal of a person’s conviction any such order does not take effect, and on appeal to [F297the Supreme Court] the conviction is restored by [F297the Supreme Court], [F297the Supreme Court] may make any order under this section which could be made on his conviction by the court which convicted him.

(3) In the case of an order under this section made by a magistrates’ court the period specified in the order shall not begin to run—

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates’ court;

(b) where notice of appeal is given within the period so prescribed, until determination of the appeal.

(4) At any time before an order under this section has been complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the court that a change in circumstances has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction—

(a) to a fine not exceeding [F298level 5 on the standard scale]; and
in the case of a continuing offence, to a further fine not exceeding £100 for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, [F299Natural England] may enter the land and carry out those operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) In the application of this section to Scotland—
(a) subsections (2) and (3) shall not apply; and
(b) for the purposes of any appeal or review, an order under this section is a sentence.
32 Duties of agriculture Ministers with respect to areas of special scientific interest.  E+W

(1) Where an application for a farm capital grant is made as respects expenditure incurred or to be incurred for the purpose of activities on land included in a site of special scientific interest, the appropriate Minister—

(a) shall, so far as may be consistent with the purposes of the grant provisions, so exercise his functions thereunder as to further the conservation of the flora, fauna, or geological or physiographical features by reason of which the land is of special interest; and

(b) where Natural England have objected to the making of the grant on the ground that the activities in question have destroyed or damaged or will destroy or damage that flora or fauna or those features, shall not make the grant except after considering the objection and, in the case of land in England, after consulting with the Secretary of State.

(2) Where, in consequence of an objection by Natural England, an application for a grant as respects expenditure to be incurred is refused on the ground that the activities in question will have such an effect as is mentioned in subsection (1) (b), Natural England shall, within three months of their receiving notice of the appropriate Minister’s decision, offer to enter into, in the terms of a draft submitted to the applicant, an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act—

(a) imposing restrictions as respects those activities; and

(b) providing for the making by them of payments to the applicant.

(2A) Subsection (2) has effect in relation to Wales as if the reference to an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act were a reference to an agreement under section 16 of the Environment (Wales) Act 2016.

(3) In this section—

“the appropriate Minister” means the Minister responsible for determining the application;

“farm capital grant” means—

(a) a grant under a scheme made under section 29 of the Agriculture Act 1970; or

(b) a grant under regulations made under section 2(2) of the European Communities Act 1972 to a person carrying on an agricultural business within the meaning of those regulations in respect of expenditure incurred or to be incurred for the purposes of or in connection with that business, being expenditure of a capital nature or incurred in connection with expenditure of a capital nature;

“grant provisions” means—

(i) in the case of such a grant as is mentioned in paragraph (a) above, the scheme under which the grant is made and section 29 of the Agriculture Act 1970; and

(ii) in the case of such a grant as is mentioned in paragraph (b) above, the regulations under which the grant is made and the instrument in pursuance of which the regulations were made.
Annotations:

Extent Information
E25 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)
F182 Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
F300 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(2)(a)
F301 Words in s. 32(1) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 4
F302 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(2)(b)
F303 Words in s.32 substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 79; S.I. 2006/2541, art. 2
F304 S. 32(2A) inserted (E.W.) (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(4)
F305 S. 32(3) substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(3)

32 Duties of agriculture Ministers with respect to areas of special scientific interest. S

Annotations:

Extent Information
E56 This version of this provision extends to Scotland only; a separate version has been created for England and Wales

Amendments (Textual)
F836 S. 32 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

F306 33 Ministerial guidance as respects areas of special scientific interest.

Annotations:

Amendments (Textual)
F306 S. 33 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

34 Limestone pavement orders. E+W

[F307 (1) Natural England must notify any local planning authority of any limestone pavement in that authority's area.]

(2) Where it appears to the Secretary of State or the relevant authority that the character or appearance of any land notified under subsection (1) would be likely to be adversely
affected by the removal of the limestone or by its disturbance in any way whatever, the Secretary of State or that authority may make an order (in this section referred to as a “limestone pavement order”) designating the land and prohibiting the removal or disturbance of limestone on or in it; and the provisions of Schedule 11 shall have effect as to the making, confirmation and coming into operation of limestone pavement orders.

(3) The relevant authority may, after consultation with [F308Natural England], amend or revoke a limestone pavement order made by the authority; and the Secretary of State may, after such consultation as aforesaid, amend or revoke any such order made by him or that authority but, in the case of an order made by that authority, only after consultation with that authority.

(4) If any person without reasonable excuse removes or disturbs limestone on or in any land designated by a limestone pavement order he shall be liable [F309on summary conviction, or on conviction on indictment, to a fine].

(5) It is a reasonable excuse in any event for a person to remove or disturb limestone or cause or permit its removal or disturbance, if the removal or disturbance was authorised by a planning permission granted on an application under [F310Part III of the Town and Country Planning Act 1990].

(6) In this section—

“limestone pavement” means an area of limestone which lies wholly or partly exposed on the surface of the ground and has been fissured by natural erosion;

“the relevant authority” means—

(a) in relation to a non-metropolitan county [F311in England], the county planning authority and, in relation to any other area in England, the local planning authority;

(aa) [F314in relation to any area in Wales, the local planning authority;]

(b) [F315]...

Annotations:

Extent Information

E26 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Amendments (Textual)

F307 S. 34(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 83(2); S.I. 2006/2541, art. 2

F308 Words in s. 34(3) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107), (Sch. 11 para. 83(3)); S.I. 2006/2541, art. 2

F309 Words in s. 34(4) substituted for paras. (4)(a)(b) (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), Sch. 4 para. 10(3) (with reg. 5(1))

F310 Words in s. 34(5) substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SLF 123:1, 2), s. 4, Sch. 2 para. 54(1)

F311 S. 34(6): definition of “the agency” repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 83(5)(a), Sch. 12; S.I. 2006/2541, art. 2
34  Limestone pavement orders.  

Annotations:

Extent Information

ES7 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F837 S. 34 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

Annotations:

Amendments (Textual)

F316 S. 34A and preceding cross-heading inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 84; S.I. 2006/2541, art. 2

F317 Words in cross-heading preceding s. 34A omitted (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by virtue of Marine and Coastal Access Act 2009 (c. 23), ss. 146(1), 324(2)(b)(i), Sch. 11 para. 2(3) (with s. 145); S.I. 2014/3088, art. 2(b); and those same words repealed (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(a) (with s. 162); S.S.I. 2010/230, art. 2(h)

34A  Meaning of “appropriate conservation body”

In the following provisions of this Part “the appropriate conservation body” means—

(a) in relation to England, Natural England;
(b) in relation to Wales, the Natural Resources Body for Wales;
(c) in relation to Scotland, Scottish Natural Heritage.
National nature reserves.

(1) Where the appropriate conservation body are satisfied that any land which—
  (a) is being managed as a nature reserve under an agreement entered into with the appropriate conservation body;
  (b) is held by the appropriate conservation body and is being managed by them as a nature reserve; or
  (c) is held by an approved body and is being managed by that body as a nature reserve,

is of national importance, they may declare that land to be a national nature reserve.

(1A) The land which may be declared to be a national nature reserve in England or Wales includes—
  (a) any land lying above mean low water mark;
  (b) any land covered by estuarial waters.

(1B) Where the area of land to which a declaration under subsection (1) relates includes land falling within subsection (1A)(a) or (b) (“area A”), it may also include land not falling within subsection (1A)(a) or (b) (“area B”) if—
  (a) area B adjoins area A, and
  (b) any of the conditions in subsection (1C) is satisfied.

(1C) The conditions are—
  (a) that the flora, fauna or features leading to the management of area A as a nature reserve is or are also present in area B;
  (b) that the management of area A as a nature reserve is by reason of any flora or fauna which are dependent (wholly or in part) on anything which takes place in, or is present in, area B;
  (c) that, without the inclusion of area B, the identification of the boundary of the land declared to be a national nature reserve (either in the declaration or on the ground for the purposes of exercising functions in relation to it) would be impossible or impracticable.

(1D) The ministerial authority may issue guidance to the appropriate conservation body about the exercise of the power conferred by subsection (1B) to make a declaration in relation to land lying below mean low water mark.

“The ministerial authority” has the meaning given by section 35A(12).

(2) A declaration by the appropriate conservation body that any land is a national nature reserve shall be conclusive of the matters declared; and subsections (4) and (5) of section 19 of the 1949 Act shall apply in relation to any such declaration as they apply in relation to a declaration under that section.
(3) On the application of the approved body concerned, the appropriate conservation body, as respects any land which is declared to be a national nature reserve under subsection (1)(c), make byelaws for the protection of the reserve.

(4) Subsections (2) and (3) of section 20 and section 106 of the 1949 Act shall apply in relation to byelaws under this section as they apply in relation to byelaws under the said section 20.

(5) In this section—

“approved body” means a body approved by the appropriate conservation body for the purposes of this section;

“nature reserve” has the same meaning as in Part III of the 1949 Act.

Annotations:

Editorial Information

X3 The insertion of the new cross-heading "Nature reserves, marine nature reserves and Ramsar sites" in Part II on 1.10.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Amendments (Textual)

F319 Words in s. 35 substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 85; S.I. 2006/2541, art. 2

F320 S. 35(1A)-(1D) 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. 10 (with Sch. 13 para. 10(2)); S.I. 2014/3088, art. 2(b)

[35A Power to call in subtidal declarations]

(1) This section applies where—

(a) the appropriate conservation body propose to declare land to be a national nature reserve under section 35(1), and

(b) the land to which the proposed declaration relates includes, by virtue of section 35(1B), land lying below mean low water mark (“the subtidal land”).

(2) The appropriate conservation body may not declare the reserve unless, at least 21 days before doing so, they have given notice of their intention to the ministerial authority.

(3) At any time before the reserve is declared the ministerial authority may give notice to the appropriate conservation body that the ministerial authority is considering whether to give a direction under subsection (5) regarding the subtidal land.

(4) If the ministerial authority gives notice under subsection (3), the appropriate conservation body may not declare the reserve until the ministerial authority has given a direction under subsection (5).

(5) The ministerial authority may direct—

(a) that the reserve (if declared) must include all of the subtidal land;

(b) that the reserve (if declared) must not include any of the subtidal land;

(c) that the reserve (if declared) must, or must not, include such part of that land as is specified in the direction;
(d) that the decision whether the reserve (if declared) should include the subtidal land is to be taken by the appropriate conservation body.

(6) The ministerial authority may, before deciding whether to give a direction under subsection (5), give to any person the opportunity of—

(a) appearing before and being heard by a person appointed by the ministerial authority for that purpose;

(b) providing written representations to such a person.

(7) A person appointed under subsection (6) must make a report to the ministerial authority of any oral or written representations made under that subsection.

(8) The ministerial authority may make regulations providing for the procedure to be followed (including decisions as to costs) at hearings held under subsection (6).

(9) The power to make regulations under subsection (8) is exercisable by statutory instrument.

(10) A statutory instrument containing regulations made under subsection (8) by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(11) A statutory instrument containing regulations made under subsection (8) by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(12) In this section “the ministerial authority” means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers.

F321 S. 35A inserted (E.W.) (12.11.2009 for certain purposes, 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(1)(c)(2)(b)(ii), Sch. 13 para. 11; S.I. 2014/3088, art. 2(b)

F322 S. 36 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 146, 321, 324(2)(b)(i)(4), Sch. 11 para. 2(2)(a), Sch. 22 Pt. 3 (with s. 145, Sch. 12); S.I. 2014/3088, art. 2(b)(c); and s. 36 repealed
(S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(b) (with s. 162); S.S.I. 2010/230, art. 2(h)

F322 36 Marine nature reserves. S

.........................................................

Annotations:

Amendments (Textual)

F322 S. 36 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 146, 321, 324(2)(b)(i)(4), Sch. 11 para. 2(2)(a), Sch. 22 Pt. 3 (with s. 145, Sch. 12); S.I. 2014/3088, art. 2(b)(c); and s. 36 repealed (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(b) (with s. 162); S.S.I. 2010/230, art. 2(h)

F323 37 Byelaws for protection of marine nature reserves.

.........................................................

Annotations:

Amendments (Textual)

F323 S. 37 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 146, 321, 324(2)(b)(i)(4), Sch. 11 para. 2(2)(a), Sch. 22 Pt. 3 (with s. 145, Sch. 12); S.I. 2014/3088, art. 2(b)(c); and s. 37 repealed (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(b) (with s. 162); S.S.I. 2010/230, art. 2(h)

X4 F324 37 Ramsar sites.

(1) Where a wetland in Great Britain has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article, the Secretary of State shall—

(a) notify [F325 Natural England] if all or part of the wetland is in England;
(b) notify [F326 the Natural Resources Body for Wales] if it is in Wales; or
(c) notify both of them if it is partly in England and partly in Wales.

(2) Subject to subsection (3), upon receipt of a notification under subsection (1), each body notified shall, in turn, notify—

(a) the local planning authority in whose area the wetland is situated;
(b) every owner and occupier of any of that wetland; [F327 and]
(c) every relevant undertaker (within the meaning of section 4(1) of the M25 Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the M26 Land Drainage Act 1991) whose works, operations or activities may affect the wetland.

[F328(2A) Subject to subsection (3), upon receipt of a notification under subsection (1), Natural England shall, in turn, notify the Environment Agency.]
Subject to subsection (3), upon receipt of a notification under subsection (1) relating to a wetland all or part of which is in a strategic planning area designated under section 60D of the Planning and Compulsory Purchase Act 2004, the Natural Resources Body for Wales shall, in turn, notify the strategic planning panel for that area.

(3) [F325 Natural England] and [F331 the Natural Resources Body for Wales] may agree that in a case where the Secretary of State notifies both of them under subsection (1)(c), any notice under subsection (2) is to be sent by one or the other of them (and not both), so as to avoid duplicate notices under that subsection.

(4) Subject to subsection (5), the “Ramsar Convention” is the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by—

(a) the Protocol known as the Paris Protocol done at Paris on 3rd December 1982; and

(b) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28th May and 3rd June 1987.

(5) If the Ramsar Convention is further amended after the passing of the Countryside and Rights of Way Act 2000, the reference to the Ramsar Convention in subsection (1) is to be taken after the entry into force of the further amendments as referring to that Convention as further amended (and the reference to paragraph 1 of article 2 is, if necessary, to be taken as referring to the appropriate successor provision).]
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 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.

(4) Schedule 2 to the 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—

F334 (a) ........................................

F335 (aa) as respects land within the Broads, the Broads Authority;

F336 (b) ........................................
(c) as respects any other land, the local planning authority.

(d) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(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.

Annotations:

Amendments (Textual)
F333 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)
F334 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.
F335 S. 39(5)(aa) inserted by Norfolk and Suffolk Broads Acts 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), Sch. 3 para. 31(2)
F336 S. 39(5)(b) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17
F337 S. 39(5)(d)-(f) inserted (1.4.2001 for E. and 1.5.2001for W.) by 2000 c. 37, s. 96(b); S.I. 2001/114, art. 2(2)(f); S.I. 2001/1410, art. 2(h)
F338 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
F339 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)
C20 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
M27 1967 c. 10.

40 Experimental schemes.

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)
F340 S. 40 omitted (21.5.2016) by virtue of Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(6)

41 Duties of agriculture Ministers with respect to the countryside.
(2) In the exercise of his general duty under section 4(2) of the Small Landholders (Scotland) Act 1911 of promoting the interests of agriculture and other rural industries, and without prejudice to the generality of that duty, the Secretary of State shall make provision, through such organisation as he considers appropriate, for the giving of—

(a) advice to persons carrying on agricultural businesses on the conservation and enhancement of the natural beauty and amenity of the countryside;

(b) advice to such persons on diversification into other enterprises of benefit to the rural economy; and

(c) advice to government departments and other bodies exercising statutory functions on the promotion and furtherance of such diversification as is mentioned in paragraph (b).]

(3) Where an application for a farm capital grant is made as respects expenditure incurred or to be incurred for the purposes of activities on land which is in a National Park (including a National Park in Scotland) or an area specified for the purposes of this subsection by the Ministers, the appropriate Minister—

(a) shall, so far as may be consistent with the purposes of the grant provisions, so exercise his functions thereunder as to further the conservation and enhancement of the natural beauty and amenity of the countryside and to promote its enjoyment by the public; and

(b) where the relevant authority have objected to the making of the grant on the ground that the activities in question have had or will have an adverse effect on the natural beauty or amenity of the countryside or its enjoyment by the public, shall not make the grant except after considering the objection and, in the case of land in England, after consulting with the Secretary of State;

(4) Where, in consequence of an objection by the relevant authority, an application for a grant as respects expenditure to be incurred is refused on the ground that the activities in question will have such an effect as is mentioned in subsection (3)(b), the relevant authority shall, within three months of their receiving notice of the appropriate Minister’s decision, offer to enter into, in the terms of a draft submitted to the applicant, a management agreement—

(a) imposing restrictions as respects those activities; and

(b) providing for the making by them of payments to the applicant.

(5) In this section—

“agricultural business” has the same meaning as in section 29 of the Agriculture Act 1970;]

“the appropriate Minister”, “farm capital grant” and “grant provisions” have the same meanings as in section 32;]

“management agreement” means—

(a) in relation to England, an agreement under section 39 or under section 7 of the Natural Environment and Rural Communities Act 2006, and

(b) in relation to Wales, an agreement under section 39 or under section 16 of the Environment (Wales) Act 2016;]

“the relevant authority” has the same meaning as in section 39 except that in relation to England it also includes Natural England and in relation to Wales it also includes the Natural Resources Body for Wales.]
For the purposes of this section the Broads shall be treated as a National Park (and, as respects land within the Broads, any reference in this section to the relevant authority is accordingly a reference to the Broads Authority).

Annotations:

Amendments (Textual)
F341 S. 41(1) repealed by Agriculture Act 1986 (c. 49, SIF 2:1), s. 24(5), Sch. 4
F342 S. 41 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
F343 S. 41(2)(a)–(c) substituted for words by Agriculture Act 1986 (c. 49, SIF 2:1), s. 24(4), Sch. 3 para. 4
F344 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(4)(a)
F345 Words in s. 41(3) inserted (S.) (8.9.2000) by 2000 asp 10, s. 36, Sch. 5 para. 8(2) (with s. 32); S.S.I. 2000/312, art. 2
F346 Words substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(4)(b)
F347 Words in s. 41(3) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 88(2), Sch. 12; S.I. 2006/2541, art. 2
F348 Definition substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(5)
F349 S. 41(5): definitions of “management agreement” and “the relevant authority” substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 88(3); S.I. 2006/2541, art. 2
F350 Words in s. 41(5) inserted (E.W.) (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(7)(a)
F351 Words in s. 41(5) inserted (E.W.) (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), s. 88(2)(a), Sch. 2 para. 3(7)(b)
F352 S. 41(5A) inserted (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. 1 para. 31(3)
F353 Words in s. 41(5A) inserted (1.4.1997) by 1995 c. 25, s. 78, Sch. 10 para. 22(2) (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1996/2560, art. 2
F354 S. 41(6) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 88(4), Sch. 12; S.I. 2006/2541, art. 2

Modifications etc. (not altering text)
C21 S. 41 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

Marginal Citations
M28 1911 c. 49.

National Parks

Application of sections 42 to 45 in Wales

In relation to land in Wales, sections 42 to 45 (which relate to National Parks) have effect as if references to Natural England were references to the Natural Resources Body for Wales.]
42 Notification of agricultural operations on moor and heath in National Parks.

(1) A National Park authority may, if satisfied that it is expedient to do so, by order apply subsection (2) to any land which is comprised in the relevant Park and which appears to them to consist of or include moor or heath.

(2) Subject to subsection (3), no person shall—
   (a) by ploughing or otherwise convert into agricultural land any land to which this subsection applies and which is moor or heath which has not been agricultural land at any time within the preceding 20 years; or
   (b) carry out on any such land any other agricultural operation or any forestry operation which (in either case) appears to the National Park authority to be likely to affect its character or appearance and is specified in the order applying this subsection to that land.

(3) Subsection (2) shall not apply in relation to any operation carried out, or caused or permitted to be carried out, by the owner or occupier of the land if—
   (a) one of them has, after the coming into force of the order, given the National Park authority written notice of a proposal to carry out the operation, specifying its nature and the land on which it is proposed to carry it out; and
   (b) one of the conditions specified in subsection (4) is satisfied.

(4) The said conditions are—
   (a) that the National Park authority have given their consent to the carrying out of the operation;
   (b) where that authority have neither given nor refused their consent, that three months have expired from the giving of the notice; and
   (c) where that authority have refused their consent, that twelve months have expired from the giving of the notice.

(5) A person who, without reasonable excuse, contravenes subsection (2) shall be liable—
   (a) on summary conviction, to a fine not exceeding the statutory maximum;
   (b) on conviction on indictment, to a fine.

(6) Where the National Park authority are given notice under this section in respect of any land, the authority shall forthwith send copies of the notice to Natural England.

(7) In considering for the purposes of this section whether land has been agricultural land within the preceding 20 years, no account shall be taken of any conversion of the land into agricultural land which was unlawful under the provisions of this section or section 14 of the 1968 Act.
An order under this section shall be made by statutory instrument and the Statutory Instruments Act 1946 shall apply to such an instrument as if the order had been made by a Minister of the Crown.

The said section 14 (which is superseded by this section) shall cease to have effect; but this section shall have effect as if any order under that section in force immediately before the coming into force of this section had been made under this section.

Annotations:

Amendments (Textual)
F357 Words in s. 42(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 63(2)(a), 107; S.I. 2006/2541, art. 2
F358 Words in s. 42(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 63(2)(b), 107; S.I. 2006/2541, art. 2
F359 Words in s. 42(2)(b) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 63(3), 107; S.I. 2006/2541, art. 2
F360 Words in s. 42 substituted (1.4.1996) by 1995 c. 25, s. 78, Sch. 10 para. 22(3) (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1995/2950, art. 3(1)(2)
F361 Words in s. 42(6) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 63(4), 107; S.I. 2006/2541, art. 2
F362 S. 42(6) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 63(5), 107; S.I. 2006/2541, art. 2

Modifications etc. (not altering text)
C22 S. 42(2) applied by The Peak District National Park Authority Order 2002 (S.I. 2002/80), art. 2
C23 S. 42(2) applied by S.I. 1991/1616, art. 2

43 Maps of National Parks showing certain areas of moor or heath.

(1) Every [F363]local planning authority[ whose area comprises the whole or any part of a National Park shall—

(a) before the expiration of the period of two years beginning with [F364]the relevant date[, prepare a map of the Park or the part thereof showing any areas [F365]to which this section applies whose natural beauty [F366]it is, in the opinion of the authority, particularly important to conserve; and

(b) [F367]at intervals of not more than five years] review the particulars contained in the map and make such revisions thereof (if any) as may be requisite.

(1A) In considering under subsection (1) whether any area to which this section applies is one whose natural beauty it is particularly important to conserve, a [F368]local planning authority[ shall act in accordance with the guidelines from time to time issued [F369]under subsection (1B).

(1B) [F370]Natural England shall] issue guidelines for the guidance of county planning authorities in considering as mentioned in subsection (1A), and [F371]Natural England may] from time to time revise any guidelines so issued.

(1C) Before issuing or revising any guidelines under subsection (1B) [F372]Natural England] shall consult such bodies as appear to them to represent interests concerned; and before preparing or revising any map under subsection (1) a [F368]local planning authority]
shall consult such bodies as appear to the authority to represent interests concerned with matters affecting the Park or part of the Park in question.]

(2) The authority shall cause a map prepared or revised in pursuance of subsection (1) to be printed, and shall cause copies thereof to be put on sale to the public at such price as the authority may determine.

[F377] (3) This section applies to any area of mountain, moor, heath, woodland, down, cliff or foreshore (including any bank, barrier, dune, beach, flat or other land adjacent to the foreshore); and in this section “the relevant date” means the date of issue of the first guidelines under subsection (1B).]

Annotations:

Amendments (Textual)

F363 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, Sch. 3 para. 7(4)
F364 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), s. 3(2)(a)
F365 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), s. 3(2)(b)
F366 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), s. 3(3)
F367 S. 43(1A)–(1C) inserted by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), s. 3(4)
F368 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, Sch. 3 para. 7(4)
F369 Words in s. 43(1A) repealed (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(2), Sch. 16 Pt. VI; S.I. 1991/685, art. 3
F370 Words in s. 43(1B) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 90(2)(a); S.I. 2006/2541, art. 2
F371 Words in s. 43(1B) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 90(2)(b); S.I. 2006/2541, art. 2
F372 Words in s. 43(1C) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 90(3); S.I. 2006/2541, art. 2
F373 S. 43(3) added by Wildlife and Countryside (Amendment) Act 1985 (c. 31, SIF 4:5), s. 3(5)

Modifications etc. (not altering text)

C24 S. 43 modified (19.9.1995) by 1995 c. 25, ss. 69(3), 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)
shall, in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, insofar as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the premises who are disabled.

\[F378(4)\] For the purposes of this section the Broads Authority shall be treated as a \[F379\] National Park authority and the Broads as a National Park for which it is the local planning authority.

Annotations:

Amendments (Textual)

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>F374 S. 44(1) 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.</td>
<td></td>
</tr>
<tr>
<td>F375 S. 44(1A) inserted (19.9.1995) by 1995 c. 25, ss. 69(4), 125(2) (with ss. 7(6), 115, Sch. 8 para. 7)</td>
<td></td>
</tr>
<tr>
<td>F376 Words in s. 44(1A) 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.</td>
<td></td>
</tr>
<tr>
<td>F377 Words in s. 44(2)(3) substituted (1.4.1996) by 1995 c. 25, s. 78, Sch. 10 para. 22(4)(a)(b) (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1995/2950, art. 3(1)</td>
<td></td>
</tr>
<tr>
<td>F378 S. 44(4) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. 1 para. 31(4)</td>
<td></td>
</tr>
<tr>
<td>F379 Words in s. 44(4) substituted (1.4.1997) by 1995 c. 25, s. 78, Sch. 10 para. 22(4)(e) (with ss. 7(6), 115, Sch. 8 para. 7); S.I. 1996/2560, art. 3</td>
<td></td>
</tr>
</tbody>
</table>

45 Power to vary order designating National Park.

\[F380(1)\] \[F381\] Natural England[as well as the Secretary of State] shall have power to make an order amending an order made under section 5 of the 1949 Act designating a National Park \[F382\] . . . , and—

(a) section 7(5) and (6) of that Act (consultation and publicity in connection with orders under section 5 or 7) shall apply to an order under this section as they apply to an order under section 7(4) of that Act with the substitution for the reference in section 7(5) to the Secretary of State of a reference to \[F381\] Natural England \​; and

(b) Schedule 1 to that Act (procedure in connection with the making and confirmation of orders under section 5 or 7) shall apply to an order under this section as it applies to an order designating a National Park.]

\[F383\]

Annotations:

Amendments (Textual)

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>F380 S. 45(1) renumbered from s. 45 (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 130, Sch. 8 para. 6(4); S.I. 1991/685, art.3.</td>
<td></td>
</tr>
<tr>
<td>F381 Words in s. 45(1) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 91(2)(a); S.I. 2006/2541, art. 2</td>
<td></td>
</tr>
<tr>
<td>F382 Words in s. 45(1) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 91(2)(b), Sch. 12; S.I. 2006/2541, art. 2</td>
<td></td>
</tr>
<tr>
<td>F383 S. 45(2) repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 91(3), Sch. 12; S.I. 2006/2541, art. 2</td>
<td></td>
</tr>
</tbody>
</table>
46. . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)
F384 S. 46 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.

Miscellaneous and supplemental

47. . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)
F385 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
F386 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. . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Annotations:

Amendments (Textual)
F387 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
   (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, [F388 the Natural Resources Body for Wales] or [F389 Natural 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.

Annotations:

Amendments (Textual)

F388 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)

F389 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

F390 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) [F391]Natural England or [F392] the Natural Resources Body for Wales] offer to enter into a nature reserve agreement or an SSSI agreement [F393] ... providing for the making by them of payments [F394] to 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 [F395] ... 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 ... 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—

[F396] “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.

[F397] “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.]

Annotations:

Extent Information

E28 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only
Amendments (Textual)

F391 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

F392 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)

F393 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)

F394 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)

F395 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

F396 Definition substituted by Agriculture Act 1986 (c. 49, SIF 2:1), s. 20(6)

F397 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)

C25 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.

Annotations:

Extent Information

E58 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Amendments (Textual)

F838 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.

