Wildlife and Countryside Act 1981

1981 CHAPTER 69

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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]

Extent

Preamble: England, Wales, Scotland

PART I

WILDLIFE

Protection of birds

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

Law In Force

Scotland

1.— Protection of wild birds, their nests and eggs [and prevention of poaching][1] .

(1) Subject to the provisions of this Part, if any person intentionally [or recklessly][2] —

(a) kills, injures or takes any wild bird;

(b) takes, damages [, destroys or otherwise interferes with][2] 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;][2]

(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][2] otherwise than in contravention of the relevant provisions; **[…]**[2]

(b) the bird, egg or other thing in his possession or control had been sold [at a place in Scotland][2] (whether to him or any other person) otherwise than in contravention of those provisions [; or][2]

[(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.

][2]

[…][2]

[(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 [EU][3] instrument replacing either of them) .

][2]

(4) **[…]**[4]

(5) Subject to the provisions of this Part, if any person intentionally [or recklessly][2] —

(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 **[…]**[4] .

[(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. **]** [2]

[(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.

] [5]

(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 inPart II of that Schedule.

Notes

1 Words added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(2) (June 29, 2011)

2 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.2 (October 1, 2004)

3 Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(d) (April 22, 2011)

4 Repealed by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.5 para.1 (March 26, 2003 for repeals specified in 2003 asp 7 s.89(2)(d); June 27, 2003 otherwise)

5 Substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(3) (June 29, 2011)

England

[1.— Protection of wild birds, their nests and eggs.

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

(a) kills, injures or takes any wild bird;

[(aa) takes, damages or destroys the nest of a wild bird included in Schedule ZA1; **]** [2]

(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 lawfully killed or taken; or

(b) the bird, egg or other thing in his possession or control had been lawfully sold (whether to him or any other person).

[(3ZA) 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. **]** [3]

(3A) 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[4] and orders made under those Acts,

(c) any other legislation which implements **[** the Wild Birds Directive **]** [5] 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 **]** [5] .

(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.

[(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 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 **[** the Wild Birds Directive **]** [5] . **]** [6]

(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 inPart II of that Schedule.

] [1]

Notes

1 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.3 (July 14, 2004)

2 Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(2) (May 31, 2006)

3 Added by Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016/127 reg.2(2) (April 6, 2016)

4 1954 c. 30; 1964 c. 59; 1967 c. 46.

[5] Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(2) (August 21, 2007)

[6] S.1(6) and (6A) substituted for s.1(6) by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.48(1) (October 1, 2006)

Wales

[1.— Protection of wild birds, their nests and eggs.

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

(a) kills, injures or takes any wild bird;

[(aa) takes, damages or destroys the nest of a wild bird included in Schedule ZA1; **]** [2]

(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 **[** lawfully **]** [3] killed or taken **[…]**[3] ; or

(b) the bird, egg or other thing in his possession or control had been **[** lawfully **]** [3] sold (whether to him or any other person) **[…]**[3] ;

[…][3]

[(3ZA) 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. **]** [4]

[(3A) 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[5] and orders made under those Acts,

(c) any other legislation which implements **[** the Wild Birds Directive **]** [6] 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 **]** [6] .

] [3]

(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.

[(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 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 **[** the Wild Birds Directive **]** [6] **.** **]** [7]

(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 inPart II of that Schedule.

] [1]

Notes

1 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.3 (July 14, 2004)

2 Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(2) (May 31, 2006)

3 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.3 (August 2, 2004 as specified in SI 2004/1733 reg.3)

4 Added by Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016/127 reg.2(2) (April 6, 2016)

5 1954 c. 30; 1964 c. 59; 1967 c. 46.

6 Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(2) (August 21, 2007)

7 S.1(6) and (6A) substituted for s.1(6) by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.48(1) (October 1, 2006)

Commencement

Pt I s. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 1(1)-(7): England, Wales, Scotland

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

Law In Force

England and Wales

2.— Exceptions to s.1.

(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.

Scotland

[2.— Exceptions to s.1 [: acts by certain persons outside close season] [2] .

(1) Subject to the provisions of this section, **[** where subsection (1A) applies **]** [2] 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.

[(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]

(2) **[** [...] **]** [3]

(3) **[** Subsection (1) **]** [3] shall not apply in Scotland on Sundays or on Christmas Day **[** in relation to those birds included in Part I of Schedule 2 which are also included in Part IA of that Schedule **]** [2] ; 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.

[(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.

] [2]

(4) In **[** section 1, this section and section 6 **]** [4] "close season" means —

(a) in the case of (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;

[(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;] [2]
(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;
[(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;] [2]
(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 [section 1, this section and section 6] [4] 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 [such persons] [2] 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 [as he considers appropriate] [2] .
] [1]

Notes

1 Words repealed by Wildlife and Countryside Act 1981 (Amendment) (Scotland) Regulations 2001/337 (Scottish SI) reg.2(2) (November 4, 2001)

2 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(4) (June 29, 2011)

3 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.3 (October 1, 2004)

4 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(2) (June 29, 2011)

Commencement

Pt I s. 2: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 2(1)-(7): England, Wales, Scotland

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

Westlaw UK

Law In Force

Scotland

3.— Areas of special protection.

(1)-(4) **[…]**[1]

[…][1]

(a)-(b) **[…]**[1]

[…][1] **[…]**[1]

Notes

[1] Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.4(2) (January 1, 2012)

England and Wales

[3.— Areas of special protection.

(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.

] [1]

Notes

[1] Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.2 (January 30, 2001)

Commencement

Pt I s. 3: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 3(1)-(5)(c): England, Wales, Scotland

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

Law In Force

England and Wales

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 22of the Animal Health Act 1981; or

(c) except in the case of a wild bird included in **[** Schedule ZA1 or 1 **]** [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 **[** , fisheries or inland waters **]** [2] .

[(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. **]** [3]

Notes

[1] Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(4) (May 31, 2006)

[2] Words substituted by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.2(1) (November 30, 1995)

[3] Added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.2(2) (November 30, 1995)

Scotland

[4.— [Further exceptions to s. 1] [2]

(1) Nothing in section 1**[…]**[2] 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 22of 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**[…]**[2], 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**[…]**[2], 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 (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.

] [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.5 (October 1, 2004)

[2] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.4(3) (January 1, 2012)

Commencement

Pt I s. 4: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 4(1)-(6): England, Wales, Scotland

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

Law In Force

England and Wales

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

(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 calculated 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; **[…]**[1]

(e) uses any mechanically propelled vehicle in immediate pursuit of a wild bird for the purpose of killing or taking that bird **[** ; or **]** [2]

[(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), **]** [2]

he shall be guilty of an offence **[…]**[3] .

(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.

[(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. **]** [4]

(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.

Notes

[1] Word repealed by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.1(2) (September 25, 1991: represents law in force as at date shown)

[2] And the word "; or" immediately preceding by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.1(3) (September 25, 1991: represents law in force as at date shown)

[3] Words repealed by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.5 para.1 (March 26, 2003 for repeals specified in 2003 asp 7 s.89(2)(d); June 27, 2003 otherwise)

[4] Added by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.1(4) (September 25, 1991: represents law in force as at date shown)

Scotland

[5.— Prohibition of certain methods of killing or taking wild birds.

(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;

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

(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.

(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) [...]

(b) [...]

(c) the use of a cage-trap or net for the purpose of taking any **[** grouse, mallard, partridge or pheasant included in Part I of Schedule 2 **]** [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.

] [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.6 (October 1, 2004)

[2] Words substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(5) (June 29, 2011)

Commencement

Pt I s. 5: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 5(1)-(5)(c): England, Wales, Scotland

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

Law In Force

Scotland

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 **[…]**[1] , or an egg of a wild bird or any part of such an egg **[** other than— **]**[1]

[(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 **]**[1]

(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.

][1]

(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, IIA or III of Schedule 3 **]**[1] **[** (see also subsections (5B) and (6)) **]**[1] , 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. **]**[2]

(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) **[…]**[3]

[(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. **]** [1]

[(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. **]** [1]

[(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. **]** [1]

(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— **]** [4]

[(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, **]** [4]

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). **]** [5]

(9)-(10) **[…]**[6]

Notes

[1] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(3) (June 29, 2011)

[2] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.21(2) (January 1, 2012)

[3] Repealed by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.5 para.1 (March 26, 2003 for repeals specified in 2003 asp 7 s.89(2)(d); June 27, 2003 otherwise)

[4] Words and s.6(8)(a)-(b) substituted for s.6(8)(a)-(b) by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.2 (March 26, 2003)

[5] Added by Birds (Registration Charges) Act 1997 c. 55 s.1(1) (March 21, 1997)

[6] Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.22(2) (July 2, 2012)

England and Wales

[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 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.

[(5) 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] [3] .

(5B) Regulations made for the purposes of subsection (5)(b) may make different provision for different birds or different provisions of this section.] [2]

(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. **]** [1]

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.16(IV) para.1 (January 30, 2001)

2 S.6(5)-(5B) substituted for s.6(5) by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.48(2) (October 1, 2006)

3 Words substituted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(3) (August 21, 2007)

Commencement

Pt I s. 6: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 6(1)-(10): England, Wales, Scotland

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

Law In Force

Scotland

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 **[…]**[1] .

(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). **]** [2]

(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— **]** [3]

[(a) an offence under this Part (being an offence relating to the protection of birds or other animals); **[…]**[4]

(b) any other offence involving their ill-treatment **[** ; or **]** [4] **]** [3]

[(c) any offence under the **[** Control of Trade in Endangered Species Regulations 2018[6] (S.I. 2018/703) **]** [5] relating to birds (other than an offence **[** under paragraph 2 of Schedule 1 to those Regulations which consists of the conduct specified in the table in that paragraph as the subject-matter of Regulation 8(6) of those Regulations **]** [7]). **]** [4]

he shall be guilty of an offence.

(4) If any person knowingly disposes of 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. **]** [8]

(a)-(b) **[…]**[8]

(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. **]** [9]

(6)-(7) **[…]**[10]

Notes

1 Words repealed by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.5 para.1 (March 26, 2003 for repeals specified in 2003 asp 7 s.89(2)(d); June 27, 2003 otherwise)

2 Added by Birds (Registration Charges) Act 1997 c. 55 s.1(2) (March 21, 1997)

3 Words and s.7(3)(a)-(b) substituted for s.7(3)(a)-(b) by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.2 (March 26, 2003)

4 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.7 (October 1, 2004)

5 Words substituted by Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019/1354 Pt 2 reg.2(a) (November 6, 2019)

6 S.I. 2018/703, to which there are amendments not relevant to these Regulations.

7 Words substituted by Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019/1354 Pt 2 reg.2(b) (November 6, 2019)

8 Words substituted for s.7(4)(a)-(b) by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.3 (March 26, 2003)

9 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.21(3) (January 1, 2012)

10 Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.22(3) (July 2, 2012)

England and Wales

[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] .

(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—

(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.

(3A) 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 1 **]**[3] 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 **]**[3] 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;

[(ca) any offence under subsection (1); **]**[4]

(d) any offence under section 8.

(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.

(6)-(7) **[…]**[2]

][1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.4 (January 30, 2001)

[2] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.16(IV) para.1 (January 30, 2001)

[3] Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(4) (May 31, 2006)

[4] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.49 (October 1, 2006)

Commencement

Pt I s. 7: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 7(1)-(7): England, Wales, Scotland

Law In Force

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 **[…]**[1] .

(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 **[…]**[1] .

Notes

[1] Repealed by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.5 para.1 (March 26, 2003 for repeals specified in 2003 asp 7 s.89(2)(d); June 27, 2003 otherwise)

Commencement

Pt I s. 8: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 8(1)-(3)(b): England, Wales, Scotland

Protection of other animals

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

Law In Force

Scotland

9.— Protection of certain wild animals [and prevention of poaching] [1] .

(1) Subject to the provisions of this Part, if any person intentionally **[** or recklessly **]** [2] 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 **]** [2] otherwise than in contravention of the relevant provisions; **[…]**[2]

(b) the animal or other thing in his possession or control had been sold **[** at a place in Scotland **]** [2] (whether to him or any other person) otherwise than in contravention of those provisions; **[** or **]** [2]

[(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.

] [2]

[…][2]

[(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 **[** EU **]** [3] instrument replacing either of them) .

] [2]

(4) Subject to the provisions of this Part, if any person intentionally **[** or recklessly **]** [2] —

(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.

] [2]

(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. **]** [2]

(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) **]** [2] , the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Notes

1 Words added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.7(2) (June 29, 2011)

2 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.8 (October 1, 2004)

3 Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(d) (April 22, 2011)

England and Wales

[9.— Protection of certain wild animals.

(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.

] [2]

(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.

] [1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.5 (January 30, 2001)

[2] Substituted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(4) (August 21, 2007)

Commencement

Pt I s. 9: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 9(1)-(6): England, Wales, Scotland

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

Law In Force With Amendments Pending

England and Wales

10.— Exceptions to s. 9.

(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 0Schedule 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 **]**[1] **[** for the area in which the house is situated or, as the case may be, the act is to take place **]**[2] 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—

(a) a licence under section 16 authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or

(b) an application for such a licence had been determined.

Notes

[1] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.70 (October 1, 2006)

[2] Words inserted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(2) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

Scotland

[10.— Exceptions to s. 9.

(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 ("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.

(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 0Schedule 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 **]** [2] 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—

(a) a licence under section 16 authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or

(b) an application for such a licence had been determined.

(6A) 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.
] [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.9 (October 1, 2004)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.70 (October 1, 2006)

Amendments Pending

Pt I s. 10(1)(c): added by Environment Act 2021 c. 30, Pt 6 s. 111(1)(b) (date to be appointed)

Pt I s. 10(1)(a): word repealed by Environment Act 2021 c. 30, Pt 6 s. 111(1)(a) (date to be appointed)

Commencement

Pt I s. 10: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 10(1)-(6)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[10A 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) **[…]**[2]

(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.
] [1]

Notes

1 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.6(2) (June 29, 2011 for the purposes of introducing 1981c.69 Sch.5A; January 1, 2012 otherwise)

2 Repealed by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.18(2) (March 1, 2021)

Extent

Pt I s. 10A(1)-(8): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.6(2) (June 29, 2011 for the purposes of introducing 1981c.69 Sch.5A; January 1, 2012 otherwise)

Extent

Pt I s. 10B(1)-(7)(b): England, Wales, Scotland

Law In Force

11.— Prohibition of certain methods of killing or taking wild animals.

(1) **[** [2] **]** [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; **[…]**[9]

(c) uses as a decoy, for the purpose of killing or taking any wild animal, any live mammal or bird whatever **[** ; or **]** [10]

[(d) knowingly causes or permits to be done an act which is mentioned in the foregoing provisions of this section, **]** [10]

he shall be guilty of an offence.

[(2) Subject to the provisions of this Part, a person shall be guilty of an offence if that person—

(a) uses any trap or snare for the purpose of killing or taking or restraining any wild animal included in Schedule 6 or 6ZA;

(b) sets in position any trap or snare of such a nature and so placed as to be—

(i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6 or 6ZA;

(ii) in Scotland, likely to cause bodily injury to any such wild animal;

(c) sets in position any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance, of such a nature and so placed as to be—

(i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6;

(ii) in Scotland, likely to cause bodily injury to any such wild animal;

(d) uses for the purpose of killing or taking any wild animal included in Schedule 6—

(i) any electrical device for killing or stunning;

(ii) any poisonous, poisoned or stupefying substance;

(iii) any net;

(iv) any automatic or semi-automatic weapon;

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

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

(vii) any gas or smoke not falling within sub-paragraph (ii);

(viii) any sound recording used as a decoy; or

(ix) any mechanically propelled vehicle in immediate pursuit of any such animal;

(e) uses any mechanically propelled vehicle for the purpose of driving any wild animal included in Schedule 6; or

(f) knowingly causes or permits to be done an act mentioned in paragraphs (a) to (e).

] [4]

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

(a) sets in position **[** or knowingly causes or permits to be set in position **]** [11] 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)(a), (d) or (e) **]** [5] **[** 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 **]** [12] , 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)(b) or (c) **]** [6] 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 **[** the relevant Schedule **]** [7] .

[(7) In any proceedings for an offence under subsection (2)(f) relating to an act which is mentioned in **[** subsection (2)(b) or (c) **]** [6] 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 **[** the relevant Schedule **]** [7] . **]** [13]

[(7A) In subsections (6) and (7), "the relevant Schedule" means—

(a) where proceedings relate to an offence under subsection (2)(b), Schedule 6 or 6ZA;

(b) where proceedings relate to an offence under subsection (2)(c), Schedule 6.

] [8]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.10 (October 1, 2004)

[2] **In relation to Scotland:**

11.— Prohibition of certain methods of killing or taking wild animals.

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

(a) sets in position or otherwise uses any self-locking snare or a snare of any other type specified in an order made by the Scottish Ministers;

(aa) sets in position or otherwise uses any other type of snare which is either 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;

(b) uses for the purpose of killing or taking any animal any bow or cross-bow 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.

[(1A) 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.

] [3]

[(2) Subject to the provisions of this Part, a person shall be guilty of an offence if that person—

(a) uses any trap or snare for the purpose of killing or taking or restraining any wild animal included in Schedule 6 or 6ZA;

(b) sets in position any trap or snare of such a nature and so placed as to be—

(i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6 or 6ZA;

(ii) in Scotland, likely to cause bodily injury to any such wild animal;

(c) sets in position any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance, of such a nature and so placed as to be—

(i) in England and Wales, calculated to cause bodily injury to any wild animal included in Schedule 6;

(ii) in Scotland, likely to cause bodily injury to any such wild animal;

(d) uses for the purpose of killing or taking any wild animal included in Schedule 6—

(i) any electrical device for killing or stunning;

(ii) any poisonous, poisoned or stupefying substance;

(iii) any net;

(iv) any automatic or semi-automatic weapon;

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

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

(vii) any gas or smoke not falling within sub-paragraph (ii);

(viii) any sound recording used as a decoy; or

(ix) any mechanically propelled vehicle in immediate pursuit of any such animal;

(e) uses any mechanically propelled vehicle for the purpose of driving any wild animal included in Schedule 6; or

(f) knowingly causes or permits to be done an act mentioned in paragraphs (a) to (e).

] [4]

[…]

(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.

[…]

(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)(a), (d) or (e) **]** [5] 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)(b) or (c) **]** [6] 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 **[** the relevant Schedule **]** [7] .

(7) In any proceedings for an offence under subsection (2)(f) relating to an act which is mentioned in **[** subsection (2)(b) or (c) **]** [6] 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 **[** the relevant Schedule **]** [7] .

[(7A) In subsections (6) and (7), "the relevant Schedule" means—

(a) where proceedings relate to an offence under subsection (2)(b), Schedule 6 or 6ZA;

(b) where proceedings relate to an offence under subsection (2)(c), Schedule 6.

] [8]

[3] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(2) (January 1, 2012)

[4] Substituted by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.3(2) (March 28, 2019)

[5] Words substituted by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.3(3) (March 28, 2019)

[6] Words substituted by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.3(4)(a) (March 28, 2019)

[7] Words substituted by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.3(4)(b) (March 28, 2019)

[8] Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.3(5) (March 28, 2019)

[9] Word repealed by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.2(2)(a) (September 25, 1991: represents law in force as at date shown)

[10] And the the word "; or" immediately preceding by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.2(2)(b) (September 25, 1991: represents law in force as at date shown)

[11] Words added by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.2(4) (September 25, 1991: represents law in force as at date shown)

[12] Words added by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.2(5) (September 25, 1991: represents law in force as at date shown)

[13] Added by Wildlife and Countryside (Amendment) Act 1991 c. 39 s.2(6) (September 25, 1991: represents law in force as at date shown)

Commencement

Pt I s. 11: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 11(1)-(4): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[11A 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 **]** [3] chief constable. **]** [2]

(4) **[** The **]** [3] chief constable—

(a) on receipt of an appropriate application from any person for an identification number for the purpose of setting snares in position **[…]** [3] ; 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) **[…]**[3]

(8) 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 **]**[3] 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 **]**[3] 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.

][2]

[(9) In this section—

"appropriate application" means an application made in accordance with the provisions of an order under subsection (8);

["chief constable" means the chief constable of the Police Service of Scotland. **]**[3]

[…][3]

][1]

][1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (November 22, 2012: January 1, 2012 for purposes specified in SSI 2011/433 art.2(1)(c)(ii); November 22, 2012 for purposes specified in SSI 2012/433 art.2(3A) as amended by SSI 2012/281 art.2(2); April 1, 2013 as amended by SSI 2012/281 art.2(3) otherwise)

[2] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (April 1, 2013: January 1, 2012 for purposes specified in SSI 2011/433 art.2(1)(c)(ii); November 22, 2012 for purposes specified in SSI 2012/433 art.2(3A) as amended by SSI 2012/281 art.2(2); April 1, 2013 as amended by SSI 2012/281 art.2(3) otherwise)

[3] Amended by Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013/119 (Scottish SI) Sch.1(1) para.8 (April 1, 2013)

Extent

Pt I s. 11A(1)-(9) definition of "chief constables police area": England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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;

(b) it is not capable (whether because of rust, damage or other condition or matter) of locking; and

(c) subject only to the restriction on such movement created by the stop fitted in accordance with section 11(1A)(a) or (b), the noose of the snare is able at all times freely to become wider or tighten (and is not prevented from doing so whether because of rust, damage or other condition or matter other than the stop).

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (January 1, 2012: as SSI 2011/433)

Extent

Pt I s. 11B(1)-(4)(c): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (January 1, 2012: as SSI 2011/433)

Extent

Pt I s. 11C(a)-(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (April 1, 2013: January 1, 2012 for purposes specified in SSI 2011/433 art.2(1)(c)(ii); November 22, 2012 for purposes specified in SSI 2012/433 art.2(3A) as amended by SSI 2012/281 art.2(2); April 1, 2013 as amended by SSI 2012/281 art.2(3) otherwise)

Extent

Pt I s. 11D: England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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;

(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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (April 1, 2013: January 1, 2012 for purposes specified in SSI 2011/433 art.2(1)(c)(ii); November 22, 2012 for purposes specified in SSI 2012/433 art.2(3A) as amended by SSI 2012/281 art.2(2); April 1, 2013 as amended by SSI 2012/281 art.2(3) otherwise)

Extent

Pt I s. 11E(1)-(5): England, Wales, Scotland

Law In Force

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(3) (January 1, 2012: as SSI 2011/433)

Extent

Pt I s. 11F(1)-(5): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.7(3) (June 29, 2011)

Extent

Pt I s. 11G(1)-(2): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.7(3) (June 29, 2011)

Extent

Pt I s. 11H(1)-(3)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[11I 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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.8(2) (June 29, 2011in relation to an animal killed or taken in contravention of 1981 c.69 s.11G; January 1, 2012 otherwise)

Extent

Pt I s. 11I(1)-(3): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[12YA 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.] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.11(2) (January 1, 2012)

Extent

Pt I s. 12YA: England, Wales, Scotland

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

Partially Repealed

England and Wales

12. Protection of certain mammals.

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

Scotland

[...][1]

Notes

[1] Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.11(3) (January 1, 2012)

Commencement

Pt I s. 12: February 16, 1982 (SI 1982/44 art. 2)

Extent

Pt I s. 12: England, Wales, Scotland

Protection of plants

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

Law In Force

England and Wales

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.

Scotland

[13.— Protection of wild plants.