(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—

F398 (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;

(c) to determine whether or not to offer to enter into a nature reserve agreement or an SSSI agreement 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 [\[F399\] a nature reserve agreement or an SSSI agreement\[F401\]... 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;

(\[F402\]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.

[\[F403\]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 [\[F404\] paragraphs (a) to (ka) of that subsection, [\[F405\] Natural England or [\[F406\] the Natural Resources Body for Wales]];

(b) for the purposes of [\[F407\] paragraph (l)] of that subsection, the Secretary of State or the relevant authority within the meaning of section 34;

(c) for the purposes of [\[F407\] paragraph (m)] of that subsection, [\[F408\] . . . the National Park authority].

[\[F410\](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.]

(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

(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.

[\[F412\](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 [F413 level 3 on the standard scale].

[F414(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.]
51 Powers of entry.

(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.]
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;

“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.

“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) In the application of this Part to England (except as respects a National Park for which a National Park authority is the local planning authority,) a metropolitan county or Greater London) references to a local planning authority shall be construed—

(a) . . . 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 and, in sections 28 to 28D, shall also be construed in accordance with section 28(10);].

(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 subject to rights of common (within the meaning of the Commons Act 2006), “occupier” includes

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]]

(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 physiographical features.

(4) Section 114 of the 1949 Act shall apply for the construction of this Part.
Duty to keep definitive map and statement under continuous review.

(1) In this Part “definitive map and statement”, in relation to any area, means, subject to section 57(3) [F429 and 57A(1)],—

---

**PART III**

**PUBLIC RIGHTS OF WAY**

**Ascertainment of public rights of way**

53 Duty to keep definitive map and statement under continuous review.

(1) In this Part “definitive map and statement”, in relation to any area, means, subject to section 57(3) [F429 and 57A(1)],—
(a) the latest revised map and statement prepared in definitive form for that area under section 33 of the 1949 Act; or

(b) where no such map and statement have been so prepared, the original definitive map and statement prepared for that area under section 32 of that Act; or

(c) where no such map and statement have been so prepared, the map and statement prepared for that area under section 55(3).

(2) As regards every definitive map and statement, the surveying authority shall—

(a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and

(b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.

(3) The events referred to in subsection (2) are as follows—

(a) the coming into operation of any enactment or instrument, or any other event, whereby—

(i) a highway shown or required to be shown in the map and statement has been authorised to be stopped up, diverted, widened or extended;

(ii) a highway shown or required to be shown in the map and statement as a highway of a particular description has ceased to be a highway of that description; or

(iii) a new right of way has been created over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path or a restricted byway;

(b) the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;

(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—

(i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path or a restricted byway; or, subject to section 54A, a byway open to all traffic;

(ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or

(iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

(4) The modifications which may be made by an order under subsection (2) shall include the addition to the statement of particulars as to—

(a) the position and width of any public path, restricted byway or byway open to all traffic which is or is to be shown on the map; and
(b) any limitations or conditions affecting the public right of way thereover.

Subsection (4B) applies to evidence which, when considered with all other relevant evidence available to the surveying authority, shows as respects a way shown in a definitive map and statement as a restricted byway that the public have, and had immediately before the commencement of section 47 of the Countryside and Rights of Way Act 2000, a right of way for vehicular and all other kinds of traffic over that way.

(4B) For the purposes of subsection (3)(c)(ii), such evidence is evidence which, when so considered, shows that the way concerned ought, subject to section 54A, to be shown in the definitive map and statement as a byway open to all traffic.

(5) Any person may apply to the authority for an order under subsection (2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3); and the provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.

Evidence to which subsection (4B) applies on the commencement of section 47 of the Countryside and Rights of Way Act 2000 shall for the purposes of subsection (5) and any application made under it be treated as not having been discovered by the surveying authority before the commencement of that section.

(6) Orders under subsection (2) which make only such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (a) of subsection (3) shall take effect on their being made; and the provisions of Schedule 15 shall have effect as to the making, validity and date of coming into operation of other orders under subsection (2).
Power to include modifications in other orders.

(1) This section applies to any order—

(a) which is of a description prescribed by regulations made by the Secretary of State,
(b) whose coming into operation would, as regards any definitive map and statement, be an event within section 53(3)(a),
(c) which is made by the surveying authority, and
(d) which does not affect land outside the authority’s area.

(2) The authority may include in the order such provision as it would be required to make under section 53(2)(b) in consequence of the coming into operation of the other provisions of the order.

(3) An authority which has included any provision in an order by virtue of subsection (2) —

(a) may at any time before the order comes into operation, and
(b) shall, if the order becomes subject to special parliamentary procedure, withdraw the order and substitute for it an order otherwise identical but omitting any provision so included.

(4) Anything done for the purposes of any enactment in relation to an order withdrawn under subsection (3) shall be treated for those purposes as done in relation to the substituted order.

(5) No requirement for the confirmation of an order applies to provisions included in the order by virtue of subsection (2), but any power to modify an order includes power to make consequential modifications to any provision so included.

(6) Provisions included in an order by virtue of subsection (2) shall take effect on the date specified under section 56(3A) as the relevant date.

(7) Where any enactment provides for questioning the validity of an order on any grounds, the validity of any provision included by virtue of subsection (2) may be questioned in the same way on the grounds—

(a) that it is not within the powers of this Part, or
(b) that any requirement of this Part or of regulations made under it has not been complied with.

(8) Subject to subsections (5) to (7), the Secretary of State may by regulations provide that any procedural requirement as to the making or coming into operation of an order to which this section applies shall not apply, or shall apply with modifications prescribed by the regulations, to so much of the order as contains provision included by virtue of subsection (2).

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

Amendments (Textual)
F437  S. 53A inserted (21.11.2005 for W. and 18.2.2008 for E.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 2; S.I. 2005/1314, art. 4; S.I. 2008/308, art. 2

53B Register of applications under section 53.

(1) Every surveying authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to applications under section 53(5).

(2) The register shall contain such information as may be prescribed with respect to the manner in which such applications have been dealt with.

(3) Regulations may make provision for the register to be kept in two or more parts, each part containing such information relating to applications under section 53(5) as may be prescribed.

(4) Regulations may make provision—
   (a) for a specified part of the register to contain copies of applications and of the maps submitted with them, and
   (b) for the entry relating to any application, and everything relating to it, to be removed from any part of the register when—
      (i) the application (including any appeal to the Secretary of State) has been finally disposed of, and
      (ii) if an order is made, a decision has been made to confirm or not to confirm the order,
   (without prejudice to the inclusion of any different entry relating to it in another part of the register).

(5) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.

(6) In this section—
   “prescribed” means prescribed by regulations;
   “regulations” means regulations made by the Secretary of State by statutory instrument;
   and a statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Amendments (Textual)
F438  S. 53B inserted (27.9.2005 for E. and 21.11.2005 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 2; S.I. 2005/2459, art. 2(I); S.I. 2005/1314, art. 4

54 Duty to reclassify roads used as public paths.
F439
S. 54A BOATs not to be added to definitive maps.

(1) No order under this Part shall, after the cut-off date, modify a definitive map and statement so as to show as a byway open to all traffic any way not shown in the map and statement as a highway of any description.

(2) In this section “the cut-off date” means, subject to regulations under subsection (3), 1st January 2026.

(3) The Secretary of State may make regulations—

(a) substituting as the cut-off date a date later than the date specified in subsection (2) or for the time being substituted under this paragraph;

(b) containing such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the operation of subsection (1), including in particular its operation in relation to—

(i) an order under section 53(2) for which on the cut-off date an application is pending,

(ii) an order under this Part which on that date has been made but not confirmed,

(iii) an order under section 55 made after that date, or

(iv) an order under this Part relating to any way as respects which such an order, or any provision of such an order, has after that date been to any extent quashed.

(4) Regulations under subsection (3)(a)—

(a) may specify different dates for different areas; but

(b) may not specify a date later than 1st January 2031, except as respects an area within subsection (5).

(5) An area is within this subsection if it is in—

(a) the Isles of Scilly, or

(b) an area which, at any time before the repeal by section 73 of this Act of sections 27 to 34 of the 1949 Act—

(i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or

(ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.

(6) Where by virtue of regulations under subsection (3) there are different cut-off dates for areas into which different parts of any way extend, the cut-off date in relation to that way is the later or latest of those dates.
(7) Where it appears to the Secretary of State that any provision of this Part can by virtue of subsection (1) have no further application he may by order make such amendments or repeals in this Part as appear to him to be, in consequence, necessary or expedient.

(8) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Amendments (Textual)
F440  S. 54A inserted (prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 4

55  No further surveys or reviews under the 1949 Act.

(1) No survey under sections 27 to 32 of the 1949 Act, or review under section 33 of that Act, shall be begun after the commencement date; and where on that date a surveying authority have not completed such a survey or review begun earlier, the Secretary of State may, after consultation with the authority, direct the authority—

(a) to complete the survey or review; or

(b) to abandon the survey or review to such extent as may be specified in the direction.

(2) Where such a survey or review so begun is abandoned, the Secretary of State shall give such notice of the abandonment as appears to him requisite.

(3) Where, in relation to any area, no such survey has been so begun or such a survey so begun is abandoned, the surveying authority shall prepare for that area a map and statement such that, when they have been modified in accordance with the provisions of this Part, they will serve as the definitive map and statement for that area.

(4) Where such a survey so begun is abandoned after a draft map and statement have been prepared and the period for making representations or objections has expired, the authority shall by order modify the map and statement prepared under subsection (3) so as—

(a) to give effect to any determination or decision of the authority under section 29(3) or (4) of the 1949 Act in respect of which either there is no right of appeal or no notice of appeal has been duly served;

(b) to give effect to any decision of the Secretary of State under section 29(6) of that Act; and

(c) to show any particulars shown in the draft map and statement with respect to which no representation or objection has been duly made, or in relation to which all such representations or objections had been withdrawn.

(5) Where such a review so begun is abandoned after a draft map and statement have been prepared and the period for making representations or objections has expired, the authority shall by order modify the map and statement under review so as—

(a) to give effect to any decision of the Secretary of State under paragraph 4(4) of Part II of Schedule 3 to the 1968 Act; and

(b) to show any particulars shown in the draft map and statement but not in the map and statement under review, and to omit any particulars shown in
the map and statement under review but not in the draft map and statement, being (in either case) particulars with respect to which no representation or objection has been duly made, or in relation to which all such representations or objections have been withdrawn.

(6) Orders under subsection (4) or (5) shall take effect on their being made.

(7) Every way which—
   (a) in pursuance of an order under subsection (5) is shown in a definitive map and statement as a byway open to all traffic, a bridleway or a footpath, and
   (b) before the making of the order, was shown in the map and statement under review as a road used as a public path,
   shall be a highway maintainable at the public expense.

(8) Subsection (7) does not oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.

Annotations:

Amendments (Textual)

F441 S. 55(7)(8) inserted (27.9.2005 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 5; S.I. 2005/2459, art. 2(1); S.I. 2006/1279, art. 2

56 Effect of definitive map and statement.

(1) A definitive map and statement shall be conclusive evidence as to the particulars contained therein to the following extent, namely—
   (a) where the map shows a footpath, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover a right of way on foot, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than that right;
   (b) where the map shows a bridleway, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse, so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights;
   (c) where the map shows a byway open to all traffic, the map shall be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way for vehicular and all other kinds of traffic;
   (d) where the map shows a [F442 restricted byway], the map shall [F443 subject to subsection (2A),] be conclusive evidence that there was at the relevant date a highway as shown on the map, and that the public had thereover at that date a right of way on foot and a right of way on horseback or leading a horse [F444] together with a right of way for vehicles other than mechanically propelled vehicles], so however that this paragraph shall be without prejudice to any question whether the public had at that date any right of way other than those rights; and
(e) where by virtue of the foregoing paragraphs the map is conclusive evidence, as at any date, as to a highway shown thereon, any particulars contained in the statement as to the position or width thereof shall be conclusive evidence as to the position or width thereof at that date, and any particulars so contained as to limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject to those limitations or conditions, but without prejudice to any question whether the right was subject to any other limitations or conditions at that date.

[F445] In subsection (1)(d) “mechanically propelled vehicle” does not include an electrically assisted pedal cycle of a class prescribed for the purposes of section 189(1)(c) of the Road Traffic Act 1988.

(2) For the purposes of this section “the relevant date”—

(a) in relation to any way which is shown on the map otherwise than in pursuance of an order under the foregoing provisions of this Part or an order to which section 53A applies which includes provision made by virtue of subsection (2) of that section, means the date specified in the statement as the relevant date for the purposes of the map;

(b) in relation to any way which is shown on the map in pursuance of such an order, means the date which, in accordance with subsection (3) or (3A), is specified in the order as the relevant date for the purposes of the order.

[F449] In the case of a map prepared before the date of the coming into force of section 47 of the Countryside and Rights of Way Act 2000—

(a) subsection (1)(d) and (e) have effect subject to the operation of any enactment or instrument, and to any other event, whereby a way shown on the map as a byway has, on or before that date—

(i) been authorised to be stopped up, diverted or widened, or

(ii) become a public path, and

(b) subsection (2)(a) has effect in relation to any way so shown with the substitution of that date for the date mentioned there.

(3) Every order under the foregoing provisions of this Part shall specify, as the relevant date for the purposes of the order, such date, not being earlier than six months before the making of the order, as the authority may determine.

[F450] Every order to which section 53A applies which includes provision made by virtue of subsection (2) of that section shall specify, as the relevant date for the purposes of the order, such date as the authority may in accordance with regulations made by the Secretary of State determine.

(4) A document purporting to be certified on behalf of the surveying authority to be a copy of or of any part of a definitive map or statement as modified in accordance with the provisions of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

[F451] Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) ...
Supplementary provisions as to definitive maps and statements.

(1) An order under the foregoing provisions of this Part shall be in such form as may be prescribed by regulations made by the Secretary of State, and shall contain a map, \[F448\] on such scale as may be so prescribed, showing the modifications to which the order relates.

(2) Regulations made by the Secretary of State may prescribe the scale on which maps are to be prepared under \[F448\] subsection (1) or any other provision of this Part, and the method of showing in definitive maps and statements anything which is required to be so shown.

(3) Where, in the case of a definitive map and statement for any area which have been modified in accordance with the foregoing provisions of this Part, it appears to the surveying authority expedient to do so, they may prepare a copy of that map and statement as so modified, and where they do so, the map and statement so prepared, and not the map and statement so modified, shall be regarded for the purposes of the foregoing provisions of this Part \[F448\], and for the purposes of section 57A(1), as the definitive map and statement for that area.

\[F450\] Where as respects any definitive map and statement the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, the map and statement are to be regarded for the purposes of subsection (3) as having been modified in
according with the foregoing provisions of this Part whether or not, as respects the map and statement, the requirements of section 54 have been complied with.]

(4) The statement prepared under subsection (3) shall specify, as the relevant date for the purposes of the map, such date, not being earlier than six months before the preparation of the map and statement, as the authority may determine.

(5) As regards every definitive map and statement, the surveying authority shall keep—

(a) a copy of the map and statement; and

(b) copies of all orders under this Part modifying the map and statement,

available for inspection free of charge at all reasonable hours at one or more places in each district comprised in the area to which the map and statement relate and, so far as appears practicable to the surveying authority, a place in each parish so comprised; and the authority shall be deemed to comply with the requirement to keep such copies available for inspection in a district or parish if they keep available for inspection there a copy of so much of the map and statement and copies of so many of the orders as relate to the district or parish.

(5A) Subsection (5) shall apply in relation to land in Wales as if “in each district comprised” were omitted.

(6) Notwithstanding anything in subsection (5), an authority shall not be required to keep available for inspection more than one copy of—

(a) any definitive map and statement; or

(b) each order under this Part modifying the map and statement,

if, as respects the area to which that map and statement relate, a subsequent map and statement have been prepared under subsection (3); and the said single copies may be kept in such place in the area of the authority as they may determine.

(6A) In subsection (1), the reference to an order under the foregoing provisions of this Part includes a reference to so much of an order to which section 53A applies as contains provision made by virtue of subsection (2) of that section; and subsections (5) and (6) apply to—

(a) orders to which section 53A applies modifying the map and statement, and

(b) such documents relating to them as may be prescribed by regulations made by the Secretary of State,

as those subsections apply to orders under this Part modifying the map and statement.

(6B) Regulations under paragraph (b) of subsection (6A) may require any document to be prepared by a surveying authority for the purposes of that paragraph, and any such document shall be in such form as may be prescribed by the regulations.

(6C) Regulations made by the Secretary of State may require any surveying authority—

(a) to keep such other documents as may be prescribed by the regulations available for inspection at such times and places and in such manner as may be so prescribed, or

(b) to provide to any other surveying authority any document so prescribed which that authority is, by regulations under paragraph (a), required to keep available for inspection.

(7) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the provisions of this Part including, in particular, section 53(5) and subsection (5).
(8) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Amendments (Textual)

F453 Words in s. 57(1) repealed (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 102, 103(3), Sch. 5 Pt. I para. 7(2); Sch. 16 Pt. II; S.I. 2006/1172, art. 2
F454 Words in s. 57(2) substituted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(3); S.I. 2006/1172, art. 2
F455 Words in s. 57(3) inserted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(4); S.I. 2006/1172, art. 2
F456 S. 57(3A) inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(5); S.I. 2006/1172, art. 2
F457 S. 57(5A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(7) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F458 S. 57(6A)(6B)(6C) inserted (2.5.2006 for E. and otherwise prosp.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 7(6); S.I. 2006/1172, art. 2

[\f45957A Consolidation of definitive maps and statements.

(1) Where—

(a) different definitive maps and statements relate to different parts of a surveying authority’s area,

(b) as respects so much of each definitive map and statement as relates to that area the requirements of section 53(2), and of section 55 so far as it applies, have been complied with, and

(c) there is no part of that area to which no definitive map and statement relate, the authority may, if it appears to them expedient to do so, prepare a map and statement comprising copies of so much of each definitive map and statement as relates to the authority’s area; and where they do so the map and statement so prepared and not, so far as copied, the earlier maps and statements shall be regarded for the purposes of sections 53 to 56 and 57(2) and (3) as the definitive map and statement for the area to which they relate.

(2) The power conferred by subsection (1) is not exercisable by a surveying authority if the definitive map and statement relating to any part of the authority’s area is a map and statement in respect of which a review under section 33 of the 1949 Act was begun before the commencement date but has been neither abandoned in pursuance of a direction under section 55(1) nor completed.

(3) References in subsection (1) to a definitive map and statement are, in the case of a map and statement modified in accordance with any of the foregoing provisions of this Part, references to the map and statement as modified.

(4) The statement prepared under subsection (1) shall specify, as the relevant date for the purposes of the map, such date, not being earlier than six months before the preparation of the map and statement, as the authority may determine.

(5) Every surveying authority shall take such steps as they consider expedient for bringing to the attention of the public the preparation by them of any map and statement under subsection (1).]
58 Application of ss. 53 to 57 to inner London.

(1) Subject to subsection (2), the foregoing provisions of this Part shall not apply to any area to which this subsection applies; and this subsection applies to any area which, immediately before 1st April 1965, formed part of the administrative county of London.

(2) A London borough council may by resolution adopt the said foregoing provisions as respects any part of their area specified in the resolution, being a part to which subsection (1) applies, and those provisions shall thereupon apply accordingly.

(3) Where by virtue of a resolution under subsection (2), the said foregoing provisions apply to any area, those provisions shall have effect in relation thereto as if for references to the commencement date there were substituted references to the date on which the resolution comes into operation.

Miscellaneous and supplemental

59 Prohibition on keeping bulls on land crossed by public rights of way.

(1) If, in a case not falling within subsection (2), the occupier of a field or enclosure crossed by a right of way to which this Part applies or a restricted byway permits a bull to be at large in the field or enclosure, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Subsection (1) shall not apply to any bull which—

(a) does not exceed the age of ten months; or

(b) is not of a recognised dairy breed and is at large in any field or enclosure in which cows or heifers are also at large.

(3) Nothing in any byelaws, whenever made, shall make unlawful any act which is, or but for subsection (2) would be, made unlawful by subsection (1).

(4) In this section “recognised dairy breed” means one of the following breeds, namely, Ayrshire, British Friesian, British Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry.

(5) The Secretary of State may by order add any breed to, or remove any breed from, subsection (4); and an order under this subsection shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
61 Ploughing of public rights of way.

(1) Section 134 of the M31 Highways Act 1980 (ploughing of footpath or bridleway) shall have effect subject to the amendments provided for by subsections (2) to (9).

(2) Subsection (3) (7 days’ notice of intention to plough) shall be omitted.

(3) In subsection (4) (duty to resore surface of footpath or bridleway), for paragraphs (a) and (b) there shall be substituted the following paragraphs—

   “(a) not later than 2 weeks from the time when the occupier began to plough the footpath or bridleway, or
   (b) if prevented from doing so by exceptional weather conditions, as soon as practicable thereafter.”.

(4) In subsection (5) (failure to comply with subsection (3) or (4)) the words “(3) or” shall be omitted, for paragraphs (a) and (b) there shall be substituted the words “to a fine not exceeding £200” and for the words “subsection (4)”, in the second place where they occur, there shall be substituted the words “that subsection”.

(5) After that subsection there shall be inserted the following subsection—

   “(5A) A person who ploughs any footpath, bridleway or other highway otherwise than in the exercise of a right to plough it shall be guilty of an offence and liable to a fine not exceeding £200.”

(6) In subsection (6) (enforcement of subsections (3) to (5)) for the words “subsections (3) to (5) above as respects any footpath or bridleway” there shall be substituted the words “subsections (4) to (5A) above as respects any footpath, bridleway or other highway”.

(7) In subsection (7) (proceedings by parish or community councils) after the words “subsection (4)” there shall be inserted the words “or (5A)”. 
(8) In subsection (8) (power of competent authority to restore surface of footpath or bridleway) for the words “footpath or bridleway” there shall be substituted the words “footpath, bridleway or other highway”.

(9) In subsection (10) (competent authorities for the purposes of subsections (8) and (9)) for the words “footpath or bridleway”, in both places where they occur, there shall be substituted the words “footpath, bridleway or other highway”.

(10) In section 135(1) of the said Act of 1980 (temporary diversion of footpath or bridleway ploughed up under section 134) the words “6 or” and “6 weeks or” shall be omitted.

62 Appointment of wardens for public rights of way.

A local authority may appoint such number of persons as appears to the authority to be necessary or expedient to act as wardens as respects a footpath, bridleway, restricted byway or byway open to all traffic which is both in the countryside and in the area of the authority, and the purpose for which the wardens may be so appointed is to advise and assist the public in connection with the use of the path or way.
63 Orders creating, extinguishing or diverting footpaths and bridleways.

The enactments mentioned in Schedule 16 (which relate to the making and confirmation of certain orders creating, extinguishing or diverting footpaths and bridleways) shall have effect subject to the amendments provided for in that Schedule.

64 Publication of dedication of footpaths and bridleways.

At the end of section 25 of the Highways Act 1980 (creation of footpath or bridleway by agreement) there shall be inserted the following subsection—

“(6) As soon as may be after the dedication of a footpath or bridleway in accordance with a public path creation agreement, the local authority who are party to the agreement shall give notice of the dedication by publication in at least one local newspaper circulating in the area in which the land to which the agreement relates is situated.”.

65 Signposting of byways open to all traffic.

(1) In section 27 of the 1968 Act (signposting of footpaths and bridleways) for the words “or bridleway”; wherever they occur, there shall be substituted the words “bridleway or byway”; and for the words “and bridleways” in subsection (6) of that section there shall be substituted the words “bridleways and byways”.

(2) After subsection (7) of that section there shall be inserted the following subsection—

“(8) In this section “byway” means a byway open to all traffic, that is to say, a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.”

66 Interpretation of Part III.

(1) In this Part—
“bridleway” means a highway over which the public have the following, but no other, rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

“byway open to all traffic” means a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used;

“definitive map and statement” has the meaning given by section 53(1);

“footpath” means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road;

“horse” includes a pony, ass and mule, and “horseback” shall be construed accordingly;

“public path” means a highway being either a footpath or a bridleway;

“right of way to which this Part applies” means a right of way such that the land over which the right subsists is a public path or a byway open to all traffic;

“surveying authority”, in relation to any area, means the county council, the county borough council, the metropolitan district council, or the London borough council whose area includes that area.

(2) A highway at the side of a river, canal or other inland navigation shall not be excluded from any definition contained in subsection (1) by reason only that the public have a right to use the highway for purposes of navigation, if the highway would fall within that definition if the public had no such right thereover.

(3) The provisions of section 30(1) of the 1968 Act (riding of pedal cycles on bridleways) shall not affect the definition of bridleway in subsection (1) and any rights exercisable by virtue of those provisions shall be disregarded for the purposes of this Part.

### Annotations:

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>F465</td>
<td>S. 66(1): definition of “restricted byway” inserted (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. 1 para. 9; S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2</td>
</tr>
<tr>
<td>F466</td>
<td>Definition substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, Sch. 3 para. 7(6)</td>
</tr>
<tr>
<td>F467</td>
<td>Words in s. 66(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(8) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2</td>
</tr>
</tbody>
</table>

### PART IV

**MISCELLANEOUS AND GENERAL**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>F468</td>
<td>66A Application of Part 1 to Crown</td>
</tr>
</tbody>
</table>

(1) Subject to subsections (2) to (5), Part 1 and regulations and orders made under it bind the Crown.
2. No contravention by the Crown of any provision of Part 1 makes the Crown criminally liable; but the High Court may, on the application of any person appearing to the Court to have an interest, declare unlawful an act or omission of the Crown which constitutes such a contravention.

3. Despite subsection (2), Part 1 applies to persons in the public service of the Crown as it applies to other persons.

4. But the powers conferred by sections 18A to 19XA are not exercisable in relation to premises occupied by the Crown.

5. Nothing in this Part affects Her Majesty in her private capacity.

6. Subsection (5) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (c. 44) (meaning of Her Majesty in her private capacity) were contained in this Act.

Annotations:

Amendments (Textual)

F468 S. 66A inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 54(1), 107; S.I. 2006/2541, art. 2


1. Subject to subsections (2) to (5), Part 1 (including regulations and orders made under it) bind the Crown.

2. No contravention by the Crown of any provision made by or under Part 1 makes the Crown criminally liable but the Court of Session may, on the application of any public body or office-holder having responsibility for enforcing that provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.

3. Despite subsection (2), any provision made by or under Part 1 applies to persons in the public service of the Crown as it applies to other persons.

4. A species control order may be made under section 14D in relation to Crown land only with the consent of the appropriate authority.

5. The powers conferred by sections 14M and 19ZC are exercisable in relation to Crown land only with the consent of the appropriate authority.

6. In this section, “Crown land” means an interest in land which—
   (a) belongs to Her Majesty in right of the Crown;
   (b) belongs to Her Majesty in right of Her private estates;
   (c) belongs to an office-holder in the Scottish Administration or is held in trust for Her Majesty by such an office-holder for the purposes of the Scottish Administration; or
   (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

7. In this section, the “appropriate authority”—
   (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners;
in the case of any other land belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration who or, as the case may be, government department which manages the land [F470 or the relevant person];

(c) in the case of land belonging to Her Majesty in right of Her private estates, means a person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers;

(d) in the case of land belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty by such an office-holder for the purposes of the Scottish Administration, means that office-holder;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that government department.

(7A) In subsection (7), “relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.

(8) The references in subsections (6)(b) and (7)(c) to Her Majesty's private estates are to be construed in accordance with section 1 of the Crown Private Estates Act 1862 (c.37).

(9) It is for the Scottish Ministers to determine any question which arises as to who is the appropriate authority in relation to any land, and their decision is final.

Annotations:

Amendments (Textual)

F469 S. 66B inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 41(3), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(i)

F470 Words in s. 66B(7)(b) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), Sch. 5 para. 16(a)

F471 S. 66B(7A) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), Sch. 5 para. 16(b)

67 Application of Parts 2 and 3 to Crown land

(1) Subject to the following provisions of this section, Part II, except section 51, and Part III shall apply to Crown land, that is to say, land an interest in which belongs to Her Majesty in the right of the Crown or the Duchy of Lancaster or to the Duchy of Cornwall, and land an interest in which belongs to a Government department or is held in trust for Her Majesty for the purposes of a Government department.

(1A) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 28N, but only with the consent of the appropriate authority.

(1B) Byelaws made by virtue of section 28R may apply to Crown land if the appropriate authority consents.

(2) No order shall be made under section [F474 . . . 34] [F475 . . . ] or 42 in relation to Crown land unless the appropriate authority has consented to the making of that order.