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

(a) intentionally or recklessly picks, uproots or destroys –

(i) any wild plant included in Schedule 8; or

(ii) any seed or spore attached to any such wild plant; or

(b) not being an authorised person, intentionally or recklessly 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 ("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.

(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) 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.

] [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.11 (October 1, 2004)

Commencement

Pt I s. 13: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 13(1)-(4): England, Wales, Scotland

Miscellaneous

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

Law In Force

Scotland

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.

] [1]

(3) Subject to subsection (4), it shall be a defence to a charge of committing an offence under subsection (1) or (2) to **[** show **]** [2] 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.

[(4ZA) Subsection (1)(a) does not apply to species included on the list of invasive alien species of Union concern adopted by the European Commission in accordance with Articles 4(1) and 10(4) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 Oct 2014 on the prevention and management of the introduction and spread of invasive alien species, as amended from time to time. **]** [3]

(5)-(6) **[…]**[4]

Notes

1 S.14(1)-(2D) substituted for s.14(1)-(2) by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(2)(a) (May 1, 2012: substitution has effect as SSI 2012/175 subject to savings and transitional provisions specified in SSI 2012/175 art.3(3))

2 Word substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(2)(b) (July 2, 2012)

3 Added by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(2) (October 1, 2019)

4 Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(2)(c) (July 2, 2012)

Wales

14.— Introduction of new species etc.

(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, IA or IB of Schedule 9 **]** [1],

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.

[(4ZA) Subsection (1)(a) does not apply to species included on **[** the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species

of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council **]** [3] , as amended from time to time. **]** [2]

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

(5) [...]

(6) [...]

Notes

1 Words inserted by Infrastructure Act 2015 c. 7 Pt 4 s.25(2) (April 12, 2015 as SI 2015/990)

2 Added by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(2) (October 1, 2019)

3 Words substituted by Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019/1220 Pt 5 reg.6(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

4 Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(2) (April 12, 2015 as SI 2015/990)

England

14.— Introduction of new species etc.

(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, IA or IB of Schedule 9 **]** [1] ,

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.

[(4ZA) Subsection (1)(a) does not apply to species included on **[** the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council **]** [3] , as amended from time to time. **]** [2]

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

(5) [...]

(6) [...]

Notes

[1] Words inserted by Infrastructure Act 2015 c. 7 Pt 4 s.25(2) (March 5, 2015 as SI 2015/481)

[2] Added by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(2) (October 1, 2019)

[3] Words substituted by Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019/1220 Pt 5 reg.6(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

[4] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(2) (April 12, 2015 as SI 2015/481)

Commencement

Pt I s. 14: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 14(1)-(6): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

Wales

[14ZA Sale etc. of [certain animals and plants included in Schedule 9] [2]

(1) 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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.50 (October 1, 2006)

[2] Words substituted by Infrastructure Act 2015 c. 7 Pt 4 s.25(3) (April 12, 2015 as SI 2015/990)

England

[14ZA Sale etc. of [certain animals and plants included in Schedule 9] [2]

(1) 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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.50 (October 1, 2006)

[2] Words substituted by Infrastructure Act 2015 c. 7 Pt 4 s.25(3) (March 5, 2015 as SI 2015/481)

Extent

Pt I s. 14ZA(1)-(5): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

Wales

14ZB Codes of practice in connection with [species which are non-native or included in Schedule 9] [1]

(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.

Notes

[1] Words substituted by Infrastructure Act 2015 c. 7 Pt 4 s.25(4) (April 12, 2015 as SI 2015/990)

England

[14ZB Codes of practice in connection with [species which are non-native or included in Schedule 9] [2]

(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.

] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.51 (October 1, 2006)

[2] Words substituted by Infrastructure Act 2015 c. 7 Pt 4 s.25(4) (March 5, 2015 as SI 2015/481)

Extent

Pt I s. 14ZB(1)-(5)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[14ZC 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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(3) (May 1, 2012 for the purposes specified in SSI 2012/116 art.2(a)(ii); July 2, 2012 otherwise)

Extent

Pt I s. 14ZC(1)-(5): England, Wales, Scotland

Partially In Force

[14A Prohibition on sale etc. of [invasive] [2] animals or plants

[(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]

(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.

[(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.

] [2]
] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.13 (October 1, 2004)

[2] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(4) (July 2, 2012)

Extent

Pt I s. 14A(1)-(3)(e): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[14AA Contravention of Invasive Alien Species Regulation

(1) A person commits an offence under this section if—

(a) the person contravenes a paragraph of Article 7(1) of the Invasive Alien Species Regulation mentioned in subsection (2) in relation to an invasive alien species, and
(b) the activity which constitutes that contravention does not constitute an offence under section 14, 14ZC or 14A.

(2) The paragraphs referred to in subsection (1)(a) are—

(a) paragraph (b) (keeping, including in contained holding),
(b) paragraph (c) (breeding, including in contained holding),

(c) paragraph (d) (transporting to, from or within the Union, except for the transportation of species to facilities in the context of eradication),
(d) paragraph (e) (placing on the market),
(e) paragraph (f) (using or exchanging),
(f) paragraph (g) (permitting to reproduce, growing or cultivating, including in contained holding),
(g) paragraph (h) (releasing into the environment).

(3) Subject to subsection (4), it is a defence to a charge of committing an offence under this section to show that the person 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 the period of 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) Schedule 9B contains provision about defences to a charge of committing an offence under—
(a) this section, or
(b) section 14ZC or 14A, where the activity to which the charge relates contravenes Article 7(1) of the Invasive Alien Species Regulation.

(6) In this section **[** and section 14AB **]** [2] —
"Invasive Alien Species Regulation" means Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species,
"invasive alien species" means a species, sub-species or lower taxon of animal, plant, fungus or micro-organism included on the **[** Scottish list of species of special concern **]** [3] **[** , **]** [4]
["the Scottish list of species of special concern" means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time. **]** [4]

] [1]

Notes

1 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(2) (November 1, 2019)

2 Words inserted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(2)(a)(i) (December 31, 2020: shall come into force on IP completion day)

3 Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(2)(a)(ii) (December 31, 2020: shall come into force on IP completion day)

4 Definition inserted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(2)(b) (December 31, 2020: shall come into force on IP completion day)

Extent

Pt I s. 14AA(1)-(6) definition of "the Scottish list of species of special concern": England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[14AB.—
Contravention of emergency measures

(1) Section (2) applies where regulations made under Article 10 of the Invasive Alien Species Regulation (emergency measures) provide that a restriction set out in one of the following paragraphs of Article 7(1) of that Regulation applies to a species specified in those regulations as it applies to an invasive alien species—

(a) paragraph (b) (keeping, including in contained holding),
(b) paragraph (c) (breeding, including in contained holding),
(c) paragraph (d) (transporting to, from or within Scotland, except for the transportation of species to facilities in the context of eradication),
(d) paragraph (e) (placing on the market),
(e) paragraph (f) (using or exchanging),
(f) paragraph (g) (permitting to reproduce, growing or cultivating, including in contained holding),
(g) paragraph (h) (releasing into the environment).

(2) A person commits an offence under this section if—

(a) the person contravenes a paragraph of Article 7(1) of the Invasive Alien Species Regulation in relation to a species specified in regulations made under Article 10 of the Invasive Alien Species Regulation (emergency measures), and
(b) the activity which constitutes that contravention does not constitute an offence under section 14, 14ZC or 14A.

(3) Subsections (3) to (5) of section 14AA apply in relation to any contravention of the restriction in relation to a species mentioned in subsection (2)(a) as they apply in relation to a contravention of the corresponding restriction in relation to an invasive alien species.
] [1]

Notes

[1] Added by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(3) (December 31, 2020: shall come into force on IP completion day)

Extent

Pt I s. 14AB(1)-(3): England, Wales, Scotland

Partially In Force

[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.

] [1]

Notes

[1] Substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.14(5) (May 1, 2012 for the purposes specified in SSI 2012/116 art.2(a)(iii); July 2, 2012 otherwise)

Extent

Pt I s. 14B(1)-(5): England, Wales, Scotland

Law In Force

[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, 14AA and 14B **]** [2] ;
(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 **[…]**[3] 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;
[(ba) which species, sub-species or lower taxons of animal, plant, fungus or microorganism are considered to be invasive alien species; **]** [4]
(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);

[(ia) best practice for—

(i) keeping invasive alien species in contained holding;

(ii) measures to ensure such species cannot reproduce or escape;

(ib) the circumstances in which an animal which belongs to an invasive alien species is considered to be a companion animal; **]** [5]

(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,14AA,14B or 14K **]** [6] —

(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.

[(11) In subsection (2)—

"contained holding" means closed facilities from which escape or spread is not possible,

"invasive alien species" has the same meaning as in section 14AA.

] [7]

] [1]

Notes

1 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.15 (January 1, 2012)

2 Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(3)(a) (November 1, 2019)

3 Words repealed by Forestry and Land Management (Scotland) Act 2018 asp 8 (Scottish Act) Sch.2 para.1 (April 1, 2019)

4 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(3)(b)(i) (November 1, 2019)

5 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(3)(b)(ii) (November 1, 2019)

6 Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(3)(c) (November 1, 2019)

7 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(3)(d) (November 1, 2019)

Extent

Pt I s. 14C(1)-(11) definition of "invasive alien species": England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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).

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14D(1)-(6): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14E(1)-(2): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14F(1)-(2)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14G(1)-(2)(d): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14H(1)-(5): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14I(a)-(b)(ii): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14J(1)-(3): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14K(1)-(3): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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)).

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14L(1)-(2)(c): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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' notice 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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14M(1)-(4): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14N(1)-(5)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

Extent

Pt I s. 14O(1)-(5): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[14P Interpretation of sections 14 to 14O

(1) This section applies to sections 14 to 14O only.

(2) Any reference to the native range of an animal or plant, or a type of animal or plant, is a reference to the locality to which the animal or plant of that type is indigenous, and does not refer to any locality to which that type of animal or plant has been imported (whether intentionally or otherwise) by any person.

(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; but

(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 **[.]** [2]

(d) **[…]**[2]

(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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.16 (July 2, 2012)

[2] Repealed by Forestry and Land Management (Scotland) Act 2018 asp 8 (Scottish Act) Sch.2 para.1 (April 1, 2019)

Extent

Pt I s. 14P(1)-(8)(b): England, Wales, Scotland

Law In Force

15.— Endangered species (import and export).

(1) **[…]**[1]

(2) The functions of the **[** GB conservation bodies **]** [2] 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.

Notes

[1] Provides for amendments of Endangered Species (Import and Export) Act 1976 (c. 72) specified in Sch. 10

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.71 (October 1, 2006)

Commencement

Pt I s. 15: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 15(1): United Kingdom

Pt I s. 15(2)-(2)(c): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[15A 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) , **[…]**[2]

[(aa) Regulation (EC) 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market, as amended, extended or applied from time to time, **]** [3]

[(b) Regulation (EU) No 528/2012 of the European Parliament and of the Council[5] **[** of 22 May 2012 concerning the making available on the market and use of biocidal products, as amended, extended or applied from time to time. **]** [6] . **]** [4]

[(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 subsection (1) shall be guilty of an offence. **]** [7]

(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.

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.14 (October 1, 2004)

[2] Word repealed by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(2)(a) (November 30, 2020: repeal has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

[3] Added by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(2)(b) (November 30, 2020: insertion has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

[4] Substituted by Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013/1506 Sch.5(1) para.1 (September 1, 2013)

[5] OJ No L167, 27.06.12, p.1.

[6] Words inserted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(2)(c) (November 30, 2020: insertion has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

[7] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.21(4) (January 1, 2012)

Extent

Pt I s. 15A(1)-(3) definition of "prescribed active ingredient": England, Wales, Scotland

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Supplemental

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

Law In Force With Amendments Pending

Scotland

16.— Power to grant licences.

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

[(a) for scientific, research or educational purposes; **]**[2]

(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; **]**[3]

(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 **]** [4] ,

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.

] [5]

(2) Section 1 **[** does **]** [1] 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 **[…]**[6] ,

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

(3) **[** Sections 9(1), (2), (4) and (4A), 10A(1), 11(1), (2) and (3C)(a), 11C, 11G(1) and 13(1) **]** [7] do not apply to anything done—

(a) for scientific **[** , research **]** [6] 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 birds, **]** [6] wild animals or wild plants or introducing them to particular areas;

[(ca) for the purpose of conserving any area of natural habitat; **]** [6]

(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; **[…]**[8]

(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 **[** ; or **]** [8]

[(i) for any other social, economic or environmental purpose, **]** [8]

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

[(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—

(a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or

(b) meets the approved design conditions (see subsections (3ZG to (3ZI)).

This subsection is subject to (3ZJ).

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—

(a) the trap or snare is of a certified type and make;

(b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and

(c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3ZD) For the purposes of this section, a type and make of trap or snare is "certified" in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

(a) the Secretary of State;
(b) the Welsh Ministers;
(c) the Scottish Ministers;
(d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs[10] ;
(e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3ZE) The relevant authority shall—

(a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
(b) make the list available to anyone who asks for it in in writing[11] .

(3ZF) For the purposes of subsection (3ZE), "the relevant authority" means—

(a) in relation to England, the Secretary of State;
(b) in relation to Wales, the Welsh Ministers;
(c) in relation to Scotland, the Scottish Ministers.

(3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—

(a) has been constructed by the person using it; and
(b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).

(3ZH) The relevant authority must—

(a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
(b) make the details available to anyone who asks for them in writing[11] .

(3ZI) In subsection (3ZH), "the relevant authority" means—

(a) the Secretary of State, for designs of traps or snares approved for use in England;
(b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
(c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

(a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
(b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
(c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section "the international trapping standards agreement" means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation[12] . **]** [9]

[(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.

] [8]

(4) The following provisions, namely—

(a) section 6(1) and (2);

(b) **[** sections 9(5), 11I(1) and 13(2) **]** [13]; and

(c) **[** sections 14, 14ZC, 14A and 14AA **]** [14],

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

[(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. **]** [6]

[(4B) Schedule 9B contains provision restricting the granting of licences under subsection (4)(c) permitting activities which contravene Article 7(1)(b) to (h) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species. **]** [15]

(5) Subject to **[** subsections (5A) and (6) **]** [16], 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.

] [17]

(6) A licence under subsection **[** (2) or (3) **]** [18] 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. **]** [19]

(8B) **[…]**[8]

[(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).

] [8]

[(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. **]** [20]

(10) The agriculture Minister—

(a) shall from time to time consult with **[** each of the **[** GB conservation bodies **]** [22] **]** [21] as to the exercise **[** in the area of that **[** body **]** [24] **]** [23] of his functions under this section; and

(b) shall not grant a licence of any description unless he has been advised by the **[** relevant **]** [25] **[** conservation body **]** [26] as to the circumstances in which, in their opinion, licences of that description should be granted.

[(11) For the purposes of this section a reference to a relevant **[** conservation body **]** [26] is a reference to the **[** conservation body **]** [26] for the area in which it is proposed to carry on the activity requiring a licence. **]** [27]

[(12) 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.

] [28]

(13) **[…]**[8]

Notes

1 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.4(4) (January 1, 2012)

2 Substituted by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(2)(a) (November 30, 1995)

3 Added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(2)(b) (November 30, 1995)

4 Words substituted by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(2)(c) (November 30, 1995)

5 Added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(3) (November 30, 1995)

6 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.15 (October 1, 2004)

7 Word inserted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(4) (January 1, 2012)

8 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.18(2) (June 29, 2011)

9 Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.4 (March 28, 2019)

10 The powers relating to traps and snares under Articles 12 and 12A of the Wildlife Order (Northern Ireland) 1985 (S.I. 1985 No. 171 (N.I.2) were transferred from the Department of the Environment to the Department of Agriculture, Environment and Rural Affairs by Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

11 Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

12 The Agreement was approved on behalf of the European Community by Council Decision 98/142/EC (OJ No. L42, 14.2.98, p. 40). The text of the Agreement is attached to the Decision (at OJ No. L 42, 14.2.98, p. 43).

13 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.9 (June 29, 2011 in relation to 1981 c.69 s.11G; January 1, 2012 otherwise)

14 Words substituted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(4)(a) (November 1, 2019)

15 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(4)(b) (November 1, 2019)

16 Words substituted by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(4) (November 30, 1995)

17 Added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(5) (November 30, 1995)

18 Words substituted by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(6) (November 30, 1995)

19 Added by Marine and Coastal Access Act 2009 c. 23 Pt 1 c.2 s.10(2) (April 1, 2010)

20 Added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.3(8) (November 30, 1995)

21 Words substituted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(4)(b) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

22 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(4)(a) (October 1, 2006)

23 Words inserted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(4)(b) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

24 Word substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(4)(b) (October 1, 2006)

[25] Words inserted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(4)(c) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

[26] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(3) (October 1, 2006)

[27] Added by Environmental Protection Act 1990 c. 43 Sch.9 para.11(4)(d) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

[28] Added by Marine and Coastal Access Act 2009 c. 23 Pt 1 c.2 s.10(4) (April 1, 2010)

England and Wales

[16.— Power to grant licences.

(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), (4) and (4A), 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.

[(3ZZA) Subsection (3)(c), so far as relating to section 11(2) in its application to *mustela erminea* (stoat, otherwise known as ermine), is to be read as if the reference to wild animals included wild birds. **]** [2]

[(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—
(a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
(b) meets the approved design conditions (see subsections (3ZG to (3ZI)).

This subsection is subject to (3ZJ).

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—
(a) the trap or snare is of a certified type and make;
(b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
(c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3ZD) For the purposes of this section, a type and make of trap or snare is "certified" in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—
(a) the Secretary of State;
(b) the Welsh Ministers;
(c) the Scottish Ministers;
(d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs[4] ;
(e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3ZE) The relevant authority shall—
(a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
(b) make the list available to anyone who asks for it in in writing[5] .

(3ZF) For the purposes of subsection (3ZE), "the relevant authority" means—
(a) in relation to England, the Secretary of State;
(b) in relation to Wales, the Welsh Ministers;
(c) in relation to Scotland, the Scottish Ministers.

(3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—

(a) has been constructed by the person using it; and

(b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).

(3ZH) The relevant authority must—

(a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and

(b) make the details available to anyone who asks for them in writing[5] .

(3ZI) In subsection (3ZH), "the relevant authority" means—

(a) the Secretary of State, for designs of traps or snares approved for use in England;

(b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;

(c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

(a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;

(b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and

(c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section "the international trapping standards agreement" means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation[6] . **]** [3]

(4) The following provisions, namely—

(a) section 6(1) and (2);

(b) sections 9(5) and 13(2); and

(c) **[** sections 14 and 14ZA **]** [7] ,

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.

[(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. **]** [8]

[(8C) 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. **]** [9]

(9) **[** Except as provided by **[** subsections (8A) and (8C) **]** [11] , in **]** [10] 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 **]** [12] ;

(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 **]** [12] ;

(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.

(9A) In this section "re-population" and "re-introduction", in relation to wild birds, have the same meaning as in **[** the Wild Birds Directive **]** [13] .

(10) The agriculture Minister—

(a) shall from time to time consult with each of the **[** GB conservation bodies **]** [14] as to the exercise in the area of that **[** body **]** [15] 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 **]** [12] as to the circumstances in which, in their opinion, licences of that description should be granted.

(11) For the purposes of this section a reference to a relevant **[** conservation body **]** [12] is a reference to the **[** conservation body **]** [12] for the area in which it is proposed to carry on the activity requiring a licence.

[(12) 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 **[** ; **]** [17]

[(c) "Wales" has the meaning given by section 158 of the Government of Wales Act 2006. **]** [17]

] [16]

] [1]

Notes

1 Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.6 (January 30, 2001)

2 Added by Humane Trapping Standards (England and Wales) Regulations 2019/1288 reg.2 (April 1, 2020)

3 Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.4 (March 28, 2019)

4 The powers relating to traps and snares under Articles 12 and 12A of the Wildlife Order (Northern Ireland) 1985 (S.I. 1985 No. 171 (N.I.2) were transferred from the Department of the Environment to the Department of Agriculture, Environment and Rural Affairs by Article 8(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

5 Requests in writing can be made in England to the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol, BS1 5AH. In Wales, requests in writing can be made to the Land, Nature and Forestry Division, Welsh Government, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR. In Scotland, requests in writing can be made to Wildlife and Protected Areas, Natural Resources Division, Directorate for Environment and Forestry, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.

6 The Agreement was approved on behalf of the European Community by Council Decision 98/142/EC (OJ No. L42, 14.2.98, p. 40). The text of the Agreement is attached to the Decision (at OJ No. L 42, 14.2.98, p. 43).

7 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(2) (October 1, 2006)

8 Added by Marine and Coastal Access Act 2009 c. 23 Pt 1 c.2 s.10(2) (April 1, 2010)

9 Added by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.170(2) (April 1, 2013: insertion has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

10 Words inserted by Marine and Coastal Access Act 2009 c. 23 Pt 1 c.2 s.10(3) (April 1, 2010)

11 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.170(3) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

12 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(3) (October 1, 2006)

13 Words substituted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(5) (August 21, 2007)

14 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(4)(a) (October 1, 2006)

15 Word substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.72(4)(b) (October 1, 2006)

[16] Added by Marine and Coastal Access Act 2009 c. 23 Pt 1 c.2 s.10(4) (April 1, 2010)

[17] Added by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.170(4) (April 1, 2013: insertion has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Amendments Pending

Pt I s. 16(3)(j): added by Environment Act 2021 c. 30 Pt 6 s. 111(2)(b) (Not yet in force)

Pt I s. 16(3)(h): word repealed by Environment Act 2021 c. 30 Pt 6 s. 111(2)(a) (Not yet in force)

Pt I s. 16(3B): added by Environment Act 2021 c. 30 Pt 6 s. 111(3) (Not yet in force)

Pt I s. 16(9)(c): words inserted by Environment Act 2021 c. 30, Pt 6 s. 111(5) (date to be appointed)

Pt I s. 16(5A)(c): words inserted by Environment Act 2021 c. 30, Pt 6 s. 111(4) (date to be appointed)

Pt I s. 16(6)(b): words inserted by Environment Act 2021 c. 30, Pt 6 s. 111(4) (date to be appointed)

Commencement

Pt I s. 16: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 16(1)-(13): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[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).
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.18(3) (June 29, 2011)

Extent

Pt I s. 16A(1)-(8): England, Wales, Scotland

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

Law In Force

Scotland

17. False statements made for obtaining registration [, identification number] [1] 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 6(2) or 7(1), an identification number under section 11A(4)] [1] 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.

Notes

[1] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.13(5) (November 22, 2012)

England and Wales

[17. False statements made for obtaining registration 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 7(1) 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.

] [1]

Notes

[1] Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(IV) para.1 (January 30, 2001)

Commencement

Pt I s. 17: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 17(a)-(b): England, Wales, Scotland

Law In Force

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.

Commencement

Pt I s. 18: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 18(1)-(2): England, Wales, Scotland

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

Law In Force

Scotland

[18A Vicarious liability for certain offences by employee or agent

(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) ; **[…]**[2]

[(iia) section 11(1)(a) or (aa), (2)(a) or (b)(ii); or **]** [3]

(iii) section 15A(1); and

(b) an offence under section 18 committed in relation to any of the offences mentioned in paragraph (a).

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.24 (January 1, 2012)

[2] Word repealed by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(3)(a) (November 30, 2020: repeal has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

[3] Added by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(3)(b) (November 30, 2020: insertion has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

England and Wales

[18A Wildlife inspectors

(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]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18A(1)-(3): England, Wales, Scotland

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

Law In Force

Scotland

[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 sub-paragraphs (i) to (iv) of subsection (5)(a).

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.24 (January 1, 2012)

England and Wales

[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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18B(1)-(3): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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. **]** [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18C(1)-(7): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18D(1)-(b)(b): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18E(1)-(6): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.1 (May 31, 2006)

Extent

Pt I s. 18F(1)-(2): England, Wales, Scotland

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

Law In Force

Wales

19.— Enforcement.

(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) **[…]**[1]

(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 **[** or has committed **]** [2] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1) **[** or arresting a person, in accordance with **[** section 24 of Police and Criminal Evidence Act 1984 **]** [4], for such an offence **]** [3] , **[** enter any premises other than a dwelling **]** [2] .

[(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.

] [2]

(3) **[** If a justice of the peace is satisfied by information on oath that there are reasonable grounds for 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 **[…]**[2] to enter upon and search those premises for the purpose of obtaining that evidence. **]** [5] In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

[(9) This section does not apply in relation to offences under Schedule 9A. **]** [6]

Notes

1 Repealed by Police and Criminal Evidence Act 1984 (c.60), Sch. 7 Pt. I

2 Amended by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.2 (May 31, 2006)

3 Words inserted by Police and Criminal Evidence Act 1984 (c.60), Sch. 6 para. 25

4 Words substituted by Serious Organised Crime and Police Act 2005 c. 15 Sch.7(4) para.56 (January 1, 2006 subject to transitory provisions specified in SI 2005/3495 art.2(2))

5 Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.7 (January 30, 2001)

6 Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(4) (April 12, 2015 as SI 2015/990)

England

[19.— Enforcement.

(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;

(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 or has committed an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1)or arresting a person, in accordance with section 24 of Police and Criminal Evidence Act 1984, for such an offence, enter any premises other than a dwelling.

(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 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 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.

(9) This section does not apply in relation to offences under Schedule 9A.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(4) (April 12, 2015 as SI 2015/481)

Scotland

19.— Enforcement.

(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 for, **]** [1] search or examine any thing which that person may then be using or **[** may have used, or may have or have had in his possession, **]** [1] if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found **[** in or **]** [1] on that thing;

(c) arrest that person **[…]** [2] ;

(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 **[** or has committed **]** [1] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1), enter any land other than a **[** dwelling or lockfast premises **]** [1] .

(3) **[** If a justice of the peace is satisfied by **[** evidence **]** [1] on oath that there are reasonable grounds for 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 **[** to enter those premises, if necessary using reasonable force, and search them **]** [1] for the purpose of obtaining that evidence. **]** [2] 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. **]** [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.16 (October 1, 2004)

[2] Amended by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.4 (March 26, 2003)

Commencement

Pt I s. 19: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 19(1)-(9): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[19XA 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 **]** [2] 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).
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.3 (May 31, 2006)

[2] Words substituted by Criminal Justice and Immigration Act 2008 c. 4 Sch.26(2) para.7 (July 14, 2008)

Extent

Pt I s. 19XA(1)-(5): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.3 (May 31, 2006)

Extent

Pt I s. 19XB(1)-(4): England, Wales, Scotland

Repealed

[…][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.4 (May 31, 2006)

Repealed

[…][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.4 (May 31, 2006)

Law In Force

[19ZC 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), 11I(1) or 13(2) **]** [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, 14ZC, 14A, 14AA,14B or 14K **]** [3] is being, or has been, committed on those premises;

(e) any premises for the purpose of **[** — **]** [2]

[(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. **]** [2]

(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, 14AA,14B or 14K **]** [4] 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, 14A or 14AA **]** [5];

"specimen" means any bird, other animal **[** , plant, fungus or micro-organism **]** [6] or any part of, or anything derived from, a bird, other animal **[** , plant, fungus or micro-organism **]** [6] .

] [1]

Notes

1 Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.17 (October 1, 2004)

2 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.22(4) (July 2, 2012)

3 Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(5)(a) (November 1, 2019)

4 Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(5)(b) (November 1, 2019)

5 Words substituted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(5)(c)(i) (November 1, 2019)

6 Words substituted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(5)(c)(ii) (November 1, 2019)

Extent

Pt I s. 19ZC(1)-(9) definition of "specimen": England, Wales, Scotland

Law In Force

[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), 11I(1), 13(2), 14, 14ZC, 14A, 14AA,14B or 14K **]** [2] 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), 11I(1), 13(2), 14, 14ZC, 14A, 14AA,14B or 14K **]** [3] 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 **[** ; **]** [4]

[(c) "tissue" means any type of biological material other than blood. **]** [4]

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.17 (October 1, 2004)

[2] Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(6)(a) (November 1, 2019)

[3] Word inserted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(6)(b) (November 1, 2019)

[4] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.22(5) (July 2, 2012)

Extent

Pt I s. 19ZD(1)-(10)(c): England, Wales, Scotland

Law In Force

[19A. Evidence in Scotland [in certain proceedings] [2] .

In any proceedings in Scotland for [any of the following offences] [2] , the accused may be convicted on the evidence of one witness [—] [2]

[(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).] [2]

] [1]

Notes

1 Added by Prisoners and Criminal Proceedings (Scotland) Act 1993 c. 9 Pt II s.36 (September 18, 1993)

2 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.12 (June 29, 2011 except in relation to an offence under 1981 c.69 s.10A(1); January 1, 2012 otherwise)

Extent

Pt I s. 19A(a)-(e): Scotland

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

Law In Force

England and Wales

20.— [Proceedings for summary offences] [1] .

(1) **[…]**[2]

(2) [Proceedings for a summary offence under this Part] [1] 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.

Notes

[1] Amended by Natural Environment and Rural Communities Act 2006 c. 16 Sch.6 para.3 (May 31, 2006)

[2] Amended by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.5 (March 26, 2003)

Scotland

[20.— [Proceedings for summary offences] [2] .

(2) [Proceedings for an offence under this Part which is triable only summarily] [3] 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 three years after the commission of the offence 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.
] [1]

Notes

[1] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.18 (October 1, 2004)

[2] Heading substituted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(5) (November 30, 2020: substitution has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

[3] Words substituted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(4) (November 30, 2020: substitution has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

Commencement

Pt I s. 20: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 20(1)-(3): England, Wales, Scotland

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

Law In Force

Scotland

21.— Penalties, forfeitures etc.

[(1) Subject to subsection (5), a person guilty of an offence under a provision mentioned in subsection (1A) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(1A) The provisions referred to in subsection (1) are—

(a) section 5(1)(e) and (f) (in relation to an act made unlawful by section 5(1)(e)),
(b) section 6(2) and (2A) (in relation to an act made unlawful by section 6(2)(a)),
(c) section 7 (other than section 7(1) and (5A) (in relation to an act made unlawful by section 7(1))),
(d) section 9(5)(b),
(e) section 11A,
(f) section 11C,
(g) section 11E,
(h) section 13,
(i) section 14B,
(j) section 17,
(k) section 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)),
(l) section 19ZD.

(1B) Subject to subsection (5), a person guilty of an offence under a provision mentioned in subsection (1C) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).

(1C) The provisions referred to in subsection (1B) are—

(a) section 6(3),
(b) section 7(1) and (5A) (in relation to an act made unlawful by section 7(1)),
(c) section 8,
(d) section 9(2), (4A), (5)(a) and (5A) (in relation to an act made unlawful by section 9(2), (4A) or (5)(a)),
(e) section 11B,
(f) section 11G,
(g) section 11I.

] [1]

(2)-(3) **[…]**[2]

(4)-(4ZA) **[…]**[3]

[(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.

] [4]

[(4B) A person guilty of an offence under a provision mentioned in subsection (4C) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(4C) The provisions referred to in subsection (4B) are—

(a) section 14ZC,

(b) section 14A,

(c) section 14AA,

(d) section 14K.

[(4CA) A person guilty of an offence under section 14AB is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

] [6]

(4D) A person guilty of an offence under a provision mentioned in subsection (4E) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(4E) The provisions referred to in subsection (4D) are—

(a) section 1,

(b) section 5(1)(a) to (d) and (f) (in relation to an act made unlawful by section 5(1)(a) to (d)),

(c) section 6(1) and (2A) (in relation to an act made unlawful by section 6(1)(a)),

(d) section 9(1), (4) and (5A) (in relation to an act made unlawful by section 9(1) or (4)),

(e) section 10A,

(f) section 11,

(g) section 14,

(h) section 15A.

] [5]

(5) Where an offence to which subsection (1), **[** or (1B) **]** [7] **[…]** [2] 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 **[** the subsection in question **]** [8] 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, 14ZC, 14A, 14AA, 14AB, 14B or 14K **]** [9] , any animal **[** , plant or other thing **]** [10] 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.

Notes

1 S.21(1)-(1C) substituted for s.21(1)-(1B) by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(6)(a) (November 30, 2020: substitution has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

2 Amended by Criminal Justice (Scotland) Act 2003 asp 7 (Scottish Act) Sch.3 para.6 (March 26, 2003)

3 Repealed by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(6)(b) (November 30, 2020: repeal has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

4 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.19 (October 1, 2004)

5 Added by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(6)(c) (November 30, 2020: insertion has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

6 Added by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(4)(a) (December 31, 2020: shall come into force on IP completion day)

7 Words inserted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(6)(d)(i) (November 30, 2020: insertion has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

8 Words substituted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.7(6)(d)(ii) (November 30, 2020: substitution has effect subject to transitional provision specified in SSI 2020/379 reg.3(a))

9 Word inserted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(4)(b) (December 31, 2020: shall come into force on IP completion day)

10 Words substituted by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(7)(d)(ii) (November 1, 2019)

England and Wales

[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 **]** [2] 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) **[…]**[3]

[(4AA) Except in a case falling within subsection (4B) a person guilty of an offence under section 19XB(1), (2) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. **]** [4]

(4B) A person guilty of an offence under **[** section 19XB(1)(a) or (2)(a) **]** [5] in relation to a wildlife inspector **[** entering premises to ascertain whether an offence under section 14 or 14ZA is being or has been committed **]** [6] 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) **]** [7] 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.

(4D) **[…]**[3]

(5) Where an offence to which subsection (1) **[…]**[8] 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 **]** [2], 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.
] [1]

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.10 (January 30, 2001)
2 Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.73(1) (October 1, 2006)
3 Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.5(2) (May 31, 2006)
4 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.5(3) (May 31, 2006)
5 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.5(4)(a) (May 31, 2006)
6 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.5(4)(b) (May 31, 2006)
7 Word substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.5(5) (May 31, 2006)
8 Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(IV) para.1 (January 30, 2001)

Commencement

Pt I s. 21: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 21(1)-(4ZA)(b): England, Wales, Scotland

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

Law In Force

Wales

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, add any bird to, or remove any bird from, any of or any Part of **[** Schedules ZA1 to 4 **]** [1] .

(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 **]** [2] , 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.

[…] [3]

[(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006. **]** [4]

(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, IA or IB of Schedule 9 **]** [5] ; and

(b) add any plants to, or remove any plants from, Part II of that Schedule.

[(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

(7) In subsection (6), "the international trapping standards agreement" has the meaning given by section 16(3ZK). **]** [6]

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(5) (May 31, 2006)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.74(2)(a) (October 1, 2006)

3 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

4 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.74(3) (October 1, 2006)

5 Words inserted by Infrastructure Act 2015 c. 7 Pt 4 s.25(5) (April 12, 2015 as SI 2015/990)

6 Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.5 (March 28, 2019)

England

[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, 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.

(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.

(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, IA or IB of Schedule 9; and

(b) add any plants to, or remove any plants from, Part II of that Schedule.

[(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

(7) In subsection (6), "the international trapping standards agreement" has the meaning given by section 16(3ZK). **]** [2]
] [1]

Notes

[1] Words inserted by Infrastructure Act 2015 c. 7 Pt 4 s.25(5) (March 5, 2015 as SI 2015/481)

[2] Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.5 (March 28, 2019)

Scotland

[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–

(a) add any bird to, or remove any bird from, any of or any Part of Schedules A1 to 4

(b) add any animal to, or remove any animal from, **[** Schedule 5, 5A, 6 or 6A **]** [2] ;

(c) add any plant to, or remove any plant from, **[** Schedule 8 **]** [2] .

(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.

[(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. **]** [3]

(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 **[** to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act **]** [4] , 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.

[…][5]

[(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006. **]** [6]

(4) [...]

(5) [...]

[(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

(7) In subsection (6), "the international trapping standards agreement" has the meaning given by section 16(3ZK). **]** [7]
] [1]

Notes

1 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.20 (October 1, 2004)
2 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(4) (July 2, 2012)
3 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.10 (June 29, 2011)
4 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.74(2)(a) (October 1, 2006)
5 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)
6 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.74(3) (October 1, 2006)
7 Added by Humane Trapping Standards Regulations 2019/22 Pt 2 reg.5 (March 28, 2019)

Commencement

Pt I s. 22: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 22(1)-(7): England, Wales, Scotland

Law In Force

23.— 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).

Commencement

Pt I s. 23: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 23(1)-(7): England, Wales, Scotland

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

Law In Force

Scotland

24.— [Functions of GB conservation bodies] [1]

(1) The [GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act] [2] may at any time and shall five years after [30th October 1991] [3] 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.

[…][4]

[(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.] [5]

(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.] [6]

[(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.] [7]

(4) The functions of the [GB conservation bodies] [8] shall include power to advise or assist—

(a) any constable; [or] [9]

(b) any proper officer of a local authority; **[…]**[9]

(c) **[…]**[9]

in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

[(4A) The functions of Scottish Natural Heritage include the power to advise or assist—

(a) another relevant body exercising functions under section 14L(2)(a); and

(b) a person authorised to enter premises under section 14M exercising functions under that section.

] [10]

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(5) (October 1, 2006)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(2)(a) (October 1, 2006)

3 Words substituted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(6)(a) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

4 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

5 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(3) (October 1, 2006)

6 Words substituted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(6)(b) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

7 Substituted by Environmental Protection Act 1990 c. 43 Sch.9 para.11(6)(c) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

8 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(4) (October 1, 2006)

9 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.22(6) (July 2, 2012)

10 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(5) (July 2, 2012)

England and Wales

[24.— [Functions of GB conservation bodies] [2]

(1) The **[** GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act **]** [3] 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.

[…][4]

[(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006. **]** [5]

(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 **]** [6] shall include power to advise or assist—

(a) any constable;
(b) any proper officer of a local authority; or
(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.
] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.12 para.11 (January 30, 2001)
[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(5) (October 1, 2006)
[3] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(2)(a) (October 1, 2006)
[4] Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)
[5] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(3) (October 1, 2006)
[6] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.75(4) (October 1, 2006)

Commencement

Pt I s. 24: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 24(1)-(4A)(b): England, Wales, Scotland

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

Law In Force

Scotland and Wales

25.— 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. **]** [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(5) (April 12, 2015 as SI 2015/990)

England

[25.— 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(5) (April 12, 2015 as SI 2015/481)

Commencement

Pt I s. 25: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 25(1)-(3): England, Wales, Scotland

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

Law In Force

Wales

26.— Regulations, orders, notices etc.

(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—

(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;

(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. **]** [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(6) (April 12, 2015 as SI 2015/990)

England

[26.— Regulations, orders, notices etc.

(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—

(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;

(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. **]** [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(6) (April 12, 2015 as SI 2015/481)

Scotland

[26.— Regulations, orders, notices etc.

(1) Any power to make regulations or orders under **[** a provision of this Part other than section 14D **]** [2] 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 **[** — **]** [3]

[(a) **[** an order under any of **[** sections 2(6), 5, 10A(4) or 11(4) **]** [5]; and **]** [4] **]** [3]

[(b) 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, **]** [3]

[shall be subject to annulment in pursuance of a resolution of either House of Parliament. **]** [3]

(3) No **[** — **]** [3]

[(a) order under section 5 or 11(4); or **]** [3]

[(b) order under section 22(1)(a) which removes from Part I of Schedule 2 any bird referred to in paragraph (b) of subsection (2), **]** [3]

[shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament. **]** [3]

(4) Before making any order under **[** a provision of this Part other than section 14D **]** [6] , the Secretary of State—

(a) except in the case of an order under **[** section 2(6), 14, 14ZC, 14A or 14B **]** [7] , shall give to any local authority affected and **[…]**[4] 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;

[(aa) in the case of an order under section 16A(5)(b), shall consult Scottish Natural Heritage; **]** [8]

(b) except in the case of an order under **[** section 14, 14ZC, 14A, 14B, 16A(5)(b) or 22 **]** [9], 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, **[** except in the case of an order under section 16A(5)(b), **]** [8] if he thinks fit, cause a public inquiry to be held.

[(4A) The Scottish Ministers may make an order under section 14, 14ZC or 14A only where they have consulted—

(a) 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. **]** [10]

(5) Notice of the making of an order under this Part **[**, other than an order under section 16A(5)(b), **]** [8] 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.
] [1]

Notes

1 Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.21 (October 1, 2004)

2 Words substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(6)(a) (July 2, 2012)

3 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(6) (June 29, 2011)

4 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.4(5) (January 1, 2012)

5 Word inserted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.6(3) (January 1, 2012)

6 Words substituted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(6)(b)(i) (July 2, 2012)

7 Words inserted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(6)(b)(ii) (May 1, 2012 for the purposes specified in SSI 2012/116 art.2(b)(i); July 2, 2012 otherwise)

8 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.18(4) (June 29, 2011)

9 Words inserted by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(6)(b)(iii) (May 1, 2012 for the purposes specified in SSI 2012/116 art.2(b)(ii); July 2, 2012 otherwise)

10 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(6)(c) (July 2, 2012)

Commencement

Pt I s. 26: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 26(1)-(7): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[26A 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 **]** [3] instrument or otherwise) **]** [2] 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. **]** [1]

Notes

1 Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.22 (October 1, 2004)

2 Words substituted subject to transitional provisions specified in 2007 asp 6 s.44(6) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 (Scottish Act) Pt 3 s.44(2) (April 23, 2007: substitution has effect subject to transitional provisions specified in 2007 asp 6 s.44(6))

3 Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(d) (April 22, 2011)

Extent

Pt I s. 26A: England, Wales, Scotland

Law In Force

[26B 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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.20 (January 2, 2012)

Extent

Pt I s. 26B(1)-(4)(b): England, Wales, Scotland

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

Law In Force

Scotland

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—

(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 of the following bodies, that is to say, any of the GB conservation bodies, a district board for a fishery district within the meaning of the Salmon

Fisheries (Scotland) Act 1862 **[** or an inshore fisheries and conservation authority **]** [2] **[…]**[3] ;

] [1]

[(d) 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,

] [4]

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;

[…][5]

[`inland waters' means —

(a) inland waters within the meaning of the Water Resources Act 1991[7] ;

(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[8] other than ground waters as defined in section 30A(1)(d) of that Act.

] [6]

["inshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009; **]** [9]

"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 **[…]**[10] , a county, district or London borough council **[…]**[11] ;

[(aa) in relation to Wales, a county council or county borough council; **]** [12]

(b) in relation to Scotland, a **[** council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 **]** [13] ;

"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 **]** [14] 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;
[…][15]
"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 **]**[14] which is ordinarily resident in or is a visitor to **[** the United Kingdom or **]**[16] **[** any member State or the European territory of any member State **]**[14] in a wild state but does not include poultry **[…]**[5] ;
"wild plant" means any plant **[** (including fungi) **]**[14] 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.

[(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.

][14]

(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.

[(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.

][14]

[(3A) In this Part "the GB conservation bodies" means–

(a) Natural England,
(b) **[** the Natural Resources Body for Wales **]**[18] , and
(c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly. **]**[17]

(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.

Notes

1 Para.(c)(i), (ii) and word substituted for words by Marine and Coastal Access Act 2009 c. 23 Pt 6 c.3 s.193(4) (January 12, 2010)

2 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(a) (April 1, 2011)

3 Words repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(4) para.1 (April 1, 2011 as SI 2011/556)

4 Substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

[5] Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.2 (June 29, 2011)

[6] Definition added by Wildlife and Countryside Act 1981 (Amendment) Regulations 1995/2825 reg.4 (November 30, 1995)

[7] 1991 c.57.

[8] 1974 c.40.

[9] Definition inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(b) (April 1, 2011)

[10] Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996 as SI 1996/396)

[11] Words repealed by Local Government Act 1985 (c.51), ss. 1, 102, Sch. 17

[12] Added by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(2) (April 1, 1996)

[13] Words substituted by Local Government etc. (Scotland) Act 1994 c. 39 Sch.13 para.125(2) (April 1, 1996)

[14] Amended by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.23 (October 1, 2004)

[15] Definition repealed by Water Industry (Scotland) Act 2002 asp 3 (Scottish Act) Sch.7 para.11(2) (April 1, 2002)

[16] Words inserted by Wildlife and Countryside Act 1981 (EU Exit) (Scotland) (Amendment) Regulations 2019/84 (Scottish SI) reg.2 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

[17] Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.76(4) (October 1, 2006)

[18] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(3) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Wales

[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—

(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 of the following bodies, that is to say, any of the GB conservation bodies, a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 **[** or an inshore fisheries and conservation authority **]** [3] **[…]** [4] ;

] [2]

[(d) 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,

] [5]

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;

"game bird" means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;

`inland waters' means —

(a) inland waters within the meaning of the Water Resources Act 1991[6] ;
(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[7] other than ground waters as defined in section 30A(1)(d) of that Act.

["inshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009; **]** [8]

"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 ;
(aa) in relation to Wales, a county council or county 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 domestic fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

["premises" includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport; **]** [9]

"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 **]** [10] which is ordinarily resident in or is a visitor to **[** the United Kingdom or **]** [11] **[** the European territory of any member State **]** [10] in a wild state but does not include poultry or, except in sections 5 and 16, any game bird;
["the Wild Birds Directive" means **[** Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 **]** [13] ; **]** [12]
"wild plant" means any plant 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.
"wildlife inspector" has the meaning given by **[** section 18A(1) **]** [14] .

(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.

[(3A) In this Part "the GB conservation bodies" means–

(a) Natural England,
(b) **[** the Natural Resources Body for Wales **]** [16] , and
(c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly. **]** [15]

(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.
] [1]

Notes

1 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.4 (July 14, 2004)

2 Para.(c)(i), (ii) and word substituted for words by Marine and Coastal Access Act 2009 c. 23 Pt 6 c.3 s.193(4) (January 12, 2010)

3 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(a) (April 1, 2011)

4 Words repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(4) para.1 (April 1, 2010 as SI 2010/630)

5 Substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

6 1991 c.57.

7 1974 c.40.

8 Definition inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(b) (April 1, 2011)

9 Definition inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.76(3) (October 1, 2006)

10 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.4 (August 2, 2004 as specified in SI 2004/1733 reg.3)

11 Words inserted by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019/579 Pt 2 reg.2 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

[12] Definition inserted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(6) (August 21, 2007)

[13] Words substituted by Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016/127 reg.2(3) (April 6, 2016)

[14] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.6 (May 31, 2006)

[15] Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.76(4) (October 1, 2006)

[16] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(3) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

England

[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—

(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 of the following bodies, that is to say, any of the GB conservation bodies, a district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act 1862 **[** or an inshore fisheries and conservation authority **]** [3] **[…]** [4] ;

] [2]

[(d) 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,

] [5]

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;
"game bird" means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;
`inland waters' means —

(a) inland waters within the meaning of the Water Resources Act 1991[6] ;
(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[7] other than ground waters as defined in section 30A(1)(d) of that Act.

["inshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009; **]** [8]
"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 ;
(aa) in relation to Wales, a county council or county 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 domestic fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;
["premises" includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport; **]** [9]
"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 **[** the United Kingdom or **]** [10] the European territory of any member State in a wild state but does not include poultry or, except in sections 5 and 16, any game bird;
["the Wild Birds Directive" means **[** Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 **]** [12] ; **]** [11]
"wild plant" means any plant 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.
"wildlife inspector" has the meaning given by **[** section 18A(1) **]** [13] .

(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.

[(3A) In this Part "the GB conservation bodies" means–

(a) Natural England,

(b) **[** the Natural Resources Body for Wales **]** [15] , and

(c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly. **]** [14]

(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.

] [1]

Notes

1 Amended by Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004/1487 reg.4 (July 14, 2004)

2 Para.(c)(i), (ii) and word substituted for words by Marine and Coastal Access Act 2009 c. 23 Pt 6 c.3 s.193(4) (January 12, 2010)

3 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(a) (April 1, 2011)

4 Words repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(4) para.1 (April 1, 2011 as SI 2011/556)

5 Substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

6 1991 c.57.

7 1974 c.40.

8 Definition inserted by Marine and Coastal Access Act 2009 c. 23 Sch.14 para.11(b) (April 1, 2011)

9 Definition inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.76(3) (October 1, 2006)

10 Words inserted by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019/579 Pt 2 reg.2 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

11 Definition inserted by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(6) (August 21, 2007)

12 Words substituted by Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016/127 reg.2(3) (April 6, 2016)

13 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.5(1) para.6 (May 31, 2006)

14 Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.76(4) (October 1, 2006)

15 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.171(3) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Commencement

Pt I s. 27: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt I s. 27(1)-(1) definition of "authorised person" (c)(ii), (1) definition of "authorised person" (d)(i)-(5): England, Wales, Scotland

Pt I s. 27(1) definition of "authorised person" (d): England, Wales

Repealed

27ZA.— […][1]

Notes

[1] Repealed by Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004/1733 reg.3(1) (August 2, 2004)

PART II

NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

[Sites of special scientific interest and limestone pavements] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.78 (October 1, 2006)

Repealed

27A. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Law In Force

[27AA Application of sections 28 to 34 in Wales

(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.

(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 **[** the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 **]** [2] .

(3) The Natural Resources Body for Wales must also give the notification or notice to **[** that corporate joint committee **]** [3] .
] [1]

Notes

1 Existing s.27AA renumbered as s.27AA(1) and s.27AA(2)-(3) inserted by Planning (Wales) Act 2015 anaw. 4 Sch.2 para.6 (January 7, 2021)

2 Words substituted by Local Government and Elections (Wales) Act 2021 asc. 1 Sch.9(1) para.21(a) (January 21, 2021)

3 Words substituted by Local Government and Elections (Wales) Act 2021 asc. 1 Sch.9(1) para.21(b) (January 21, 2021)

Extent

Pt II s. 27AA(1)-(3): England, Wales, Scotland

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

Partially Repealed

England

[28.— Sites of special scientific interest.

(1) Where Natural 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 Natural England to notify that fact—

(a) to the local planning authority (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) Natural 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 Natural 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 Natural England to be likely to damage that flora or fauna or those features,
and shall contain a statement of Natural England's views about the management of the land (including any views 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, 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).
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.

(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3).

(7) 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.

(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.
] [1]

Notes

[1] Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Wales

[28.— Sites of special scientific interest.

(1) Where Natural 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 Natural England to notify that fact—

(a) to the local planning authority **[** (if any) **]** [2] 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.

] [3]

(2) Natural England shall also publish a notification of **[** the fact mentioned in subsection (1) **]** [4] 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 Natural 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 Natural England to be likely to damage that flora or fauna or those features,

and shall contain a statement of Natural England's views about the management of the land (including any views 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, 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).

[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). **]** [5]

(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.

[(6A) Subsection (6)(b) does not apply in a case where notice has been given to Natural England under section 28CB(3). **]** [6]

(7) 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.

[(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). **]** [7]

(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.

] [1]

Notes

1 Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

2 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(2) (December 12, 2014 as SI 2014/3088)

3 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(3) (December 12, 2014 as SI 2014/3088)

4 Words substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(4) (December 12, 2014 as SI 2014/3088)

5 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(5) (December 12, 2014 as SI 2014/3088)

6 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(6) (December 12, 2014 as SI 2014/3088)

7 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.2(7) (December 12, 2014 as SI 2014/3088)

Scotland

[...][1]

Notes

1 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 28: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 28(1)-(14): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England

[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), Natural 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) Natural England shall give notice setting out the variation to—

(a) the local planning authority (if any) in whose area the land is situated,

(b) every owner and occupier of any of the land who in the opinion of Natural England 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, 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).
] [1]

Notes

[1] Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.3 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Wales

[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), **[** Natural England **]** [2] 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) **[** Natural England **]** [2] shall give notice setting out the variation to—

(a) the local planning authority **[** (if any) **]** [3] in whose area the land is situated,

(b) every owner and occupier of any of the land who in the opinion of **[** Natural England **]** [2] 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, **[** Natural England **]** [2] 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).

] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

[3] Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.3 (December 12, 2014 as SI 2014/3088)

Extent

Pt II s. 28A(1)-(8): England, Wales, Scotland

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

Partially In Force

Scotland and Wales

[28B.— Notification of additional land.

(1) Where [Natural England] [2] 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, [Natural England] [2] may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority [(if any)] [3] 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.

[(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.

] [4]

(3) No [notification under subsection (2)] [5] 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 [Natural England] [2] 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) " **[** and "subsection (1B)" **]** [6] in section 28(5) to (7) were references to subsection (2) of this section **[** and subsection (2B) of this section respectively **]** [7] .

(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.
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

3 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5(2) (December 12, 2014 as SI 2014/3088)

4 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5(3) (December 12, 2014 as SI 2014/3088)

5 Words substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5(4) (December 12, 2014 as SI 2014/3088)

6 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5(5)(a) (December 12, 2014 as SI 2014/3088)

7 Substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5(5)(b) (December 12, 2014 as SI 2014/3088)

England

[28B.— Notification of additional land.

(1) Where 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, 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 (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.

(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 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 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)”and “subsection (1B)” in section 28(5) to (7) were references to subsection (2) 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.
] [1]

Notes

[1] Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.5 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Extent

Pt II s. 28B(1)-(10): England, Wales, Scotland

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

Partially In Force

Scotland and Wales

[28C.— Enlargement of SSSI.

(1) Where [Natural England] [2] 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, [Natural England] [2] may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority [(if any)] [3] 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.

[(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.

] [4]

(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) " **[** , "subsection (1)(b)" and "subsection (1B)" **]** [5] " in section 28(2) to (8) were references to subsection (2) **[** , subsection (2)(b) and subsection (2B) **]** [6] 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).

] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

3 Words inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.6(2) (December 12, 2014 as SI 2014/3088)

4 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.6(3) (December 12, 2014 as SI 2014/3088)

5 Words substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.6(4)(a) (December 12, 2014 as SI 2014/3088)

6 Words substituted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.6(4)(b) (December 12, 2014 as SI 2014/3088)

England

[28C.— Enlargement of SSSI.

(1) Where 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, 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 (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.

(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)", "subsection (1)(b)" and "subsection (1B)" in section 28(2) to (8) were references to subsection (2), 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).

] [1]

Notes

[1] Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.6 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Extent

Pt II s. 28C(1)-(9)(c): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

Wales

[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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.7 (December 12, 2014 as SI 2014/3088)

England

[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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.7 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Extent

Pt II s. 28CA(1)-(2)(b): United Kingdom

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

Partially In Force With Amendments Pending

Scotland and Wales

[NOTE: not yet in force otherwise.]

England

[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.
] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.8 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Amendments Pending

Pt II s. 28CB: added by Marine and Coastal Access Act 2009 c. 23 Sch. 13(2) para. 8 (date to be appointed)

Extent

Pt II s. 28CB(1)-(12): United Kingdom

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

Partially In Force With Amendments Pending

Scotland and Wales

[28D.— Denotification.

(1) Where [Natural England] [2] are of the opinion that all or part of a site of special scientific interest is [not] [3] of special interest by reason of any of the matters mentioned in section 28(1), they may decide to notify that fact.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority in whose area the land which [Natural England] [2] no longer consider to be of special interest 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 Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the Land Drainage Act 1991) whose works, operations or activities may affect the land.

(3) [Natural England] [2] shall also publish a notification of that fact 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] [2] 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).

] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

3 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.56 (May 31, 2006)

England

[28D.— Denotification.

(1) Where Natural England are of the opinion that all or part of a site of special scientific interest

(a) is not of special interest by reason of any of the matters mentioned in section 28(1), 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.

(2) If they do so decide, the persons whom they must notify are—

(a) the local planning authority (if any) in whose area 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 Water Industry Act 1991) and every internal drainage board (within the meaning of 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).

] [1]

Notes

[1] Amended by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.9 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Amendments Pending

Pt II s. 28D(1): existing words renumbered as s.28D(1)(a) and s.28D(1)(b) is inserted by Marine and Coastal Access Act 2009 c. 23 Sch. 13(2) para. 9(2) (date to be appointed)

Pt II s. 28D(2)(a): words inserted by Marine and Coastal Access Act 2009 c. 23 Sch. 13(2) para. 9(3)(a) (date to be appointed)

Pt II s. 28D(2)(a): words substituted by Marine and Coastal Access Act 2009 c. 23 Sch. 13(2) para. 9(3)(b) (date to be appointed)

Pt II s. 28D(3): words substituted by Marine and Coastal Access Act 2009 c. 23 Sch. 13(2) para. 9(4) (date to be appointed)

Extent

Pt II s. 28D(1)-(7): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28E.— 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 [Natural England] [2] 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 [Natural England's] [2] 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] [3] ;

(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 **]** [2] do not consent, they shall give notice saying so to the person who gave the notice under subsection (1).

(6) **[** Natural England **]** [2] 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 **[** Natural England's **]** [2] 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) **[** Natural England **]** [2] shall have power to enforce the provisions of this section.
] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

[3] Words substituted by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(2) (May 21, 2016)

Extent

Pt II s. 28E(1)-(10): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28F.— 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 [Natural England] [2] 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 [Natural England] [2] 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 [Natural England] [2] 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 [Natural England] [2] 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 **[** Natural England **]** [2] 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 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 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."

] [3]

] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

[3] Added by Planning (Wales) Act 2015 anaw. 4 Sch.5 para.5 (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)

Extent

Pt II s. 28F(1)-(12): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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 **[…]**[2] ; and

(f) any other public body of any description.

[(4) "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. **]** [3]
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

3 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.81(3) (October 1, 2006)

Extent

Pt II s. 28G(1)-(4): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28H.— Statutory undertakers, etc.: duty in relation to carrying out operations.

(1) A section 28G authority shall give notice to [Natural England] [2] 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] [2] 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] [2] do not assent, or if the authority proposes to carry out the operations otherwise than in accordance with the terms of [Natural England's] [2] 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 [Natural England] [2] of—

(a) the date on which it proposes to start the operations (which must be after the expiry of the period of 28 days beginning with the date of the notification under this paragraph), and

(b) how (if at all) it has taken account of any written advice it received from [Natural England] [2] , before the date of the notification under this paragraph, in response to the notice under subsection (1).

(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.

] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28H(1)-(6)(b): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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 **[** Natural England **]** [2] .

(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 **[** Natural England **]** [2] have notified the authority that it need not wait until then.

(5) The authority shall take any advice received from **[** Natural England **]** [2] 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 **[** Natural England **]** [2] 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 **[** Natural England **]** [2] , the notice to include a statement of how (if at all) the authority has taken account of **[** Natural England's **]** [2] 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).
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28I(1)-(7): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

Wales

[28J.— Management schemes.

(1) 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) 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 Natural England shall consider any representation or objection duly made.

(8) Where a notice under subsection (3) has been given, Natural 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) Natural 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) Natural 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.

(13) [...]

] [1]

Notes

[1] Repealed by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(3) (May 21, 2016)

[28J.— Management schemes.

(1) [Natural England] [2] 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) [Natural England] [2] 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 [Natural England] [2] shall consider any representation or objection duly made.

(8) Where a notice under subsection (3) has been given, [Natural England] [2] 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) [Natural England's] [2] 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) [Natural England] [2] 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.

(13) An agreement under section 16 of the 1949 Act or section 15 of the 1968 Act relating to a site of special scientific interest may provide for any matter for which a management scheme relating to that site provides (or could provide).

] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28J(1)-(13): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28K.— Management notices.

(1) Where it appears to **[** Natural England **]** [2] that—

(a) an owner or occupier of land is not giving effect to a provision of a management scheme, and

(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 **[** Natural England **]** [2] 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, **[** Natural England **]** [2] 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.

] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28K(1)-(8): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28L.— 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."

] [2]
] [1]

Notes

[1] Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

[2] Added by Planning (Wales) Act 2015 anaw. 4 Sch.5 para.6 (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)

Extent

Pt II s. 28L(1)-(14): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28M.— Payments.

(1) Where [Natural England] [2] , 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) [Natural England] [2] 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] [2] 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.
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28M(1)-(4): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28N.— Compulsory purchase.

(1) [Natural England] [2] 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 [Natural England] [2] 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 [Natural England] [2] 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 **[** Natural England **]** [2] 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.
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28N(1)-(5): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28P.— Offences.

(1) A person who, without reasonable excuse, contravenes section 28E(1) is guilty of an offence and is liable **[** on summary conviction, or on conviction on indictment, to a fine **]** [2] .

(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 **[** on summary conviction, or on conviction on indictment, to a fine **]** [3] .

(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 **[** on summary conviction, or on conviction on indictment, to a fine **]** [4] .

(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 **]** [5] as soon as practicable after the commencement of the operation.

(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.

[(5A) 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 **[** on summary conviction, or on conviction on indictment, to a fine **]** [7] .

(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. **]** [6]

(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 **[** on summary conviction, or on conviction on indictment, to a fine **]** [8] .

[(6A) 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.

] [6]

(7) It is a reasonable excuse in any event for a person to do what is mentioned in subsection (6) **[** or (6A) **]** [6] 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) **[** or (6A) **]** [6]), 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 **[** Natural England **]** [5] .

(11) In this section, "a section 28G authority" means an authority to which section 28G applies. **]** [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(2)(a) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

3 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(2)(b) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

4 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(2)(c) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

5 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

6 Amended by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.55 (October 1, 2006)

7 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(2)(d) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

8 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(2)(e) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

Extent

Pt II s. 28P(1)-(11): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28Q.— 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 **]** [2] 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.
] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28Q(1)-(5): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28R.— Byelaws.

(1) **[** Natural England **]** [2] 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.

] [1]

Notes

1 Substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.1 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Extent

Pt II s. 28R(1)-(2)(b): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[28S 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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.58(1) (October 1, 2006)

Extent

Pt II s. 28S(1)-(4): England, Wales, Scotland

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

Repealed

Scotland

29.— […][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

England and Wales

[…][1]

Notes

[1] Repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

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

Repealed

Scotland

30.— […][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

England and Wales

[…][1]

Notes

[1] Repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

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

Partially Repealed

England and Wales

[31.— Restoration following offence under section 28P.

(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) or (6A)][2],

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 [the Supreme Court][3] the conviction is restored by [the Supreme Court][3], [the Supreme Court][3] 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 level 5 on the standard scale; and

(b) 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, [Natural England][4] 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.

][1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.3 (January 30, 2001)

[2] Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.55(5) (October 1, 2006)

[3] Words substituted by Constitutional Reform Act 2005 c. 4 Sch.9(1) para.37 (October 1, 2009)

[4] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 31: September 6, 1982 (SI 1982/1136 art. 2)

Extent

Pt II s. 31(1)-(7)(b): England, Wales, Scotland

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

Partially Repealed

England and Wales

[32.— Duties of agriculture Ministers with respect to areas of special scientific interest.

(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 **[…]**[2] , 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 **]**[3] 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 **]**[3] , 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 **]**[3] 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. **]** [4]

(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 **[** EU **]** [5] instrument in pursuance of which the regulations were made.

] [1]

Notes

1 Words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.4 (January 30, 2001)

2 Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

3 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.79 (October 1, 2006)

4 Added by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(4) (May 21, 2016)

5 Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(d) (April 22, 2011)

Scotland

[…] [1]

Notes

1 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 32: February 28, 1983 (SI 1983/87 art. 2)

Extent

Pt II s. 32(1)-(3) definition of "grant provisions" (ii): England, Wales, Scotland

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

Westlaw UK

Partially Repealed

England and Wales

33.— Ministerial guidance as respects areas of special scientific interest.

(1) The Ministers shall from time to time, after consultation with the **[** Natural England **]** [1] and such persons appearing to them to represent other interests concerned as they consider appropriate—

(a) prepare codes containing such recommendations, advice and information as they consider proper for the guidance of—

(i) persons exercising functions under sections 28 to 32; and

(ii) persons affected or likely to be affected by the exercise of any of those functions; and

(b) revise any such code by revoking, varying, amending or adding to the provisions of the code in such manner as the Ministers think fit.

(2) A code prepared in pursuance of subsection (1) and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament forthwith after being prepared; and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.

(3) Subject to subsection (2), the Ministers shall cause every code prepared or revised in pursuance of subsection (1) to be printed, and may cause copies of it to be put on sale to the public at such price as the Ministers may determine.

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.82 (October 1, 2006)

Scotland

[...][1]

Notes

1 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 33: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 33(1)-(3): England, Wales, Scotland

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

Partially Repealed

England and Wales

[34.— Limestone pavement orders.

[(1) Natural England must notify any local planning authority of any limestone pavement in that authority's area.] [2]

(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 [Natural England] [3] , 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 [on summary conviction, or on conviction on indictment, to a fine.] [4]

(a)-(b) **[…]**[4]

(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 Part III of the Town and Country Planning (Scotland) Act 1997**[…]**[5] .

(6) In this section—

[…][6]

"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 in England, the county planning authority and, in relation to any other area in England, the local planning authority;

(aa) in relation to any area in Wales, the local planning authority [.] [7]

(b) **[…]**[7]

] [1]

Notes

1 Words substituted, subject to savings in 2000 c.37, s.78(2) by Countryside and Rights of Way Act 2000 c. 37 Pt III s.78(1) (January 30, 2001)

2 Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.83(2) (October 1, 2006)

3 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.83(3) (October 1, 2006)

4 Words substituted by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664 Sch.4(1) para.10(3) (March 12, 2015: substitution has effect subject to transitional provisions and savings specified in SI 2015/664 reg.5(1))

5 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

6 Definition repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

7 Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Scotland

[...][1]

Notes

1 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 34: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 34(1)-(6) definition of "the relevant authority" (b): England, Wales, Scotland

Law In Force

35.—

[s.35 has not been repealed but has been placed under a new heading. **]** [1]

Notes

1 New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

Commencement

Pt II s. 35: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 35(1)-(5) definition of "nature reserve": England, Wales, Scotland

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Law In Force

36.—

[s.36 has not been repealed but has been placed under a new heading. **]** [1]

Notes

[1] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

Commencement

Pt II s. 36: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 36(1)-(7) definition of "relevant authority": England, Wales, Scotland

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Law In Force

37.—

[s.37 has not been repealed but has been placed under a new heading. **]** [1]

Notes

[1] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

Commencement

Pt II s. 37: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 37(1)-(11): England, Wales, Scotland

Partially In Force

[37A.—

[s.37A has not been repealed but has been placed under a new heading. **]** [2] **]** [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Pt III s.77 (January 30, 2001)

[2] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

Extent

Pt II s. 37A(1)-(5): England, Wales, Scotland

Repealed

38.— […][1]

Notes

[1] Repealed by Environmental Protection Act 1990 c. 43 Sch.16(VI) para.1 (April 1, 1991 as SI 1991/685)

[Nature reserves […][2] and Ramsar sites][1]

Notes

[1] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

[2] Words repealed by Marine and Coastal Access Act 2009 c. 23 Sch.11 para.2(3) (December 12, 2014 as SI 2014/3088)

Law In Force

[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][2] ;

(c) in relation to Scotland, Scottish Natural Heritage.

]1

Notes

[1] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

[2] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.173 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Extent

Pt II s. 34A(a)-(c): England, Wales, Scotland

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

Law In Force

Scotland

[35.— 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.

(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 may, 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.

] [1]

Notes

[1] New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

Wales

[35.— 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 may, 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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(3) para.10(1) (December 12, 2014 as SI 2014/3088)

England

[35.— 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 may, 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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(3) para.10(1) (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Extent

Pt II s. 35(1)-(5) definition of "nature reserve": England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

Wales

[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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(3) para.11 (December 12, 2014 as SI 2014/3088)

England

[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.

] [1]

Notes

[1] Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(3) para.11 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Extent

Pt II s. 35A(1)-(12)(b): United Kingdom

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

Repealed

Wales

36.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014: repeal has effect as SI 2014/3088 subject to transitional provisions specified in 2009 c.23 Sch.12 paras 2 and 3)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010: repeal has effect subject to transitional provisions specified in 2009 c.23 Sch.12 paras 2 and 3)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(b) (July 1, 2010)

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

Repealed

Wales

37.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014: repeal has effect as SI 2014/3088 subject to transitional provisions specified in 2009 c.23 Sch.12 paras 2 and 3)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010: repeal has effect subject to transitional provisions specified in 2009 c.23 Sch.12 paras 2 and 3)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(b) (July 1, 2010)

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[37A.— 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 Natural England if all or part of the wetland is in England;
(b) notify **[** the Natural Resources Body for Wales **]**[2] 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; **[** and **]**[3]
(c) **[…]**[4]

(d) every relevant undertaker (within the meaning of section 4(1) of the Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the Land Drainage Act 1991) whose works, operations or activities may affect the wetland.

[(2A) Subject to subsection (3), upon receipt of a notification under subsection (1), Natural England shall, in turn, notify the Environment Agency. **]** [5]

[(2B) Subject to subsection (3), upon receipt of a notification under subsection (1) relating to a wetland all or part of which is in **[** the area of a corporate joint committee to which Part 6 of the Planning and Compulsory Purchase Act 2004 applies by virtue of regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 **]** [7] , the Natural Resources Body for Wales shall, in turn, notify **[** that corporate joint committee **]** [8] . **]** [6]

(3) Natural England and **[** the Natural Resources Body for Wales **]** [9] 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).

] [1]

Notes

1 New heading and s.34A inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.84 (October 1, 2006)

2 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.175(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

3 Word inserted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.175(3)(a) (April 1, 2013: insertion has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

4 Repealed by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.175(3)(b) (April 1, 2013: repeal has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

5 Added by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.175(4) (April 1, 2013: insertion has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

6 Added by Planning (Wales) Act 2015 anaw. 4 Sch.2 para.7 (January 7, 2021)

7 Words substituted by Local Government and Elections (Wales) Act 2021 asc. 1 Sch.9(1) para.22(a) (January 21, 2021)

8 Words substituted by Local Government and Elections (Wales) Act 2021 asc. 1 Sch.9(1) para.22(b) (January 21, 2021)

[9] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.175(5) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Extent

Pt II s. 37A(1)-(5): England, Wales, Scotland

Countryside

Law In Force With Amendments Pending

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 **[…]**[1] 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—

(a) **[…]**[2]

[(aa) as respects land within the Broads, the Broads Authority; **]**[3]

(b) **[…]**[4]

(c) as respects any other land, the local planning authority **[;]**[1]

[

(d) **[…]**[5]

(e) **[…]**[6]

(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. **]** [1]

(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.