(3) An agreement under section 39 as respects any interest in Crown land, other than an interest held by or on behalf of the Crown, shall not have effect unless approved by the appropriate authority.
(4) Section 101(11) of the 1949 Act (Crown land) shall apply for the construction of references in this section to the appropriate authority.

Annotations:

Amendments (Textual)

F472  S. 67 heading substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 54(2), 107; S.I. 2006/2541, art. 2
F473  S. 67A(1B) inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 6
F474  Word in s. 67(2) repealed (30.1.2001) by 2000 c. 37, ss. 102, 103(2), Sch. 16 Pt. III
F475  Word in s. 67(2) repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 321, 324(2)(b)(i)(4), Sch. 22 Pt. 3 (with s. 145, Sch. 12); S.I. 2014/3088, art. 2(c); and same word repealed (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(c) (with s. 162); S.S.I. 2010/230, art. 2(h)

Modifications etc. (not altering text)

C32  S. 67 amended (E.W.) (2.5.2006 for E. and 11.5.2006 for W.) by 2000 c. 37, ss. 49(6), 103(3); S.I. 2006/1172, art. 2; S.I. 2006/1279, art. 2

68  Application to the Isles of Scilly.

The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide for the application of the provisions of Part II or III to the Isles of Scilly as if those Isles were a separate county; any any such order may provide for the application of those provisions to those Isles subject to such modifications as may be specified in the order.

69  Offences by bodies corporate etc.

(1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

[476]69A Offences by Scottish partnerships etc.

Where a Scottish partnership or other unincorporated association is guilty of an offence under Part 1 of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) in relation to a Scottish partnership, any partner or any person who was purporting to act in such capacity;

(b) in relation to an unincorporated association other than a Scottish partnership, any person who is concerned in the management or control of the association or any person who was purporting to act in any such capacity,
he (as well as the partnership or, as the case may be, other unincorporated association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

Annotations:

Amendments (Textual)

F476  S. 69A inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 23, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(e)

70  Financial provisions.

(1) There shall be defrayed out of money provided by Parliament—
   (a) any administrative expenses incurred by any Minister of the Crown under this Act; and
   (b) any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other enactment.

(2) Any sums received by a Minister of the Crown under this Act shall be paid into the Consolidated Fund.

[F477] 70A Service of notices.

(1) Subject to subsection (2), [F478] section 329 of the M33 Town and Country Planning Act 1990] and [F479] section 271 of the Town and Country Planning (Scotland) Act 1997] (which provide for the service of notices and other documents) shall apply to notices and other documents required or authorised to be served or given under this Act.

(2) [F480] Subsections (2) and (3) of the said section 329 shall not apply to a notice required to be served under paragraph 2 of Schedule 14.

[F481](2A) Subsection (1)(cc) of the said section 271 shall not apply to a notice required to be served under section 14G.

(2B) Subsection (2) of the said section 271 shall not apply to a notice required to be served under section 14D(5)(a).]

(3) This section shall not affect the operation of paragraph 2(4) of Schedule 11 or paragraph 3(4) of Schedule 15.

Annotations:

Amendments (Textual)

F477  S. 70A inserted by Wildlife and Countryside (Services of Notices) Act 1985 (c. 59, SIF 4:5), s. 1(1)
F478  Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 54(2)(a)
F479  Words in s. 70A(1) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 34(2)
F480  Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 54(2)(b)
F481  S. 70A(2A)(2B) inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(7), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)
70B Effect of failure to serve certain notices

(1) This section applies where the relevant conservation body—
   (a) has (whether before or after the commencement of this section) taken all reasonable steps to ensure that, under any provision listed in subsection (2), notice is served on every owner and occupier of any land to which the notice relates, but
   (b) has failed to do so.

(2) The provisions are—
   (a) section 28(1) (notification of SSSI);
   (b) section 28(5) (confirmation or withdrawal of notification of SSSI);
   (c) section 28A(3) (notice varying notification under section 28);
   (d) section 28A(5) (notice confirming or withdrawing variation of notification);
   (e) section 28B(2) (notification of additional land to be included in SSSI);
   (f) section 28B(7) (confirmation or withdrawal of notification);
   (g) section 28C(2) (notification of enlargement of SSSI);
   (h) section 28C(3) (confirmation or withdrawal of notification of enlargement);
   (i) section 28D(2) (denotification);
   (j) section 28D(5) (withdrawal or confirmation of denotification);
   (k) section 28J(3) (notice of proposed management scheme);
   (l) section 28J(8) (withdrawal or confirmation of management scheme).

(3) The validity of the notice is not affected by the failure to serve it on every owner and occupier of the land.

(4) For the purposes of sections 28 to 28Q, the time when the notice is to be treated as having been served is the time when the relevant conservation body took the last of the steps referred to in subsection (1)(a).

(5) If the relevant conservation body becomes aware of its failure to serve a notice on an owner or occupier, it must serve a copy of the notice on that owner or occupier.

(6) Nothing in subsection (3) or (4) renders the owner or occupier liable—
   (a) in relation to anything done or omitted to be done before the commencement of this section, or
   (b) under section 28P(1) or 28Q(4) in relation to anything done or omitted to be done before the copy of the notice is served under subsection (5).

(7) “The relevant conservation body” means—
   (a) in relation to land in an area in England—
      (i) subject to sub-paragraph (ii), Natural England;
      (ii) in relation to any time before the commencement of section 27AA, English Nature;
(b) in relation to land in an area in Wales, [F483 the Natural Resources Body for Wales.]

Annotations:

Amendments (Textual)

F482  S. 70B inserted (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 57, 107; S.I. 2006/1382, art. 2

F483  Words in s. 70B(7)(b) 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)

71  General interpretation.

[F484 (1)] In this Act—

“the [M34] 1949 Act” means the National Parks and Access to the Countryside Act 1949;

“the [M35] 1968 Act” means the Countryside Act 1968;

[F485 “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.]

“the commencement date”, in relation to any provision of this Act and any area, means the date of the coming into force of that provision in that area;

“London borough council” includes the Common Council of the City of London;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

[F486]

[F487 (2) For the avoidance of doubt it is hereby declared that in this Act “plants” include fungi and algae.]

Annotations:

Amendments (Textual)

F484  S. 71 renumbered (E.W.) (1.10.2006) as s. 71(1) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, Sch. 11 para. 97(2)(4); S.I. 2006/2541, art. 2

F485  Definition inserted (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. 1 para. 31(5)

F486  S. 71: definition of "statutory maximum" repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group2.

F487  S. 72(2) inserted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105, 107, Sch. 11 para. 97(3)(4); S.I. 2006/2541, art. 2

Marginal Citations

M34  1949 c. 97.

M35  1968 c. 41.

72  Minor amendments.

[F489 (1)]
(2) In section 20(2) of the Hill Farming Act 1946 (penalty for contravening regulations with respect to the burning of heather and grass) as originally enacted for the words from “five pounds” onwards there shall be substituted the words “£200”.

(3) In sections 27 of that Act (penalty for contravening the provisions of that Act relating to muirburn) for the words from “five pounds” onwards there shall be substituted the words “£200”.

(4) In section 39 of the Agriculture (Scotland) Act 1948 for the words “the First Schedule to the Protection of Birds Act 1954” there shall be substituted the words “Schedule I to the Wildlife and Countryside Act 1981”.

(5) In section 11(1) of the 1949 Act (general powers of local planning authorities in relation to National Parks) after the word “accomplishment” there shall be inserted the words “of any”.

(6) In section 74(4) of the Public Health Act 1961 (power to reduce numbers of pigeons and other birds in built-up areas), for the words “the Protection of Birds Act 1954” there shall be substituted the words “Part I of the Wildlife and Countryside Act 1981”.

(7) In section 2(8) of the 1968 Act (publicity and information services) for the words from “encouraging” onwards there shall be substituted the words “informing persons resorting to the countryside of their rights and obligations”.

(8) In section 15(1) of that Act (areas of special scientific interest) the words “which is not for the time being managed as a nature reserve but” shall be omitted.

(9) In section 37 of that Act (protection for interests in the countryside) for the words “and the Act of 1949” there shall be substituted the words “the Act of 1949 and the Wildlife and Countryside Act 1981”.

(10) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(11) In section 31(10) of the Highways Act 1980 (dedication of way as highway presumed after public use for 20 years), for the words from “subsection (4)” to “that section” there shall be substituted the words “section 56(1) of the Wildlife and Countryside Act 1981 (which provides that a definitive map and statement)” and the words “or of that subsection” onwards shall be omitted.

(12) Section 80 of that Act (power of highway authority to fence highways) shall have effect in relation to any area in the countryside of which walls of a particular construction are a feature, as if references to fences included references to walls of that construction, and in exercising their powers under that section in relation to any such area, a highway authority shall have regard to the desirability of exercising the powers conferred by the foregoing provisions of this subsection.

(13) In section 136(4) of that Act (time when hedges may not be required to be cut or pruned) immediately before the words “between the last day of September and the first day of April” there shall be inserted the word “except”.

(14) In section 4(5) of the Zoo Licensing Act 1981 (grant or refusal of licence) the entries relating to the Protection of Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975 shall be omitted and there shall be added at the end the following entry—

“Part I of the Wildlife and Countryside Act 1981”.

X8

M36

M37

M38

M39

F489

M40
Annotations:

Editorial Information

X8 The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Amendments (Textual)

F488 S. 72(1) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII
F489 S. 72(10) repealed (1.4.1997) by 1995 c. 25, s. 120(3), Sch. 24 (with ss. 7(6), 115); S.I. 1996/2560, art. 2

Marginal Citations

M36 1946 c. 73.
M37 1948 c. 45.
M38 1961 c. 64.
M39 1980 c. 66.
M40 1981 c. 37.

73 Repeals and savings.

(1) The enactments mentioned in Schedule 17 are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in the repeals made by this section shall affect the operation of sections 27 to 32 of the 1949 Act in relation to any survey begun before the commencement date.

(3) Nothing in the repeals made by this section shall affect the operation of sections 33 and 34 of the 1949 Act and Parts II, III, and IV of Schedule 3 to the 1968 Act in relation to any review begun before the commencement date.

Annotations:

Editorial Information

X9 The text of ss. 64, 65, 72(2)-(9)(11)(13)(14) and 73(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Amendments (Textual)

F490 S. 73(4) repealed (16.10.1992) by Protection of Badgers Act 1992 (c. 51), s. 15(2)(3), Sch.

74 Short title commencement and extent.

(1) This Act may be cited as the Wildlife and Countrywide Act 1981.

(2) The following provisions of this Act, namely—

Part II, except sections 29 to 32, 41 and 46 to 48 and Schedule 13; sections 59 to 62 and 65 and 66; and
Part IV, except section 72(4), (6) and (14) and section 73(1) so far as relating to Part II of Schedule 17, shall come into force on the expiration of the period of one month beginning with the passing of this Act.

(3) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed under this subsection for different provisions, different purposes or different areas.

(4) An order under subsection (3) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force.

(5) The following provisions of this Act, namely—
sections 39, 40 and 42 to 49 and Schedule 13; and Part III, do not extend to Scotland. Sections 29 and 30 extend to Scotland only.]

(6) This Act, except section 15(1) and Schedule 10 and, so far as regards any enactment mentioned in Schedule 17 that so extends, section 73 and that Schedule, does not extend to Northern Ireland.

Annotations:

Amendments (Textual)
F491 S. 74(5A) inserted (E.W.S.) (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), Sch. 10 Pt. I para. 2
F492 S. 74(5A) 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

Modifications etc. (not altering text)
C34 Power of appointment conferred by s. 74(3) fully exercised: S.I. 1982/3237, 990, 1136, 1217, 1983/20, 87
SCHEDULES

[SCHEDULE ZA1

BIRDS WHICH RE-USE THEIR NESTS

Annotations:

Amendments (Textual)
F493 Sch. ZA1 inserted (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 47, 107; S.I. 2006/1382, art. 2

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle, Golden</td>
<td>Aquila chrysaetos</td>
</tr>
<tr>
<td>Eagle, White-tailed</td>
<td>Haliaetus albicilla</td>
</tr>
<tr>
<td>Osprey</td>
<td>Pandion haliaetus</td>
</tr>
</tbody>
</table>

NOTE: The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.]

[SCHEDULE A1

PROTECTED NESTS AND NEST SITES: BIRDS

Annotations:

Amendments (Textual)
F494 Sch. A1 inserted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 24; S.S.I. 2004/495, art. 2

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Eagle, Golden]</td>
<td>[Aquila chrysaetos]</td>
</tr>
<tr>
<td>[Eagle, White-tailed]</td>
<td>[Haliaetus albicilla]</td>
</tr>
</tbody>
</table>

Annotations:

Amendments (Textual)
**SCHEDULE 1**

**BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES**

**PART I**

**AT ALL TIMES**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avocet</td>
<td>Recurvirostra avosetta</td>
</tr>
<tr>
<td>Bee-eater</td>
<td>Merops apiaster</td>
</tr>
<tr>
<td>Bittern</td>
<td>Botaurus stellaris</td>
</tr>
<tr>
<td>Bittern, Little</td>
<td>Ixobrychus minutus</td>
</tr>
<tr>
<td>Bluethroat</td>
<td>Luscinia svecca</td>
</tr>
<tr>
<td>Brambling</td>
<td>Fringilla montifringilla</td>
</tr>
<tr>
<td>Bunting, Cirl</td>
<td>Emberiza cirlus</td>
</tr>
<tr>
<td>Bunting, Lapland</td>
<td>Calcarius lapponicus</td>
</tr>
<tr>
<td>Bunting, Snow</td>
<td>Plectrophenax nivalis</td>
</tr>
<tr>
<td>Buzzard, Honey</td>
<td>Pernis apivorus</td>
</tr>
<tr>
<td>Capercaillie</td>
<td>Tetracurogallus</td>
</tr>
<tr>
<td>Chough</td>
<td>Pyrrhocorax pyrrhocorax</td>
</tr>
<tr>
<td>Corncrake</td>
<td>Crex crex</td>
</tr>
<tr>
<td>Crake, Spotted</td>
<td>Porzana porzana</td>
</tr>
<tr>
<td>Crossbills (all species)</td>
<td>Loxia</td>
</tr>
<tr>
<td>Curlew, Stone</td>
<td>Burhinus oedicenmus</td>
</tr>
<tr>
<td>Divers (all species)</td>
<td>Gavia</td>
</tr>
<tr>
<td>Dotterel</td>
<td>Charadrius morinellus</td>
</tr>
<tr>
<td>Duck, Long-tailed</td>
<td>Clangula hyemalis</td>
</tr>
<tr>
<td>Eagle, Golden</td>
<td>Aquila chrysaetos</td>
</tr>
<tr>
<td>Eagle, White-tailed</td>
<td>Haliaetus albicilla</td>
</tr>
<tr>
<td>Falcon, Gyr</td>
<td>Falco rusticolus</td>
</tr>
<tr>
<td>Fieldfare</td>
<td>Turdus pilaris</td>
</tr>
<tr>
<td>Firecrest</td>
<td>Regulus ignicapillus</td>
</tr>
<tr>
<td>Garganey</td>
<td>Anas querquedula</td>
</tr>
<tr>
<td>Godwit, Black-tailed</td>
<td>Limosa limosa</td>
</tr>
<tr>
<td>Goshawk</td>
<td>Accipiter gentilis</td>
</tr>
<tr>
<td>Grebe, Black-necked</td>
<td>Podiceps nigricollis</td>
</tr>
<tr>
<td>Bird</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Grebe, Slavonian</td>
<td>Podiceps auritus</td>
</tr>
<tr>
<td>Greenshank</td>
<td>Tringa nebularia</td>
</tr>
<tr>
<td>Gull, Little</td>
<td>Larus minutus</td>
</tr>
<tr>
<td>Gull, Mediterranean</td>
<td>Larus melanocephalus</td>
</tr>
<tr>
<td>Harriers (all species)</td>
<td>Circus</td>
</tr>
<tr>
<td>Heron, Purple</td>
<td>Ardea purpurea</td>
</tr>
<tr>
<td>Hobby</td>
<td>Falco subbuteo</td>
</tr>
<tr>
<td>Hoopoe</td>
<td>Upupa epops</td>
</tr>
<tr>
<td>Kingfisher</td>
<td>Alcedo atthis</td>
</tr>
<tr>
<td>Kite, Red</td>
<td>Milvus milvus</td>
</tr>
<tr>
<td>Merlin</td>
<td>Falco columbarius</td>
</tr>
<tr>
<td>Oriole, Golden</td>
<td>Oriolus oriolus</td>
</tr>
<tr>
<td>Osprey</td>
<td>Pandion haliaetus</td>
</tr>
<tr>
<td>Owl, Barn</td>
<td>Tyto alba</td>
</tr>
<tr>
<td>Owl, Snowy</td>
<td>Nyctea scandiaca</td>
</tr>
<tr>
<td>Peregrine</td>
<td>Falco peregrinus</td>
</tr>
<tr>
<td>Petrel, Leach’s</td>
<td>Oceanodroma leucorhoa</td>
</tr>
<tr>
<td>Phalarope, Red-necked</td>
<td>Phalaropus lobatus</td>
</tr>
<tr>
<td>Plover, Kentish</td>
<td>Charadrius alexandrinus</td>
</tr>
<tr>
<td>Plover, Little Ringed</td>
<td>Charadrius dubius</td>
</tr>
<tr>
<td>Quail, Common</td>
<td>Coturnix coturnix</td>
</tr>
<tr>
<td>Redstart, Black</td>
<td>Phoenicurus ochrurus</td>
</tr>
<tr>
<td>Redwing</td>
<td>Turdus iliacus</td>
</tr>
<tr>
<td>Rosefinch, Scarlet</td>
<td>Carpodacus erythrinus</td>
</tr>
<tr>
<td>Ruff</td>
<td>Philomachus pugnax</td>
</tr>
<tr>
<td>Sandpiper, Green</td>
<td>Tringa ochropus</td>
</tr>
<tr>
<td>Sandpiper, Purple</td>
<td>Calidris maritima</td>
</tr>
<tr>
<td>Sandpiper, Wood</td>
<td>Tringa glareola</td>
</tr>
<tr>
<td>Scaup</td>
<td>Aythya marila</td>
</tr>
<tr>
<td>Scoter, Common</td>
<td>Melanitta nigra</td>
</tr>
<tr>
<td>Scoter, Velvet</td>
<td>Melanitta fusca</td>
</tr>
<tr>
<td>Serin</td>
<td>Serinus serinus</td>
</tr>
<tr>
<td>Shorelark</td>
<td>Eremophila alpestris</td>
</tr>
<tr>
<td>Shrike, Red-backed</td>
<td>Lanius collurio</td>
</tr>
<tr>
<td>Spoonbill</td>
<td>Platalea leucorodia</td>
</tr>
</tbody>
</table>
**Stilt, Black-winged**
*Himantopus himantopus*

**Stint, Temminck’s**
*Calidris temminckii*

**Swan, Bewick’s**
*Cygnus bewickii*

**Swan, Whooper**
*Cygnus cygnus*

**Tern, Black**
*Chlidonias niger*

**Tern, Little**
*Sterna albifrons*

**Tern, Roseate**
*Sterna dougallii*

**Tit, Bearded**
*Panurus biarmicus*

**Tit, Crested**
*Parus cristatus*

**Tree creeper, Short-toed**
*Certhia brachydactyla*

**Warbler, Cetti’s**
*Cettia cetti*

**Warbler, Dartford**
*Sylvia undata*

**Warbler, Marsh**
*Acrocephalus palustris*

**Warbler, Savi’s**
*Locustella luscinioides*

**Whimbrel**
*Numenius phaeopus*

**Woodlark**
*Lullula arborea*

**Wryneck**
*Jynx torquilla*

---

### Annotations:

**Amendments (Textual)**

**F496**  Sch. 1 Pt. I : Words inserted (S.) (4.11.2001) by S.S.I. 2001/337, reg. 2(3)

---

### PART II

**DURING THE CLOSE SEASON**

<table>
<thead>
<tr>
<th><strong>Common name</strong></th>
<th><strong>Scientific name</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Goldeneye</td>
<td>Bucephala clangula</td>
</tr>
<tr>
<td>Goose, Greylag</td>
<td>Anser anser</td>
</tr>
<tr>
<td>(in Outer Hebrides, Caithness, Sutherland and Wester Ross only)</td>
<td></td>
</tr>
<tr>
<td>Pintail</td>
<td>Anas acuta</td>
</tr>
</tbody>
</table>

---

Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.
SCHEDULE 1A

BIRDS WHICH ARE PROTECTED FROM HARASSMENT

Annotations:

Amendments (Textual)
F497 Sch. 1A inserted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, Sch. 6 para. 25; S.S.I. 2004/495, art. 2

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle, Golden</td>
<td>Aquila chrysaetos</td>
</tr>
<tr>
<td>Eagle, White-tailed</td>
<td>Haliaeetus albicilla</td>
</tr>
<tr>
<td>Harrier, Hen</td>
<td>Circus cyaneus</td>
</tr>
<tr>
<td>Kite, Red</td>
<td>Milvus milvus</td>
</tr>
</tbody>
</table>

Annotations:

Amendments (Textual)
F498 Entries in Sch. 1A inserted (16.3.2013) by The Wildlife and Countryside Act 1981 (Variation of Schedules A1 and 1A) (Scotland) Order 2013 (S.S.I. 2013/31), arts. 1(1), 3

SCHEDULE 2

BIRDS WHICH MAY BE KILLED OR TAKEN

PART I

OUTSIDE THE CLOSE SEASON

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capercaillie</td>
<td>Tetrao urogallus</td>
</tr>
<tr>
<td>Coot</td>
<td>Fulica atra</td>
</tr>
<tr>
<td>Duck, Tufted</td>
<td>Aythya fuligula</td>
</tr>
<tr>
<td>Gadwall</td>
<td>Anas strepera</td>
</tr>
<tr>
<td>Goldeneye</td>
<td>Bucephala clangula</td>
</tr>
<tr>
<td>Goose, Canada</td>
<td>Branta canadensis</td>
</tr>
<tr>
<td>Goose, Greylag</td>
<td>Anser anser</td>
</tr>
<tr>
<td>Goose, Pink-footed</td>
<td>Anser brachyrhynchus</td>
</tr>
</tbody>
</table>
### SCHEDULE 2 – Birds which may be Killed or Taken

#### Goose, White-fronted (in England and Wales only)
- *Anser albifronts*

#### Grouse, Black
- *Tetrao tetrix*

#### Grouse, Red
- *Lagopus lagopus scoticus*

#### Mallard
- *Anas platyrhynchos*

#### Moorhen
- *Gallinula chloropus*

#### Partridge, Grey
- *Perdix perdix*

#### Partridge, Red-legged
- *Alectoris rufa*

#### Pheasant, Common
- *Phasianus colchicus*

#### Pintail
- *Anas acuta*

#### Plover, Golden
- *Pluvialis apricaria*

#### Pochard
- *Aythya ferina*

#### Ptarmigan
- *Lagopus mutus*

#### Shoveler
- *Anas clypeata*

#### Snipe, Common
- *Gallinago gallinago*

#### Teal
- *Anas crecca*

#### Wigeon
- *Anas penelope*

#### Woodcock
- *Scolopax rusticola*

---

**Annotations:**

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>F499</strong></td>
<td>Sch. 2 Pt. I words omitted (S.) (4.11.2001) by S.S.I. 2001/337, reg. 2(4)</td>
</tr>
<tr>
<td><strong>F500</strong></td>
<td>Sch. 2 Pt. I entries inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(7)(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)</td>
</tr>
<tr>
<td><strong>F501</strong></td>
<td>Sch. 2 Pt. I entries inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(7)(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)</td>
</tr>
<tr>
<td><strong>F502</strong></td>
<td>Sch. 2 Pt. I entries inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(7)(c), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)</td>
</tr>
</tbody>
</table>

**PART IA**

**ANNOTATION:** BIRDS INCLUDED IN PART I WHICH MAY NOT BE KILLED OR TAKEN ON SUNDAYS OR CHRISTMAS DAY

---

**Amendments (Textual)**

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>F503</strong></td>
<td>Sch. 2 Pt. I A inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 3(8), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)</td>
</tr>
</tbody>
</table>
### SCHEDULE 2 – Birds which may be Killed or Taken

**Status:** This version of this Act contains provisions that are prospective. Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coot</td>
<td>Fulica atra</td>
</tr>
<tr>
<td>Duck, Tufted</td>
<td>Aythya fuligula</td>
</tr>
<tr>
<td>Gadwall</td>
<td>Anas strepera</td>
</tr>
<tr>
<td>Goldeneye</td>
<td>Bucephala clangula</td>
</tr>
<tr>
<td>Goose, Canada</td>
<td>Branta canadensis</td>
</tr>
<tr>
<td>Goose, Greylag</td>
<td>Anser anser</td>
</tr>
<tr>
<td>Goose, Pink-footed</td>
<td>Anser brachyrhynchos</td>
</tr>
<tr>
<td>Mallard</td>
<td>Anas platyrhynchos</td>
</tr>
<tr>
<td>Moorhen</td>
<td>Gallinula chloropus</td>
</tr>
<tr>
<td>Pintail</td>
<td>Anas acuta</td>
</tr>
<tr>
<td>Plover, Golden</td>
<td>Pluvialis apricaria</td>
</tr>
<tr>
<td>Pochard</td>
<td>Aythya ferina</td>
</tr>
<tr>
<td>Shoveler</td>
<td>Anas clypeata</td>
</tr>
<tr>
<td>Snipe, Common</td>
<td>Gallinago gallinago</td>
</tr>
<tr>
<td>Teal</td>
<td>Anas crecca</td>
</tr>
<tr>
<td>Wigeon</td>
<td>Anas penelope</td>
</tr>
<tr>
<td>Woodcock</td>
<td>Scolopax rusticola</td>
</tr>
</tbody>
</table>

**PART II**

**BY AUTHORISED PERSONS AT ALL TIMES**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>. . .</td>
</tr>
</tbody>
</table>
Annotations:

Amendments (Textual)
F504 Words in Sch.2 Pt. II removed (01.01.1993) by S.I. 1992/3010, art.2.

Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

### SCHEDULE 3

**BIRDS WHICH MAY BE SOLD**

#### PART I

**ALIVE AT ALL TIMES IF RINGED AND BRED IN CAPTIVITY**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackbird</td>
<td>Turdus merula</td>
</tr>
<tr>
<td>Brambling</td>
<td>Fringilla montifringilla</td>
</tr>
<tr>
<td>Bullfinch</td>
<td>Pyrrhula pyrrhula</td>
</tr>
<tr>
<td>Bunting, Reed</td>
<td>Emberiza schoeniclus</td>
</tr>
<tr>
<td>Chaffinch</td>
<td>Fringilla coelebs</td>
</tr>
<tr>
<td>Dunnock</td>
<td>Prunella modularis</td>
</tr>
<tr>
<td>Goldfinch</td>
<td>Carduelis carduelis</td>
</tr>
<tr>
<td>Greenfinch</td>
<td>Carduelis chloris</td>
</tr>
<tr>
<td>Jackdaw</td>
<td>Corvus monedula</td>
</tr>
<tr>
<td>Jay</td>
<td>Garrulus glandarius</td>
</tr>
<tr>
<td>Linnet</td>
<td>Carduelis cannabina</td>
</tr>
<tr>
<td>Magpie</td>
<td>Pica pica</td>
</tr>
<tr>
<td>Owl, Barn</td>
<td>Tyto alba</td>
</tr>
<tr>
<td>Redpoll</td>
<td>Carduelis flammea</td>
</tr>
<tr>
<td>Siskin</td>
<td>Carduelis spinus</td>
</tr>
<tr>
<td>Starling</td>
<td>Sturnus vulgaris</td>
</tr>
<tr>
<td>Thrush, Song</td>
<td>Turdus philomelos</td>
</tr>
</tbody>
</table>
### SCHEDULE 3 – Birds which may be Sold

#### PART I

**ALIVE IF TAKEN IN CAPTIVITY OR BY CERTAIN PERSONS OUTSIDE CLOSE SEASON OR DURING FIRST 28 DAYS OF CLOSE SEASON**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grouse, Red</td>
<td>Lagopus lagopus scoticus</td>
</tr>
<tr>
<td>Mallard</td>
<td>Anas platyrhynchos</td>
</tr>
<tr>
<td>Partridge, Grey</td>
<td>Perdix perdix</td>
</tr>
<tr>
<td>Partridge, Red-legged</td>
<td>Alectoris rufa</td>
</tr>
<tr>
<td>Pheasant, Common</td>
<td>Phasianus colchicus</td>
</tr>
</tbody>
</table>

#### PART II

**DEAD AT ALL TIMES**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>. . .</td>
<td>. . .</td>
</tr>
<tr>
<td>Woodpigeon</td>
<td>Columba palumbus</td>
</tr>
</tbody>
</table>

### Annotations:

#### Amendments (Textual)

- **F505** Part 1A inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 5(4)(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(c)

- **F506** Words in Sch. 3 Pt. II removed (01.01.1993) by S.I. 1992/3010, art.3.
PART IIA

DEAD IF KILLED OUTSIDE CLOSE SEASON BY CERTAIN PERSONS

Annotations:

Amendments (Textual)

F507 Sch. 3 Pt. IIA inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 5(4)(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(c)

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coot</td>
<td>Fulica atra</td>
</tr>
<tr>
<td>Duck, Tufted</td>
<td>Aythya fuligula</td>
</tr>
<tr>
<td>Grouse, Black</td>
<td>Tetrao tetrix</td>
</tr>
<tr>
<td>Grouse, Red</td>
<td>Lagopus lagopus scoticus</td>
</tr>
<tr>
<td>Mallard</td>
<td>Anas platyrhynchos</td>
</tr>
<tr>
<td>Partridge, Grey</td>
<td>Perdix perdix</td>
</tr>
<tr>
<td>Partridge, Red-legged</td>
<td>Alectoris rufa</td>
</tr>
<tr>
<td>Pheasant, Common</td>
<td>Phasianus colchicus</td>
</tr>
<tr>
<td>Pintail</td>
<td>Anas acuta</td>
</tr>
<tr>
<td>Plover, Golden</td>
<td>Pluvialis apricaria</td>
</tr>
<tr>
<td>Pochard</td>
<td>Aythya ferina</td>
</tr>
<tr>
<td>Ptarmigan</td>
<td>Lagopus mutus</td>
</tr>
<tr>
<td>Shoveler</td>
<td>Anas clypeata</td>
</tr>
<tr>
<td>Snipe, Common</td>
<td>Gallinago gallinago</td>
</tr>
<tr>
<td>Teal</td>
<td>Anas crecca</td>
</tr>
<tr>
<td>Wigeon</td>
<td>Anas penelope</td>
</tr>
<tr>
<td>Woodcock</td>
<td>Scolopax rusticola</td>
</tr>
</tbody>
</table>

PART III

DEAD FROM 1ST SEPTEMBER TO 28TH FEBRUARY

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>[F508 Capercaillie]</td>
<td>[F508 Tetrao urogallus]</td>
</tr>
<tr>
<td>[F509 Coot]</td>
<td>[F509 Fulica atra]</td>
</tr>
<tr>
<td>[F509 Duck, Tufted]</td>
<td>[F509 Aythya fuligula]</td>
</tr>
<tr>
<td>[F509 Mallard]</td>
<td>[F509 Anas platyrhynchos]</td>
</tr>
</tbody>
</table>
### SCHEDULE 4

**Birds Which Must Be Registered and Ringed if Kept in Captivity**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pintail</td>
<td>Anas acuta</td>
</tr>
<tr>
<td>Plover, Golden</td>
<td>Pluvialis apricaria</td>
</tr>
<tr>
<td>Pochard</td>
<td>Aythya ferina</td>
</tr>
<tr>
<td>Shoveler</td>
<td>Anas clypeata</td>
</tr>
<tr>
<td>Snipe, Common</td>
<td>Gallinago gallinago</td>
</tr>
<tr>
<td>Teal</td>
<td>Anas crecca</td>
</tr>
<tr>
<td>Wigeon</td>
<td>Anas penelope</td>
</tr>
<tr>
<td>Woodcock</td>
<td>Scolopax rusticola</td>
</tr>
</tbody>
</table>

**Annotations:**

Amendments (Textual)

- **F508** Sch. 3 Pt. III : Words omitted (S.) (4.11.2001) by S.S.I. 2001/337, reg. 2(5)
- **F509** Entries in Sch. 3 Pt. III repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 5(4)(e), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(c)

Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.
**SCHEDULE 4 – Birds Which Must Be Registered and Ringed if Kept in Captivity**

**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th><em>Falcons (all species)</em></th>
<th><em>Falconidae</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Osprey</td>
<td><em>Pandion haliaetus</em></td>
</tr>
</tbody>
</table>
SCHEDULE 4 – Birds Which Must Be Registered and Ringed if Kept in Captivity

Annotations:

Amendments (Textual)

F510 Entries in Sch. 4 removed (24.5.1994) by S.I. 1994/1151, art. 2


F512 Sch. 4 : entries removed (24.5.1994) subject to specified exceptions by The Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994/1151), art. 2 ; and further specified entries (except the entries for Falcon, Peregrine (Falco peregrinus) and Merlin (Falco columbarius) under the heading "Falcons (all species)" and except the entries for Buzzard, Honey (Pernis apivorus), Eagle, Golden (Aquila chrysaetos), Eagle, White-tailed (Haliaeetus albicilla), Goshawk (Accipiter gentilis), Harrier, Marsh (Circus aeruginosus) and Harrier, Montagu's (Circus pygargus) under the heading "Hawks, True") omitted (E.) (1.10.2008) by virtue of The Wildlife and Countryside Act 1981 (Variation of Schedule 4) (England) Order 2008 (S.I. 2008/2356), arts. 2, 3(1)(2) ; and those same specified entries omitted (W.) (23.4.2009) by virtue of The Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009 (S.I. 2009/780), art. 2(2) ; and those same specified entries removed (S.) (21.12.2009) by virtue of The Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Scotland) Order 2009 (S.S.I. 2009/418), art. 2(1)

**Note.** The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

### SCHEDULE 5 — Animals which are Protected

**Annotations:**  
**Extent Information**  
**E30** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

**Amendments (Textual)**  
**F514** By S.I. 1988/288, *art. 2*(2) it is provided that all Dolphins (Cetacea) and all Porpoises (Cetacea) not already listed in Schedule 5 are added to that Schedule and by S.I. 2007/1843, *reg. 7*(7)(g) it is provided that said Dolphins (all species) and Porpoises (all species) are omitted (E.W.) (21.8.2007)

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>[F515] Adder (in respect of section 9(5) only)</td>
<td>[F515] Vipera berus</td>
</tr>
<tr>
<td>[F516] Allis Shad (in respect of section 9(1) and (4)(a) only)</td>
<td>[F516] Alosa alosa</td>
</tr>
<tr>
<td>[F517] Anemone, Ivell’s Sea</td>
<td>[F517] Edwardsia ivelli</td>
</tr>
<tr>
<td>[F517] Anemone, Startlet Sea</td>
<td>[F517] Nematosella vectensis</td>
</tr>
<tr>
<td>[F517] Apus</td>
<td>[F517] Triops cancriformis</td>
</tr>
<tr>
<td>Bats, Horseshoe (all species but in respect of section 9(4)(b) and (c) and (5) only)</td>
<td>Rhinolophidae</td>
</tr>
<tr>
<td>Bats, Typical (all species but in respect of section 9(4)(b) and (c) and (5) only)</td>
<td>Vespertilionidae</td>
</tr>
<tr>
<td>[F528] Beetle</td>
<td>[F528] Graphoderus zonatus</td>
</tr>
<tr>
<td>[F528] Beetle</td>
<td>[F528] Hypebaeus flavipes</td>
</tr>
<tr>
<td>[F528] Beetle</td>
<td>[F528] Paracymus aeneus</td>
</tr>
<tr>
<td>[F528] Beetle, Lesser Silver Water</td>
<td>[F528] Hydrochara caraboides</td>
</tr>
<tr>
<td>[F528] Beetle, Mire Pill (in respect of section 9(4)(a) only)</td>
<td>[F528] Curimopsis nigrita</td>
</tr>
</tbody>
</table>
Beetle, Rainbow Leaf  
Chrysolina cerealis

Beetle, Stag (in respect of section 9(5) only)  
Lucanus cervus

Beetle, Violet Click  
Limoniscus violaceus

Burbot  
Lota lota

Butterfly, Northern Brown Argus  
Aricia artaxerxes

Butterfly, Adonis Blue  
Lysandra bellargus

Butterfly, Chalkhill Blue  
Lysandra coridon

Butterfly, Silver-studded Blue  
Plebejus argus

Butterfly, Small Blue  
Cupido minimus

Butterfly, Large Copper  
Lycaena dispar

Butterfly, Purple Emperor  
Apatura iris

Butterfly, Duke of Burgandy Fritillary  
Hamearis lucina

Butterfly, Glanville Fritillary  
Melitaea cinxia

Butterfly, Heath Fritillary  
Mellicta athalia (otherwise known as Melitaea athalia)

Butterfly, High Brown Fritillary  
Argynnis adippe

Butterfly, Marsh Fritillary  
Eurodryas aurinia

Butterfly, Pearl-bordered Fritillary  
Boloria euphrosyne

Butterfly, Black Hairstreak  
Strymonidia pruni

Butterfly, Brown Hairstreak  
Thecla betulae

Butterfly, White Letter Hairstreak  
Strymonida w-album

Butterfly, Large Heath  
Coenonympha tullia

Butterfly, Large Blue  
Maculinea arion

Butterfly, Mountain Ringlet  
Erebia epiphron

Butterfly, Chequered Skipper  
Carterocephalus palaemon

Butterfly, Lulworth Skipper  
Thymelicus acteon

Butterfly, Silver Spotted Skipper  
Hesperia comma

Butterfly, Swallowtail  
Papilio machaon

Butterfly, Large tortoishesell  
Nymphalis polychloros
Butterfly, Wood White
Leptidea sinapis

Cat, Wild
Felis silverstris

Cicada, New Forest
Cicadetta montana

Crayfish, Atlantic Stream
Austropotamobius pallipes

Field Cricket
Gryllus campestris

Mole Cricket
Gryllotalpa gryllotalpa

Dameselfly, Southern
Coenagrion mercuriale


Dolphin (all species but in respect of section 9(4A) and (5) only)
Cetacea

Dormouse
Muscardinus avellanarius

Dragonfly, Norfolk Aeshna
Aeshna isosceles

Common Frog
Rana temporaria

Pool Frog (Northern Clade) (in respect of section 9(4)(b) and (c)(1) only and with respect to England only)
Pelophylax lessonae

Couch’s Goby
Gobius couchii

Giant Goby
Gobius cobitis

Wart-biter Grasshopper
Decticus verrucivorus

Hatchet Shell, Northern
Thyasira gouldi

Hydroid, Marine
Clavopsella navis

Lagoon Snail, De Folin’s
Caecum armoricum

Lagoon Worm, Tentacled
Alkmaria romijnii

Leech, Medicinal
Hirudo medicinalis

Sand Lizard
Lacerta agilis

Viviparous Lizard
Lacerta vivipara

Pine Marten
Martes martes
Wildlife and Countryside Act 1981 (c. 69)
SCHEDULE 5 – Animals which are Protected

Document Generated: 2017-07-26

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

[F517] Mat. Trembling Sea
Moth, Barberry Carpet
Moth, Black-veined

[F517] Victorella pavida
Pareulype berberata
Siona lineata (otherwise known as Idaea lineata)

[F521] Moth, Fiery Clearwing
[F521] Bembecia chrysidiformis

[F521] Moth, Fisher’s Estuarine
[F533][in respect of section 9(4)(b) and (c) and (5) only]
Moth, New Forest Burnet
Moth, Reddish Buff
Zygaena viciae
Acosmetia caliginosa

[F529] Moth, Slender Scotch Burnet (in respect of section 9(5) only)
[F529] Zygaena loti subspecies scotica

[F529] Moth, Sussex Emerald
[F520] Thalera fimbrialis

[F529] Moth, Talisker Burnet (in respect of section 9(5) only)
[F539] Zygaena lonicerae subspecies jocelynae

[F534]

[F521] Mussel, Fan (in respect of section 9(1), (2) and (5) only)
[F521] Atrina fragilis

[F538] Mussel, Freshwater Pearl
[F538] Margaritifera margaritifera

[F536] Newt, Great Crested or Warty (in respect of section 9(4)(b) and (c) and (5) only)
Newt, Palmate (in respect of section 9(5) only)
Newt, Smooth (in respect of section 9(5) only)
Otter, Common
[F525] (in respect of section 9(4)(b) and (c) and (5) only)
Lutra lutra

[F537] “Porpoises (all species but in respect of section 9(5) only)

[F517] Sandworm, Lagoon
[F517] Armandia cirrhosa

[F520] Sea Fan, Pink (in respect of section 9(1), 9(2) and 9(5) only)
[F520] Eunicella verrucosa

[F538] Seahorse, Short Snouted (with respect to England [F538][and Wales][only])
[F538] Hippocampus hippocampus

[F538] Seahorse, Spiny (with respect to England [F540][and Wales][only])
[F538] Hippocampus guttulatus
SCHEDULE 5 – Animals which are Protected

[\textbf{520}] Sea Slug, Lagoon

[\textbf{521}] Shad, Twaite (in respect of section 9(1) and (4)(a) only)

[\textbf{538}] Shark, Angel (in respect of section 9(1), (2) and (5) only)

[\textbf{521}] Shark, Basking

[\textbf{517}] Shrimp, Fairy

[\textbf{517}] Shrimp, Lagoon Sand (in respect of section 9(4)(a) only)

[\textbf{529}] Skate, White (in respect of section 9(1), (2) and (5) only)

[\textbf{532}] Slow-worm (in respect of section 9(5) only)

Snail, Glutinous

Snail, Roman (in respect of section 9(1), (2) and (5) only and with respect to England and Wales only)

Snail, Sandbowl

Snake, Grass (in respect of section 9(5) only)

Snake, Smooth (in respect of section 9(4)(b) and (c) and (5) only)

Spider, Fen Raft

Spider, Ladybird

Squirrel, Red

Sturgeon (in respect of section 9(4)(b) and (c) and (5) only)

Toad, Common (in respect of section 9(5) only)

Toad, Natterjack (in respect of section 9(4)(b) and (c) and (5) only)

Turtle, Flatback

Turtle, Green Sea (in respect of section 9(4)(b) and (c) and (5) only)

Turtle, Hawksbill (in respect of section 9(4)(b) and (c) and (5) only)
Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th>Schedule 5 – Animals which are Protected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>F548</strong> Turtle, Kemp’s Ridley Sea (in respect of section 9(4)(b) and (c) and (5) only)</td>
</tr>
<tr>
<td><strong>F549</strong> Turtle, Leatherback Sea (in respect of section 9(4)(b) and (c) and (5) only)</td>
</tr>
<tr>
<td><strong>F550</strong> Turtle, Loggerhead Sea (in respect of section 9(4)(b) and (c) and (5) only)</td>
</tr>
<tr>
<td><strong>F551</strong> Turtle, Olive Ridley</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td><strong>F517</strong> Vendace</td>
</tr>
<tr>
<td><strong>F521</strong> Vole, Water</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td><strong>F517</strong> Walrus</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td><strong>F517</strong> Whale (all species) but in respect of section 9(4A) and (5) only</td>
</tr>
<tr>
<td><strong>F517</strong> Whitefish</td>
</tr>
</tbody>
</table>

Annotations:

Amendments (Textual)

F515 By virtue of S.I. 1991/367, art. 2(1) entry is further listed in respect of section 9(1) so far as it relates to killing and injuring

F516 By virtue of S.I. 1998/878, art. 2(2) entries in Sch. 5 added (16.4.1998) in substitution for the existing entries

F517 Entry added as provided by S.I. 1988/288, art. 2(1)

F518 Sch. 5: words in entry inserted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(7)(b)

F519 Sch. 5: words in entry inserted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(7)(c)

F520 Entries in Sch. 5 added (29.10.1992) by S.I. 1992/2350, art. 2(1)

F521 Entries in Sch. 5 added (16.4.1998) by S.I. 1998/878, art. 2(1)

F522 Entry removed from Schedule as provided by S.I. 1988/288, art. 2(5)

F523 Entry added (in respect of s. 9(5) only) by S.I. 1989/906, art. 2

F524 Entries in Sch. 5 substituted (29.10.1992) by S.I. 1992/2350, art. 2(2)

F525 Sch. 5: words in entries inserted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(7)(a)

F526 Entry added (only in respect of s. 9(1) so far as it relates to taking and in respect of s. 9(5)) by S.I. 1988/288, art. 2(3)

F527 Sch. 5: entries relating to dolphins or porpoises omitted (21.7.2007) by virtue of The Conservation (Natural Habitats &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), art. 7(7)(g)

F528 Sch. 5: entry added (E.W.) (21.8.2007) by The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(7)(b)

F529 Entries in Sch. 5 inserted (E.W.) (1.10.2011) by The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011 (S.I. 2011/2015), arts. 1(b), 2(2), Sch. 1


F532 By S. I. 1988/288, art. 2(4) entry (which is already listed in respect of section 9(5) only) is further listed in respect of s. 9(1) so far as it relates to killing and injuring.


F534 Entry in Sch. 5 (which was added as provided by S.I. 1988/288 , art. 2(1) ) removed (16.4.1998) by S.I. 1998/878, art. 2(3).

F535 By virtue of S.I. 1998/878, art. 2(2) entry in Sch. 5 added (27.3.1998) in substitution for the existing entry.


F552 Sch. 5: entry of “Turtles, Marine (all species)” and “Dermochelyidae and Cheloniidae” omitted (E.W.) (21.8.2007) by virtue of The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (S.I. 2007/1843), reg. 7(7)(e).


Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

Annotations:

Amendments (Textual)


F556 Sch. 5 Note 2 omitted (E.W.) (1.10.2011) by virtue of The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011 (S.I. 2011/2015), arts. 1(b), 2(8)

Annotations:

Amendments (Textual)

F557 Sch. 5A inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 6(5), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(d)

Common name  Scientific name
Hare, mountain  Lepus timidus
Hare, brown  Lepus europaeus

SCHEDULE 6

ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS

Common name  Scientific name
Badger  Meles meles
Bats, Horseshoe (all species)  Rinolophidae
Bats, Typical (all species)  Vespertilionidae
Cat, Wild  Felis silvestris
Dolphin, Bottle-nosed  Tursiops truncatus (otherwise known as Tursiops tursio)
Dolphin, Common  Delphinus delphis
Dormice (all species)  Gliridae
### Annotations:

#### Amendments (Textual)

**F558** Entries in Sch. 6 repealed (S.) (29.6.2011) by *Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 19, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(k)

#### Amendments (Textual)

**F559** Sch. 6A inserted (S.) (29.6.2011) by *Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 7(4), 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(e)

Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

### SCHEDULE 6A

**ANIMALS NOT TO BE POACHED**

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hare, mountain</td>
<td><em>Lepus timidus</em></td>
</tr>
<tr>
<td>Hare, brown</td>
<td><em>Lepus europaeus</em></td>
</tr>
<tr>
<td>Rabbit</td>
<td><em>Oryctolagus cuniculus</em></td>
</tr>
</tbody>
</table>
SCHEDULE 7

AF66 AMENDMENT OF ACTS IN RELATION TO NIGHT SHOOTING OF HARES AND RABBITS

Annotations:

Amendments (Textual)
AF66 Sch. 7 heading substituted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 11(4)(a), 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(b)

The Ground Game Act 1880

1 (1) Notwithstanding the provisions of section 6 of the Ground Game Act 1880, it shall not be unlawful for the occupier of any land himself, or one other person authorised by him under section 1 of that Act, to use firearms for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise if (except where he has the exclusive right) the occupier has the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.

(2) In this paragraph “ground game” means hares and rabbits.

Annotations:

Marginal Citations
AG41 1880 c. 47

The Agriculture (Scotland) Act 1948

2 (1) Notwithstanding the provisions of section 50(1)(a) of the Agriculture (Scotland) Act 1948, it shall not be unlawful for the owner of the shooting rights on any land or any person holding those rights from him, or subject to sub-paragraph (2) below the occupier of any land, to use a firearm for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise.

(2) The occupier of any land shall not use a firearm as mentioned in sub-paragraph (1) above unless (except where he has the exclusive right) he has first obtained the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.

(3) An occupier who is entitled, in terms of this paragraph, to use a firearm for the purpose of killing ground game may, subject to the provisions of section 1 of the Ground Game Act 1880, authorise one other person so to use a firearm.

(4) In this paragraph “ground game” means hares and rabbits.

Annotations:

Marginal Citations
AG42 1948 c. 45
The Dogs (Protection of Livestock) Act 1953

3 (1) At the end of subsection (2) of section 1 of the Dogs (Protection of Livestock) Act 1953 (penalty where dog worries livestock on agricultural land) there shall be inserted the words “or

(c) being at large (that is to say not on a lead or otherwise under close control) in a field or enclosure in which there are sheep”.

(2) After that subsection there shall be inserted the following subsection—

“(2A) Subsection (2)(c) of this section shall not apply in relation to—

(a) a dog owned by, or in charge of, the occupier of the field or enclosure or the owner of the sheep or a person authorised by either of those persons ; or

(b) a police dog, a guide dog, a trained sheep dog, a working gun dog or a pack of hounds.”

Annotations:

Editorial Information

X10 The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M43 1953 c. 28.

The Deer Act 1963

For subsection (3) of section 10 of the Deer Act 1963 (general exceptions) there shall be substituted the following subsections—

“(3) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of any smooth-bore gun for the purpose of killing any deer if he shows that the deer had been so seriously injured otherwise than by his unlawful act or was in such a condition that to kill it was an act of mercy.

(4) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use as a slaughtering instrument, for the purpose of killing any deer, of a smooth-bore gun which—

(a) is of not less gauge than 12 bore ;

(b) has a barrel less than 24 inches (609.6 millimetres) in length ; and

(c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (that is to say, size AAA or any larger size).”

Annotations:

Editorial Information

X11 The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
10A "Exceptions for authorised persons.

(1) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
   (a) the taking of killing of any deer by means of shooting; or
   (b) the injuring of any deer by means of shooting in an attempt to take or kill it, on any cultivated land, pasture or enclosed woodland.

(2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
   (a) the taking or killing of any deer by means of shooting; or
   (b) the injuring of any deer by means of shooting in an attempt to take or kill it, on any cultivated land, pasture or enclosed woodland.

(2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use, for the purpose of taking or killing any deer on any land, of any smooth-bore gun of not less guage than 12 bore which is loaded with—
   (a) a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes); or
   (b) a cartridge purporting to contain shot each of which is .203 inches (5.16 millimetres) in diameter (that is to say, size AAA).

(3) An authorised person shall not be entitled to rely on the defence provided by subsection (1) or (2) of this section as respects anything done in relation to any deer on any land unless he shows that—
   (a) he had reasonable grounds for believing that caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land;
   (b) it was likely that further damage would be so caused and any such damage was likely to be serious; and
   (c) his action was necessary for the purpose of preventing any such damage.

(4) The Secretary of State and the agriculture Minister acting jointly may by order, either generally or in relation to any area or any species and description of deer specified in the order, repeal subsection (2) of this section or amend it by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in it, or by adding any further conditions which must be satisfied.
(5) Before making an order under subsection (4) of this section, the Secretary of State and the agriculture Minister shall consult organisations that appear to them to represent persons likely to be interested in or affected by the order.

(6) In this section—

“agriculture Minister” means the Minister of Agriculture Fisheries and Food in relation to England and the Secretary of State for Wales in relation to Wales;

“authorised person” means—

(a) the occupier of the land on which the action is taken;
(b) any member of the occupier’s household normally resident on the occupier’s land, acting with the written authority of the occupier;
(c) any person in the ordinary service of the occupier on the occupier’s land, acting with the written authority of the occupier; or
(d) any person having the right to take or kill deer on the land on which the action is taken or any person acting with the written authority of a person having that right.”

(2) In sections 1(1) and 3(1) of that Act for the words “sections 10 and 11” there shall be substituted the words “sections 10, 10A and 11”.

(3) For subsection (1) of section 12 of that Act (orders) there shall be substituted the following subsections—

“(1) Any power to make orders under this Act shall be exercisable by statutory instrument.

(1A) A statutory instrument containing an order under section 1(2) or 3(4) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(1B) No order under section 10A(4) of this Act shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.”]
The Conservation of Seals Act 1970

(1) In subsection (1)(c) of section 10 of the Conservation of Seals Act 1970 (power to grant licences), the word “or” immediately following sub-paragraph (ii) shall be omitted and after sub-paragraph (iii) there shall be inserted the words “or (iv) the protection of flora or fauna in an area to which subsection (4) of this section applies,”.

(2) In subsection (3)(b) of that section for the words from “a nature reserve” onwards there shall substituted the words “an area to which subsection (4) of this section applies”.

(3) After subsection (3) of that section there shall be inserted the following subsection—

“(4) This subsection applies to any area which—

(a) is a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949;
(b) has been notified under section 28(1) of the Wildlife and Countryside Act 1981 (areas of special scientific interest);
(c) is an area to which section 29(3) of that Act (special protection for certain areas of special scientific interest) applies; or
(d) has been designated as a marine nature reserve under section 36 of that Act.”