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Pt V s.96 (May 1, 2001 as SI 2001/1410)

2 Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

3 S. 39(5)(aa) inserted by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(5), 23(2), 27(2), Sch. 3 para. 31(2)

4 Repealed by Local Government Act 1985 (c.51), ss. 1, 102, Sch. 17

5 Repealed subject to transitional provisions specified in SI 2006/2541 Sch.1 para.5 by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541; repeal has effect subject to transitional provisions specified in SI 2006/2541 Sch.1 para.5)

6 Repealed by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(5) (May 21, 2016)

Amendments Pending

Pt II s. 39(5)(a): words inserted by Environment Act 1995 c. 25 Sch. 10 para. 22(1) (date to be appointed: insertion cannot take effect as 1995 c.25 Sch.10 para.22(1) never came into force)

Commencement

Pt II s. 39: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 39(1)-(6): England, Wales

Law In Force

40. […][1]

Notes

1 Substitutes new s. 4(1) for s. 4(1)(2) in Countryside Act 1968 (c. 41) and repealed on May 21, 2016 by 2016 (anaw 3), ss. 27, 64, 70, 81, 86 and Sch. 2 para. 3(6)

Commencement

Pt II s. 40: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 40: England, Wales

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

Partially Repealed

England and Wales

41.— Duties of agriculture Ministers with respect to the countryside.

(1) **[…]**[1]

(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). **]**[2]

(3) Where an application for **[** a farm capital grant **]**[3] 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) **]**[4] 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 **]**[5], 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 **[** . **]**[6]

[…][6]

(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; **]**[7]

["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 **]** [9] ;

"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 **]** [10] **.** **]** [8]

[(5A) 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) **]** [12] **.** **]** [11]

(6) **[…]**[13]

Notes

1 Repealed by Agriculture Act 1986 (c.49), s. 24(5), Sch. 4

2 Words substituted by Agriculture Act 1986 (c.49), s. 24(4), Sch. 3 para. 4

3 Words substituted by Agriculture Act 1986 (c.49), s. 20(4)(a)

4 Words added by National Parks (Scotland) Act 2000 asp 10 (Scottish Act) Sch.5 para.8(2) (September 8, 2000)

5 Words substituted by Agriculture Act 1986 (c.49), s. 20(4)(b)

6 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

7 Definitions substituted by Agriculture Act 1986 (c.49), s. 20(5)

8 Definitions substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.88(3) (October 1, 2006)

9 Words inserted by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(7)(a) (May 21, 2016)

10 Words inserted by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(7)(b) (May 21, 2016)

11 S. 41(5A) inserted by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. I para. 31(3)

12 Words inserted by Environment Act 1995 c. 25 Sch.10 para.22(2) (April 1, 1997 as SI 1996/2560)

13 Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Scotland

[…][1]

Notes

1 Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 41: February 28, 1983 (SI 1983/87 art. 2)

Extent

Pt II s. 41(1)-(6): England, Wales, Scotland

National Parks

Law In Force

[41A 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][2] .][1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.89 (October 1, 2006)

[2] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.176 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Extent

Pt II s. 41A: England, Wales

Law In Force

42.— Notification of agricultural operations on moor and heath in National Parks.

(1) [A National Park authority][1] 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][2] and which appears to them to consist of or include moor or health.

(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][3] 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] [4] 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] [4] 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] [4] are given notice under this section in respect of any land, the authority shall forthwith send copies of the notice to [Natural England] [5] .

(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.

[(8) 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.] [6]

(9) 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.

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.63(2)(a) (October 1, 2006)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.63(2)(b) (October 1, 2006)

3 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.63(3) (October 1, 2006)

4 Words substituted by Environment Act 1995 c. 25 Sch.10 para.22(3) (April 1, 1996 as SI 1995/2950)

5 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.63(4) (October 1, 2006)

6 Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.63(5) (October 1, 2006)

Commencement

Pt II s. 42: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 42(1)-(9): England, Wales

Law In Force

43.— Maps of National Parks showing certain areas of moor or heath.

(1) Every **[** local planning authority **]** [1] 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 **[** the relevant date **]** [2], prepare a map of the Park or the part thereof showing any areas **[** to which this section applies whose natural beauty **]** [3] it is, in the opinion of the authority, particularly important to conserve; and

(b) **[** at intervals of not more than five years **]** [4] 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 **[** local planning authority **]** [1] shall act in accordance with the guidelines from time to time issued **[…]**[6] under subsection (1B).

(1B) **[** Natural England shall **]** [7] issue guidelines for the guidance of county planning authorities in considering as mentioned in subsection (1A), and **[** Natural England may **]** [8] from time to time revise any guidelines so issued.

(1C) Before issuing or revising any guidelines under subsection (1B) **[** Natural England **]** [9] shall consult such bodies as appear to them to represent interests concerned; and before preparing or revising any map under subsection (1) a **[** local planning authority **]** [1] 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. **]** [5]

(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.

[(3) This section applies to any area of mountain, moor, health, 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). **]** [10]

Notes

1 Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(4)

2 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c.31), s. 3(2)(a)

3 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c.31), s. 3(2)(b)

4 Words substituted by Wildlife and Countryside (Amendment) Act 1985 (c.31), s. 3(3)

5 Ss. 43(1A) –(1C) inserted (as amended) by Wildlife and Countryside (Amendment) Act 1985 (c.31), s. 3(4)

6 Words repealed by Environmental Protection Act 1990 c. 43 Sch.16(VI) para.1 (April 1, 1991 as SI 1991/685)

7 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.90(2)(a) (October 1, 2006)

8 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.90(2)(b) (October 1, 2006)

9 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.90(3) (October 1, 2006)

10 S. 43(3) inserted by Wildlife and Countryside (Amendment) Act 1985 (c.31), s. 3(5)

Commencement

Pt II s. 43: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 43(1)-(3): England, Wales

Law In Force

44.— Grants and loans for purposes of National Parks.

(1) **[…]**[1]

[(1A) **[…]**[1] the National Park authority for such a Park may give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the authority, is conducive to the attainment in the Park in question of any of the purposes mentioned in section 5(1) of the 1949 Act (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those Parks by the public). **]**[2]

(2) On making a grant or loan under this section **[** the authority in question **]**[3] may impose such conditions as they think fit, including (in the case of a grant) conditions for repayment in specified circumstances.

(3) **[** The authority in question **]**[4] shall so exercise their powers under subsection (2) as to ensure that any person receiving a grant or loan under this section in respect of premises to which the public are to be admitted, whether on payment or otherwise, 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.

[(4) For the purposes of this section the Broads Authority shall be treated as a **[** National Park authority and the Broads as a National Park for which it is the local planning authority **]**[6] and the Broads as a National Park. **]**[5]

Notes

1 Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

2 Added by Environment Act 1995 c. 25 Pt III s.69(4) (September 19, 1995)

3 Words substituted by Environment Act 1995 c. 25 Sch.10 para.22(4)(a) (April 1, 1996 as SI 1995/2950)

4 Words substituted by Environment Act 1995 c. 25 Sch.10 para.22(4)(b) (April 1, 1996 as SI 1995/2950)

5 Words inserted by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. I para. 31(4)

6 Words substituted by Environment Act 1995 c. 25 Sch.10 para.22(4)(c) (April 1, 1997 as SI 1996/2560)

Commencement

Pt II s. 44: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 44(1)-(4): England, Wales

Law In Force

45. Power to vary order designating National Park.

[(1) **[** Natural England **]** [2] (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 **[…]** [3] , 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 **[** Natural England **]** [2] ; 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.

] [1]

(2) **[…]** [4]

Notes

1 Existing s.45 renumbered as s.45(1) by Environmental Protection Act 1990 c. 43 Sch.8 para.6(4) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.91(2)(a) (October 1, 2006)

3 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

4 Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Commencement

Pt II s. 45: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 45(a)-(2): England, Wales

Repealed

46.— […] [1]

Notes

1 Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

Miscellaneous and supplemental

Repealed

47.— […][1]

Notes

[1] Repealed by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.177 (April 1, 2013: repeal has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Repealed

48.— […][1]

Notes

[1] Repealed by Water Act 1989 (c.15), 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

Law In Force

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 **[** , **[** the Natural Resources Body for Wales **]**[2] **]**[1] or **[** Natural England **]**[3] to appoint wardens as respects that land.

(2) Subject to subsections (3) and (4) the power conferred on a local authority by section 92(1) of the 1949 Act (appointment of wardens) shall include a power, exercisable only with the agreement of the owner and of the occupier of any land to which this section applies, to appoint persons to act as wardens as respects that land.

(3) The only purpose for which wardens may be appointed by virtue of subsection (2) is to advise and assist the public.

(4) Notwithstanding the provisions of section 41(8) of the 1968 Act (**[** Natural England **]**[4] **[** or **[** the Natural Resources Body for Wales **]**[2] **]**[5] to be local authority for purposes of section 92 of the 1949 Act), nothing in this section shall be construed as conferring on **[** Natural England **]**[4] **[** or **[** the Natural Resources Body for Wales **]**[2] **]**[5] any additional power to appoint wardens.

Notes

[1] Words inserted by Environmental Protection Act 1990 c. 43 Sch.8 para.6(6) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

[2] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.178 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

[3] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.93(a) (October 1, 2006)

[4] Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.93(b) (October 1, 2006)

[5] Words inserted in two places by Environmental Protection Act 1990 c. 43 Sch.8 para.6(6) (April 1, 1991: November 5, 1990 save for the amendments made by 1990 c.43, ss.128, 130 and 132; April 1, 1991 otherwise)

Commencement

Pt II s. 49: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 49(1)-(4): England, Wales

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

Partially Repealed

England

[50.— Payments under certain agreements offered by authorities.

(1) This section applies where—

(a) [Natural England or [the Natural Resources Body for Wales][3] offer to enter into a nature reserve agreement or an SSSI agreement or an agreement under][2] section 16 of the 1949 Act or section 15 of the 1968 Act providing for the making by them of payments 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 **[…]**[4] 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 **[…]**[4] 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—

'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 **[** ; **]** [5]

["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. **]** [5]

] [1]

Notes

1 Words substituted by Countryside and Rights of Way Act 2000 c. 37 Pt III s.79 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.94(2) (October 1, 2006)

3 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.179 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

4 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

5 Definitions inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.94(4) (October 1, 2006)

Wales

[50.— Payments under certain agreements offered by authorities.

(1) This section applies where—

(a) **[** Natural England or **[** the Natural Resources Body for Wales **]** [3] offer to enter into a nature reserve agreement or an SSSI agreement **]** [2] **[…]**[4] providing for the making by them of payments 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 **[…]**[5] 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 **[…]**[5] 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—

'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 **[** ; **]** [6]

["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. **]** [6]

] [1]

Notes

1 Words substituted by Countryside and Rights of Way Act 2000 c. 37 Pt III s.79 (January 30, 2001)

2 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.94(2) (October 1, 2006)

3 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.179 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

4 Words repealed by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(8) (May 21, 2016)

5 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

6 Definitions inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.94(4) (October 1, 2006)

Scotland

[...][1]

Notes

1 Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 50: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 50(1)-(4) definition of "management agreement": England, Wales, Scotland

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

Partially Repealed

England

[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—

(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 or **]**[2] an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act 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 **[** a nature reserve agreement or an SSSI agreement or **]**[3] an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act 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;

[(ka) for the purposes of putting up, maintaining or removing notices or signs under section 28S; **]**[4]

(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.

(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 **[** paragraphs (a) to (ka) **]**[5] of that subsection, **[** Natural England or **[** the Natural Resources Body for Wales **]**[7] **]**[6] ;

(b) for the purposes of paragraph (1) of that subsection, the Secretary of State or the relevant authority within the meaning of section 34;

(c) for the purposes of paragraph (m) of that subsection, **[…]**[8] the National Park authority.

[(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.

][9]

(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.

(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 level 3 on the standard scale.

(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.
] [1]

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Pt III s.80 (January 30, 2001)

2 Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(2)(a) (October 1, 2006)

3 Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(2)(b) (October 1, 2006)

4 Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.58(2) (October 1, 2006)

5 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.58(3) (October 1, 2006)

6 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(3) (October 1, 2006)

7 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.179 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

8 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

9 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(4) (October 1, 2006)

Wales

[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—

(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 **]** [2] **[…]** [3] 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 **[** a nature reserve agreement or an SSSI agreement **]** [4] **[…]** [5] 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;

[(ka) for the purposes of putting up, maintaining or removing notices or signs under section 28S; **]** [6]

(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.

(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 **[** paragraphs (a) to (ka) **]** [7] of that subsection, **[** Natural England or **[** the Natural Resources Body for Wales **]** [9] **]** [8] ;

(b) for the purposes of paragraph (1) of that subsection, the Secretary of State or the relevant authority within the meaning of section 34;

(c) for the purposes of paragraph (m) of that subsection, **[…]** [10] the National Park authority.

[(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.

] [11]

(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.

(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 level 3 on the standard scale.

(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.

] [1]

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Pt III s.80 (January 30, 2001)

2 Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(2)(a) (October 1, 2006)

3 Words repealed by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(9)(a) (May 21, 2016)

4 Words inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(2)(b) (October 1, 2006)

5 Words repealed by Environment (Wales) Act 2016 anaw. 3 Sch.2(1) para.3(9)(b) (May 21, 2016)

6 Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.58(2) (October 1, 2006)

7 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.58(3) (October 1, 2006)

8 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(3) (October 1, 2006)

9 Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.179 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

10 Words repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

11 Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.95(4) (October 1, 2006)

Scotland

[...][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt II s. 51: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 51(1)-(4): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[51A Summary prosecutions

(1) Proceedings in England and Wales for a summary offence under this Part may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) But subsection (1) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.

(3) For the purposes of this section, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Sch.6 para.4 (May 31, 2006)

Extent

Pt II s. 51A(1)-(4): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
Scotland | England | Wales | Other Application

Law In Force With Amendments Pending

Scotland

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;

"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.

[…][1]

[…][1]

(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, **]**[3] a metropolitan county or Greater London) **[…]**[4] references to a local planning authority shall be construed—

(a) **[…]**[5]

(b) **[…]**[6] as references to a county planning authority and a district planning authority; **]**[2] 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.

(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.

(5) **[…]**[7]

Notes

[1] Definition repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

[2] Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(5)

[3] Words inserted by Environment Act 1995 c. 25 Sch.10 para.22(6) (April 1, 1997 as SI 1996/2560)

[4] Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996 as SI 1996/396)

[5] Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

[6] Words repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

[7] Repealed by Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002/794 Sch.2 para.1 (March 27, 2002)

England

[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—

(b) 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 common land, "occupier" includes the commoners or any of them; and

(a) "common land" means common land as defined in section 22 of the Commons Registration Act 1965; and

(b) "commoner" means a person with rights of common as defined in that section.

(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.

(5) [...]
] [1]

Notes

[1] Definition inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.4 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

Wales

[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); **]** [2]

"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—

(b) 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 common land, "occupier" includes the commoners or any of them; and

(a) "common land" means common land as defined in section 22 of the Commons Registration Act 1965; and

(b) "commoner" means a person with rights of common as defined in that section.

(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.

(5) [...]
] [1]

Notes

1 Definition inserted by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.4 (January 12, 2010 in relation to England; December 12, 2014 in relation to Wales)

2 Added by Marine and Coastal Access Act 2009 c. 23 Sch.13(2) para.4 (December 12, 2014 as SI 2014/3088)

Other Application

In relation to pilot areas in England:

[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—

(b) 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.

(5) [...]
] [1]

Notes

[1] Amended by Commons Act 2006 c. 26 Sch.5 para.3 (October 31, 2011 as SI 2011/2460)

Amendments Pending

Pt II s. 52(2C): amended by Commons Act 2006 c. 26 Sch. 5 para. 3 (date to be appointed)

Commencement

Pt II s. 52: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt II s. 52(1)-(5): England, Wales, Scotland

PART III

PUBLIC RIGHTS OF WAY

Ascertainment of public rights of way

Law In Force With Amendments Pending

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) and 57A(1) **]** [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 **]** [1] ;

(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 **]** [2] ;

(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 **[** , a restricted byway **]** [2] or, subject to section 54A, a byway open to all traffic **]** [1] ;

(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 **]** [1] 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.

[(4A) 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. **]** [1]

(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.

[(5A) 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. **]** [1]

(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).

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.1 (May 11, 2006 as SI 2006/1279)

[2] Amended by Natural Environment and Rural Communities Act 2006 c. 16 Pt 6 s.70(1) (November 16, 2006 as SI 2006/2992)

Amendments Pending

Pt III s. 53(3)(c)(i): words repealed by Deregulation Act 2015 c. 20 Sch. 7(1) para. 2(a) (date to be appointed)

Pt III s. 53(3)(c)(ia): added by Deregulation Act 2015 c. 20 Sch. 7(1) para. 2(b) (date to be appointed)

Pt III s. 53(5): words substituted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 10(a) (date to be appointed)

Pt III s. 53(6): words substituted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 10(b) (date to be appointed)

Commencement

Pt III s. 53: February 28, 1983 subject to the provisions of SI 1983/20 art.4 (SI 1983/20 art. 3, art. 4)

Extent

Pt III s. 53-(6): England, Wales

Law In Force

[53A.— 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.**[…]**[2]
][1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.2 (November 21, 2005 as SI 2005/1314)

[2] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.2 (February 18, 2008 as SI 2008/308)

Extent

Pt III s. 53A(1)-(9): England, Wales

Law In Force With Amendments Pending

[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.**[…]**[2]
] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.2 (September 27, 2005 as SI 2005/2459)

[2] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.2 (November 21, 2005 as SI 2005/1314)

Amendments Pending

Pt III s. 53B(4A): added by Deregulation Act 2015 c. 20 Sch. 7(1) para. 4 (date to be appointed)

Pt III s. 53B(4B): added by Deregulation Act 2015 c. 20 Sch. 7(1) para. 4 (date to be appointed)

Extent

Pt III s. 53B(1)-(6) definition of "regulations": England, Wales

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

Repealed

Wales

54.— […][1]

Notes

[1] Repealed subject to transitional provisions specified in SI 2006/1279 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 Pt II s.47(1) (May 11, 2006: repeal has effect as SI 2006/1279 subject to transitional provisions specified in SI 2006/1279 art.3(1))

England

[…][1]

Notes

[1] Repealed subject to savings specified in SI 2006/1172 art.3 by Countryside and Rights of Way Act 2000 c. 37 Pt II s.47(1) (May 2, 2006: repeal has effect as specified in SI 2006/1172 art.2(a) subject to savings specified in SI 2006/1172 art.3)

Law In Force

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. **]** [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.5 (May 11, 2006 as SI 2006/1279)

Commencement

Pt III s. 55: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 55(1)-(8): England, Wales

Law In Force With Amendments Pending

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 **[** restricted byway **]** [1] , the map shall **[** , subject to subsection (2A), **]** [1] 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 **[** together with a right of way for vehicles other than mechanically propelled vehicles **]** [1] , 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.

[(1A) 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. **]** [1]

(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 **]** [1] , means **[** , subject to subsection (2A), **]** [1] 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) **]** [1] , is specified in the order as the relevant date for the purposes of the order.

[(2A) 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 restricted 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.

] [1]

(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.

[(3A) 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. **]** [1]

(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.

[(4A) 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. **]** [1]

(5) **[…]**[1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.6 (May 11, 2006 as SI 2006/1279)

Amendments Pending

Pt III s. 56(5): repealed by Countryside and Rights of Way Act 2000 c. 37 Sch. 16(II) para. 1 (date to be appointed)

Commencement

Pt III s. 56: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 56(1)-(5): England, Wales

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

Law In Force With Amendments Pending

Wales

57.— 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, **[…]**[1] 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 section 55(3), 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 as the definitive map and statement for that area.

(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. **]** [2]

(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.

(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.

Notes

[1] Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(II) para.1 (May 11, 2006 as SI 2006/1279)

[2] Added by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(7) (April 1, 1996)

England

[57.— 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, 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 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, and for the purposes of section 57A(1), as the definitive map and statement for that area.

(3A) 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 accordance 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.

] [1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.7 (May 2, 2006 as SI 2006/1172)

Amendments Pending

Pt III s. 57(1): words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch. 16(II) para. 1 (date to be appointed)

Pt III s. 57(2): words substituted by Countryside and Rights of Way Act 2000 c. 37 Sch. 5(I) para. 7(3) (date to be appointed)

Pt III s. 57(3): words inserted by Countryside and Rights of Way Act 2000 c. 37 Sch. 5(I) para. 7(4) (date to be appointed)

Pt III s. 57(3A): added by Countryside and Rights of Way Act 2000 c. 37 Sch. 5(I) para. 7(5) (date to be appointed)

Pt III s. 57(6A): added by Countryside and Rights of Way Act 2000 c. 37 Sch. 5(I) para. 7(6) (date to be appointed)

Commencement

Pt III s. 57: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 57(1)-(8): England, Wales

Law In Force

[57A.— 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).**[…]**[2] **]** [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.8 (February 13, 2004 as SI 2004/292)

[2] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.8 (May 31, 2005 as SI 2005/1314)

Extent

Pt III s. 57A(1)-(5): England, Wales

Law In Force

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.

Commencement

Pt III s. 58: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 58(1)-(3): England, Wales

Miscellaneous and supplemental

Law In Force

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 **]**[1] 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].

(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.

Notes

1 Words inserted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)

2 Words substituted by Criminal Justice Act 1982 (c.48), s. 46

Commencement

Pt III s. 59: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt III s. 59(1)-(5): England, Wales

Repealed

60. […][1]

Notes

[1] Repealed by Road Traffic Regulation Act 1984 (c.27), s. 146, Sch. 14

Repealed

61. […][1]

Notes

[1] Repealed in relation to England and Wales by Rights of Way Act 1990 (c.24), s. 6(4)

Law In Force

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**]**[1] 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.

Notes

[1] Words inserted by Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177 Sch.1(I) para.1 (July 11, 2006: July 2, 2006 in relation to England; July 11, 2006 otherwise)

Commencement

Pt III s. 62: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt III s. 62: England, Wales

Law In Force

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.

Commencement

Pt III s. 63: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 63: England, Wales

Law In Force

64. […][1]

Notes

[1] Inserts Highways Act 1980 (c. 66), s. 25(6)

Commencement

Pt III s. 64: February 28, 1983 (SI 1983/20 art. 3)

Extent

Pt III s. 64: England, Wales

Law In Force

65.

(1) **[…][1]**

(2) **[…][2]**

Notes

[1] Amends Countryside Act 1968 (c. 41), s. 27

[2] Inserts Countryside Act 1968 (c. 41), s. 27(8)

Commencement

Pt III s. 65: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt III s. 65(1)-(2): England, Wales

Law In Force

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;
["restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000; **]** [1]
"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, **[** county borough council, **]** [3] metropolitan district council or London borough council whose area includes that area. **]** [2]

(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.

Notes

1 Definition inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.9 (May 11, 2006 as SI 2006/1279)

2 Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(6)

3 Words inserted into definition by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(8) (April 1, 1996)

Commencement

Pt III s. 66: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt III s. 66(1)-(3): England, Wales

PART IV

MISCELLANEOUS AND GENERAL

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[66A Application of Part 1 to Crown

(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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.54(1) (October 1, 2006)

Extent

Pt IV s. 66A(1)-(6): England, Wales, Scotland

Law In Force

[66B Application of Part 1 to Crown: Scotland

(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;

(b) 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 **[** or the relevant person **]** [2] ;

(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. **]** [3]

(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.
] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 7 s.41(3) (January 1, 2012)

[2] Words inserted by Crown Estate Transfer Scheme 2017/524 Sch.5(1) para.16(a) (April 1, 2017)

[3] Added by Crown Estate Transfer Scheme 2017/524 Sch.5(1) para.16(b) (April 1, 2017)

Extent

Pt IV s. 66B(1)-(9): England, Wales, Scotland

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

Law In Force With Amendments Pending

Scotland

67.— Application to Crown.

(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.

(2) No order shall be made under **[** section 29, 34 or 42 **]** [1] 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.

Notes

[1] Words repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(c) (July 1, 2010)

Wales

[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 34 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.
] [1]

Notes

[1] Word repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

England

[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 34, 36 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.
] [1]

Notes

[1] Word repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Amendments Pending

Pt IV s. 67(2): repealed by Marine and Coastal Access Act 2009 c. 23 Sch. 22(3) para. 1 (date to be appointed)

Commencement

Pt IV s. 67: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 67(1)-(4): England, Wales, Scotland

Law In Force

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 such order may provide for the application of those provisions to those Isles subject to such modifications as may be specified in the order.

Commencement

Pt IV s. 68: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 68: England, Wales, Scotland

Law In Force

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.

Commencement

Pt IV s. 69: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 69(1)-(2): England, Wales, Scotland

Law In Force

[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.

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.23 (January 1, 2012)

Extent

Pt IV s. 69A(a)-(b): England, Wales, Scotland

Law In Force

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.

Commencement

Pt IV s. 70: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 70(1)-(2): England, Wales, Scotland

Law In Force

[70A.— Service of notices.

(1) Subject to subsection (2), **[** section 329 of the Town and Country Planning Act 1990 **]** [2] and **[** section 271 of the Town and Country Planning (Scotland) Act 1997 **]** [3] (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) **[** Subsections (2) and (3) of the said section 329 **]** [4] shall not apply to a notice required to be served under paragraph 2 of Schedule 14

[(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). **]** [5]

(3) This section shall not affect the operation of paragraph 2(4) of Schedule 11 or paragraph 3(4) of Schedule 15.
] [1]

Notes

1 S. 70A inserted (as amended) by Wildlife and Countryside (Services of Notices) Act 1985 (c.59), s. 1(1)

2 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 54(2)(a))

3 Words substituted by Planning (Consequential Provisions) (Scotland) Act 1997 c. 11 Sch.2 para.34(2) (May 27, 1997: with transitional provisions in 1997 c.11 Sch.3 relating to repeals and consequential amendments made by this Act)

4 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 54(2)(b)

5 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(7) (July 2, 2012)

Extent

Pt IV s. 70A(1)-(3): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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, **[** the Natural Resources Body for Wales **]** [2] .
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 4 s.57 (May 31, 2006)

[2] Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.2(1) para.179 (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)

Extent

Pt IV s. 70B(1)-(7)(b): England, Wales, Scotland

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

Law In Force

Scotland

71. General interpretation.

In this Act—

"the 1949 Act" means the National Parks and Access to the Countryside Act 1949;
"the 1968 Act" means the Countryside Act 1968;
["the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988. **]** [1]
"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 **[.]** [2]

(a)-(b) **[…]**[2]

Notes

[1] Definition inserted by Norfolk and Suffolk Broads Act 1988 (c.4), ss. 2(5), 23(2), 27(2), Sch. 3 Pt. I para. 31(5)

[2] Words repealed by Statute Law (Repeals) Act 1993 c. 50 Sch.1(XIV) para.1 (November 5, 1993)

England and Wales

[71. General interpretation.

(1) In this Act—

"the 1949 Act" means the National Parks and Access to the Countryside Act 1949;
"the 1968 Act" means the Countryside Act 1968;
"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.

(2) For the avoidance of doubt it is hereby declared that in this Act "plants" include fungi and algae. **]** [1]

Notes

[1] Existing s.71 renumbered as s.71(1) and s.71(2) is inserted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.97 (October 1, 2006)

Commencement

Pt IV s. 71: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 71 definition of "the 1949 Act"- definition of "statutory maximum" (b): England, Wales, Scotland

Law In Force

72.— Minor amendments.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

(4) **[…]**[4]

(5) **[…]**[5]

(6) **[…]**[6]

(7) **[…]**[7]

(8) **[…]**[8]

(9) **[…]**[9]

(10) **[…]**[10]

(11) **[…]**[11]

(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) **[…]**[12]

(14) **[…]**[13]

Notes

1 Repealed by Statutes Law (Repeals) Act 1989 (c.43), s. 1(1), Sch. 1 Pt. VII

2 Amends Hill Farming Act 1946 (c. 73), s. 20(2)

3 Amends Hill Farming Act 1946 (c. 73), s. 27

4 Amends Agriculture (Scotland) Act 1948 (c. 45), s. 39

5 Amends National Parks and Access to the Countryside Act 1949 (c. 97), s. 11(1)

6 Amends Public Health Act 1961 (c. 64), s. 74(4)

7 Amends Countryside Act 1968 (c. 41), s. 2(8)

8 Amends Countryside Act 1968 (c. 41), s. 15(1)

9 Amends Countryside Act 1968 (c. 41), s. 37

10 Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

11 Amends Highways Act 1980 (c. 66), s. 31(10)

12 Amends Highways Act 1980 (c. 66), s. 136(4)

13 Amends Zoo Licensing Act 1981 (c. 37), s. 4(5)

Commencement

Pt IV s. 72(1)-(3): November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Pt IV s. 72(4): September 28, 1982 (SI 1982/1217 art. 2)

Pt IV s. 72(5): November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Pt IV s. 72(6): September 28, 1982 (SI 1982/1217 art. 2)

Pt IV s. 72(7)-(13): November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Pt IV s. 72(14): September 28, 1982 (SI 1982/1217 art. 2)

Extent

Pt IV s. 72(1)-(14): England, Wales, Scotland

Law In Force

73.— Repeals and savings.

(1) **[…]**[1]

(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 33and 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.

(4) **[…]**[2]

Notes

[1] Repeals enactments specified in Sch. 17

[2] Repealed by Protection of Badgers Act 1992 c. 51 Sch.1 para.1 (October 16, 1992)

Commencement

Pt IV s. 73(1): November 30, 1981 except so far as relating to 1981 c.69 Sch.7 Pt II; February 16, 1982 for repeals specified in SI 1982/44 art.2(d); April 1, 1982 for repeals specified in SI 1982/327 art.2(d); September 28, 1982 except for repeals specified in SI 1982/1217 art.2(d); February 28, 1983 otherwise (1981 c. 69 Pt IV s. 74(2); SI 1982/44 art. 2; SI 1982/327 art. 2; SI 1982/1217 art. 2; SI 1983/20 art. 3)

Pt IV s. 73(2)-(4): November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Pt IV s. 73(8): Date not available

Extent

Pt IV s. 73(1)-(4): United Kingdom

Law In Force

74.— Short title commencement and extent.

(1) This Act may be cited as the Wildlife and Countryside 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.

(5A) **[…]**[1]

(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.

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Pt IV s. 74: November 30, 1981 (1981 c. 69 Pt IV s. 74(2))

Extent

Pt IV s. 74(1)-(6): England, Wales, Scotland

[SCHEDULE ZA1

BIRDS WHICH RE-USE THEIR NESTS

] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(3) (May 31, 2006)

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[

Common name	*Scientific name*
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaetus albicilla
Osprey	Pandion haliaetus

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.
] [1]

Notes

[1] Added by Natural Environment and Rural Communities Act 2006 c. 16 Pt 3 s.47(3) (May 31, 2006)

Extent

Sch. ZA1 para. 1: England, Wales, Scotland

[SCHEDULE A1

PROTECTED NESTS AND NEST SITES: BIRDS

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.24 (October 1, 2004)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	Scientific name
Eagle, White-tailed	Haliaetus albicilla

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.24 (October 1, 2004)

Extent

Sch. A1 para. 1: England, Wales, Scotland

SCHEDULE 1

BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

Sections 1 , 2, 4, 6, 19 and 22

PART I

AT ALL TIMES

In relation to Scotland the text of this provision has only been partially reproduced as amended. Please refer to the wholly reproduced provision for the remainig text as it relates to England, Scotland and Wales

Law In Force

England, Scotland and Wales

Common name	***Scientific name***
Avocet	Recurvirostra avosetta
Bee-eater	Merops apiaster
Bittern	Botaurus stellaris
Bittern, Little	Ixobrychus minutus
Bluethroat	Luscinia svecica
Brambling	Fringilla montifringilla
Bunting, Cirl	Emberiza cirlus
Bunting, Lapland	Calcarius lapponicus
Bunting, Snow	Plectrophenax nivalis
Buzzard, Honey	Pernis apivorus
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crake, Spotted	Porzana porzana
Crossbills (all species)	Loxia
Curlew, Stone	Burhinus oedicnemus
Divers (all species)	Gavia
Dotterel	Charadrius morinellus
Duck, Long-tailed	Clangula hyemalis
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaetus albicilla
Falcon, Gyr	Falco rusticolus
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Garganey	Anas querquedula
Godwit, Black-tailed	Limosa limosa
Goshawk	Accipiter gentilis
Grebe, Black-necked	Podiceps nigricollis
Grebe, Slavonian	Podiceps auritus
Greenshank	Tringa nebularia
Gull, Little	Larus minutus
Gull, Mediterranean	Larus melanocephalus
Harriers (all species)	Circus
Heron, Purple	Ardea purpurea
Hobby	Falco subbuteo
Hoopoe	Upupa epops
Kingfisher	Alcedo atthis
Kite, Red	Milvus milvus
Merlin	Falco columbarius
Oriole, Golden	Oriolus oriolus
Osprey	Pandion haliaetus

Common name	***Scientific name***
Owl, Barn	Tyto alba
Owl, Snowy	Nyctea scandiaca
Peregrine	Falco peregrinus
Petrel, Leach's	Oceanodroma leucorhoa
Phalarope, Red-necked	Phalaropus lobatus
Plover, Kentish	Charadrius alexandrinus
Plover, Little Ringed	Charadrius dubius
Quail, Common	Coturnix coturnix
Redstart, Black	Phoenicurus ochruros
Redwing	Turdus iliacus
Rosefinch, Scarlet	Carpodacus erythrinus
Ruff	Philomachus pugnax
Sandpiper, Green	Tringa ochropus
Sandpiper, Purple	Calidris maritima
Sandpiper, Wood	Tringa glareola
Scaup	Aythya marila
Scoter, Common	Melanitta nigra
Scoter, Velvet	Melanitta fusca
Serin	Serinus serinus
Shorelark	Eremophila alpestris
Shrike, Red-backed	Lanius collurio
Spoonbill	Platalea leucorodia
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
Treecreeper, 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

Scotland

[

Common name	***Scientific name***
Avocet	Recurvirostra avosetta
Bee-eater	Merops apiaster
Bittern	Botaurus stellaris
Bittern, Little	Ixobrychus minutus
Bluethroat	Luscinia svecica
Brambling	Fringilla montifringilla
Bunting, Cirl	Emberiza cirlus
Bunting, Lapland	Calcarius lapponicus
Bunting, Snow	Plectrophenax nivalis
Buzzard, Honey	Pernis apivorus
Capercaillie	Tetrao urogallus
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crake, Spotted	Porzana porzana
Crossbills (all species)	Loxia
Curlew, Stone	Burhinus oedicnemus
Divers (all species)	Gavia
Dotterel	Charadrius morinellus
Duck, Long-tailed	Clangula hyemalis
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaetus albicilla
Falcon, Gyr	Falco rusticolus
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Garganey	Anas querquedula
Godwit, Black-tailed	Limosa limosa
Goshawk	Accipiter gentilis
Grebe, Black-necked	Podiceps nigricollis
Grebe, Slavonian	Podiceps auritus
Greenshank	Tringa nebularia
Gull, Little	Larus minutus
Gull, Mediterranean	Larus melanocephalus
Harriers (all species)	Circus
Heron, Purple	Ardea purpurea
Hobby	Falco subbuteo
Hoopoe	Upupa epops
Kingfisher	Alcedo atthis
Kite, Red	Milvus milvus
Merlin	Falco columbarius

Common name	***Scientific name***
Oriole, Golden	Oriolus oriolus
Osprey	Pandion haliaetus
Owl, Barn	Tyto alba
Owl, Snowy	Nyctea scandiaca
Peregrine	Falco peregrinus
Petrel, Leach's	Oceanodroma leucorhoa
Phalarope, Red-necked	Phalaropus lobatus
Plover, Kentish	Charadrius alexandrinus
Plover, Little Ringed	Charadrius dubius
Quail, Common	Coturnix coturnix
Redstart, Black	Phoenicurus ochruros
Redwing	Turdus iliacus
Rosefinch, Scarlet	Carpodacus erythrinus
Ruff	Philomachus pugnax
Sandpiper, Green	Tringa ochropus
Sandpiper, Purple	Calidris maritima
Sandpiper, Wood	Tringa glareola
Scaup	Aythya marila
Scoter, Common	Melanitta nigra
Scoter, Velvet	Melanitta fusca
Serin	Serinus serinus
Shorelark	Eremophila alpestris
Shrike, Red-backed	Lanius collurio
Spoonbill	Platalea leucorodia
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
Treecreeper, 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

] [1]

Notes

[1] Inserted by Wildlife and Countryside Act 1981 (Amendment) (Scotland) Regulations 2001/337 (Scottish SI) reg.2(3) (November 4, 2001)

Commencement

Sch. 1(I) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 1(I) para. 1: England, Wales, Scotland

PART II

DURING THE CLOSE SEASON

Law In Force

Common name	*Scientific name*
Goldeneye	Bucephala clangula
Goose, Greylag (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)	Anser anser
Pintail	Anas acuta

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.

Commencement

Sch. 1(II) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 1(II) para. 1: England, Wales, Scotland

[SCHEDULE 1A

BIRDS WHICH ARE PROTECTED FROM HARASSMENT

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.25 (October 1, 2004)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	**Scientific name**
[Eagle, Golden	Aquila chrysaetos**]**[2]
Eagle, White-tailed	Haliaetus albicilla
[Harrier, Hen	Circus cyaneus
Kite, Red	Milvus milvus**]**[3]

] [1]

Notes

[1] Added by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.6 para.25 (October 1, 2004)

[2] Entry inserted by Wildlife and Countryside Act 1981 (Variation of Schedules A1 and 1A) (Scotland) Order 2013/31 (Scottish SI) art.2 (March 16, 2013)

[3] Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules A1 and 1A) (Scotland) Order 2013/31 (Scottish SI) art.3 (March 16, 2013)

Extent

Sch. 1A para. 1: England, Wales, Scotland

SCHEDULE 2

BIRDS WHICH MAY BE KILLED OR TAKEN

Sections 2, 3, and 22

PART I

OUTSIDE THE CLOSE SEASON

In relation to Scotland the text of this provision has only been partially reproduced as amended. Please refer to the wholly reproduced provision for the remainig text as it relates to England, Scotland and Wales

Law In Force

England, Scotland and Wales

Common name	***Scientific name***
Caperc0aillie	Tetrao urogallus
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Goose, Canada	Branta canadensis
Goose, Greylag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Goose, White-fronted (in England and Wales only) **[** , except **[…]**[2] Greenland White-fronted Goose **]** [1]	Anser albifrons **[** except **[…]**[4] *Anser albifrons flavirostris* **]** [3]
Mallard	Anas platyrhynchos
Moorhen	Gallinula chloropus
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Anas crecca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

Notes

[1] Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (England) Order 2020/245 art.2(a) (March 31, 2020)

[2] Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020/272 art.2(a) (April 1, 2020)

[3] Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (England) Order 2020/245 art.2(b) (March 31, 2020)

[4] Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020/272 art.2(b) (April 1, 2020)

Scotland

[

Common name	***Scientific name***
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Goose, Canada	Branta canadensis
Goose, Greylag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Goose, White-fronted (in England and Wales only) **[** , except **[…]**[3] Greenland White-fronted Goose **]** [2]	Anser albifrons **[** except **[…]**[5] *Anser albifrons flavirostris* **]** [4]
[Grouse, Black	Tetrao tetrix
Grouse, Red	Lagopus lagopus scoticus**]**[6]
Mallard	Anas platyrhynchos
Moorhen	Gallinula chloropus
[Partridge, Grey	Perdix perdix
Partridge, Red-legged	Alectoris rufa
Pheasant, Common	Phasianus colchicus**]**[6]
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
[Ptarmigan	Lagopus mutus**]**[6]
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Anas crecca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

] [1]

Notes

1 Entries repealed by Wildlife and Countryside Act 1981 (Amendment) (Scotland) Regulations 2001/337 (Scottish SI) reg.2(4) (November 4, 2001)

2 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (England) Order 2020/245 art.2(a) (March 31, 2020)

3 Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020/272 art.2(a) (April 1, 2020)

4 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (England) Order 2020/245 art.2(b) (March 31, 2020)

5 Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020/272 art.2(b) (April 1, 2020)

6 Amended by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(7) (June 29, 2011)

Commencement

Sch. 2(I) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 2(I) para. 1: England, Wales, Scotland

[PART IA

EXCEPTION: BIRDS INCLUDED IN PART I WHICH MAY NOT BE KILLED OR TAKEN ON SUNDAYS OR CHRISTMAS DAY

] [1]

Notes

1 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(8) (June 29, 2011)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	***Scientific name***
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Goose, Canada	Branta canadensis
Goose, Greylag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Mallard	Anas platyrhynchos
Moorhen	Gallinula chloropus
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Anas crecca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.3(8) (June 29, 2011)

Extent

Sch. 2(IA) para. 1: England, Wales, Scotland

PART II

BY AUTHORISED PERSONS AT ALL TIMES

Repealed

[…][1]

Notes

[1] List of birds removed from Part II of Schedule 2 by Wildlife and Countryside Act 1981 (Variation of Schedules 2 and 3) Order 1992/3010 art.2 (January 1, 1993)

SCHEDULE 3

BIRDS WHICH MAY BE SOLD

Sections 6 and 22

PART I

ALIVE AT ALL TIMES IF RINGED AND BRED IN CAPTIVITY

Law In Force

Common name	***Scientific name***
Blackbird	Turdus merula
Brambling	Fringilla montifringilla
Bullfinch	Pyrrhula pyrrhula
Bunting, Reed	Emberiza schoeniclus
Chaffinch	Fringilla coelebs
Dunnock	Prunella modularis
Goldfinch	Carduelis carduelis
Greenfinch	Carduelis chloris
Jackdaw	Corvus monedula
Jay	Garrulus glandarius
Linnet	Carduelis cannabina
Magpie	Pica pica
Owl, Barn	Tyto alba
Redpoll	Carduelis flammea
Siskin	Carduelis spinus
Starling	Sturnus vulgaris
Thrush, Song	Turdus philomelos
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citrinella

Commencement

Sch. 3(I) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 3(I) para. 1: England, Wales, Scotland

[PART IA

ALIVE IF TAKEN IN CAPTIVITY OR BY CERTAIN PERSONS OUTSIDE CLOSE SEASON OR DURING FIRST 28 DAYS OF CLOSE SEASON

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(4)(a) (June 29, 2011)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	*Scientific name*
Grouse, Red	Lagopus lagopus scoticus
Mallard	Anas platyrhynchos
Partridge, Grey	Perdix perdix
Partridge, Red-legged	Alectoris rufa
Pheasant, Common	Phasianus colchicus

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(4)(a) (June 29, 2011)

Extent

Sch. 3(IA) para. 1: England, Wales, Scotland

PART II

DEAD AT ALL TIMES

Law In Force

Common name	*Scientific name*
[…	…][1]
Woodpigeon	Columba palumbus

Notes

[1] Bird removed from Part II of Schedule 3 by Wildlife and Countryside Act 1981 (Variation of Schedules 2 and 3) Order 1992/3010 art.3 (January 1, 1993)

Commencement

Sch. 3(II) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 3(II) para. 1: England, Wales, Scotland

[PART IIA

DEAD IF KILLED OUTSIDE CLOSE SEASON BY CERTAIN PERSONS

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(4)(b) (June 29, 2011)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	*Scientific name*
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Grouse, Black	Tetrao tetrix
Grouse, Red	Lagopus lagopus scoticus
Mallard	Anas platyrhynchos
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

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(4)(b) (June 29, 2011)

Extent

Sch. 3(IIA) para. 1: England, Wales, Scotland

PART III

DEAD FROM 1ST SEPTEMBER TO 28TH FEBRUARY

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

Partially Repealed

England and Wales

Common name	***Scientific name***
Capercaillie	Tetrao urogallus
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Mallard	Anas platyrhynchos
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Anas crecca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

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.