The Badgers Act 1973

F564
### SCHEDULE 8

#### PLANTS WHICH ARE PROTECTED

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>[F569] Adder’s-tongue, Least</td>
<td>[F569] Ophioglossum lusitanicum</td>
</tr>
<tr>
<td>Alison, Small</td>
<td>Alyssum alyssoides</td>
</tr>
<tr>
<td>[F570] Anomodon, Long-leaved</td>
<td>[F570] Anomodon longifolius</td>
</tr>
<tr>
<td>[F570] Beech-lichen, New Forest</td>
<td>[F570] Enterographa elaborata</td>
</tr>
<tr>
<td>[F571] Blackwort</td>
<td>[F571] Southbya nigrella</td>
</tr>
</tbody>
</table>
[F570]Bluebell (in respect of section 13(2) only)]
[F570]Bolete, Royal]
Broomrape, Bedstraw
Broomrape, Oxtongue
Broomrape, Thistle
[F669]Cabbage, Lundy]
Calamint, Wood
[F571]Caloplaca, Snow]
[F571]Catapyrenium, Tree]
Catchfly, Alpine
[F571]Catillaria, Laurer’s]
[F571]Centaury, Slender]
Cinquefoil, Rock
[F570]Cladonia, Convoluted]
[F571]Cladonia, Upright Mountain]
[F571]Clary, Meadow]
Club-rush, Triangular
[F669]Colt’s-foot, Purple]
Cotoneaster, Wild
[F669]Cottongrass, Slender]
Cow-wheat, Field
[F669]Crocus, Sand]
[F571]Crystalwort, Lizard]
[F571]Cudweed, Broad-leaved]
Cudweed, Jersey
[F669]Cudweed, Red-tipped]
[F570]Cut-grass]
[F570]Deptford Pink ( in respect of England and Wales only)]
Diapensia

...
<table>
<thead>
<tr>
<th>Plant Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eryngo, Field</td>
<td>Eryngium campestre</td>
</tr>
<tr>
<td>Feather-moss, Polar</td>
<td>Hygrohypnum polare</td>
</tr>
<tr>
<td>Fern, Dickie’s Bladder</td>
<td>Cystopteris dickieana</td>
</tr>
<tr>
<td>Flapwort, Norfolk</td>
<td>Leiocolea rutheana</td>
</tr>
<tr>
<td>Fleabane, Alpine</td>
<td>Erigeron borealis</td>
</tr>
<tr>
<td>Fleabane, Small</td>
<td>Pulicaria vulgaris</td>
</tr>
<tr>
<td>Frostwort, Pointed</td>
<td>Gymnomitrion apiculatum</td>
</tr>
<tr>
<td>Fungus, Hedgehog</td>
<td>Hericium erinaceum</td>
</tr>
<tr>
<td>Galingale, Brown</td>
<td>Cyperus fuscus</td>
</tr>
<tr>
<td>Gentian, Alpine</td>
<td>Gentiana nivalis</td>
</tr>
<tr>
<td>Gentian, Dune</td>
<td>Gentianella uliginosa</td>
</tr>
<tr>
<td>Germander, Cut-leaved</td>
<td>Gentianella ciliata</td>
</tr>
<tr>
<td>Germander, Water</td>
<td>Teucrium scordium</td>
</tr>
<tr>
<td>Gladiolus, Wild</td>
<td>Gladiolus illyricus</td>
</tr>
<tr>
<td>Goblin Lights</td>
<td>Catolechia wahlenbergii</td>
</tr>
<tr>
<td>Goosefoot, Stinking</td>
<td>Chenopodium vulvaria</td>
</tr>
<tr>
<td>Grass-poly</td>
<td>Lythrum hyssopifolia</td>
</tr>
<tr>
<td>Grimmia, Blunt-leaved</td>
<td>Grimmia unicolor</td>
</tr>
<tr>
<td>Gyalecta, Elm</td>
<td>Gyalecta ulmi</td>
</tr>
<tr>
<td>Hare’s-ear, Sickle-leaved</td>
<td>Bupleurum falcaturn</td>
</tr>
<tr>
<td>Hare’s-ear, Small</td>
<td>Bupleurum baldense</td>
</tr>
<tr>
<td>Hawk’s-beard, Stinking</td>
<td>Crepis foetida</td>
</tr>
<tr>
<td>Hawkweed, Northroe</td>
<td>Hieracium northroense</td>
</tr>
<tr>
<td>Hawkweed, Shetland</td>
<td>Hieracium zetlandicum</td>
</tr>
<tr>
<td>Hawkweed, Weak-leaved</td>
<td>Hieracium attenuatifolium</td>
</tr>
<tr>
<td>Heath, Blue</td>
<td>Phyllocoo caerulea</td>
</tr>
<tr>
<td>Helleborine, Red</td>
<td>Cephalanthera rubra</td>
</tr>
<tr>
<td>Code</td>
<td>Name</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>F569</td>
<td>Horsetail, Branched</td>
</tr>
<tr>
<td>F569</td>
<td>Hound’s-tongue, Green</td>
</tr>
<tr>
<td></td>
<td>Knavel, Perennial</td>
</tr>
<tr>
<td></td>
<td>Knotgrass, Sea</td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F574</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| F571 | Lecanora, Tarn | [Lecanora archariana] |
| F571 | Lecidea, Copper | [Lecidea inops] |
|       | Leek, Round-headed | Allium sphaerocephalon |
|       | Lettuce, Least | Lactuca saligna |

| F571 | Lichen, Arctic Kidney | [Nephroma arcticum] |
| F571 | Lichen, Ciliate Strap | [Heterodermia leucomelos] |
| F571 | Lichen, Coralloid Rosette | [Heterodermia propagulifera] |
| F571 | Lichen, Ear-lobed Dog | [Peltigera lepidophora] |
| F571 | Lichen, Forked Hair | [Bryoria furcellata] |
| F571 | Lichen, Golden Hair | [Teloschistes flavicans] |
| F571 | Lichen, Orange Fruited Elm | [Caloplaca luteoalba] |
| F571 | Lichen, River Jelly | [Collema dichotomum] |
| F571 | Lichen, Scaly Breck | [Squamarina lentigera] |
| F571 | Lichen, Stary Breck | [Buellia asterella] |
|       | Lily, Snowdon | Lloydia serotina |
| F571 | Liverwort | [Petalophyllum ralfsi] |
| F571 | Liverwort, Lindenberg’s Leafy | [Adelanthus lindenbergianus] |
|       | Marsh-mallow, Rough | Althaea hirsuta |

| F569 | Milk-parsley, Cambridge | [Selinum carvifolia] |
| F571 | Moss | [Drepanocladium vernicosus] |
| F571 | Moss, Alpine Copper | [Mielichoferia mielichoferi] |
| F571 | Moss, Baltic Bog | [Sphagnum balticum] |
| F571 | Moss, Blue Dew | [Saelania glaucescens] |
Moss, Blunt-leaved Bristle
Moss, Bright Green Cave
Moss, Cordate Beard
Moss, Cornish Path
Moss, Derbyshire Feather

Moss Large Yellow Feather
Moss, Millimetre
Moss, Multifruited River
Moss, Nowell’s Limestone
Moss, Rigid Apple
Moss, Round-leaved Feather
Moss, Schleicher’s Thread
Moss, Triangular Pygmy
Moss, Vaucher’s Feather
Mudwort, Welsh
Naiad, Holly-leaved

Orache, Stalked
Orchid, Early Spider
Orchid, Ghost
Orchid, Lapland Marsh
Orchid, Late Spider
Orchid, Lizard
Orchid, Military
Orchid, Monkey
Pannaria, Caledonia
<p>| Status: This version of this Act contains provisions that are prospective. |</p>
<table>
<thead>
<tr>
<th>Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[F571] Parmelia, New Forest</td>
</tr>
<tr>
<td>[F571] Parmentaria, Oil Stain</td>
</tr>
<tr>
<td>Pear, Plymouth</td>
</tr>
<tr>
<td>[F571] Penny-cress, Perfoliate</td>
</tr>
<tr>
<td>[F569] Pennyroyal</td>
</tr>
<tr>
<td>[F571] Pertusaria, Alpine Moss</td>
</tr>
<tr>
<td>[F571] Physcia, Southern Grey</td>
</tr>
<tr>
<td>[F569] Pigmyweed</td>
</tr>
<tr>
<td>[F571] Pine, Ground</td>
</tr>
<tr>
<td>Pink, Cheddar</td>
</tr>
<tr>
<td>Pink, Childling</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td>[F570] Polypore, Oak</td>
</tr>
<tr>
<td>[F571] Pseudocyphellaria, Ragged</td>
</tr>
<tr>
<td>[F571] Psora, Rusty Alpine</td>
</tr>
<tr>
<td>[F570] Puffball, Sandy Stilt</td>
</tr>
<tr>
<td>[F569] Ragwort, Fen</td>
</tr>
<tr>
<td>[F569] Ramping-fumitory, Martin’s</td>
</tr>
<tr>
<td>[F571] Rampion, Spiked</td>
</tr>
<tr>
<td>[F569] Restharrow, Small</td>
</tr>
<tr>
<td>[F569] Rock-cress, Alpine</td>
</tr>
<tr>
<td>[F569] Rock-cress, Bristol</td>
</tr>
<tr>
<td>[F575] Rock Nail</td>
</tr>
<tr>
<td>[F571] Rustworth, Western</td>
</tr>
<tr>
<td>Sandwort, Norwegian</td>
</tr>
<tr>
<td>Sandwort, Teesdale</td>
</tr>
<tr>
<td>Saxifrage, Drooping</td>
</tr>
<tr>
<td>. . .</td>
</tr>
<tr>
<td>Saxifrage, Tufted</td>
</tr>
<tr>
<td>[F571] Solenopsora, Serpentine</td>
</tr>
<tr>
<td>Solomon’s-seal, Whorled</td>
</tr>
<tr>
<td>Sow-thistle, Alpine</td>
</tr>
<tr>
<td>Spearwort, Adder’s-tongue</td>
</tr>
</tbody>
</table>
Wildlife and Countryside Act 1981 (c. 69)

SCHEDULE 8 – Plants which are Protected

Document Generated: 2017-07-26

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

[*F569* Speedwell, Fingered] [F569* Veronica triphylllos]
Speedwell, Spiked
Veronica spicata

...[F570* Spike-rush, Dwarf] [F570* Eleocharis parvula]
[F570* Stack Fleawort, South] [F570* Tephroseris integrifolia (ssp maritima)]
[F569* Star-of-Bethlehem, Early] [F569* Gagea bohemica]
Starfruit
Damasonium alisma

[F571* Stonewort, Bearded] [F571* Chara canescens]
[F569* Stonewort, Foxtail] [F569* Lamprothamnium papulosum]
[F569* Strapwort] [F569* Corrigiola litoralis]
[F570* Sulphur-tresses, Alpine] [F570* Alectoria ochroleuca]

...[F575* Tree Lungwort (in respect of section 13(2) only)] [F575* Lobaria pulmonaria]
[F571* Turpswort] [F571* Geocalyx graveolens]
Violet, Fen
Viola persicifolia

[F569* Viper’s-grass] [F569* Scorzonera humilis]
Water-plantain, Ribbon leaved
Alisma gramineum
Wood-sedge, Starved
Carex depauperata
Woodsea, Alpine
Woodsea ilvensis
Wormsea, Field
Artemisia campestris
Woundwort, Downy
Stachys germanica
Woundwort, Limestone
Stachys alpina
Yellow-rattle, Greater
Rhinanthus serotinus

Annotations:

Amendments (Textual)
[F569] Entry added by S.I. 1988/288, art. 3
[F572] Sch. 8 : entries removed (S.) (15.2.2007) by The Conservation (Natural Habitats, & c.) Amendment (Scotland) Regulations 2007 (S.S.I. 2007/80), reg. 29
SCHEDULE 9 – Animals and Plants to which Section 14 Applies

Date: 2017-07-26

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

Entries in Sch. 8 inserted (E.W.) (1.10.2011) by The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011 (S.I. 2011/2015), arts. 1(b), 3(2), Sch. 3

Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

SCHEDULE 9

ANIMALS AND PLANTS TO WHICH SECTION 14 APPLIES

Annotations:

Amendments (Textual)

F576 Sch. 9 repealed (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), ss. 17(8), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)

PART I

[F577]NON-NATIVE] ANIMALS WHICH ARE ESTABLISHED IN THE WILD

Annotations:

Amendments (Textual)

F577 Words in Sch. 9 Pt. I heading inserted (E.W.) (5.3.2015 for E.) by Infrastructure Act 2015 (c. 7), ss. 24(2), 57(4); S.I. 2015/481, reg. 2(b)

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass, Large-mouthed Black</td>
<td>Micropterus salmoides</td>
</tr>
<tr>
<td>Bass, Rock</td>
<td>Ambloplites rupestris</td>
</tr>
<tr>
<td>Bitterling</td>
<td>Rhodeus sericeus</td>
</tr>
<tr>
<td>[F578][F579]Boar, Wild]]</td>
<td>[F578][F579]Sus scrofa]]</td>
</tr>
<tr>
<td>. . .</td>
<td></td>
</tr>
<tr>
<td>[F579]Capercaillie</td>
<td>[F579]Tetrao urogallus</td>
</tr>
<tr>
<td>[F578][F579]Chough]]</td>
<td>[F578][F579]Pyrrhocorax pyrrhocorax]]</td>
</tr>
<tr>
<td>[F578][F579]Corncrake]]</td>
<td>[F578][F579]Crex crex]]</td>
</tr>
<tr>
<td>. . .</td>
<td></td>
</tr>
<tr>
<td>[F578]Crab, Chinese Mitten</td>
<td>[F578]Eriocheir sinensis</td>
</tr>
<tr>
<td>[F581]Crayfish, Noble</td>
<td>[F581]Astacus astacus</td>
</tr>
<tr>
<td>Animal Type</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Crane, Common</td>
<td>Grus grus</td>
</tr>
<tr>
<td>Crayfish, Red Swamp</td>
<td>Procambarus clarkii</td>
</tr>
<tr>
<td>Crayfish, Signal</td>
<td>Pacifastacus leniusculus</td>
</tr>
<tr>
<td>Crayfish, Spiny-cheek</td>
<td>Orconectes limosus</td>
</tr>
<tr>
<td>Crayfish, Turkish</td>
<td>Astacus leptodactylus</td>
</tr>
<tr>
<td>Deer, Chinese Water</td>
<td>Hydropotes inermis</td>
</tr>
<tr>
<td>Deer, Muntjac</td>
<td>Muntiacus reevesi</td>
</tr>
<tr>
<td>Deer, Sika</td>
<td>Cervus nippon</td>
</tr>
<tr>
<td>Deer, any hybrid one of whose parents or other lineal ancestor was a Sika Deer</td>
<td>Any hybrid of Cervus nippon</td>
</tr>
<tr>
<td>Dormouse, Fat</td>
<td>Glis glis</td>
</tr>
<tr>
<td>Duck, Carolina Wood</td>
<td>Aix sponsa</td>
</tr>
<tr>
<td>Duck, Mandarin</td>
<td>Aix galericulata</td>
</tr>
<tr>
<td>Duck, Ruddy</td>
<td>Oxyura jamaicensis</td>
</tr>
<tr>
<td>Eagle, White-tailed</td>
<td>Haliaetus albicilla</td>
</tr>
<tr>
<td>Flatworm</td>
<td>Kontikia andersoni</td>
</tr>
<tr>
<td>Flatworm</td>
<td>Kontikia ventrolineata</td>
</tr>
<tr>
<td>Flatworm, Australian</td>
<td>Australoplana sanguinea</td>
</tr>
<tr>
<td>Flatworm, New Zealand</td>
<td>Artiposthia triangulata</td>
</tr>
<tr>
<td>Frog, Edible</td>
<td>Rana esculenta</td>
</tr>
<tr>
<td>Frog, European Tree (otherwise known as Common tree frog)</td>
<td>Hyla arborea</td>
</tr>
<tr>
<td>Frog, Marsh</td>
<td>Rana ridibunda</td>
</tr>
<tr>
<td>Goose, Bar-headed</td>
<td>Anser indicus</td>
</tr>
<tr>
<td>Goose, Barnacle</td>
<td>Branta leucopsis</td>
</tr>
<tr>
<td>Goose, Canada</td>
<td>Branta canadensis</td>
</tr>
<tr>
<td>Goose, Egyptian</td>
<td>Alopochen aegyptiacus</td>
</tr>
<tr>
<td>Goose, Emperor</td>
<td>Anser canagicus</td>
</tr>
<tr>
<td>Goose, Snow</td>
<td>Anser caerulescens</td>
</tr>
<tr>
<td>Goshawk</td>
<td>Accipiter gentilis</td>
</tr>
<tr>
<td>Heron, Night</td>
<td>Nycticorax nycticorax</td>
</tr>
</tbody>
</table>
[Kite, Red][Milvus milvus]
[Limpet, Slipper][Crepidula fornicata]
Lizard, Common Wall Podarcis muralis
Marmot, Prairie (otherwise known as Prairie dog) Cynomys
Mink, American Mustela vison
Newt, Alpine Triturus alpestris
[Newt, Italian Crested][Triturus carnifex]
[Owl, Barn][Tyto alba]
[Owl, Eagle][Bubo bubo]
[Oyster Drill, American][Urosalpinx cinerea]
[Parakeet, Monk][Myiopsitta monachus]
Parakeet, Ring-necked Psittacula krameri
Partridge, Chukar Alectoris chukar
Partridge, Rock Alectoris graeca
Pheasant, Golden Chrysolophus pictus
Pheasant, Lady Amherst’s Chrysolophus amherstiae
Pheasant, Reeves’ Syrmaticus reevesii
Pheasant, Silver Lophura nycthemera
[Pochard, Red-crested][Netta rufina]
[Pumpkinseed (otherwise known as Sun-fish or Pond-perch)] Lepomis gibbosus
[Rat, Black] Rattus rattus
[Shelduck, Ruddy][Tadorna ferruginea]
[Snake, Aesculapian][Elaphe longissima]
Squirrel, Grey Sciurus carolinensis
[Swan, Black][Cygnus atratus.]
Terrapin, European Pond Emys orbicularis
Toad, African Clawed Xenopus laevis
Toad, Midwife Alytes obstetricans
Toad, Yellow-bellied Bombina variegata
Wallaby, Red-necked Macropus rufogriseus
Wels (otherwise known as European catfish)  
Silurus glanis

Zander  
Stizostedion lucioperca

### Annotations:

#### Amendments (Textual)


F579 Entries in Sch. 9 Pt. 1 omitted (E.W.) (5.3.2015 for E.) by virtue of Infrastructure Act 2015 (c. 7), ss. 24(3), 57(4); S.I. 2015/481, reg. 2(b)


F582 Entry in Sch. 9 Pt. 1 added (5.3.1997) by S.I. 1997/226, art. 2.

F583 Entries in Sch. 9 Pt. 1 added (28.4.1999) by S.I. 1999/1002, art. 2.

F584 Entry in Sch. 9 Pt. 1 added (25.11.1992) by S.I. 1992/2674, art. 2.

### PART IA  
NATIVE ANIMALS

#### Annotations:

#### Amendments (Textual)

F585 Sch. 9 Pt. 1A inserted (E.W.) (5.3.2015 for E.) by Infrastructure Act 2015 (c. 7), ss. 24(4), 57(4); S.I. 2015/481, reg. 2(b)

<table>
<thead>
<tr>
<th><strong>Common name</strong></th>
<th><strong>Scientific name</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capercaillie</td>
<td>Tetrao urogallus</td>
</tr>
<tr>
<td>Chough</td>
<td>Pyrrhocorax pyrrhocorax</td>
</tr>
<tr>
<td>Corncrake</td>
<td>Crex crex</td>
</tr>
<tr>
<td>Crane, Common</td>
<td>Grus grus</td>
</tr>
<tr>
<td>Eagle, White-tailed</td>
<td>Haliaetus albicilla</td>
</tr>
<tr>
<td>Goshawk</td>
<td>Accipiter gentilis</td>
</tr>
<tr>
<td>Kite, Red</td>
<td>Milvus milvus</td>
</tr>
<tr>
<td>Owl, Barn</td>
<td>Tyto alba.</td>
</tr>
</tbody>
</table>

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.]
### PART IB

ANIMALS NO LONGER NORMALLY PRESENT

**Annotations:**

**Amendments (Textual)**

F586 Sch. 9 Pt. 1B inserted (E.W.) (5.3.2015 for E.) by *Infrastructure Act 2015* (c. 7), ss. 24(5), 57(4); S.I. 2015/481, reg. 2(b)

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beaver, Eurasian</td>
<td>Castor fiber</td>
</tr>
<tr>
<td>Boar, Wild</td>
<td>Sus Scrofa.</td>
</tr>
</tbody>
</table>

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

**Annotations:**

**Amendments (Textual)**


### PART II

PLANTS

**Annotations:**

**Amendments (Textual)**

F588

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexanders, Perfoliata</td>
<td>Smyrnium perfoliatum</td>
</tr>
<tr>
<td>Algae, Red</td>
<td>Grateloupia luxurians</td>
</tr>
<tr>
<td>Archangel, Variegated Yellow</td>
<td>Lamiastrium galeobdolon subsp. argentatum</td>
</tr>
<tr>
<td>Azalea, Yellow</td>
<td>Rhododendron luteum</td>
</tr>
<tr>
<td>Balsam, Himalayan</td>
<td>Impatiens glandulifera</td>
</tr>
<tr>
<td>Cotoneaster</td>
<td>Cotoneaster horizontalis</td>
</tr>
<tr>
<td>Cotoneaster, Entire-leaved</td>
<td>Cotoneaster integrifolius</td>
</tr>
<tr>
<td>Cotoneaster, Himalayan</td>
<td>Cotoneaster simonsii</td>
</tr>
<tr>
<td>Cotoneaster, Hollyberry</td>
<td>Cotoneaster bullatus</td>
</tr>
<tr>
<td>Cotoneaster, Small-leaved</td>
<td>Cotoneaster microphyllus</td>
</tr>
<tr>
<td>Creeper, False Virginia</td>
<td>Parthenocissus inserta</td>
</tr>
</tbody>
</table>
Wildlife and Countryside Act 1981 (c. 69)
SCHEDULE 9 – Animals and Plants to which Section 14 Applies

Document Generated: 2017-07-26

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

[F588] Creeper, Virginia
[F588] Parthenocissus quinquefolia

[F588] Dewplant, Purple
[F588] Disphyma crassifolium

[F588] Fanwort
[F588] Cabomba caroliniana

[F588] Fern, Water
[F588] Azolla filiculoides

[F588] Fig, Hottentot
[F588] Carpobrotus edulis

[F588] Garlic, Three-cornered
[F588] Allium triquetrum

Hogweed, Giant
Heracleum mantegazzianum

[F588] Hyacinth, water
[F588] Eichhornia crassipes

[F588] Kelp, Giant
[F588] Macrocystis angustifolia

[F588] Kelp, Giant
[F588] Macrocystis integrifolia

[F588] Kelp, Giant
[F588] Macrocystis laevis

Kelp, Giant
Macrocystis pyrifera

[F588] Kelp, Japanese
[F588] Laminaria japonica

[F588] Knotweed, Giant
[F588] Fallopia sachalinensis

[F588] Knotweed, Hybrid
[F588] Fallopia japonica x Fallopia sachalinensis

[F588] Knotweed, Japanese
[F588] Fallopia japonica

[F590] Knotweed, Japanese
[F590] Polygonum cuspidatum

[F588] Leek, Few-flowered
[F588] Allium paradoxum

[F588] Lettuce, water
[F588] Pistia stratiotes

[F588] Montbretia
[F588] Crocosmia x crocosmiiflora

[F588] Parrot's-feather
[F588] Myriophyllum aquaticum

[F588] Pennywort, Floating
[F588] Hydrocotyle ranunculoides

[F588] Potato, Duck
[F588] Sagittaria latifolia

[F588] Primrose, Floating Water
[F588] Ludwigia peploides

[F588] Primrose, Water
[F588] Ludwigia grandiflora

[F588] Primrose, Water
[F588] Ludwigia urugayensis

[F588] Rhododendron
[F588] Rhododendron ponticum

[F588] Rhododendron
[F588] Rhododendron ponticum x Rhododendron maximum

[F588] Rhubarb, Giant
[F588] Gunnera tinctoria

[F588] Rose, Japanese
[F588] Rosa rugosa

[F588] Salvinia, Giant
[F588] Salvinia molesta
SCHEDULE 9 – Animals and Plants to which Section 14 Applies

[F588 Seafingers, Green]
[F589 Seafingers, Green]
[F889 Seaweed, Californian Red]
[F889 Seaweed, Hooked Asparagus]
Seaweed, Japanese
[F889 Seaweeds, Laver (except native species)]
[F889 Seaweeds, Laver (except native species)]
[F889 Seaweed, Japanese]
[F890 Seaweed, Japanese]
[F889 Waterweeds]

Annotations:

Amendments (Textual)


Note. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.]
PART 1
OVERVIEW AND INTERPRETATION

Overview

1 (1) This Schedule provides for—
   (a) species control agreements between environmental authorities and owners of premises, and
   (b) species control orders made by environmental authorities, and for related matters.

(2) A species control agreement or species control order may relate to—
   (a) an invasive non-native species of animal or plant, or
   (b) a species of animal that is no longer normally present in Great Britain.

This is subject to the other provisions of this Schedule.

(3) The following definitions apply for the purposes of this Schedule.

Definitions relating to species

2 (1) “Species” means any kind of animal or plant.

(2) A species is “invasive” if, uncontrolled, it would be likely to have a significant adverse impact on—
   (a) biodiversity,
   (b) other environmental interests, or
   (c) social or economic interests.

(3) A species is “non-native” if—
   (a) it is listed in Part 1 or 2 of Schedule 9, or
   (b) in the case of a species of animal, it is a species—
      (i) whose natural range does not include any part of Great Britain, and
      (ii) which has been introduced into Great Britain or is present in Great Britain because of other human activity.

(4) References to a species being “present” on premises include its being present at any stage in its life-cycle (for example, as eggs or seeds).

(5) A species of animal is “no longer normally present in Great Britain” if—
(a) it is a species listed in Part 1B of Schedule 9, or
(b) it is a species—
   (i) whose natural range includes all or any part of Great Britain, and
   (ii) which has ceased to be ordinarily resident in, or a regular visitor to, Great Britain in a wild state.

Environmental authorities

3 (1) “Environmental authority”, in relation to premises in England, means—
   (a) the Secretary of State,
   (b) the Environment Agency,
   (c) Natural England, and
   (d) the Forestry Commissioners.

(2) “Environmental authority”, in relation to premises in Wales, means—
   (a) the Welsh Ministers, and
   (b) the Natural Resources Body for Wales.

Owners and dwellings

4 (1) “Owner”, in relation to premises consisting of land, means—
   (a) a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion,
   (b) a person in possession under a lease, or
   (c) a person who for the time being exercises powers of management or control over the land.

(2) “Dwelling” means a building or structure, or part of a building or structure, occupied wholly or mainly as a dwelling.

Operations

5 (1) “Species control operations” are operations to do one or more of the following—
   (a) eradicate a species from premises;
   (b) control a species on premises;
   (c) prevent a species from returning to premises.

(2) References to “carrying out” operations include arranging for operations to be carried out.

PART 2

SPECIES CONTROL AGREEMENTS

Making of species control agreements

6 (1) An environmental authority may enter into a “species control agreement” with an owner of any premises where the authority considers that there is present on the premises—
(a) an invasive non-native species, or
(b) a species of animal that is no longer normally present in Great Britain.

(2) Under a species control agreement the parties agree to the carrying out of species control operations.

(3) Before entering into a species control agreement with an owner, an environmental authority must be satisfied that—
   (a) the provisions of the agreement are proportionate to the objective to be achieved, and
   (b) in a case where there is more than one owner, the owner with whom the agreement is entered into is the most appropriate one.

(4) Before entering into a species control agreement relating to animals of a species that is no longer normally present in Great Britain, the environmental authority must also be satisfied that—
   (a) the animals are present on the premises otherwise than under and in accordance with the terms of a licence under section 16(4)(c),
   (b) the animals on the premises are having a significant adverse impact on—
       (i) biodiversity,
       (ii) other environmental interests, or
       (iii) social or economic interests, and
   (c) there is no appropriate alternative way of obviating that impact.

(5) A species control agreement may not be entered into in relation to premises consisting of a dwelling except where the environmental authority is the Secretary of State or the Welsh Ministers.

Content of species control agreements

7 (1) A species control agreement must provide for—
   (a) the species control operations to be carried out,
   (b) the party who is to carry them out, and
   (c) the time by which they are to be carried out.

(2) A species control agreement may contain such supplementary provision as the parties consider appropriate.

(3) That may include provision as to—
   (a) how species control operations are to be carried out,
   (b) payment to be made by either party to the other, or to another person, in respect of the species control operations to be carried out, or
   (c) any species control operations that must not be carried out.

Notice of compliance

8 Where an environmental authority considers that an owner of premises has complied with all the requirements in a species control agreement to carry out species control operations, the authority must give the owner notice to that effect.
Liability

An environmental authority is not liable to a person with an interest in the premises, other than the owner with whom a species control agreement is entered into, for anything done by the authority pursuant to the agreement.

PART 3

SPECIES CONTROL ORDERS

When a species control order may be made

10 (1) An environmental authority may make a species control order in relation to premises if—
   (a) it considers that there is present on the premises—
       (i) an invasive non-native species, or
       (ii) a species of animal that is no longer normally present in Great Britain, and
   (b) any of the following circumstances apply.

(2) The circumstances are—
   (a) the environmental authority considers that an owner has failed to comply with a species control agreement entered into with the environmental authority and, having been given notice to that effect and a reasonable opportunity to rectify the failure, has not done so;
   (b) the environmental authority has offered to enter into a species control agreement with an owner but—
       (i) the owner has refused to enter into any kind of species control agreement, or
       (ii) no species control agreement has been entered into in respect of the premises by the end of the period of 42 days beginning with the day after the offer was made and the authority considers it unlikely that the owner will enter any kind of such agreement;
   (c) the environmental authority considers that the making of the order is urgently necessary;
   (d) the environmental authority has been unable to identify an owner, having—
       (i) placed on the premises a conspicuous notice of its desire to enter into a species control agreement, and
       (ii) waited for 5 days after the day on which the notice was placed.

(3) Before making a species control order, an environmental authority must be satisfied that the provisions of the order are proportionate to the objective to be achieved.

(4) Before making a species control order relating to animals of a species that is no longer normally present in Great Britain, the environmental authority must also be satisfied that—
   (a) the animals are present on the premises otherwise than under and in accordance with the terms of a licence under section 16(4)(c),
   (b) the animals on the premises are having a significant adverse impact on—
       (i) biodiversity,
       (ii) other environmental interests, or
(iii) social or economic interests, and
(c) there is no appropriate alternative way of obviating that impact.

(5) A species control order may not be made in relation to premises consisting of a dwelling except by the Secretary of State or the Welsh Ministers.

**What an order must do**

11 (1) A species control order under paragraph 10(2)(a) or (b) (failure to comply with or enter into agreement) must contain provision—
(a) requiring the owner specified in that paragraph to carry out species control operations, or
(b) stating that the environmental authority proposes to carry out species control operations,
or both.

(2) A species control order under paragraph 10(2)(c) (emergency) must contain provision—
(a) requiring any owner of the premises specified in the order to carry out species control operations, or
(b) stating that the environmental authority proposes to carry out species control operations,
or both.

(3) A species control order under paragraph 10(2)(d) (no identifiable owner) must contain provision stating that the environmental authority proposes to carry out species control operations.

12 (1) A species control order must—
(a) specify the species to which the order relates,
(b) specify the species control operations to be carried out,
(c) specify the time by which the species control operations must be carried out or (as the case may be) the time by which they are proposed to be carried out by the authority, and
(d) if appropriate, include a map of the premises to which the order relates.

(2) Unless it is made under paragraph 10(2)(c) (emergency), a species control order—
(a) may not require an owner of premises to carry out species control operations, or provide for an environmental authority to carry out species control operations, before the end of the period in which an appeal may be made (as to appeals, see paragraph 16), and
(b) must provide that if an appeal is made within that period, the owner need not carry out the operations, or the environmental authority shall not carry out the operations, before the appeal is withdrawn or finally determined.

**What an order may do**

13 (1) A species control order may contain provision supplementary to that specified in paragraphs 11 and 12.

(2) That may include provision as to—
(a) how species control operations are to be carried out;
(b) payment to be made by the environmental authority to—
   (i) an owner, in respect of the reasonable costs of operations to be
       carried out by the owner, or
   (ii) another person, in respect of the reasonable costs of operations to
       be carried out by an owner;
(c) payment that an owner must make in respect of the reasonable costs of
   species control operations to be carried out by the environmental authority;
(d) species control operations that an owner must not carry out;
(e) who will carry out species control operations for the environmental authority.

**Notice**

14 (1) After making a species control order, an environmental authority must forthwith give
     notice of it to—
     (a) all owners of the premises of whom the environmental authority is aware,
     (b) the Secretary of State, if the environmental authority is the Environment
         Agency, Natural England or the Forestry Commissioners, and
     (c) the Welsh Ministers, if the environmental authority is the Natural Resources
         Body for Wales.

     (2) In the case of an order under paragraph 10(2)(d) (no identifiable owner), the
         environmental authority must also give notice of the order by placing it on the
         premises conspicuously.

     (3) Notice under this paragraph must include—
         (a) reasons for making the species control order, and
         (b) reasons for any requirement imposed by it on an owner.

**Revocation**

15 (1) An environmental authority may at any time revoke a species control order made
     by it.

     (2) Notice of revocation must be given as specified in paragraph 14 (but reasons need
         not be given).

**Appeals**

16 (1) An owner of premises in relation to which a species control order is made may appeal
     to the First-tier Tribunal against—
     (a) the making of the order, or
     (b) any provision of the order.

     (2) The First-tier Tribunal may—
     (a) affirm the order,
     (b) direct the environmental authority which made the order to revoke or amend
         it,
     (c) in the case of an order under paragraph 10(2)(c) (emergency), suspend the
         order, or
     (d) make such other order as the Tribunal thinks fit.
Notice of compliance

17 Where an environmental authority considers that an owner of premises has complied with all the requirements in a species control order to carry out species control operations, the authority must give the owner notice to that effect.

Enforcement

18 (1) This paragraph applies where an environmental authority considers that an owner of premises required by a species control order to carry out a species control operation has not done so by the date or in the way specified in the order.

(2) The authority must give the owner notice to that effect.

(3) Sub-paragraphs (4) to (6) apply if, after a week after giving notice under sub-paragraph (2), the authority considers that the owner has still not carried out the species control operation in the way specified in the order.

(4) The authority may carry out the operation itself or carry out such further work as is necessary to ensure that the operation is carried out in the way specified in the order.

(5) The authority may recover from the owner any expenses reasonably incurred by it in doing so (less any payment which the authority would apart from this paragraph have been required to make to the owner in respect of the carrying out of the operations by the owner).

(6) The authority is not required to make any payment provided for under paragraph 13(2)(b) in relation to the operation (and may recover any payment made under that paragraph).

Offences

19 (1) A person who, without reasonable excuse, fails to comply with a requirement imposed on that person by a species control order commits an offence.

(2) A person who intentionally obstructs a person from carrying out an operation required or proposed under a species control order commits an offence.

(3) A person guilty of an offence under sub-paragraph (1) or (2) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine, or both.

(4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in sub-paragraph (3) to 51 weeks is to be read as a reference to 6 months.

(5) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in sub-paragraph (3) to a fine is to be read as a reference to a fine not exceeding £40,000.

Liability

20 (1) An owner of premises is not liable to any other person for doing anything required to be done by a species control order.

(2) An environmental authority is not liable to a person with an interest in premises for anything done—
(a) by an owner pursuant to a requirement included in a species control order, or
(b) by the authority pursuant to—
   (i) provision included in a species control order under paragraph 11(1) (b), (2)(b) or (3), or
   (ii) paragraph 18(4).

## PART 4

### POWERS OF ENTRY

#### Powers of entry

21 (1) A person who is authorised to do so may enter any premises to—
   (a) assist an environmental authority to determine whether to offer to enter into a species agreement with a person,
   (b) assist an environmental authority to determine whether to make or revoke a species control order,
   (c) investigate suspected non-compliance with a species control agreement or a species control order,
   (d) carry out species control operations for an environmental authority under a species control order,
   (e) place a notice as specified in paragraph 10(2)(d)(i) or 14(2) (no identifiable owner), or
   (f) carry out species control operations or work pursuant to paragraph 18(4).

This is subject to the other provisions of this Schedule.

(2) A person may not enter premises under sub-paragraph (1)(a) or (b) with a view to establishing whether a species is present unless the environmental authority has reasonable grounds for suspecting that it is.

#### Authorisation by justice of the peace

22 (1) To enter premises under paragraph 21 a person must be authorised by a warrant issued by a justice of the peace where—
   (a) the premises consist of a dwelling or a garden, yard, outbuildings or other land used or enjoyed wholly with a dwelling,
   (b) admission to the premises has been refused by an owner or refusal is reasonably apprehended,
   (c) the premises are unoccupied,
   (d) the owner is temporarily absent,
   (e) giving notice would defeat the purpose of entry,
   (f) entry is to carry out species control operations for an environmental authority under an order under paragraph 10(2)(c) (emergency),
   (g) entry is to carry out species control operations for an environmental authority under an order under paragraph 10(2)(d) (no identifiable owner),
   (h) entry is to place a notice as specified in paragraph 10(2)(d)(i) or 14(2), or
   (i) entry is to carry out operations or work pursuant to paragraph 18(4) which the environmental authority considers to be urgently necessary.
(2) A justice of the peace may not grant a warrant—
   (a) in the circumstances in sub-paragraph (1)(a) to (d) unless satisfied that reasonable notice of the proposed entry has been given to all owners of the premises of whom the environmental authority is aware, or
   (b) in the circumstances in paragraph (1)(g) unless satisfied that the requirement in paragraph 14(2) (notice) has been met.

(3) For the purposes of sub-paragraph (2)(a) less than 48 hours' notice is not reasonable.

(4) A warrant may authorise a person to use reasonable force if necessary, but a person so authorised—
   (a) must be accompanied by a constable when doing so, and
   (b) may not use force against an individual.

Authorisation by environmental authority

23 (1) To enter premises under paragraph 21 in circumstances other than those specified in paragraph 22(1), a person must be authorised in writing by the environmental authority.

(2) A person authorised by an environmental authority may not demand admission as of right to any premises unless reasonable notice has been given to all owners of the premises of whom the authority is aware.

(3) For these purposes less than 48 hours' notice is not reasonable.

Exercise of right of entry

24 (1) A right of entry under paragraph 21 is exercisable at any reasonable time.

(2) A person authorised under paragraph 22 or 23 to enter premises must, if so required before entering, produce evidence of his or her warrant or other authorisation and state the purpose of entry.

(3) A person entering premises under paragraph 21 may—
   (a) take on to the premises such other persons as may be necessary;
   (b) take any equipment, machinery or materials on to the premises;
   (c) take samples of anything in or on the premises.

(4) A person who enters premises under paragraph 21 which are unoccupied or from which the owner is temporarily absent must, on departure, leave them as effectively secured as they were on entry.

PART 5

SUPPLEMENTARY

Compensation

25 (1) The Secretary of State and the Welsh Ministers may (separately or jointly) make arrangements for the payment of compensation to an owner of premises in respect of financial loss resulting from—
(a) a species control agreement or order, or
(b) the exercise of the powers of entry under this Schedule.

(2) The arrangements may secure that compensation is payable only for financial loss above a specified amount.

**Codes of practice**

26 (1) The Secretary of State must issue a code of practice in relation to species control agreements and orders in England.

(2) A code under this paragraph must in particular provide guidance to environmental authorities in England on—
(a) when to offer to enter into a species control agreement;
(b) how to go about entering into a species control agreement;
(c) what a species control agreement should contain (and in particular what it should contain by way of provision about payment of costs);
(d) when to make a species control order;
(e) what a species control order should contain (and in particular what it should contain by way of provision about payment and recovery of costs);
(f) standards of animal welfare to be met in connection with species control agreements and orders.

(3) A code under this paragraph may be revised or replaced.

(4) Before issuing (or revising or replacing) a code under this paragraph the Secretary of State must carry out a public consultation.

(5) The Secretary of State must—
(a) ensure that a code under this paragraph is published in a way that is appropriate for bringing it to the attention of persons likely to be affected by it, and
(b) lay a copy of a code under this paragraph before Parliament.

27 (1) The Welsh Ministers must issue a code of practice in relation to species control agreements and orders in Wales.

(2) A code under this paragraph must in particular provide guidance to environmental authorities in Wales on—
(a) when to offer to enter into a species control agreement;
(b) how to go about entering into a species control agreement;
(c) what a species control agreement should contain (and in particular what it should contain by way of provision about payment of costs);
(d) when to make a species control order;
(e) what a species control order should contain (and in particular what it should contain by way of provision about payment and recovery of costs);
(f) standards of animal welfare to be met in connection with species control agreements and orders.

(3) A code under this paragraph may be revised or replaced.

(4) Before issuing (or revising or replacing) a code under this paragraph the Welsh Ministers must carry out a public consultation.
(5) The Welsh Ministers must—
(a) ensure that a code under this paragraph is published in a way that is appropriate for bringing it to the attention of persons likely to be affected by it, and
(b) lay a copy of a code under this paragraph before the National Assembly for Wales.

28 (1) A person's failure to comply with a provision of a code under paragraph 26 or 27 does not make the person liable to civil or criminal proceedings.

(2) A code under paragraph 26 or 27—
(a) is admissible in evidence in any civil proceedings, and
(b) must be taken into account by a court in any civil proceedings in which it appears to the court to be relevant.

X15 SCHEDULE 10

AMENDMENT OF THE ENDANGERED SPECIES (IMPORT AND EXPORT) ACT 1976

Annotations:

Editorial Information
X15 The text of Sch. 7 paras. 3-12 and Sch. 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

THE AMENDMENTS

Licences

1 (1) After subsection (3) of section 1 of the 1976 Act (restriction on importation and exportation of certain animals and plants) there shall be inserted the following subsections—

“(3A) Subsection (3) above shall not apply in relation to an application of any description if the scientific authority concerned has advised the Secretary of State as to whether licences should be issued in pursuance of applications of that description and, if so, their terms.

(3B) Where the Secretary of State is satisfied that the issue of a licence authorising the importation or exportation of any item which—
(a) is part of or derives from or is made wholly or partly from an animal of any of the kinds to which Schedule 1 or a plant of any of the kinds to which Schedule 2 to this Act for the time being applies; but
(b) is not an item to which Schedule 3 to this Act for the time being applies.
would facilitate the importation or exportation of that item, he may, if he considers it expedient to do so, issue such a licence.”

(2) In subsections (4), (5), (6) and (7) of that section after the words “subsection (2)” there shall be inserted the words “or (3B)”.

(3) In subsection (4) of that section after paragraph (a) there shall be inserted the following paragraphs—

“(aa) may be issued either to all persons, to persons of a class or to a particular person;

(ab) may be subject to compliance with any specified conditions,”; and in paragraph (e) of that subsection for the words from “a period” to “shorter” there shall be substituted the word “such”.

Expenses of returning animals and plants to the wild

After subsection (8) of section 1 of the 1976 Act there shall be inserted the following subsection—

“(9) Where, in the case of a live animal or a plant of any kind which is condemned or deemed to be condemned as forfeited, the Commissioners of Customs and Excise incur any expenses in connection with, or with a view to—

(a) its return to the wild; or

(b) its being kept at premises (whether within or outside the United Kingdom) which are suitable for the keeping of animals or plants of that kind,

those expenses may be recovered, as a debt due to the Crown, from the importer or intending exporter of the animal or plant or any person possessing or having control of it at the time of its seizure.

In this subsection expressions which are also used in the Customs and Excise Management Act 1979 have the same meanings as in that Act.”

Powers of entry

After the subsection inserted by paragraph 2 as subsection (9) of section 1 of the 1976 Act there shall be inserted the following subsections—

“(10) Any person duly authorised in writing by the Secretary of State may, at any reasonable time and (if required to do so) upon producing evidence that he is so authorised, enter any premises where animals of any of the kinds to which Schedule 1 or plants of any of the kinds to which Schedule 2 to this Act for the time being applies are kept (whether temporarily or permanently) in order to ascertain whether any of the animals or plants kept there have been imported contrary to this section.

(11) Any person who wilfully obstructs a person acting under subsection (10) above shall be liable on summary conviction to a fine not exceeding £200.”

Power to modify Schedules

(1) In paragraph (c) of section 3 of the 1976 Act (power to modify Schedules) after the word “conservation” there shall be inserted the words “in any area” and after the word “endangered” there shall be inserted the word “there”.
(2) After paragraph (d) of that section there shall be inserted the following paragraph—

“(dd) to restrict the importation of animals or plants of any kind which appear to the Secretary of State to be unlikely to survive for any appreciable time if they are kept in the United Kingdom;”.

Sale of certain animals or plants or their derivatives

5 (1) In subsection (1) of section 4 of the 1976 Act (offences to sell etc. things imported contrary to section 1 or their derivatives) for the words “Subject to subsection (2)” there shall be substituted the words “Subject to subsections (1B) and (2)”, after the words “has in his possession” there shall be inserted the words “or transports” and the words “and in the following provisions” onwards shall be omitted.

(2) After that subsection there shall be inserted the following subsections—

“(1A) Subject to subsections (1B) and (2) below, a person who sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale—

(a) a live or dead animal of any of the kinds to which Schedule 4 to this Act for the time being applies or an egg or other immature stage of such an animal;
(b) a live or dead plant of any of the kinds to which Schedule 5 to this Act for the time being applies; or
(c) any part of or anything which derives from or is made wholly or partly from anything referred to in paragraph (a) or (b) above, shall be guilty of an offence; but nothing in this subsection shall apply in relation to anything falling within subsection (1) above or anything which has been imported, or is a part of or derives from or is made wholly or partly from anything which has been imported, before the passing of the Wildlife and Countryside Act 1981.

(1B) Subsections (1) and (1A) above do not apply to anything done under and in accordance with the terms of a licence issued by the Secretary of State; and subsections (4) to (7) of section 1 above shall apply in relation to a licence issued under this subsection as they apply in relation to a licence issued under subsection (2) of that section.

(1C) In the following provisions of this section “restricted article” means anything falling within subsection (1) or (1A) above.”

(3) In subsection (2) of that section after the words “subsection (1)” there shall be inserted the words “or (1A)”.

(4) In subsection (5) of that section after the words “subsection (1)” there shall be inserted the words “, (1A)”.

(5) In subsection (6) of that section after the words “references to” there shall be inserted the word “hire”.

(6) After Schedule 3 to the 1976 Act there shall be inserted as Schedule 4 the Schedule set out in Part II of this Schedule.

(7) After the Schedule inserted in the 1976 Act by sub-paragraph (6) there shall be inserted as Schedule 5 the Schedule set out in Part III of this Schedule.
### Part II

**Schedule Inserted as Schedule 4**

**Schedule 4**

**Animals the Sale etc. of Which is Restricted**

This Schedule applies to the following kinds of animals, namely—

**Mammals**

1. The kinds of mammal specified in the first column below—

<table>
<thead>
<tr>
<th>Kind</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Marsupials</strong></td>
<td></td>
</tr>
<tr>
<td>Bettongia</td>
<td>Rat kangaroo</td>
</tr>
<tr>
<td>Caloprymnus campestris</td>
<td>Desert rat-kangaroo</td>
</tr>
<tr>
<td>Lagorchestes hirsutus</td>
<td>Western hare-wallaby</td>
</tr>
<tr>
<td>Lagostrophus fasciatus</td>
<td>Banded hare-wallaby</td>
</tr>
<tr>
<td>Onychogalea fraenata</td>
<td>Bridle nail-tailed wallaby</td>
</tr>
<tr>
<td>Onychogalea lunata</td>
<td>Crescent nail-tailed wallaby</td>
</tr>
<tr>
<td>Lasiorhinus krefftii</td>
<td>Queensland hairy-nosed wombat</td>
</tr>
<tr>
<td>Chaeropus ecaudatus</td>
<td>Pig-footed bandicoot</td>
</tr>
<tr>
<td>Macrotis lagotis</td>
<td>Rabbit-bandicoot</td>
</tr>
<tr>
<td>Macrotis leucara</td>
<td>Lesser rabbit-bandicoot</td>
</tr>
<tr>
<td>Perameles bougainville</td>
<td>Western barred bandicoot</td>
</tr>
<tr>
<td>Sminthopsis longicaudata</td>
<td>Long-tailed dunnart</td>
</tr>
<tr>
<td>Sminthopsis psammophila</td>
<td>Sandhill dunnart</td>
</tr>
<tr>
<td>Thylacinus cynocephalus</td>
<td>Tasmanian wolf</td>
</tr>
</tbody>
</table>

<p>| <strong>Primates</strong> |                                               |
| Allocetus | Hairy-eared dwarf lemur                         |
| Cheirogaleus | Dwarf lemurs                                  |
| Hapalemur | Gentle lemurs                                   |
| Lemur | Lemurs                                           |
| Lepilemur | Sportive and weasel lemurs                      |
| Microcebus | Mouse lemurs                                   |</p>
<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phaner</td>
<td>Fork-marked mouse lemurs</td>
</tr>
<tr>
<td>Avahi</td>
<td>Avahis (otherwise known as Woolly indris)</td>
</tr>
<tr>
<td>Indri</td>
<td>Indris</td>
</tr>
<tr>
<td>Propithecus</td>
<td>Sifakas</td>
</tr>
<tr>
<td>Daubentonia madagascariensis</td>
<td>Aye-aye</td>
</tr>
<tr>
<td>Callimico goeldii</td>
<td>Goeldi's marmoset (otherwise known as Goeldi's tamarin)</td>
</tr>
<tr>
<td>Callithrix aurita</td>
<td>White eared marmoset</td>
</tr>
<tr>
<td>Callithrix flaviceps</td>
<td>Buff-headed marmoset</td>
</tr>
<tr>
<td>Leontopithecus</td>
<td>Maned tamarin (otherwise known as Golden tamarin)</td>
</tr>
<tr>
<td>Saguinus bicolor</td>
<td>Pied tamarin</td>
</tr>
<tr>
<td>Saguinus geoffroyi</td>
<td>Geoffroy's tamarin</td>
</tr>
<tr>
<td>Saguinus leucopus</td>
<td>White-footed tamarin</td>
</tr>
<tr>
<td>Saguinus oedipus</td>
<td>Cotton-headed tamarin</td>
</tr>
<tr>
<td>Alouatta palliata (otherwise known as Alouatta villosa)</td>
<td>Mantled howler</td>
</tr>
<tr>
<td>Ateles geoffroyi frontatus</td>
<td>Black-browed spider monkey</td>
</tr>
<tr>
<td>Ateles geoffroyi panamensis</td>
<td>Red spider monkey</td>
</tr>
<tr>
<td>Brachyteles arachnoides</td>
<td>Woolly spider monkey</td>
</tr>
<tr>
<td>Cacajao</td>
<td>Uakaris</td>
</tr>
<tr>
<td>Chiropotes albinasus</td>
<td>White-nosed saki</td>
</tr>
<tr>
<td>Saimiri oerstedii</td>
<td>Red-backed squirrel monkey</td>
</tr>
<tr>
<td>Cercocebus galeritus galeritus</td>
<td>Tana River mangabey</td>
</tr>
<tr>
<td>Cercopithecus diana</td>
<td>Diana monkey</td>
</tr>
<tr>
<td>Colobus badius kirkii</td>
<td>Kirk's red colobus (otherwise known as Zanzibar red colobus)</td>
</tr>
<tr>
<td>Colobus badius rufomitratus</td>
<td>Tana River red colobus</td>
</tr>
<tr>
<td>Macaca silenus</td>
<td>Lion-tailed macaque</td>
</tr>
<tr>
<td>Nasalis larvatus</td>
<td>Proboscis monkey</td>
</tr>
<tr>
<td>Papio leucophaeus (otherwise known as Mandrillus leucophaeus)</td>
<td>Drill</td>
</tr>
<tr>
<td>Papio sphinx (otherwise known as Mandrillus sphinx)</td>
<td>Mandrill</td>
</tr>
<tr>
<td>Presbytis entellus</td>
<td>Langur (otherwise known as Entellus langur or True langur)</td>
</tr>
<tr>
<td>Presbytis geei</td>
<td>Golden langur</td>
</tr>
<tr>
<td>Species Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Presbytis pileatus</td>
<td>Caped langur</td>
</tr>
<tr>
<td>Presbytis potenziani</td>
<td>Mentawi leaf monkey</td>
</tr>
<tr>
<td>Pygathrix nemaeus</td>
<td>Douc langur</td>
</tr>
<tr>
<td>Rhinopithecus roxellanae</td>
<td>Snub-nosed langur</td>
</tr>
<tr>
<td>Simias concolor</td>
<td>Mentawi snub-nosed langur</td>
</tr>
<tr>
<td>Hybolates</td>
<td>Gibbons</td>
</tr>
<tr>
<td>Symphalangus syndactylus</td>
<td>Siamang</td>
</tr>
<tr>
<td>Pongidae</td>
<td>Great apes</td>
</tr>
</tbody>
</table>

### Edentates

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pridontes giganteus (otherwise known as Priodontes maximus)</td>
<td>Giant armadillo</td>
</tr>
</tbody>
</table>

### Pangolins

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manis temmincki</td>
<td>South African pangolin</td>
</tr>
</tbody>
</table>

### Rabbits and hares

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caprolagus hispidus</td>
<td>Assam rabbit (otherwise known as Hispid hare)</td>
</tr>
<tr>
<td>Romerolagus diazi</td>
<td>Volcano rabbit</td>
</tr>
</tbody>
</table>

### Rodents

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cynomys mexicanus</td>
<td>Mexican prairie marmot</td>
</tr>
<tr>
<td>Leporillus conditor</td>
<td>Australian sticknest rat</td>
</tr>
<tr>
<td>Pseudomys fumeus</td>
<td>Smoky mouse</td>
</tr>
<tr>
<td>Pseudomys praeconis</td>
<td>Shark Bay mouse</td>
</tr>
<tr>
<td>Xeromys myoides</td>
<td>False water rat</td>
</tr>
<tr>
<td>Zyzomys pendunculatus</td>
<td>Central thick-tailed rat</td>
</tr>
<tr>
<td>Chinchilla (except any domestic form of Chinchilla laniger)</td>
<td>Chinchilla</td>
</tr>
</tbody>
</table>

### Cetaceans

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lipotes vexillifer</td>
<td>Chinese river dolphin</td>
</tr>
<tr>
<td>Wildlife and Countryside Act 1981 (c. 69)</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>SCHEDULE 10 – Amendment of the Endangered Species (Import and Export) Act 1976</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Document Generated: 2017-07-26**

**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sperm whale</td>
<td>Physeter catodon (otherwise known as Physeter macrocephalus)</td>
</tr>
<tr>
<td>Ganges dolphin</td>
<td>Platanista gangetica</td>
</tr>
<tr>
<td>Indus river dolphin</td>
<td>Platanista minor</td>
</tr>
<tr>
<td>Humpbacked dolphins</td>
<td>Sotalia</td>
</tr>
<tr>
<td>Humpacked dolphins</td>
<td>Sousa</td>
</tr>
<tr>
<td>Finless porpoise</td>
<td>Neophocaena phocaenoides</td>
</tr>
<tr>
<td>Cochito</td>
<td>Phocoena sinus</td>
</tr>
<tr>
<td>Greenland right whale (otherwise known as Bowhead whale)</td>
<td>Balaena mysticetus</td>
</tr>
<tr>
<td>Sei whale</td>
<td>Balaenoptera borealis</td>
</tr>
<tr>
<td>Blue whale</td>
<td>Balaenoptera musculus</td>
</tr>
<tr>
<td>Common rorqual</td>
<td>Balaenoptera physalus</td>
</tr>
<tr>
<td>Grey whales</td>
<td>Eschrichtius</td>
</tr>
<tr>
<td>Right whales</td>
<td>Eubalaena</td>
</tr>
<tr>
<td>Humpback whale</td>
<td>Megaptera novaengliae</td>
</tr>
</tbody>
</table>

**Carnivores**

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bush dog</td>
<td>Spethos venaticus</td>
</tr>
<tr>
<td>Northern kit fox</td>
<td>Vulpes velox hebes</td>
</tr>
<tr>
<td>Sun bear</td>
<td>Helarctos malayanus</td>
</tr>
<tr>
<td>Asiatic black bear</td>
<td>Selenarctos thibetanus</td>
</tr>
<tr>
<td>Spectacled bear</td>
<td>Tremarctos ornatus</td>
</tr>
<tr>
<td>Brown bear</td>
<td>Ursus arctos isabellinus</td>
</tr>
<tr>
<td>Mexican brown bear</td>
<td>Ursus arctos nelsoni</td>
</tr>
<tr>
<td>Tibetan brown bear</td>
<td>Ursus arctos pruinosus</td>
</tr>
<tr>
<td>Cameroon clawless otter</td>
<td>Aonyx microdon</td>
</tr>
<tr>
<td>Southern sea otter</td>
<td>Enhydra lutris nereis</td>
</tr>
<tr>
<td>Marine otter</td>
<td>Lutra felina</td>
</tr>
<tr>
<td>South American otter</td>
<td>Lutra longicaudis</td>
</tr>
<tr>
<td>Eurasian otter</td>
<td>Lutra lutra</td>
</tr>
<tr>
<td>Southern river otter</td>
<td>Lutra provocax</td>
</tr>
<tr>
<td>Black-footed ferret</td>
<td>Mustela nigripes</td>
</tr>
<tr>
<td>Giant otter</td>
<td>Pteronura brasiliensis</td>
</tr>
<tr>
<td>Spotted linsang</td>
<td>Prionodon pardicolor</td>
</tr>
</tbody>
</table>
### Wild Animals

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hyaena brunnea</td>
<td>Brown hyaena</td>
</tr>
<tr>
<td>Acinonyx jubatus</td>
<td>Cheetah</td>
</tr>
<tr>
<td>Felis bengalensis bengalensis</td>
<td>Leopard cat</td>
</tr>
<tr>
<td>Felis concolor coryi</td>
<td>Florida puma</td>
</tr>
<tr>
<td>Felis concolor costaricensis</td>
<td>Costa Rica puma</td>
</tr>
<tr>
<td>Felis concolor cougar</td>
<td>Eastern puma</td>
</tr>
<tr>
<td>Felis jacibita</td>
<td>Andean cat</td>
</tr>
<tr>
<td>Felis rufa escuinapae</td>
<td>Mexican bobcat</td>
</tr>
<tr>
<td>Felis marmorata</td>
<td>Marbled cat</td>
</tr>
<tr>
<td>Felis nigripes</td>
<td>Black-footed cat</td>
</tr>
<tr>
<td>Felis pardalis mearnsi</td>
<td>Costa Rica ocelot</td>
</tr>
<tr>
<td>Felis pardalis mitis</td>
<td>Brazilian ocelot</td>
</tr>
<tr>
<td>Felis planiceps</td>
<td>Flat-headed cat</td>
</tr>
<tr>
<td>Felis rubiginosa</td>
<td>Rusty spotted cat</td>
</tr>
<tr>
<td>Felis temmincki</td>
<td>Asiatic golden cat</td>
</tr>
<tr>
<td>Felis tigrina oncilla</td>
<td>Little spotted cat</td>
</tr>
<tr>
<td>Felis wiedii nicaraguae</td>
<td>Nicaraguan margay</td>
</tr>
<tr>
<td>Felis wiedii salvinia</td>
<td>Guatemalan margay</td>
</tr>
<tr>
<td>Felis yagouaroundi cacomitli</td>
<td>Jaguarundi</td>
</tr>
<tr>
<td>Felis yagouaroundi fossata</td>
<td>Jaguarundi</td>
</tr>
<tr>
<td>Felis yagouaroundi panamensis</td>
<td>Jaguarundi</td>
</tr>
<tr>
<td>Felis yagouaroundi tolteca</td>
<td>Jaguarundi</td>
</tr>
<tr>
<td>Neofelis nebulosa</td>
<td>Clouded leopard</td>
</tr>
<tr>
<td>Panthera leo persica</td>
<td>Asiatic lion</td>
</tr>
<tr>
<td>Panthera onca</td>
<td>Jaguar</td>
</tr>
<tr>
<td>Panthera pardus</td>
<td>Leopard</td>
</tr>
<tr>
<td>Panthera tigris</td>
<td>Tiger</td>
</tr>
<tr>
<td>Panthera uncia</td>
<td>Snow leopard</td>
</tr>
</tbody>
</table>