Scotland

[…][1]

Notes

1 Entries repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.5(4)(c) (June 29, 2011)

Commencement

Sch. 3(III) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 3(III) para. 1: England, Wales, Scotland

SCHEDULE 4

BIRDS WHICH MUST BE REGISTERED AND RINGED IF KEPT IN CAPTIVITY

Sections 7 and 22

Law In Force

Common name	***Scientific name***
[…	…
…	…
…	…
…	…
…	…**]**[1]
[…	…
…	…
…	…**]**[2]
[Buzzard, Honey	Pernis apivorus
[…	…**]**[2]
Eagle, Golden	Aquila chrysaetos
[…	…
…	…
…	…**]**[2]
Eagle, White-tailed	Haliaeetus albicilla**]**[3]
[…	…
…	…
…	…
…	…
…	…
…	…**]**[2]
[Falcon, Peregrine	Falco peregrinus**]**[3]
[…	…
…	…
…	…
…	…**]**[1]
[…	…**]**[1]
[…	…
…	…
…	…
…	…**]**[2]
[Goshawk	Accipiter gentilis
[…	…**]**[2]
Harrier, Marsh	Circus aeruginosus

Common name	***Scientific name***
Harrier, Montagu's	Circus pygargus
[…	…
…	…
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…	…
…	…
…	…
…	…
…	…
…	…
…	…**]**[2]
Merlin	Falco columbarius
[…	…**]**[2]
Osprey	Pandion haliaetus**]**[3]
[…	…
…	…
…	…
…	…
…	…**]**[1]
[…	…
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…	…**]**[1]
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Common name	***Scientific name***
…	…
…	…
…	…

Extent

Sch. 4 para. 1: England, Wales, Scotland

SCHEDULE 5

ANIMALS WHICH ARE PROTECTED

Sections 9 , 10, 22 and 24

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

Law In Force

England and Wales

Common name	*Scientific name*
Adder (in respect of section 9(5) **[** and section 9(1) so far as it relates to killing and injuring **]** [1])	Vipera berus
[Allis Shad (in respect of section 9(1) and (4)(a) only)	Alosa alosa**]**[2]
[Anemone, Ivell's Sea **]** [3]	**[** Edwardsia ivelli **]** [3]
[Anemone, Startlet Sea **]** [3]	**[** Nematosella vectensis **]** [3]
[Apus **]** [3]	**[** Triops cancriformis **]** [3]
[Atlantic Stream Crayfish (in relation to section 9(1) (so far as it relates to taking) and in respect of section 9(5)) **]** [4]	**[** Austropotamobius pallipes **]** [4]
Bats, Horseshoe (all species **[** but in respect of section 9(4)(b) and (c) and (5) only **]** [5])	Rhinolophidae
Bats, Typical (all species **[** but in respect of section 9(4)(b) and (c) and (5) only **]** [5])	Vespertilionidae
Beetle, Rainbow Leaf	Chrysolina cerealis
[Beetle	Graphoderus zonatus
Beetle	Hypebaeus flavipes
Beetle	Paracymus aeneus
Beetle, Lesser Silver Water	Hydrochara caraboides
Beetle, Mire Pill (in respect of section 9(4)(a) only)	Curimopsis nigrita**]**[6]
[Beetle, Stag (in respect of section 9(5) only)	Lucanus cervus**]**[7]
[Beetle, Violet Click **]** [3]	**[** Limoniscus violaceus **]** [3]
Burbot	Lota lota
[…][8]	
Butterfly, Health Fritillary	Mellicta athalia (otherwise known as Melitaea athalia)

Common name	***Scientific name***
Butterfly, Large Blue **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Maculinea arion
Butterfly, Swallowtail	Papilio machaon
[Butterfly, Northern Brown Argus (in respect of section 9(5) only) **]** [9]	**[** Aricia artaxerxes (in respect of section 9(5) only) **]** [9]
[Butterfly, Adonis Blue (in respect of section 9(5) only) **]** [9]	**[** Lysandra bellargus (in respect of section 9(5) only) **]** [9]
[Butterfly, Chalkhill Blue (in respect of section 9(5) only) **]** [9]	**[** Lysandra coridon (in respect of section 9(5) only) **]** [9]
[Butterfly, Silver-studded Blue (in respect of section 9(5) only) **]** [9]	**[** Plebejus argus (in respect of section 9(5) only) **]** [9]
[Butterfly, Small Blue (in respect of section 9(5) only) **]** [9]	**[** Cupido minimus (in respect of section 9(5) only) **]** [9]
[Butterfly, Large Copper	Lycaena dispar**]**[2]
[Butterfly, Purple Emperor (in respect of section 9(5) only) **]** [9]	**[** Apatura iris (in respect of section 9(5) only) **]** [9]
[Butterfly, Duke of Burgundy Fritillary (in respect of section 9(5) only) **]** [9]	**[** Hamearis lucina (in respect of section 9(5) only) **]** [9]
[Butterfly, Glanville Fritillary (in respect of section 9(5) only) **]** [9]	**[** Melitaea cinxia (in respect of section 9(5) only) **]** [9]
[Butterfly, High Brown Fritillary **[…]**[10] **]** [9]	**[** Argynnis adippe **[…]**[10] **]** [9]
[Butterfly, Marsh Fritillary	Eurodryas aurinia**]**[2]
[Butterfly, Pearl-bordered Fritillary (in respect of section 9(5) only) **]** [9]	**[** Boloria euphrosyne (in respect of section 9(5) only) **]** [9]
[Butterfly, Black Hairstreak (in respect of section 9(5) only) **]** [9]	**[** Strymonidia pruni (in respect of section 9(5) only) **]** [9]
[Butterfly, Brown Hairstreak (in respect of section 9(5) only) **]** [9]	**[** Thecla betulae (in respect of section 9(5) only) **]** [9]
[Butterfly, White Letter Hairstreak (in respect of section 9(5) only) **]** [9]	**[** Stymonida w-album (in respect of section 9(5) only) **]** [9]
[Butterfly, Large Heath (in respect of section 9(5) only) **]** [9]	**[** Coenonympha tullia (in respect of section 9(5) only) **]** [9]
[Butterfly, Mountain Ringlet (in respect of section 9(5) only) **]** [9]	**[** Erebia epiphron (in respect of section 9(5) only) **]** [9]
[Butterfly, Chequered Skipper (in respect of section 9(5) only) **]** [9]	**[** Carterocephalus palaemon (in respect of section 9(5) only) **]** [9]
[Butterfly, Lulworth Skipper (in respect of section 9(5) only) **]** [9]	**[** Thymelicus acteon (in respect of section 9(5) only) **]** [9]
[Butterfly, Silver Spotted Skipper (in respect of section 9(5) only) **]** [9]	**[** Hesperia comma (in respect of section 9(5) only) **]** [9]
[Butterfly, Large Tortoiseshell (in respect of section 9(5) only) **]** [9]	**[** Nymphalis polychloros (in respect of section 9(5) only) **]** [9]
[Butterfly, Wood White (in respect of section 9(5) only) **]** [9]	**[** Leptidea sinapis (in respect of section 9(5) only) **]** [9]
[Cat, Wild **]** [3] **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	**[** Felis silverstris **]** [3]
[Cicada, New Forest **]** [3]	**[** Cicadetta montana **]** [3]
Cricket, Field	Gryllus campestris
Cricket, Mole	Gryllotalpa gryllotalpa
[Damselfly, Southern	Coenagrion mercuriale**]**[7]

Common name	***Scientific name***
[Dolphins (all species but in respect of section 9(4A) and (5) only)	Cetacea**]**[5]
[Dormouse **]** [3] **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	**[** Muscardinus avellanarius **]** [3]
Dragonfly, Norfolk Aeshna	Aeshna isosceles
Frog, Common (in respect of section 9(5) only)	Rana temporaria
[Frog, Pool (Northern Clade) (in respect of section 9(4)(b) and (c)[12] only and with respect to England only)	Pelophylax lessonae**]**[11]
[Goby, Couch's	Gobius couchii
Goby, Giant	Gobius cobitis**]**[7]
Grasshopper, Wart-biter	Decticus verrucivorus
[Leech, Medicinal **]** [3]	**[** Hirudo medicinalis **]** [3]
[Hatchet Shell, Northern	Thyasira gouldi
[Hydroid, Marine	Clavopsella navis**]**[7]
[…	…**]**[13]
Lagoon Snail, De Folin's	Caecum armoricum
Lagoon Worm, Tentacled **[** (in respect of section 9(4)(a) only) **]** [14]	Alkmaria romijni**]**[6]
Lizard, Sand **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Lacerta agilis
Lizard, Viviparous (in respect of section 9(5) **[** and section 9(1) so far as it relates to killing and injuring **]** [15])	Lacerta vivipara
[Marten, Pine **]** [3]	**[** Martes martes **]** [3]
[Mat, Trembling Sea **]** [3]	**[** Victorella pavida **]** [3]
Moth, Barberry Carpet	Pareulype berberata
Moth, Black-veined	Siona lineata (otherwise known as Idaea lineata)
[…	…**]**[13]
[Moth, Fiery Clearwing	Bembecia chrysidiformis**]**[7]
[Moth, Fisher's Estuarine **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [16]	Gortyna borelii**]**[7]
Moth, New Forest Burnet	Zygaena viciae
Moth, Reddish Buff	Acosmetia caliginosa
[Moth, Sussex Emerald	Thalera fimbrialis**]**[6]
[Moth, Talisker Burnet (in respect of section 9(5) only)	Zygaena lonicerae subspecies jocelynae
Moth, Slender Scotch Burnet (in respect of section 9(5) only)	Zygaena loti subspecies scotica**]**[11]
[…	…**]**[17]
[Mussel, Fan (in respect of section 9(1), (2) and (5) only)	Atrina fragilis**]**[7]
[Mussel, Freshwater Pearl	Margaritifera margaritifera**]**[2]
[Newt, Great Crested or Warty (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Triturus cristatus
Newt, Palmate (in respect of section 9(5) only)	Triturus helveticus
Newt, Smooth (in respect of section 9(5) only)	Triturus vulgaris

Common name	***Scientific name***
Otter, Common **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Lutra lutra
[Porpoises (all species but in respect of section 9(5) only)	Cetacea**]**[5]
[Sandworm, Lagoon **]** [3]	**[** Armandia cirrhosa **]** [3]
[Sea Fan, Pink (in respect of section 9(1), 9(2) and 9(5) only)	Eunicella verrucosa
[Seahorse, Short Snouted (with respect to England **[** and Wales **]** [19] only)	Hippocampus hippocampus
Seahorse, Spiny (with respect to England **[** and Wales **]** [20] only)	Hippocampus guttulatus**]**[18]
Sea Slug, Lagoon	Tenellia adspersa**]**[6]
[Shad, Twaite (in respect of **[** section 9(1) and (4)(a) **]** [14] only)	Alosa fallax**]**[7]
[Shark, Angel **[** (in respect of section 9(1), (2) and (5) only) **]** [14]	Squatina squatina**]**[18]
[Shark, Basking	Cetorhinus maximus**]**[7]
[Shrimp, Fairy **]** [3]	**[** Chirocephalus diaphanus **]** [3]
[Shrimp, Lagoon Sand **]** [3] **[** (in respect of section 9(4)(a) only) **]** [14]	**[** Gammarus insensibilis **]** [3]
[Skate, White (in respect of section 9(1), (2) and (5) only)	Rostroraja alba**]**[11]
Slow-worm (in respect of section 9(5) **[** and section 9(1) so far as it relates to killing and injuring **]** [15])	Anguis fragilis
[…][21]	
Snail, Glutinous	Myxas glutinosa
[Snail, Roman (in respect of section 9(1), (2) and (5) only and with respect to England **[** and Wales **]** [22] only)	Helix pomatia**]**[18]
Snail, Sandbowl	Catinella arenaria
Snake, Grass (in respect of section 9(5) **[** and section 9(1) so far as it relates to killing and injuring **]** [15])	Natrix helvetica
Snake, Smooth **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Coronella austriaca
Spider, Fen Raft	Dolomedes plantarius
Spider, Ladybird	Eresus niger
Squirrel, Red	Sciurus vulgaris
[Sturgeon **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Acipenser sturio**]**[6]
Toad, Common (in respect of section 9(5) only)	Bufo bufo
Toad, Natterjack **[** (in respect of section 9(4)(b) and (c) and (5) only) **]** [5]	Bufo calamita
[Turtle, Flatback	Natator depressus
Turtle, Green Sea (in respect of section 9(4)(b) and (c) and (5) only)	Chelonia mydas
Turtle, Hawksbill (in respect of section 9(4)(b) and (c) and (5) only)	Eretmochelys imbricata

Common name	***Scientific name***
Turtle, Kemp's Ridley Sea (in respect of section 9(4)(b) and (c) and (5) only)	Lepidochelys kempii
Turtle, Leatherback Sea (in respect of section 9(4)(b) and (c) and (5) only)	Dermochelys coriacea
Turtle, Loggerhead Sea (in respect of section 9(4)(b) and (c) and (5) only)	Caretta caretta
Turtle, Olive Ridley	Lepidochelys olivacea**]**[5]
[Vendace **]** [3]	**[** Coregonus albula **]** [3]
[Vole, Water **[…]**[23]	Arvicola terrestris**]**[7]
[Walrus **]** [3]	**[** Odobenus rosmarus **]** [3]
[Whale (all species **[** but in respect of section 9(4A) and (5) only **]** [5]) **]** [3]	**[** Cetacea **]** [3]
[Whitefish **]** [3]	**[** Coregonus lavaretus **]** [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.

[NOTE 2. In this Schedule "excluded waters" means the part of the territorial waters adjacent to England **[** and Wales **]** [25] which is more than 6 nautical miles from the baselines from which the breadth of those waters are measured ; and for these purposes "nautical miles" means international nautical miles of 1,852 metres. **]** [24]

Notes

1. Entry added by Wildlife and Countryside Act 1981 (Variation of Schedule) Order 1991/367 art.2(1) (March 27, 1991)
2. Entries substituted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1998/878 art.2(2) (March 27, 1998 for the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (Margaritifera margaritifera); otherwise April 16, 1998)
3. Entry inserted by S.I. 1988/288, art. 2(1)
4. Entry inserted by S.I. 1988/288, art. 2(3)
5. Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(7) (August 21, 2007)
6. Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992/2350 art.2(1) (October 29, 1992)
7. Entry removed from Sch.5 by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1998/878 art.2(3) (March 27, 1998 for the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (Margaritifera margaritifera); otherwise April 16, 1998)
8. Entry relating to Butterfly, Chequered Skipper repealed by S.I. 1988/288, art. 2(5)
9. Entry inserted by S.I. 1989/906, art. 2
10. Entry added by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992/2350 art.2(2) (October 29, 1992)
11. Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011/2015 Sch.1 para.1 (October 1, 2011)
12. Section 9(4) was substituted by S.I. 2007/1843, regulation 7(1) and (4).
13. Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011/2015 Sch.2 para.1 (October 1, 2011)
14. Amended by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011/2015 art.2 (October 1, 2011)

15 Words inserted by S.I. 1988/288, art. 2(4)

16 Words inserted by Conservation (Natural Habitats, &c.) (Amendment) (England and Wales) Regulations 2008/2172 reg.4 (October 1, 2008)

17 Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1998/878 art.2(1) (March 27, 1998 for the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (Margaritifera margaritifera); otherwise April 16, 1998)

18 Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (England) Order 2008/431 Sch.1 para.1 (April 6, 2008)

19 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008/1927 art.2(a) (August 12, 2008)

20 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008/1927 art.2(b) (August 12, 2008)

21 Entry relating to Snail, Carthusian repealed by S.I. 1988/288, art. 2(5)

22 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008/1927 art.2(d) (August 12, 2008)

23 Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008/1927 art.2(e) (August 12, 2008)

24 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (England) Order 2008/431 art.2(c) (April 6, 2008)

25 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008/1927 art.2(f) (August 12, 2008)

Scotland

[

Common name	***Scientific name***
Adder (in respect of section 9(5) and section 9(1) so far as it relates to killing and injuring)	Vipera berus
Allis Shad (in respect of section 9(1) and (4)(a) only)	Alosa alosa
Anemone, Ivell's Sea	Edwardsia ivelli
Anemone, Startlet Sea	Nematosella vectensis
Apus	Triops cancriformis
Atlantic Stream Crayfish (in relation to section 9(1) (so far as it relates to taking) and in respect of section 9(5))	Austropotamobius pallipes
Beetle, Rainbow Leaf	Chrysolina cerealis
Beetle	Graphoderus zonatus
Beetle	Hypebaeus flavipes
Beetle	Paracymus aeneus
Beetle, Lesser Silver Water	Hydrochara caraboides
Beetle, Mire Pill (in respect of section 9(4)(a) only)	Curimopsis nigrita
Beetle, Stag (in respect of section 9(5) only)	Lucanus cervus
Beetle, Violet Click	Limoniscus violaceus
Burbot	Lota lota
Butterfly, Health Fritillary	Mellicta athalia (otherwise known as Melitaea athalia)

Common name	***Scientific name***
Butterfly, Swallowtail	Papilio machaon
Butterfly, Northern Brown Argus (in respect of section 9(5) only)	Aricia artaxerxes (in respect of section 9(5) only)
Butterfly, Adonis Blue (in respect of section 9(5) only)	Lysandra bellargus (in respect of section 9(5) only)
Butterfly, Chalkhill Blue (in respect of section 9(5) only)	Lysandra coridon (in respect of section 9(5) only)
Butterfly, Silver-studded Blue (in respect of section 9(5) only)	Plebejus argus (in respect of section 9(5) only)
Butterfly, Small Blue (in respect of section 9(5) only)	Cupido minimus (in respect of section 9(5) only)
Butterfly, Large Copper	Lycaena dispar
Butterfly, Purple Emperor (in respect of section 9(5) only)	Apatura iris (in respect of section 9(5) only)
Butterfly, Duke of Burgundy Fritillary (in respect of section 9(5) only)	Hamearis lucina (in respect of section 9(5) only)
Butterfly, Glanville Fritillary (in respect of section 9(5) only)	Melitaea cinxia (in respect of section 9(5) only)
Butterfly, High Brown Fritillary	Argynnis adippe
Butterfly, Marsh Fritillary	Eurodryas aurinia
Butterfly, Pearl-bordered Fritillary (in respect of section 9(5) only)	Boloria euphrosyne (in respect of section 9(5) only)
Butterfly, Black Hairstreak (in respect of section 9(5) only)	Strymonidia pruni (in respect of section 9(5) only)
Butterfly, Brown Hairstreak (in respect of section 9(5) only)	Thecla betulae (in respect of section 9(5) only)
Butterfly, White Letter Hairstreak (in respect of section 9(5) only)	Stymonida w-album (in respect of section 9(5) only)
Butterfly, Large Heath (in respect of section 9(5) only)	Coenonympha tullia (in respect of section 9(5) only)
Butterfly, Mountain Ringlet (in respect of section 9(5) only)	Erebia epiphron (in respect of section 9(5) only)
Butterfly, Chequered Skipper (in respect of section 9(5) only)	Carterocephalus palaemon (in respect of section 9(5) only)
Butterfly, Lulworth Skipper (in respect of section 9(5) only)	Thymelicus acteon (in respect of section 9(5) only)
Butterfly, Silver Spotted Skipper (in respect of section 9(5) only)	Hesperia comma (in respect of section 9(5) only)
Butterfly, Large Tortoiseshell (in respect of section 9(5) only)	Nymphalis polychloros (in respect of section 9(5) only)
Butterfly, Wood White (in respect of section 9(5) only)	Leptidea sinapis (in respect of section 9(5) only)
Cicada, New Forest	Cicadetta montana
Cricket, Field	Gryllus campestris
Cricket, Mole	Gryllotalpa gryllotalpa
Damselfly, Southern	Coenagrion mercuriale
Dragonfly, Norfolk Aeshna	Aeshna isosceles
Frog, Common (in respect of section 9(5) only)	Rana temporaria
Goby, Couch's	Gobius couchii
Goby, Giant	Gobius cobitis
Grasshopper, Wart-biter	Decticus verrucivorus

Common name	***Scientific name***
[Hare, mountain	Lepus timidus**]**[2]
Leech, Medicinal	Hirudo medicinalis
Hatchet Shell, Northern	Thyasira gouldi
Hydroid, Marine	Clavopsella navis
Lagoon Snail	Paludinella littorina
Lagoon Snail, De Folin's	Caecum armoricum
Lagoon Worm, Tentacled	Alkmaria romijni
Lizard, Viviparous (in respect of section 9(5) and section 9(1) so far as it relates to killing and injuring)	Lacerta vivipara
Marten, Pine	Martes martes
Mat, Trembling Sea	Victorella pavida
Moth, Barberry Carpet	Pareulype berberata
Moth, Black-veined	Siona lineata (otherwise known as Idaea lineata)
Moth, Essex Emerald	Thetidia smaragdaria
Moth, Fiery Clearwing	Bembecia chrysidiformis
Moth, Fisher's Estuarine	Gortyna borelii
Moth, New Forest Burnet	Zygaena viciae
Moth, Reddish Buff	Acosmetia caliginosa
Moth, Sussex Emerald	Thalera fimbrialis
Mussel, Fan (in respect of section 9(1), (2) and (5) only)	Atrina fragilis
Mussel, Freshwater Pearl	Margaritifera margaritifera
Newt, Palmate (in respect of section 9(5) only)	Triturus helveticus
Newt, Smooth (in respect of section 9(5) only)	Triturus vulgaris
Sandworm, Lagoon	Armandia cirrhosa
Sea Fan, Pink (in respect of section 9(1), 9(2) and 9(5) only)	Eunicella verrucosa
Sea Slug, Lagoon	Tenellia adspersa
Shad, Twaite (in respect of section 9(4)(a) only)	Alosa fallax
Shark, Basking	Cetorhinus maximus
Shrimp, Fairy	Chirocephalus diaphanus
Shrimp, Lagoon Sand	Gammarus insensibilis
Slow-worm (in respect of section 9(5) and section 9(1) so far as it relates to killing and injuring)	Anguis fragilis
Snail, Glutinous	Myxas glutinosa
Snail, Sandbowl	Catinella arenaria
Snake, Grass (in respect of section 9(5)and section 9(1) so far as it relates to killing and injuring)	Natrix helvetica
Spider, Fen Raft	Dolomedes plantarius
Spider, Ladybird	Eresus niger
Squirrel, Red	Sciurus vulgaris
Toad, Common (in respect of section 9(5) only)	Bufo bufo
Vendace	Coregonus albula

Common name	*Scientific name*
Vole, Water **[** , in so far as this entry has effect with respect to Wales, **]** [3] (in respect of section 9(4) only)	Arvicola terrestris
Walrus	Odobenus rosmarus
Whitefish	Coregonus lavaretus

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.
] [1]

Notes

1 Entries repealed by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt III reg.28 (February 15, 2007)

2 Entry inserted by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.18(3) (March 1, 2021)

3 Words inserted by Wildlife and Countryside Act 1981 (Variation of Schedule 5) (England) Order 2008/431 art.2(b) (April 6, 2008)

Commencement

Sch. 5 para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 5 para. 1: England, Wales, Scotland

[SCHEDULE 5A

ANIMALS WHICH ARE PROTECTED UNDER SECTION 10A IN THEIR CLOSE SEASON

(introduced by sections 10A and 22)

] [1]

Notes

1 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.6(5) (June 29, 2011)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	*Scientific name*
[…	…**]**[2]
Hare, brown	Lepus europaeus

] [1]

Notes

1 Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.6(5) (June 29, 2011)

2 Entry repealed by Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 asp 14 (Scottish Act) c.1 s.18(4) (March 1, 2021)

Extent

Sch. 5A para. 1: England, Wales, Scotland

SCHEDULE 6

ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS

Sections 11 and 22

In relation to Scotland the text of this provision has only been partially reproduced as amended. Please refer to the wholly reproduced provision for the remainig text as it relates to England, Scotland and Wales

Law In Force

England, Scotland and Wales

Common name	*Scientific name*
Badger	Meles meles
Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Cat, Wild	Felis silvestris
Dolphin, Bottle-nosed	Tursiops truncatus (otherwise known as Tursiops tursio)
Dolphin, Common	Delphinis delphis

Common name	***Scientific name***
Dormice (all species)	Gliridae
Hedgehog	Erinaceus europaeus
Marten, Pine	Martes martes
Otter, Common	Lutra lutra
Polecat	Mustela putorius
Porpoise, Harbour (otherwise known as Common porpoise)	Phocaena phocaena
Shrews (all species)	Soricidae
Squirrel, Red	Sciurus vulgaris

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.

Scotland

[

Common name	***Scientific name***
Badger	Meles meles
Hedgehog	Erinaceus europaeus
Shrews (all species)	Soricidae
Squirrel, Red	Sciurus vulgaris

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. **]** [1]

Notes

[1] Entries repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.19 (June 29, 2011)

Commencement

Sch. 6 para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 6 para. 1: England, Wales, Scotland

[SCHEDULE 6ZA

Animals which may not be killed or taken by trapping or snaring

Section 11(2)

] [1]

Notes

[1] Added by Humane Trapping Standards Regulations 2019/22 Sch.1 para.1 (March 28, 2019: insertion has effect subject to transitional provision specified in SI 2019/22 reg.9)

Law In Force

[

Common name	*Scientific name*
Badger	Meles meles
Beaver, European	Castor fiber
Marten, Pine	Martes martes
Otter, Common	Lutra lutra
Stoat (otherwise known as Ermine)	Mustela erminea

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.
] [1]

Notes

[1] Added by Humane Trapping Standards Regulations 2019/22 Sch.1 para.1 (March 28, 2019: insertion has effect subject to transitional provision specified in SI 2019/22 reg.9)

Extent

Sch. 6ZA para. 1: England, Wales, Scotland

[SCHEDULE 6A

ANIMALS NOT TO BE POACHED

(introduced by sections 11G and 22)

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.7(4) (June 29, 2011)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[

Common name	***Scientific name***
Hare, mountain	Lepus timidus
Hare, brown	Lepus europaeus
Rabbit	Oryctolagus cuniculus

] [1]

Notes

[1] Added by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.7(4) (June 29, 2011)

Extent

Sch. 6A para. 1: England, Wales, Scotland

SCHEDULE 7

PROTECTION OF CERTAIN MAMMALS

Section 12

The Ground Game Act 1880

Law In Force

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.