### Seals

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arcocephalus townsendi</td>
<td>Guadalupe fur seal</td>
</tr>
<tr>
<td>Monachus</td>
<td>Monk seals</td>
</tr>
</tbody>
</table>

### Elephants
### Elephas maximus
Asian elephant

#### Sea-cows

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dugong dugon</td>
<td>Dugong (otherwise known as Sea-cow)</td>
</tr>
<tr>
<td>Trichechus inunguis</td>
<td>Amazonian manatee</td>
</tr>
<tr>
<td>Trichechus manatus</td>
<td>West Indian manatee</td>
</tr>
</tbody>
</table>

#### Odd-toed ungulates

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equus grevyi</td>
<td>Grevy’s zebra</td>
</tr>
<tr>
<td>Equus hemionus hemionus</td>
<td>Mongolian wild ass</td>
</tr>
<tr>
<td>Equus hemionus khur</td>
<td>Indian wild ass</td>
</tr>
<tr>
<td>Equus przewalskii</td>
<td>Przewalski’s horse</td>
</tr>
<tr>
<td>Equus zebra zebra</td>
<td>Cape mountain zebra</td>
</tr>
<tr>
<td>Tapirus bairdii</td>
<td>Central American tapir</td>
</tr>
<tr>
<td>Tapirus indicus</td>
<td>Malayan tapir (otherwise known as Indian tapir)</td>
</tr>
<tr>
<td>Tapirus pinchaque</td>
<td>Mountain tapir (otherwise known as Woolly tapir)</td>
</tr>
<tr>
<td>Rhinocerotidae</td>
<td>Rhinoceroses</td>
</tr>
</tbody>
</table>

#### Even-toed ungulates

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Babyrousa babyrussa</td>
<td>Babirusa</td>
</tr>
<tr>
<td>Sus salvanius</td>
<td>Pygmy hog</td>
</tr>
<tr>
<td>Vicugna vicugna</td>
<td>Calamian deer</td>
</tr>
<tr>
<td>Axis kuhlil</td>
<td>Bawean deer</td>
</tr>
<tr>
<td>Axis porcinus annamiticus</td>
<td>Thai hog deer</td>
</tr>
<tr>
<td>Blastocerus dichotomus</td>
<td>Marsh deer</td>
</tr>
<tr>
<td>Cervus duvauceli</td>
<td>Swamp deer</td>
</tr>
<tr>
<td>Cervus elaphus hanglu</td>
<td>Kashmir stag (otherwise known as Hanglu)</td>
</tr>
<tr>
<td>Cervus eldi</td>
<td>Brow-antlered deer</td>
</tr>
<tr>
<td>Dama mesopotamica</td>
<td>Persian fallow deer</td>
</tr>
<tr>
<td>Hippocamelus antisiensis</td>
<td>Peruvian huemal</td>
</tr>
<tr>
<td>Hippocamelus bisulcus</td>
<td>Chilean huemal</td>
</tr>
<tr>
<td>Moschus moschiferus moschiferus</td>
<td>Himalayan musk deer</td>
</tr>
</tbody>
</table>
Ozotoceros bezoarticus  Pampas deer
Pudu pudu  Chilean pudu
Antilocapra americana peninsularis  Lower California pronghorn
Antilocapra americana sonoriensis  Sonoran pronghorn
Bison bison athabascae  Wood bison
Bos gaurus  Gaur
Bos mutus  Wild yak
Bubulas depressicornis  Lowland anoa
Bubalus mindorensis  Tamaraw
Bubalus quarlesi  Mountain anoa
Capra falconeri chiltanensis  Markhor
Capra falconeri jerdoni  Markhor
Capra falconeri megaceros  Markhor
Capricornis sumatraensis  Serow
Hippotragus niger variani  Giant sable antelope
Nemorhaedua goral  Goral
Novibos saveli  Koupray
Oryx leucoryx  Arabian oryx
Ovis ammon hodgsoni  Great Tibetan sheep
Ovis orientalis ophion  Cyprian mouflon
Ovis vignei  Urial
Pantholops hodgsoni  Tibetan antelope
Rupicapra rupicapra ornata  Abrussi chamois

BIRDS

2 The kinds of bird specified in the first column below—

Rheas

Pterocnemia pennata  Lesser rhea

Tinamous

Tinamus solitarius  Solitary tinamou
**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

---

**Penguins**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spheniscus humboldti</td>
<td>Humboldt penguin</td>
</tr>
</tbody>
</table>

**Grebes**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Podilymbus gigas</td>
<td>Atitlan grebe</td>
</tr>
</tbody>
</table>

**Albatrosses**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diomedea albatrus</td>
<td>Short-tailed albatross</td>
</tr>
</tbody>
</table>

**Pelican-like birds**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sula abbotti</td>
<td>Abbot’s booby</td>
</tr>
<tr>
<td>Fregata andrewsi</td>
<td>Christmas Island frigatebird</td>
</tr>
</tbody>
</table>

**Storks**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ciconia ciconia boyciana</td>
<td>Japanese white stork</td>
</tr>
<tr>
<td>Geronticus eremita</td>
<td>Bald ibis</td>
</tr>
<tr>
<td>Nipponia nippon</td>
<td>Japanese crested ibis</td>
</tr>
</tbody>
</table>

**Waterfowl**

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anas aucklandica nesiotis</td>
<td>Campbell Island Flightless teal</td>
</tr>
<tr>
<td>Anas laysanensis</td>
<td>Laysan duck</td>
</tr>
<tr>
<td>Anas oustaleti</td>
<td>Marianas Island duck (otherwise known as Marianas Mallard)</td>
</tr>
<tr>
<td>Branta canadensis leucopareia</td>
<td>Aleutian Canada goose</td>
</tr>
<tr>
<td>Branta sandvicensis</td>
<td>Hawaiian goose (otherwise known as Nene)</td>
</tr>
<tr>
<td>Cairina scutulata</td>
<td>White winged wood duck</td>
</tr>
<tr>
<td>Rhodonessa caryophyllacea</td>
<td>Pink-headed duck</td>
</tr>
</tbody>
</table>

**Diurnal Birds of Prey**

<table>
<thead>
<tr>
<th>Family</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathartidae</td>
<td>New world vultures</td>
</tr>
<tr>
<td>Pandion haliaetus</td>
<td>Osprey</td>
</tr>
<tr>
<td>Family</td>
<td>Species</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Accipitridae</td>
<td>True hawks</td>
</tr>
<tr>
<td>Sagittarius</td>
<td>Secretary bird</td>
</tr>
<tr>
<td>Falconidae</td>
<td>Falcons</td>
</tr>
</tbody>
</table>

**Gamebirds**

<table>
<thead>
<tr>
<th>Species</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aburria jacutinga</td>
<td>Black-fronted curassow (otherwise known as Black-fronted guan)</td>
</tr>
<tr>
<td>Aburria pipile</td>
<td>White-headed curassow (otherwise known as Piping guan)</td>
</tr>
<tr>
<td>Catreus wallichii</td>
<td>Cheer pheasant</td>
</tr>
<tr>
<td>Colinus virginianus ridgwayi</td>
<td>Masked bobwhite</td>
</tr>
<tr>
<td>Crax blumenbachii</td>
<td>Red-billed curassow</td>
</tr>
<tr>
<td>Crax mitu</td>
<td>Razor-billed curassow</td>
</tr>
<tr>
<td>Crossoptilon crossoptilon</td>
<td>White Eared-pheasant</td>
</tr>
<tr>
<td>Crossoptilon mantchuricum</td>
<td>Brown Eared-pheasant</td>
</tr>
<tr>
<td>Lophophorus impejanus</td>
<td>Himalayan monal</td>
</tr>
<tr>
<td>Lophophorus lhuysii</td>
<td>Chinese monal</td>
</tr>
<tr>
<td>Lophophorus sclateri</td>
<td>Sclater’s monal</td>
</tr>
<tr>
<td>Lophura edwardsi</td>
<td>Edward’s pheasant</td>
</tr>
<tr>
<td>Lophura imperialis</td>
<td>Imperial pheasant</td>
</tr>
<tr>
<td>Lophura swinhoei</td>
<td>Swinhoe’s pheasant</td>
</tr>
<tr>
<td>Macrocephalon maleo</td>
<td>Maleo Fowl</td>
</tr>
<tr>
<td>Oreophasis derbianus</td>
<td>Horned guan</td>
</tr>
<tr>
<td>Penelope albipennis</td>
<td>White-winged guan</td>
</tr>
<tr>
<td>Polyplectron emphanum</td>
<td>Palawan peacock pheasant</td>
</tr>
<tr>
<td>Syrmaticus ellioti</td>
<td>Elliot’s pheasant</td>
</tr>
<tr>
<td>Syrmaticus humiae</td>
<td>Hume’s pheasant (otherwise known as Bar-tailed pheasant)</td>
</tr>
<tr>
<td>Syrmaticus mikado</td>
<td>Mikado pheasant</td>
</tr>
<tr>
<td>Tetraogallus caspius</td>
<td>Caspian snowcock</td>
</tr>
<tr>
<td>Tetraogallus tibetanus</td>
<td>Tibetan snowcock</td>
</tr>
<tr>
<td>Tragopan blythii</td>
<td>Blyth’s tragopan</td>
</tr>
<tr>
<td>Tragopan caboti</td>
<td>Cabot’s tragopan</td>
</tr>
<tr>
<td>Tragopan melanocephalus</td>
<td>Western tragopan</td>
</tr>
<tr>
<td>Tympanuchus cupido attwateri</td>
<td>Attwater’s prairie chicken</td>
</tr>
</tbody>
</table>
### Cranes and rails

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grus americana</td>
<td>Whooping crane</td>
</tr>
<tr>
<td>Grus canadensis nesiotes</td>
<td>Cuban sandhill crane</td>
</tr>
<tr>
<td>Grus canadensis pulla</td>
<td>Mississippi sandhill crane</td>
</tr>
<tr>
<td>Grus japonensis</td>
<td>Manchurian crane (otherwise known as Japanese crane)</td>
</tr>
<tr>
<td>Grus leucogeranus</td>
<td>Siberian White crane</td>
</tr>
<tr>
<td>Grus monacha</td>
<td>Hooded crane</td>
</tr>
<tr>
<td>Grus nigricolus</td>
<td>Black-necked crane</td>
</tr>
<tr>
<td>Grus vipio</td>
<td>White-necked crane (otherwise known as White-naped crane)</td>
</tr>
<tr>
<td>Tricholimnas sylvestris</td>
<td>Lord Howe wood-rail</td>
</tr>
<tr>
<td>Rhynochetos jubatus</td>
<td>Kagu</td>
</tr>
<tr>
<td>Chlamydotis undulata</td>
<td>Houbara bustard</td>
</tr>
<tr>
<td>Choriotis nigriceps (otherwise known as Ardeotis nigriceps)</td>
<td>Great Indian bustard</td>
</tr>
<tr>
<td>Eupodotis bengalensis</td>
<td>Bengal florican</td>
</tr>
</tbody>
</table>

### Waders and Gulls

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Numenius borealis</td>
<td>Eskimo curlew</td>
</tr>
<tr>
<td>Tringa guttifer</td>
<td>Spotted greenshank (otherwise known as Nordmann’s greenshank)</td>
</tr>
<tr>
<td>Larus relictus</td>
<td>Relict gull</td>
</tr>
</tbody>
</table>

### Pigeons and doves

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caloenas nicobarica</td>
<td>Nicobar pigeon</td>
</tr>
<tr>
<td>Ducula mindorensis</td>
<td>Mindoro imperial pigeon</td>
</tr>
</tbody>
</table>

### Parrots

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amazona arausiaca</td>
<td>Red-necked parrot (otherwise known as Red-necked amazon)</td>
</tr>
<tr>
<td>Amazona barbadensis</td>
<td>Yellow-shouldered parrot (otherwise known as Yellow-shouldered amazon)</td>
</tr>
<tr>
<td>Amazona brasiiliensis</td>
<td>Red-tailed parrot (otherwise known as Red-tailed amazon)</td>
</tr>
<tr>
<td>Species</td>
<td>Common Name (Otherwise Known As)</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Amazona guildingii</td>
<td>St. Vincent parrot (otherwise known as St. Vincent amazon)</td>
</tr>
<tr>
<td>Amazona imperialis</td>
<td>Imperial parrot (otherwise known as Imperial amazon)</td>
</tr>
<tr>
<td>Amazona leucocephala</td>
<td>Cuban parrot (otherwise known as Cuban amazon)</td>
</tr>
<tr>
<td>Amazona pretrei</td>
<td>Red-spectacled parrot (otherwise known as Red-spectacled amazon)</td>
</tr>
<tr>
<td>Amazona rhodocorytha</td>
<td>Red-crowned parrot (otherwise known as Red-crowned amazon)</td>
</tr>
<tr>
<td>Amazona versicolor</td>
<td>St Lucia parrot (otherwise known as St Lucia amazon)</td>
</tr>
<tr>
<td>Amazona vinacea</td>
<td>Vinaceous parrot (otherwise known as Vinaceous amazon)</td>
</tr>
<tr>
<td>Amazona vittata</td>
<td>Puerto Rico parrot (otherwise known as Puerto Rican amazon)</td>
</tr>
<tr>
<td>Anodorhynchus glaucus</td>
<td>Glaucous macaw</td>
</tr>
<tr>
<td>Anodorhynchus leari</td>
<td>Lear’s macaw</td>
</tr>
<tr>
<td>Aratinga guaruba</td>
<td>Golden parakeet (otherwise known as Golden conure)</td>
</tr>
<tr>
<td>Cyanopsitta spixii</td>
<td>Spix’s macaw</td>
</tr>
<tr>
<td>Cyanoramphus auriceps forbesi</td>
<td>Forbes’ parakeet</td>
</tr>
<tr>
<td>Cyanoramphus novaezelandiae</td>
<td>Red-fronted parakeet</td>
</tr>
<tr>
<td>Cyclopsitta diophthalma coxeni</td>
<td>Coxen’s fig parrot</td>
</tr>
<tr>
<td>Geopsittacus occidentalis</td>
<td>Australian night parrot</td>
</tr>
<tr>
<td>Neophema chrysogaster</td>
<td>Orange-bellied parakeet (otherwise known as Orange-bellied parrot)</td>
</tr>
<tr>
<td>Pezoporus wallicus</td>
<td>Ground parrot</td>
</tr>
<tr>
<td>Pionopsitta pileata</td>
<td>Red-capped parrot (otherwise known as Pileated parrot)</td>
</tr>
<tr>
<td>Psephotus chrysopterygius</td>
<td>Golden-shouldered parakeet (otherwise known as Golden-shouldered parrot or Hooded parakeet)</td>
</tr>
<tr>
<td>Psephotus pulcherrimus</td>
<td>Paradise parrot</td>
</tr>
<tr>
<td>Psittacula echo (otherwise known as Psittacula krameri echo)</td>
<td>Mauritius parakeet (otherwise known as Mauritius ring-necked parakeet)</td>
</tr>
<tr>
<td>Psittacus erithacus princeps</td>
<td>Fernando Po grey parrot</td>
</tr>
<tr>
<td>Pyrrhura cruentata</td>
<td>Blue-throated conure</td>
</tr>
<tr>
<td>Rhynchopsitta pachyrhyncha</td>
<td>Thick-billed parrot</td>
</tr>
<tr>
<td>Species</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Rhynchopsitta terrisi</td>
<td>Maroon-fronted parrot</td>
</tr>
<tr>
<td>Strigops habroptilus</td>
<td>Kakapo (otherwise known as Owl parrot)</td>
</tr>
</tbody>
</table>

### Hummingbirds

<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramphodon dohrnii</td>
<td>Hook-billed hermit</td>
</tr>
</tbody>
</table>

### Trogons

<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pharomachrus mocinno costaricensis</td>
<td>Costa Rican quetzal (otherwise known as Resplendent quetzal)</td>
</tr>
<tr>
<td>Pharomachrus mocinno mocinno</td>
<td>Magnificent quetzal (otherwise known as Resplendent quetzal)</td>
</tr>
</tbody>
</table>

### Owls

<table>
<thead>
<tr>
<th>Order</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tytonidae</td>
<td>Barn owls</td>
</tr>
<tr>
<td>Strigidae</td>
<td>Typical owls</td>
</tr>
</tbody>
</table>

### Hornbills

<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buceros bicornis (otherwise known as Buceros homrai)</td>
<td>Great pied hornbill</td>
</tr>
<tr>
<td>Rhinoplax vigil</td>
<td>Helmeted hornbill</td>
</tr>
</tbody>
</table>

### Woodpeckers

<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campephilus imperialis</td>
<td>Imperial woodpecker</td>
</tr>
<tr>
<td>Dryocopus javensis richardsi</td>
<td>Tristram’s woodpecker (otherwise known as White-bellied black woodpecker)</td>
</tr>
</tbody>
</table>

### Songbirds

<table>
<thead>
<tr>
<th>Species</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cotinga maculata</td>
<td>Banded cotinga</td>
</tr>
<tr>
<td>Xipholenata atropurpurea</td>
<td>White-winged cotinga</td>
</tr>
<tr>
<td>Pitta kochi</td>
<td>Koch’s pitta</td>
</tr>
<tr>
<td>Atrichornis clamosa</td>
<td>Noisy scrub-bird</td>
</tr>
<tr>
<td>Leucopsar rothschildi</td>
<td>Rothschild’s mynah</td>
</tr>
<tr>
<td>Species Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Dasyornis brachypterus longirostris</td>
<td>Western bristlebird</td>
</tr>
<tr>
<td>Dasyornis broadbenti littoralis</td>
<td>Western rufous bristlebird</td>
</tr>
<tr>
<td>Picathartes gymnocephalus</td>
<td>White-necked rockfowl (otherwise known as Yellow-headed rockfowl or Guinea bear-headed rockfowl)</td>
</tr>
<tr>
<td>Picathartes oreas</td>
<td>Grey-necked rockfowl (otherwise known as Cameroon bare-headed rockfowl or Red-headed rockfowl)</td>
</tr>
<tr>
<td>Zosterops albogularis</td>
<td>White-breasted silver-eye</td>
</tr>
<tr>
<td>Meliphaga cassidix</td>
<td>Helmeted honeyeater</td>
</tr>
<tr>
<td>Spinus cucullatus (otherwise known as Carduelis cucullatus)</td>
<td>Red siskin</td>
</tr>
</tbody>
</table>

### REPTILES

3 The kinds of reptile specified in the first column below—

#### Crocodilians

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alligator sinensis</td>
<td>Chinese alligator</td>
</tr>
<tr>
<td>Caiman crocodilus apaporiensis</td>
<td>Rio Apaporis caiman (otherwise known as Spectacled caiman)</td>
</tr>
<tr>
<td>Caiman latirostris</td>
<td>Broad-nosed caiman</td>
</tr>
<tr>
<td>Melanosuchus niger</td>
<td>Black caiman</td>
</tr>
<tr>
<td>Crocodylus acutus</td>
<td>American crocodile</td>
</tr>
<tr>
<td>Crocodylus cataphractus</td>
<td>African slender-snouted crocodile (otherwise known as African sharp-nosed crocodile)</td>
</tr>
<tr>
<td>Crocodylus intermedius</td>
<td>Orinoco crocodile</td>
</tr>
<tr>
<td>Crocodylus moreletii</td>
<td>Morelet’s crocodile</td>
</tr>
<tr>
<td>Crocodylus niloticus</td>
<td>Nile crocodile</td>
</tr>
<tr>
<td>Crocodylus novaeguineae mindorensis</td>
<td>Philippine crocodile</td>
</tr>
<tr>
<td>Crocodylus palustris</td>
<td>Mugger (otherwise known as Marsh crocodile or Broad-snouted crocodile)</td>
</tr>
<tr>
<td>Crocodylus porosus</td>
<td>Estuarine crocodile (otherwise known as Salt-water crocodile)</td>
</tr>
<tr>
<td>Crocodylus rhombifer</td>
<td>Cuban crocodile</td>
</tr>
<tr>
<td>Crocodylus siamensis</td>
<td>Siamese crocodile</td>
</tr>
<tr>
<td>Osteolaemus tetraspis</td>
<td>West African dwarf crocodile</td>
</tr>
<tr>
<td>Wildlife and Countryside Act 1981 (c. 69)</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td></td>
</tr>
<tr>
<td>SCHEDULE 10 – Amendment of the Endangered Species (Import and Export) Act 1976</td>
<td></td>
</tr>
<tr>
<td>Document Generated: 2017-07-26</td>
<td></td>
</tr>
</tbody>
</table>

**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th>Animal Name</th>
<th>Scientific Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tomistoma schlegelii</td>
<td>False gharial (otherwise known as False gavial)</td>
<td></td>
</tr>
<tr>
<td>Gavialis gangeticus</td>
<td>Indian gharial (otherwise known as Indian gavial)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Iguanas</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brachylophus</td>
<td>Fijian iguanas</td>
<td></td>
</tr>
<tr>
<td>Cyclura</td>
<td>Caribbean rock iguanas</td>
<td></td>
</tr>
<tr>
<td>Sauromalus varius</td>
<td>San Esteban Island chuck-walla</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lizards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Varanus bengalensis</td>
<td>Bengal monitor (otherwise known as Indian monitor or Common monitor)</td>
<td></td>
</tr>
<tr>
<td>Varanus flavescens</td>
<td>Yellow monitor</td>
<td></td>
</tr>
<tr>
<td>Varanus griseus</td>
<td>Desert monitor (otherwise known as Agra monitor or Grey monitor)</td>
<td></td>
</tr>
<tr>
<td>Varanus komodoensis</td>
<td>Komodo dragon</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Snakes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acrantophis</td>
<td>Madagascar boas</td>
<td></td>
</tr>
<tr>
<td>Bolyeria</td>
<td>Round island boas</td>
<td></td>
</tr>
<tr>
<td>Casarea</td>
<td>Round island boas</td>
<td></td>
</tr>
<tr>
<td>Epicrates inornatus</td>
<td>Yellow tree boa</td>
<td></td>
</tr>
<tr>
<td>Epicrates subflavus</td>
<td>Jamaican boa</td>
<td></td>
</tr>
<tr>
<td>Python molurus molurus</td>
<td>Indian python (otherwise known as Indian rock python)</td>
<td></td>
</tr>
<tr>
<td>Sanzinia madagascariensis</td>
<td>Madagascar boa</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tuatara</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sphenodon punctatus</td>
<td>Tuatara</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Chelonians</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batagur baska</td>
<td>River terrapin (otherwise known as Tuntung)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Species Name</td>
<td>Common Name</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Geochelone elephantopus (otherwise known as Testudo elephantopus)</td>
<td>Galapagos giant tortoise</td>
<td></td>
</tr>
<tr>
<td>Geochelone radiata (otherwise known as Testudo radiata)</td>
<td>Radiated tortoise (otherwise known as Rayed tortoise)</td>
<td></td>
</tr>
<tr>
<td>Geochelone yniphora (otherwise known as Testudo yniphora)</td>
<td>Madagascar tortoise (otherwise known as Rayed tortoise or Angonoka)</td>
<td></td>
</tr>
<tr>
<td>Gopherus flavomarginatus (otherwise known as Cophemus polyphemus flavomarginatus)</td>
<td>Mexican gopher tortoise</td>
<td></td>
</tr>
<tr>
<td>Psammobates geometricus (otherwise known as Testudo geometricus)</td>
<td>Geometric tortoise</td>
<td></td>
</tr>
<tr>
<td>Cheloniidae</td>
<td>Sea turtles</td>
<td></td>
</tr>
<tr>
<td>Dermochelys coriacea</td>
<td>Leatherback turtle (otherwise known as Leathery turtle or Luth)</td>
<td></td>
</tr>
<tr>
<td>Lissemys punctata punctata</td>
<td>Indian flap-shelled turtle</td>
<td></td>
</tr>
<tr>
<td>Trionyx ater</td>
<td>Cuatro Cienegas soft-shell turtle (otherwise known as Black soft-shell turtle)</td>
<td></td>
</tr>
<tr>
<td>Trionyx gangeticus</td>
<td>Ganges soft-shell turtle (otherwise known as Indian soft-shell turtle)</td>
<td></td>
</tr>
<tr>
<td>Trionyx hurum</td>
<td>Peacock-marked soft-shell turtle</td>
<td></td>
</tr>
<tr>
<td>Trionyx nigricans</td>
<td>Dark-coloured soft-shell turtle</td>
<td></td>
</tr>
<tr>
<td>Pseudemydura umbrina</td>
<td>Short-necked turtle (otherwise known as Western swamp turtle)</td>
<td></td>
</tr>
</tbody>
</table>

**AMPHIBIANS**

The kinds of amphibian specified in the first column below—

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrias davidianus (otherwise known as Megalo batrachus davidianus)</td>
<td>Chinese giant salamander</td>
</tr>
</tbody>
</table>
Andrias japonicus (otherwise known as Megalobatrachus japonicus)  
Japanese giant salamander
Atelopus varius zeteki  
Golden frog (otherwise known as Zetek’s frog)
Bufo periglenes  
Golden toad (otherwise known as Orange toad)
Bufo superciliaris  
Cameroon toad
Nectophrynoides  
Viviparous toads

FISH

5 The kinds of fish specified in the first column below—

<table>
<thead>
<tr>
<th>Kind</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acipenser brevirostrum</td>
<td>Shortnose sturgeon</td>
</tr>
<tr>
<td>Scleropages formosus</td>
<td>Asiatic bonytongue</td>
</tr>
<tr>
<td>Coregonus alpenae</td>
<td>Longjaw cisco</td>
</tr>
<tr>
<td>Chasmistes cujus</td>
<td>Cui-ui</td>
</tr>
<tr>
<td>Probarbus jullieni</td>
<td>Ikan temolek</td>
</tr>
<tr>
<td>Pangasianodon gigas</td>
<td>Giant catfish</td>
</tr>
<tr>
<td>Stizostedion vitreum glaucum</td>
<td>Blue walleye</td>
</tr>
<tr>
<td>Cynoscion macdonaldi</td>
<td>Drum fish</td>
</tr>
</tbody>
</table>

MOLLUSCS

6 The kinds of mollusc specified below—

Conradilla caelata
Dromus dromas
Epioblasma florentina curtisi (otherwise known as Dysnomia florentina curtisi)
Epioblasma florentina florentina (otherwise known as Dysnomia florentina florentina)
Epioblasma sampsoni (otherwise known as Dysnomia sampsoni)
Epioblasma sulcata peroliqua (otherwise known as Dysnomia sulcata peroliqua)
Epioblasma torulosa gubernaculum (Otherwise known as Dysnomia torulosa gubernaculum)
Epioblasma torulosa torulosa (otherwise known as Dysnomia torulosa torulosa)
Epioblasma turgidula (otherwise known as Dysnomia turgidula)
Epioblasma walkeri (otherwise known as Dysnomia walkeri)
Fusconaia cuneolus
Fusconaia edgariana
Lampsilis higginsi
Lampsilis orbiculata orbiculata
Lampsilis saturia
Lampsilis verescens
Plethobasus cicatricosus
Plethobasus cooperianus
Pleurobema plenum
Potamilus capax (otherwise known as Proptera capax)
Quadrula intermedia
Quadrula sparsa
Toxolasma cylindrella (otherwise known as Carunculina cylindrella)
Unio nickliniana (otherwise known as Megalonaias nickliniana)
Unio tampicoensis tecomatensis (otherwise known as Lampsilis tampicoensis tecomatensis)
Villosa trabalis (otherwise known as Micromya trabalis)

NOTE. The second column of this Schedule gives a common name or names, where available, and is included by way of guidance only; in the event of any dispute or proceedings, only the first column is to be taken into account.

PART III

SCHEDULE INSERTED AS SCHEDULE 5

SCHEDULE 5

PLANTS THE SALE ETC. OF WHICH IS RESTRICTED

This Schedule applies to the kinds of plant specified in the second column below—
<table>
<thead>
<tr>
<th><strong>Family</strong></th>
<th><strong>Kind</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apocynaceae</td>
<td>Pachypodium namaquanum</td>
</tr>
<tr>
<td>Araceae</td>
<td>Alocasia sanderana</td>
</tr>
<tr>
<td>Cactaceae</td>
<td>Ariocarpus agavoides</td>
</tr>
<tr>
<td></td>
<td>Ariocarpus scapharostrus</td>
</tr>
<tr>
<td></td>
<td>Aztekium ritter</td>
</tr>
<tr>
<td></td>
<td>Echinocereus lindsayi</td>
</tr>
<tr>
<td></td>
<td>Obregonia denegri</td>
</tr>
<tr>
<td></td>
<td>Pelecyphora aselliformis</td>
</tr>
<tr>
<td></td>
<td>Pelecyphora strobiliformis</td>
</tr>
<tr>
<td>Caryocaraceae</td>
<td>Caryocar costaricense</td>
</tr>
<tr>
<td>Caryophyllaceae</td>
<td>Gymnocarpus przewalskii</td>
</tr>
<tr>
<td></td>
<td>Melandrium mongolicus</td>
</tr>
<tr>
<td></td>
<td>Silene mongolica</td>
</tr>
<tr>
<td></td>
<td>Stellaria pulvinata</td>
</tr>
<tr>
<td>Cupressaceae</td>
<td>Fitzroya cupressoides</td>
</tr>
<tr>
<td></td>
<td>Pilgerodendron uviferum</td>
</tr>
<tr>
<td>Cycadaceae</td>
<td>Mirocyces calocoma</td>
</tr>
<tr>
<td>Gentianaceae</td>
<td>Prepusa hookeriana</td>
</tr>
<tr>
<td>Humiriaceae</td>
<td>Vantanea barbourii</td>
</tr>
<tr>
<td>Juglandaceae</td>
<td>Engelhardtia pterocarpa</td>
</tr>
<tr>
<td>Leguminosae</td>
<td>Ammopiptanthus mongolicum</td>
</tr>
<tr>
<td></td>
<td>Cynometra hemitomophylla</td>
</tr>
<tr>
<td></td>
<td>Platymiscium pleiostachyum</td>
</tr>
<tr>
<td></td>
<td>Tachigalia versicolor</td>
</tr>
<tr>
<td>Liliaceae</td>
<td>Aloe albida</td>
</tr>
<tr>
<td></td>
<td>Aloe pillansii</td>
</tr>
<tr>
<td></td>
<td>Aloe polyphylla</td>
</tr>
<tr>
<td></td>
<td>Aloe thorncropftii</td>
</tr>
<tr>
<td></td>
<td>Aloe vossii</td>
</tr>
<tr>
<td>Melastomataceae</td>
<td>Lavoisiera itambana</td>
</tr>
<tr>
<td>Meliaceae</td>
<td>Guarea longipetiola</td>
</tr>
<tr>
<td>Moraceae</td>
<td>Batocarpus costaricensis</td>
</tr>
<tr>
<td>Nepenthaceae</td>
<td>Nepenthes rajah</td>
</tr>
<tr>
<td>Orchidaceae</td>
<td>Cattleya skinneri</td>
</tr>
</tbody>
</table>
### SCHEDULE 10A – Delegation of Appellate Functions

**Annotations:**

**Amendments (Textual)**

[F592] Sch. 10A inserted (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), Sch. 9 para. 7

#### Interpretation

1. In this Schedule—

<table>
<thead>
<tr>
<th>Botanical Family</th>
<th>Plant Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattleya trianae</td>
<td>Didiciea cunninghamii</td>
</tr>
<tr>
<td>Laelia jongheana</td>
<td>Laelia lobata</td>
</tr>
<tr>
<td>Lycaste virginalis var alba</td>
<td>Peristeria elata</td>
</tr>
<tr>
<td>Renanthera imschootiana</td>
<td>Vanda coerulea</td>
</tr>
<tr>
<td>Pinaceae</td>
<td>Abies guatemalensis</td>
</tr>
<tr>
<td></td>
<td>Abies nebrodensis</td>
</tr>
<tr>
<td>Podocarpaceae</td>
<td>Podocarpus costalis</td>
</tr>
<tr>
<td></td>
<td>Podocarpus parlatorei</td>
</tr>
<tr>
<td>Proteaceae</td>
<td>Orothamnus zeyheri</td>
</tr>
<tr>
<td></td>
<td>Protea odorata</td>
</tr>
<tr>
<td>Rubiaceae</td>
<td>Balmea stormae</td>
</tr>
<tr>
<td>Sarraceniaceae</td>
<td>Sarracenia alabamensis alabamensis</td>
</tr>
<tr>
<td></td>
<td>Sarracenia jonesii</td>
</tr>
<tr>
<td></td>
<td>Sarracenia oreophila</td>
</tr>
<tr>
<td>Saxifragaceae (otherwise known as Grossulariaceae)</td>
<td>Ribes sardoum</td>
</tr>
<tr>
<td>Stangeriaceae</td>
<td>Stangeria eriopus</td>
</tr>
<tr>
<td>Ulmaceae</td>
<td>Celtis aetnensis</td>
</tr>
<tr>
<td>Welwitschiaceae</td>
<td>Welwitschia bainesii</td>
</tr>
<tr>
<td>Zamiaceae</td>
<td>Encephalartos</td>
</tr>
<tr>
<td>Zingiberaceae</td>
<td>Hedychium philippinense</td>
</tr>
</tbody>
</table>
“appointed person” means a person appointed under section 28F(8) or 28L(10); and
“appointment”, in the case of any appointed person, means appointment under either of those provisions.

Appointments

2 An appointment under section 28F(8) or 28L(10) must be in writing and—
(a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;
(b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and
(c) may, by notice in writing given to the appointed person, be revoked at any time by the Secretary of State in respect of any appeal or matter which has not been determined by the appointed person before that time.

Powers of appointed person

3 Subject to the provisions of this Schedule, an appointed person shall, in relation to any appeal or matter to which his appointment relates, have the same powers and duties as the Secretary of State, other than—
(a) any function of making regulations;
(b) any function of holding an inquiry or other hearing or of causing an inquiry or other hearing to be held; or
(c) any function of appointing a person for the purpose—
   (i) of enabling persons to appear before and be heard by the person so appointed, or
   (ii) of referring any question or matter to that person.

Holding of local inquiries and other hearings by appointed persons

4 (1) If either of the parties to an appeal or matter expresses a wish to appear before and be heard by the appointed person, the appointed person shall give both of them an opportunity of appearing and being heard.

(2) Whether or not a party to an appeal or matter has asked for an opportunity to appear and be heard, the appointed person—
   (a) may hold a local inquiry or other hearing in connection with the appeal or matter, and
   (b) shall, if the Secretary of State so directs, hold a local inquiry in connection with the appeal or matter.

(3) Where an appointed person holds a local inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the Secretary of State to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal or matter.

(4) Subject to section 28F(10) or 28L(12), the costs of a local inquiry held under this Schedule shall be defrayed by the Secretary of State.
Revocation of appointments and making of new appointments

5 (1) Where under paragraph 2(c) the appointment of the appointed person is revoked in respect of any appeal or matter, the Secretary of State shall, unless he proposes to determine the appeal or matter himself, appoint another person under section 28F(8) or 28L(10) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

Certain acts and omissions of appointed persons
to be treated as those of the Secretary of State

6 (1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the Secretary of State.

(2) Sub-paragraph (1) shall not apply—
   (a) for the purposes of so much of any contract made between the Secretary of State and the appointed person as relates to the exercise of the function; or
   (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.]

SCHEDULE 11
Sections 29 and 34.

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART II

Coming into operation

Annotations:

Amendments (Textual)

F593 Sch. 11 (paras. 1-8) 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 para. 11); S.S.I. 2004/495, art. 2

Publicity for orders
### Unopposed orders

<table>
<thead>
<tr>
<th>Section</th>
<th>Annotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>F595</td>
</tr>
</tbody>
</table>

### Opposed orders

<table>
<thead>
<tr>
<th>Section</th>
<th>Annotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>F596</td>
</tr>
</tbody>
</table>

### Restriction on power to amend orders or confirm them with modifications

<table>
<thead>
<tr>
<th>Section</th>
<th>Annotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>F597</td>
</tr>
</tbody>
</table>

### Notice of final decision on orders

<table>
<thead>
<tr>
<th>Section</th>
<th>Annotation</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>F598</td>
</tr>
</tbody>
</table>
Annotations:

Amendments (Textual)

F598 Sch. 11 (paras. 1-8) 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 para. 11); S.S.I. 2004/495, art. 2

Proceedings for questioning validity of orders

F599 7 ........................................

Annotations:

Amendments (Textual)

F599 Sch. 11 (paras. 1-8) 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 para. 11); S.S.I. 2004/495, art. 2

Interpretation

F600 8 ........................................

Annotations:

Amendments (Textual)

F600 Sch. 11 (paras. 1-8) 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 para. 11); S.S.I. 2004/495, art. 2

F601 SCHEDULE 12

PROCEDURE IN CONNECTION WITH ORDERS UNDER SECTION 36

Annotations:

Amendments (Textual)

F601 Sch. 12 repealed (E.W.) (12.1.2010 so far as not relating to MCZs in W., 12.12.2014 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 146, 321, 324(2)(b)(i)(4), Sch. 11 para. 2(2)(b), Sch. 22 Pt. 3 (with s. 145, Sch. 12); S.I. 2014/3088, art. 2(b)(c); and Sch. 12 repealed (S.) (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), ss. 167, 168(1), Sch. 4 para. 5(d) (with s. 162); S.S.I. 2010/230, art. 2(h)

Consultation

1 ........................................
Publicity for draft orders

2 ........................................

Unopposed orders

3 ........................................

Opposed orders

4 ........................................

Restriction on power to make orders with modifications

5 ........................................

Local inquiries

6 ........................................

Notice of making of orders

7 ........................................

Proceedings for questioning validity of orders

8 ........................................

Supplemental

9 ........................................

F602 SCHEDULE 13

Annotations:

Amendments (Textual)

F602 Sch. 13 repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1)(2), 107, Sch. 11 para. 98, Sch. 12; S.I. 2006/2441, art. 2
SCHEDULE 14

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.

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 [(F603)(which may include a direction as to the time within which an order is to be made)].

Annotations:

Amendments (Textual)
F603 Words in Sch. 14 para. 4(2) inserted (E.W.) (13.2.2004 for E. and 31.5.2005 for W.) by 2000 c. 37 , ss. 51 , 103(3) , Sch. 5 Pt. 1 para. 10 ; S.I. 2004/292 , art. 2 ; S.I. 2005/1314 , art. 2(a)

Interpretation

5 (1) In this Schedule—

“application” means an application under section 53(5);

“local authority” means [(F604)a non-metropolitan district council], a parish [(F605)... council or the parish meeting of a parish not having a separate parish council] but, in relation to Wales, means a community council [(F606)];

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

(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.

Annotations:

Amendments (Textual)
F604 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1 , 2 , 7 , Sch. 3 para. 7(8)
F605 Words in Sch. 14 para. 5(1) repealed (1.4.1996) by 1994 c. 19 , s. 66(6)(8) , Sch. 16 para. 65(11), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396 , art. 4 , Sch. 2
F606 Words in Sch. 14 para. 5(1) added (1.4.1996) by 1994 c. 19 , s. 66(6) , Sch. 16 para. 65(11) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396 , art. 4 , Sch. 2

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, which must include particulars of the grounds relied on, 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
(c) by causing a copy of the notice to be displayed in a prominent position—
(i) at the ends of so much of any way as is affected by the order;
(ii) at council offices in the locality of the land to which the order relates; and
(iii) at such other places as the authority may consider appropriate.

(3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “specified” means specified in the requirement.

(4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) shall be complied with not less than 42 days before the expiration of the time specified in the notice.

(6) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority; and a notice required to be served by that sub-paragraph on such other persons as may be
prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order.

(7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(8) At any time after the publication of a notice under this paragraph and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform him what documents (if any) were taken into account in preparing the order and—

(a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and

(b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected; and on any requirement being made under this sub-paragraph the authority shall comply therewith within 14 days of the making of the requirement.

(9) Nothing in sub-paragraph [F608](1)(c) or [F609](8) shall be construed as limiting [F609] the grounds which may be relied on or the documentary or other evidence which may be adduced at any local inquiry or hearing held under paragraph 7 or 8.

Representations or objections made with respect to abandoned surveys or reviews

4 (1) This paragraph applies where a survey begun under sections 27 to 32 of the 1949 Act, or a review begun under section 33 of that Act, is abandoned after a draft map and statement have been prepared.

(2) If an order modifies the definitive map and statement so as—

(a) to show any particulars shown in the draft map and statement but not in the definitive map and statement; or

(b) to omit any particulars shown in the definitive map and statement but not in the draft map and statement,

any representation or objection duly made with respect to the showing in or omission from the draft map and statement of those particulars shall be treated for the purposes
of paragraphs 6 and 7 as a representation or objection duly made with respect to the corresponding modifications made by the order.

Severance of orders

5 (1) Where at any time representations or objections duly made and not withdrawn relate to some but not all of the modifications made by an order, the authority may, by notice given to the Secretary of State, elect that, for the purposes of the following provisions of this Schedule, the order shall have effect as two separate orders—

(a) the one comprising the modifications to which the representations or objections relate; and

(b) the other comprising the remaining modifications.

(2) Any reference in sub-paragraph (1) to an order includes a reference to any part of an order which, by virtue of one or more previous elections under that sub-paragraph, has effect as a separate order.

Unopposed orders

6 (1) If no representations or objections are duly made, or if any so made are withdrawn, the authority may—

(a) confirm the order without modification; or

(b) if they require any modification to be made, submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State may confirm the order with or without modifications.

Opposed orders

7 (1) If any representation or objection duly made is not withdrawn the authority shall submit the order to the Secretary of State for confirmation by him.

(2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State shall either—

(a) cause a local inquiry to be held; or

(b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.

(2A) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(a) or (b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order, either with or without modifications.

(3) On considering any representations or objections duly made and the report of any person appointed to hold an inquiry, or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

Restriction on power to confirm orders with modifications

8 (1) The Secretary of State shall not confirm an order with modifications so as—

(a) to affect land not affected by the order;
(b) not to show any way shown in the order or to show any way not so shown; or
(c) to show as a highway of one description a way which is shown in the order as a highway of another description,
extcept after complying with the requirements of sub-paragraph (2).

(2) The said requirements are that the Secretary of State shall—
(a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 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 proposal [F613, which must include particulars of the grounds relied on,] may be made;
[F614(b) if any representation or objection duly made is not withdrawn (but subject to sub-paragraph (3)), hold a local inquiry or afford any person by whom any such representation or objection has been made an opportunity of being heard by a person appointed by the Secretary of State for the purpose; and
(c) consider the report of any person appointed to hold an inquiry or to hear representations or objections.

(3) The Secretary of State may, but need not, act as mentioned in sub-paragraph (2)(b) if, in his opinion, no representation or objection which has been duly made and not withdrawn relates to an issue which would be relevant in determining whether or not to confirm the order in accordance with his proposal.

(4) Sub-paragraph (2)(a) shall not be construed as limiting the grounds which may be relied on at any local inquiry or hearing held under this paragraph.]

Local inquiries

Annotations:

Amendments (Textual)

F615 Sch. 15 para. 9 omitted (E.W.) (13.2.2004 for E. (exception noted in art. 3(1) of commencement order) and 31.5.2005 for W. and 27.9.2005 otherwise for E.) by virtue of 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. I para. 11(8) and repealed (6.12.2006 for W. and otherwise prosp.) by 2000 c. 37, ss. 102, 103(3), Sch. 16 Pt. II; S.I. 2004/292, art. 2(d)(iii) (with savings in art. 3(1)); S.I. 2005/1314, art. 2(a)(iii); S.I. 2005/2459, art. 2(2)(b)(iii); S.I. 2006/3257, art. 2

Appointment of inspectors etc.

10 (1) A decision of the Secretary of State under paragraph 6, 7 or 8 shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State; and a direction under this sub-paragraph shall state the reasons for which it is given
and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

(3) Where the Secretary of State has appointed a person to make a decision under paragraph 6, 7 or 8 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(4) Where by virtue of sub-paragraph (2) or (3) a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(5) Regulations under this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.

Annotations:

Amendments (Textual)

F616 Sch. 15 para. 10A and cross-heading inserted (13.2.2004 for E. (exception noted in art. 3(1) of commencement order) and 31.5.2005 for W. and 27.9.2005 otherwise for E.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. 1 para. 11(8); S.I. 2004/292, art. 2 (with savings in art. 3(1)); S.I. 2005/1314, art. 2(2)(b)(iii)

F617(10A) Subject to sub-paragraph (2), subsections (2) to (5) of section 250 of the Local Government Act 1972 (giving of evidence at, and defraying of costs of, inquiries) shall apply in relation to any hearing or local inquiry held under paragraph 7 or 8 in England as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(2) In its application to a hearing or inquiry held under paragraph 7 or 8 by a person appointed under paragraph 10(1), subsection (5) of that section shall have effect as if the reference to the Minister causing the inquiry to be held were a reference to the person so appointed or the Secretary of State.

(3) Section 322A of the Town and Country Planning Act 1990 (orders as to costs where no hearing or inquiry takes place) shall apply in relation to a hearing or local inquiry under paragraph 7 or 8 in England as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

F619(4) Section 322C of the Town and Country Planning Act 1990 (costs: Wales) applies in relation to a hearing or inquiry under paragraph 7 or 8 in Wales as it applies in relation to a hearing or inquiry mentioned in that section.]

Annotations:

Amendments (Textual)

F617 Sch. 15 para. 10A and cross-heading inserted (13.2.2004 for E. (exception noted in art. 3(1) of commencement order) and 31.5.2005 for W. and 27.9.2005 otherwise for E.) by 2000 c. 37, ss. 51, 103(3), Sch. 5 Pt. 1 para. 11(8); S.I. 2004/292, art. 2 (with savings in art. 3(1)); S.I. 2005/1314, art. 2(2)(b)(iii)
Notice of final decisions on orders

11 (1) As soon as practicable after a decision to confirm an order is made or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice—

(a) describing the general effect of the order as confirmed and stating that it has been confirmed (with or without modification) and the date on which it took effect; and

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours.

(2) A notice under sub-paragraph (1) shall be given—

(a) by publication in the manner required by paragraph 3(2)(a);

(b) by serving a like notice on any persons on whom notices were required to be served under paragraph 3(2)(b) or (4); and

(c) by causing like notices to be displayed in the like manner as the notices required to be displayed under paragraph 3(2)(c).

(3) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as confirmed as relates to that land or, as the case may be, the area of that authority; and, in the case of an order which has been confirmed with modifications, a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order as confirmed.

(4) As soon as practicable after a decision not to confirm an order or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 3(2)(b) or (4).

Proceedings for questioning validity of orders

12 (1) If any person is aggrieved by an order which has taken effect and desires to question its validity on the ground that it is not within the powers of section 53 or 54 or that any of the requirements of this Schedule have not been complied with in relation to
it, he may within 42 days from the date of publication of the notice under paragraph 11 make an application to the High Court under this paragraph.

(2) On any such application the High Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant.

(3) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.

Supplemental

13 (1) The Secretary of State may, subject to the provisions of this Schedule, by regulations make such provision as to the procedure on the making, submission and confirmation of orders as appears to him to be expedient.

(2) In this Schedule—

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

“local authority” means [F621 a non-metropolitan district council] , a parish [F622 . . . council or the parish meeting of a parish not having a separate parish council but, in relation to Wales, means a community council];

“order” means an order to which the provisions of this Schedule apply;

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

(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.

Annotations:

Amendments (Textual)

F621 Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 7, Sch. 3 para. 7(8)
F622 Words in Sch. 15 para. 13(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(12), Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
F623 Words in Sch. 15 para. 13(2) added (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 65(12) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

X16 SCHEDULE 16

ORDERS CREATING, EXTINGUISHING OR DIVERTING FOOTPATHS OR BRIDLEWAYS

Annotations:

Editorial Information

X16 The text of Sch. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
Wildlife and Countryside Act 1981 (c. 69)

SCHEDULE 16 – Orders Creating, Extinguishing or Diverting Footpaths or Bridleways

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

Annotations:

Amendments (Textual)
F624 Sch. 16 paras. 1–4 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), ss. 3, 5, Sch. 1 Pt. 1, Sch. 3

The Highways Act 1980

5 (1) In subsection (1) of section 119 of the Highways Act 1980 (diversion of footpaths and bridleways) for the words from the beginning to “or on to land” there shall be substituted the words “Where it appears to a council as respects a footpath or bridleway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or”.

(2) In subsection (5) of that section for the words “the council may require the owner, lessee or occupier on whose representations they are acting” there shall be substituted the words “on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him”.

6 (1) In sub-paragraphs (1)(b) and 2(b) of paragraph I of Schedule 6 to that Act (procedure as to certain orders relating to footpaths and bridleways) after the words “free of charge” there shall be inserted the words “and copies thereof may be obtained at a reasonable charge”.

(2) For sub-paragraph (3) of that paragraph there shall be substituted the following sub-paragraph—

“(3) The notices to be given under sub-paragraph (1) or (2) above 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, occupier and lessee (except tenants for a month or any period less than a month and statutory tenants within the meaning of the Rent (Agriculture) Act 1976 or the Rent Act 1977) of any of that land ;
(ii) every council, the council of every parish or community and the parish meeting of every parish not having a separate parish council, being a council, parish or community whose area includes any of that land ;
(iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3A) or (3B) below ; and
(iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority or, as the case may be, the Secretary of State may consider appropriate ; and
(c) by causing a copy of the notice to be displayed in a prominent position—
   (i) at the ends of so much of any footpath or bridleway as is created, stopped up or diverted by the order;
   (ii) at council offices in the locality of the land to which the order relates; and
   (iii) at such other places as the authority or, as the case may be, the Secretary of State may consider appropriate.”

(3) After that sub-paragraph there shall be inserted the following sub-paragraphs—

“(3A) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such public path creation orders, public path extinguishment orders and public path diversion orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “specified” means specified in the requirement.

(3B) Any person may, on payment of such reasonable charge as the Secretary of State may consider appropriate, require the Secretary of State to give him notice of all such draft public path creation orders, draft public path extinguishment orders and draft public path diversion orders as are prepared by the Secretary of State during a specified period, are of a specified description and relate to land comprised in a specified area; and in this sub-paragraph “specified” means specified in the requirement.

(3C) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (3)(b)(i) above; but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to “The owners and any occupiers” of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.”

(4) After sub-paragraph (4) of that paragraph there shall be inserted the following sub-paragraphs—

“(4A) Sub-paragraph (3)(b) and (c) and, where applicable, sub-paragraphs (3C) and (4) above shall be complied with not less than 28 days before the expiration of the time specified in the notice.

(4B) A notice required to be served by sub-paragraph (3)(b)(i), (ii) or (iv) above shall be accompanied by a copy of the order.

(4C) A notice required to be displayed by sub-paragraph (3)(c)(i) above at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(4D) In sub-paragraph (3)(c)(ii) above “council offices” means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council.”

After paragraph 2 of that Schedule there shall be inserted the following paragraph—

“(2A) (1)
A decision of the Secretary of State under paragraph 2 above as respects an order made by an authority other than the Secretary of State shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) above and apart from this sub-paragraph, fails to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

(3) Where the Secretary of State has appointed a person to make a decision under paragraph 2 above the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(4) Where by virtue of sub-paragraph (2) or (3) above a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(5) Provision may be made by regulations of the Secretary of State for the giving of publicity to any directions given by the Secretary of State under this paragraph.”

8 (1) In paragraph 4 of that Schedule after the words “free of charge” there shall be inserted the words “and copies thereof may be obtained at a reasonable charge” and for heads (a) and (b) there shall be substituted the following heads—

“(a) serve a like notice on any persons on whom notices were required to be served under paragraph 1(3)(b), (3C) or (4) above; and

(b) cause like notices to be displayed in the like manner as the notices caused to be displayed under paragraph 1(3)(c) above;”.

(2) That paragraph as so amended shall be renumbered as paragraph 4(1) of that Schedule and after that provision as so renumbered there shall be inserted the following sub-paragraphs—

“(2) A notice required to be served by sub-paragraph (1)(a) above, on—

(a) a person on whom notice was required to be served by paragraph 1(3)(b)(i) or (ii) above, or

(b) in the case of an order which has been confirmed or made with modifications, a person on whom notice was required to be served by paragraph 1(3)(b)(iv) above,

shall be accompanied by a copy of the order as confirmed or made.

(3) As soon as may be after a decision not to confirm an order to which this Schedule applies, the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(3)(b), (3C) or (4) above.”.
After that paragraph there shall be inserted the following paragraph—

“(4A) As soon as may be after an order to which this Schedule applies has come into operation otherwise than—

(a) on the date on which it was confirmed or made by the Secretary of State or confined as an unopposed order; or

(b) at the expiration of a specified period beginning with that date, the authority by whom the order was made or, in the case of an order made by the Secretary of State, the Secretary of State shall give notice of its coming into operation by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.”

Supplemental

(1) The amendments made by the foregoing provisions of this Schedule shall not apply in relation to any order if it was made or a draft thereof was prepared, or a notice relating to it was given under paragraph 1 of the relevant Schedule, before the commencement date.

(2) Any reference in this paragraph to Schedule 6 to the M48 Highways Act 1980 includes a reference to that Schedule as applied by paragraph 3 of the provisions of Part I of Schedule 3 to the 1968 Act which relate to the M49 Acquisition of Land (Authorisation Procedure) Act 1946.

Annotations:

Marginal Citations

M48 1980 c. 66.
M49 1946 c. 49.

X17 SCHEDULE 17

ENACTMENTS REPEALED

Annotations:

Editorial Information

X17 The text of Sch. 17 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

ENACTMENTS REPEALED ONE MONTH AFTER THE PASSING OF THIS ACT

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Short title</th>
<th>Extent of repeal</th>
</tr>
</thead>
</table>

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)
**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

### Part II

**Enactments repealed on a day to be appointed**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Short title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 &amp; 3 Geo. 5. c. 14</td>
<td>The Protection of Animals (Scotland) Act 1912.</td>
<td>In section 9 the words “or any snare” and “or snare”.</td>
</tr>
<tr>
<td>1963 c. 36</td>
<td>The Deer Act 1963.</td>
<td>In Schedule 2, in paragraph 1 the words “of less gauge than 12 bore” and in paragraph 4</td>
</tr>
<tr>
<td>Year</td>
<td>Act</td>
<td>Section/Clause</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1968</td>
<td>The Countryside Act 1968.</td>
<td>In section 1, subsection (4) and, in subsection (5), the words “and 2(1)” and the words “and in section 4(1)” onwards. Section 3. In Schedule 3, in Part I, the entry relating to the National Parks and Access to the Countryside Act 1949, and Parts II, III and IV.</td>
</tr>
<tr>
<td>1970</td>
<td>The Conservation of Seals Act 1970.</td>
<td>In section 10(1)(c), the word “or” immediately following sub-paragraph (ii).</td>
</tr>
<tr>
<td>1973</td>
<td>The Nature Conservancy Council Act 1973.</td>
<td>In section 5(3) the words from the beginning to “save as aforesaid”.</td>
</tr>
</tbody>
</table>
### Schedule 17 – Enactments repealed

**Status:** This version of this Act contains provisions that are prospective.

**Changes to legislation:** Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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)

<table>
<thead>
<tr>
<th>Act Year</th>
<th>Act Title</th>
<th>Repealed/Causes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 c. 66.</td>
<td>The Highways Act 1980.</td>
<td>In section 31(10) the words “or of that subsection” onwards.</td>
</tr>
</tbody>
</table>
Status:
This version of this Act contains provisions that are prospective.

Changes to legislation:
Wildlife and Countryside Act 1981 is up to date with all changes known to be in force on or before 26 July 2017. 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.

Changes and effects yet to be applied to:
- s. 2(6) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32 Sch. 3A para. 1 (as inserted) by 2017 c. 4 Sch. 4 para. 1
- s. 16 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32 Sch. 3A para. 1 (as inserted) by 2017 c. 4 Sch. 4 para. 1
- s. 53(3)(c)(i) words omitted by 2015 c. 20 Sch. 7 para. 2(a)
- s. 53(5) words substituted by 2015 c. 20 Sch. 7 para. 10(a)
- s. 53(6) words substituted by 2015 c. 20 Sch. 7 para. 10(b)
- s. 54A inserted by 2000 c. 37 Sch. 5 para. 4
- Sch. 7 word substituted by 2011 asp 6 s. 11(4)(b) (Effect not applied to legislation.gov.uk. The text of the section reference is not available to edit.)
- Sch. 14 heading word inserted by 2015 c. 20 Sch. 7 para. 11(2)
- Sch. 14 para. 5(1) words substituted by 2015 c. 20 Sch. 7 para. 11(3)
- Sch. 15 heading word inserted by 2015 c. 20 Sch. 7 para. 12(2)
- Sch. 15 para. 13(2) words substituted by 2015 c. 20 Sch. 7 para. 12(3)

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. 54B 54C 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