Commencement

Sch. 7 para. 1: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 1(1)-(2): England, Wales, Scotland

The Agriculture (Scotland) Act 1948

Law In Force

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.

Commencement

Sch. 7 para. 2: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 2(1)-(4): England, Wales, Scotland

Law In Force

3.

(1) **[…]**[1]

(2) **[…]**[2]

Notes

[1] Amends Dogs (Protection of Livestock) Act 1953 (c.28), s.1(2)

[2] Inserts Dogs (Protection of Livestock) Act 1953 (c.28), s.1(2A)

Commencement

Sch. 7 para. 3: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 3(1)-(2): England, Wales, Scotland

Law In Force

4. […][1]

Notes

[1] Substitutes new s.10(3)(4) for s.10(3) in Deer Act 1963 (c.36)

Commencement

Sch. 7 para. 4: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 4: England, Wales, Scotland

Law In Force

5.

(1) **[…][1]**

(2) **[…][2]**

(3) **[…][3]**

Notes

[1] Inserts Deer Act 1963 (c.36), s.10(A)

[2] Amends Deer Act 1963 (c.36), ss. 1(1), 3(1)

[3] Substitutes Deer Act 1963 (c.36) new s. 12(1)(1A)(1B) for s. 12(1)

Commencement

Sch. 7 para. 5: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 5(1)-(3): England, Wales, Scotland

Law In Force

6.

(1) **[…][1]**

(2) **[…]**[2]

Notes

[1] Amends Deer Act 1963 (c.36) Sch. 2 para. 1

[2] Amends Deer Act 1963 (c.36) Sch. 2 para.4

Commencement

Sch. 7 para. 6: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 6(1)-(2): England, Wales, Scotland

Law In Force

7.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

Notes

[1] Amends Conservation of Seals Act 1970 (c.30), s.10(1)(c)

[2] Amends Conservation of Seals Act 1970 (c.30), s.10(3)(b)

[3] Inserts Conservation of Seals Act 1970 (c.30), s.10(4)

Commencement

Sch. 7 para. 7: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 7(1)-(3): England, Wales, Scotland

Law In Force

8. […][1]

Notes

[1] Substitutes new s. 1(2)(3) in Badgers Act 1973 (c.57)

Commencement

Sch. 7 para. 8: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 8: England, Wales, Scotland

Law In Force

9.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

(4) **[…]**[4]

(5) **[…]**[5]

Notes

1 Repeals Badgers Act 1973 (c.57), s.7
2 Amends Badgers Act 1973 (c.57), s. 2(c)
3 Repeals Badgers Act 1973 (c.57), s. 6
4 RepealsBadgers Act 1973 (c.57), s. 8(2)(c)
5 Amends Badgers Act 1973 (c.57), s. 11

Commencement

Sch. 7 para. 9: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 9(1)-(5): England, Wales, Scotland

Law In Force

10.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

(4) **[…]**[4]

Notes

1 Inserts Badgers Act 1973 (c.57), s. 8(1A)(1B)
2 InsertsBadgers Act 1973 (c.57), s. 9(1)(e)
3 Amends Badgers Act 1973 (c.57), s. 9(2)(b)
4 Inserts Badgers Act 1973 (c.57), s. 9(4)

Commencement

Sch. 7 para. 10: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 10(1)-(4): England, Wales, Scotland

Law In Force

11.

(1) **[…][1]**

(2) **[…][2]**

Notes

[1] Amends Badgers Act 1973 (c.57), s. 10(1)(c)

[2] Amends Badgers Act 1973 (c.57), s. 10(2)

Commencement

Sch. 7 para. 11: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 11(1)-(2): England, Wales, Scotland

Law In Force

12. […][1]

Notes

[1] Amends Badgers Act 1973 (c.57), s. 11

Commencement

Sch. 7 para. 12: February 16, 1982 (SI 1982/44 art. 2)

Extent

Sch. 7 para. 12: England, Wales, Scotland

SCHEDULE 8

PLANTS WHICH ARE PROTECTED

Sections 13, 22 and 24

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

Law In Force

England and Wales

Common name	***Scientific name***
[Adder's-tongue, Least **]** [1]	**[** Ophioglossum lusitanicum **]** [2]
Alison, Small	Alyssum alyssoides
[Anomodon, Long-leaved	Anomodon longifolius
Beech-lichen, New Forest	Enterographa elaborata**]**[3]
[Blackwort	Southbya nigrella**]**[4]
[Bluebell (in respect of section 13(2) only)	Hyacinthoides non-scripta
Bolete, Royal	Boletus regius**]**[3]
Broomrape, Bedstraw	Orobanche caryophyllacea
Broomrape, Oxtongue	Orobanche loricata
Broomrape, Thistle	Orobanche reticulata
[Cabbage, Lundy **]** [1]	**[** Rhynchosinapis wrightii **]** [2]
Calamint, Wood	Calamintha sylvatica
[Caloplaca, Snow	Caloplaca nivalis**]**[4]
[Catapyrenium, Tree	Catapyrenium psoromoides**]**[4]
Catchfly, Alpine	Lychnis alpina
[Catillaria, Laurer's	Catellaria laureri**]**[4]
[Centaury, Slender	Centaurium tenuiflorum**]**[4]
Cinquefoil, Rock	Potentilla rupestris
[Cladonia, Convoluted	Cladonia convoluta**]**[3]
[Cladonia, Upright Mountain	Cladonia stricta
Clary, Meadow	Salvia pratensis**]**[4]
Club-rush, Triangular	Scirpus triquetrus
[Colt's-foot, Purple **]** [1]	**[** Homogyne alpina **]** [2]
Cotoneaster, Wild	Cotoneaster integerrimus
[Cottongrass, Slender **]** [1]	**[** Eriophorum gracile **]** [2]
Cow-wheat, Field	Melampyrum arvense
[Crocus, Sand **]** [1]	**[** Romulea columnae **]** [2]
[Crystalwort, Lizard	Riccia bifurca
Cudweed, Broad-leaved	Filago pyramidata**]**[4]
Cudweed, Jersey	Gnaphalium luteoalbum
[Cudweed, Red-tipped **]** [1]	**[** Filago lutescens **]** [2]
[Cut-grass	Leersia oryzoides
Deptford Pink (in respect of England and Wales only)	Dianthus armeria**]**[3]
Diapensia	Diapensia lapponica
[Dock, Shore **[** (in respect of section 13(2) only) **]** [5]	Rumex rupestris

Common name	***Scientific name***
Earwort, Marsh	Jamesoniella undulifolia**]**[4]
Eryngo, Field	Eryngium campestre
[Feather-moss, Polar	Hygrohypnum polare**]**[3]
Fern, Dickie's Bladder	Cystopteris dickieana
Fern, Killarney **[** (in respect of section 13(2) only) **]** [5]	Trichomanes speciosum
[Flapwort, Norfolk	Leiocolea rutheana**]**[4]
[Stack Fleawort, South	Tephroseris integrifolia (ssp maritima)**]**[3]
[Fleabane, Alpine **]** [1]	**[** Erigeron borealis **]** [2]
[Fleabane, Small **]** [1]	**[** Pulicaria vulgaris **]** [2]
Galingale, Brown	Cyperus fuscus
[Frostwort, Pointed	Gymnomitrion apiculatum**]**[4]
[Fungus, Hedgehog	Hericium erinaceum**]**[3]
Gentian, Alpine	Gentiana nivalis
[Gentian, Dune	Gentianella uliginosa**]**[4]
[Gentian, Early **[** (in respect of section 13(2) only) **]** [5]	Gentianella anglica**]**[4]
[Gentian, Fringed **]** [1]	**[** Gentianella ciliata **]** [2]
Gentian, Spring	Gentiana verna
[Germander, Cut-leaved **]** [1]	**[** Teucrium botrys **]** [2]
Germander, Water	Teucrium scordium
Gladiolus, Wild	Gladiolus illyricus
[Goblin Lights	Catolechia wahlenbergii**]**[3]
[Goosefoot, Stinking **]** [1]	**[** Chenopodium vulvaria **]** [2]
[Grass-poly **]** [1]	**[** Lythrum hyssopifolia **]** [2]
[Grimmia, Blunt-leaved	Grimmia unicolor
Gyalecta, Elm	Gyalecta ulmi**]**[4]
Hare's-ear, Sickle-leaved	Bupleurum falcatum
Hare's-ear, Small	Bupleurum baldense
[Hawk's-beard, Stinking **]** [1]	**[** Crepis foetida **]** [2]
[Hawkweed, Northroe	Hieracium northroense
Hawkweed, Shetland	Hieracium zetlandicum
Hawkweed, Weak-leaved	Hieracium attenuatifolium**]**[4]
Heath, Blue	Phyllodoce caerulea
Helleborine, Red	Cephalanthera rubra
[…	…**]**[6]
[Horsetail, Branched **]** [1]	**[** Equisetum ramosissimum **]** [2]
[Hound's-tongue, Green **]** [1]	**[** Cynoglossum germanicum **]** [2]
Knawel, Perennial	Scleranthus perennis
Knotgrass, Sea	Polygonum maritimum
Lady's-slipper **[** (in respect of section 13(2) only) **]** [5]	Cypripedium calceolus
[…	…
	…**]**[7]

Common name	***Scientific name***
[[…	…**]**[6]
Lecanora, Tarn	Lecanora archariana
Lecidea, Copper	Lecidea inops
Lichen, Arctic Kidney	Nephroma arcticum
Lichen, Ciliate Strap	Heterodermia leucomelos
Lichen, Coralloid Rosette	Heterodermia propagulifera
Lichen, Ear-lobed Dog	Peltigera lepidophora
Lichen, Forked Hair	Bryoria furcellata
Lichen, Golden Hair	Teloschistes flavicans
Lichen, Orange Fruited Elm	Caloplaca luteoalba
Lichen, River Jelly	Collema dichotomum
Lichen, Scaly Breck	Squamarina lentigera
Lichen, Stary Breck	Buellia asterella**]**[4]
Leek, Round-headed	Allium sphaerocephalon
Lettuce, Least	Lactuca saligna
Lily, Snowdon	Lloydia serotina
[Liverwort	Petallophyllum ralfsi
Liverwort, Lindenberg's Leafy	Adelanthus lindenbergianus**]**[4]
Marsh-mallow, Rough	Althaea hirsuta
[Marshwort, Creeping **]** [1] **[** (in respect of section 13(2) only) **]** [5]	**[** Apium repens **]** [2]
[Milk-parsley, Cambridge **]** [1]	**[** Selinum carvifolia **]** [2]
[Moss	Drepanocladius vernicosus
Moss, Alpine Copper	Mielichoferia mielichoferi
Moss, Baltic Bog	Sphagnum balticum
Moss, Blue Dew	Saelania glaucescens
Moss, Blunt-leaved Bristle	Orthotrichum obtusifolium
Moss, Bright Green Cave	Cyclodictyon laetevirens
Moss, Cordate Beard	Barbula cordata
Moss, Cornish Path	Ditrichum cornubicum
Moss, Derbyshire Feather	Thamnobryum angustifolium
[…	…**]**[6]
[Moss, Flamingo	Desmatodon cernuus**]**[3]
Moss, Glaucous Beard	Barbula glauca
Moss, Green Shield	Buxbaumia viridis
Moss, Hair Silk	Plagiothecium piliferum
Moss, Knothole	Zygodon forsteri
Moss, Large Yellow Feather	Scorpidium turgescens
Moss, Millimetre	Micromitrium tenerum
Moss, Multifruited River	Cryphaea lamyana
Moss, Nowell's Limestone	Zygodon gracilis
Moss, Rigid Apple	Bartramia stricta

Common name	***Scientific name***
Moss, Round-leaved Feather	Rhyncostegium rotundifolium
Moss, Schleicher's Thread	Bryum schleicheri
Moss, Triangular Pygmy	Acaulon triquetrum
Moss, Vaucher's Feather	Hypnum vaucheri
Mudwort, Welsh	Limosella australis**]**[4]
[Naiad, Holly-leaved **]** [1]	**[** Najas marina **]** [2]
[Naiad, Slender **[** (in respect of section 13(2) only) **]** [5]	Najas flexilis**]**[4]
[Orache, Stalked	Halimione pedunculata**]**[4]
Orchid, Early Spider	Ophrys sphegodes
Orchid, Fen **[** (in respect of section 13(2) only) **]** [5]	Liparis loeselii
Orchid, Ghost	Epipogium aphyllum
[Orchid, Lapland Marsh	Dactylorhiza lapponica**]**[4]
Orchid, Late Spider	Ophrys fuciflora
Orchid, Lizard	Himantoglossum hircinum
Orchid, Military	Orchis militaris
Orchid, Monkey	Orchis simia
[Pannaria, Caledonia	Pannaria ignobilis
Parmelia, New Forest	Parmelia minarum
Parmentaria, Oil Stain	Parmentaria chilensis**]**[4]
Pear, Plymouth	Pyrus cordata
[Penny-cress, Perfoliate	Thlaspi perfoliatum**]**[4]
[Pennyroyal **]** [1]	**[** Mentha pulegium **]** [2]
[Pertusaria, Alpine Moss	Pertusaria bryontha
Physcia, Southern Grey	Physcia tribacioides**]**[4]
[Pigmyweed **]** [1]	**[** Crassula aquatica **]** [2]
[Pine, Ground	Ajuga chamaepitys**]**[4]
Pink, Cheddar	Dianthus gratianopolitanus
Pink, Childling	Petroraghia nanteuilii
[Plantain, Floating Water **[** (in respect of section 13(2) only) **]** [5]	Luronium natans
[Polypore, Oak	Buglossoporus pulvinus**]**[3]
Pseudocyphellaria, Ragged	Pseudocyphellaria lacerata
Psora, Rusty Alpine	Psora rubiformis**]**[4]
[Puffball, Sandy Stilt	Battarraea phalloides**]**[3]
[Ragwort, Fen **]** [1]	**[** Senecio paludosus **]** [2]
[Ramping-fumitory, Martin's **]** [1]	**[** Fumaria martinii **]** [2]
[Rampion, Spiked	Phyteuma spicatum**]**[4]
[Restharrow, Small **]** [1]	**[** Ononis reclinata **]** [2]
[Rock-cress, Alpine **]** [1]	**[** Arabis alpina **]** [2]
[Rock-cress, Bristol **]** [1]	**[** Arabis stricta **]** [2]
[Rock Nail	Calicium corynellum**]**[8]
[Rustworth, Western	Marsupella profunda**]**[4]

Westlaw UK

Common name	***Scientific name***
Sandwort, Norwegian	Arenaria norvegica
Sandwort, Teesdale	Minuartia stricta
Saxifrage, Drooping	Saxifraga cernua
[Saxifrage, Marsh **[** (in respect of section 13(2) only) **]** [5]	Saxifrage hirulus**]**[4]
Saxifrage, Tufted	Saxifraga cespitosa
Solomon's-seal, Whorled	Polygonatum verticillatum
[Solenopsora, Serpentine	Solenopsora liparina**]**[4]
Sow-thistle, Alpine	Cicerbita alpina
Spearwort, Adder's-tongue	Ranunculus ophioglossifolius
[Speedwell, Fingered **]** [1]	**[** Veronica triphyllos **]** [2]
Speedwell, Spiked	Veronica spicata
[Spike-rush, Dwarf	Eleocharis parvula**]**[3]
[…	…**]**[7]
[Star-of-Bethlehem, Early **]** [1]	**[** Gagea bohemica **]** [2]
Starfruit	Damasonium alisma
[Stonewort, Bearded	Chara canescens**]**[4]
[Stonewort, Foxtail **]** [1]	**[** Lamprothamnium papulosum **]** [2]
[Strapwort **]** [1]	**[** Corrigiola litoralis **]** [2]
[Sulphur-tresses, Alpine	Alectoria ochroleuca
[…	…**]**[6] **]**[3]
[Tree Lungwort (in respect of section 13(2) only)	Lobaria pulmonaria**]**[8]
[Turpswort	Geocalyx graveolens**]**[4]
[Viper's-grass **]** [1]	**[** Scorzonera humilis **]** [2]
Violet, Fen	Viola persicifolia
Water-plantain, Ribbon-leaved	Alisma gramineum
Wood-sedge, Starved	Carex depauperata
Woodsia, Alpine	Woodsia alpina
Woodsia, Oblong	Woodsia ilvensis
Wormwood, Field	Artemisia campestris
Woundwort, Downy	Stachys germanica
Woundwort, Limestone	Stachys alpina
Yellow-rattle, Greater	Rhinanthus serotinus

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.

Notes

1 Entry inserted by S.I. 1988/288, art. 3

2 S.I. 1988/288, art. 3

3 Entries added by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1998/878 art.3 (March 27, 1998 for the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (Margaritifera margaritifera); otherwise April 16, 1998)

[4] Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992/2350 art.3(1) (October 29, 1992)

[5] Amended by Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007/1843 reg.7(8) (August 21, 2007)

[6] Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011/2015 Sch.4 para.1 (October 1, 2011)

[7] Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1992/2350 art.3(2) (October 29, 1992)

[8] Entries inserted by Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011/2015 Sch.3 para.1 (October 1, 2011)

Scotland

[

Scientific name	***Common name***
Ophioglossum lusitanicum	Adder's-tongue, Least
Alyssum alyssoides	Alison, Small
Anomodon longifolius	Anomodon, Long-leaved
Enterographa elaborata	Beech-lichen, New Forest
Southbya nigrella	Blackwort
Hyacinthoides non-scripta	Bluebell (in respect of section 13(2) only)
Boletus regius	Bolete, Royal
Orobanche caryophyllacea	Broomrape, Bedstraw
Orobanche loricata	Broomrape, Oxtongue
Orobanche reticulata	Broomrape, Thistle
Rhynchosinapis wrightii	Cabbage, Lundy
Calamintha sylvatica	Calamint, Wood
Caloplaca nivalis	Caloplaca, Snow
Catapyrenium psoromoides	Catapyrenium, Tree
Lychnis alpina	Catchfly, Alpine
Catellaria laureri	Catillaria, Laurer's
Centaurium tenuiflorum	Centaury, Slender
Potentilla rupestris	Cinquefoil, Rock
Cladonia convoluta	Cladonia, Convoluted
Cladonia stricta	Cladonia, Upright Mountain
Salvia pratensis	Clary, Meadow
Scirpus triquetrus	Club-rush, Triangular
Homogyne alpina	Colt's-foot, Purple
Cotoneaster integerrimus	Cotoneaster, Wild
Eriophorum gracile	Cottongrass, Slender
Melampyrum arvense	Cow-wheat, Field
Romulea columnae	Crocus, Sand

Scientific name	***Common name***
Riccia bifurca	Crystalwort, Lizard
Filago pyramidata	Cudweed, Broad-leaved
Gnaphalium luteoalbum	Cudweed, Jersey
Filago lutescens	Cudweed, Red-tipped
Leersia oryzoides	Cut-grass
Dianthus armeria	Deptford Pink (in respect of England and Wales only)
Diapensia lapponica	Diapensia
Jamesoniella undulifolia	Earwort, Marsh
Eryngium campestre	Eryngo, Field
Hygrohypnum polare	Feather-moss, Polar
Cystopteris dickieana	Fern, Dickie's Bladder
Leiocolea rutheana	Flapwort, Norfolk
Tephroseris integrifolia (ssp maritima)	Stack Fleawort, South
Erigeron borealis	Fleabane, Alpine
Pulicaria vulgaris	Fleabane, Small
Cyperus fuscus	Galingale, Brown
Gymnomitrion apiculatum	Frostwort, Pointed
Hericium erinaceum	Fungus, Hedgehog
Gentiana nivalis	Gentian, Alpine
Gentianella uliginosa	Gentian, Dune
Gentianella ciliata	Gentian, Fringed
Gentiana verna	Gentian, Spring
Teucrium botrys	Germander, Cut-leaved
Teucrium scordium	Germander, Water
Gladiolus illyricus	Gladiolus, Wild
Catolechia wahlenbergii	Goblin Lights
Chenopodium vulvaria	Goosefoot, Stinking
Lythrum hyssopifolia	Grass-poly
Grimmia unicolor	Grimmia, Blunt-leaved
Gyalecta ulmi	Gyalecta, Elm
Bupleurum falcatum	Hare's-ear, Sickle-leaved
Bupleurum baldense	Hare's-ear, Small
Crepis foetida	Hawk's-beard, Stinking
Hieracium northroense	Hawkweed, Northroe
Hieracium zetlandicum	Hawkweed, Shetland
Hieracium attenuatifolium	Hawkweed, Weak-leaved
Phyllodoce caerulea	Heath, Blue
Cephalanthera rubra	Helleborine, Red
Epipactis youngiana	Helleborine, Young's
Equisetum ramosissimum	Horsetail, Branched
Cynoglossum germanicum	Hound's-tongue, Green

Scientific name	***Common name***
Scleranthus perennis	Knawel, Perennial
Polygonum maritimum	Knotgrass, Sea
Lecanactis hemisphaerica	Lecanactis, Churchyard
Lecanora archariana	Lecanora, Tarn
Lecidea inops	Lecidea, Copper
Nephroma arcticum	Lichen, Arctic Kidney
Heterodermia leucomelos	Lichen, Ciliate Strap
Heterodermia propagulifera	Lichen, Coralloid Rosette
Peltigera lepidophora	Lichen, Ear-lobed Dog
Bryoria furcellata	Lichen, Forked Hair
Teloschistes flavicans	Lichen, Golden Hair
Caloplaca luteoalba	Lichen, Orange Fruited Elm
Collema dichotomum	Lichen, River Jelly
Squamarina lentigera	Lichen, Scaly Breck
Buellia asterella	Lichen, Stary Breck
Allium sphaerocephalon	Leek, Round-headed
Lactuca saligna	Lettuce, Least
Lloydia serotina	Lily, Snowdon
Petallophyllum ralfsi	Liverwort
Adelanthus lindenbergianus	Liverwort, Lindenberg's Leafy
Althaea hirsuta	Marsh-mallow, Rough
Selinum carvifolia	Milk-parsley, Cambridge
Drepanocladius vernicosus	Moss
Mielichoferia mielichoferi	Moss, Alpine Copper
Sphagnum balticum	Moss, Baltic Bog
Saelania glaucescens	Moss, Blue Dew
Orthotrichum obtusifolium	Moss, Blunt-leaved Bristle
Cyclodictyon laetevirens	Moss, Bright Green Cave
Barbula cordata	Moss, Cordate Beard
Ditrichum cornubicum	Moss, Cornish Path
Thamnobryum angustifolium	Moss, Derbyshire Feather
Bryum mamillatum	Moss, Dune Thread
Desmatodon cernuus	Moss, Flamingo
Barbula glauca	Moss, Glaucous Beard
Buxbaumia viridis	Moss, Green Shield
Plagiothecium piliferum	Moss, Hair Silk
Zygodon forsteri	Moss, Knothole
Scorpidium turgescens	Moss, Large Yellow Feather
Micromitrium tenerum	Moss, Millimetre
Cryphaea lamyana	Moss, Multifruited River
Zygodon gracilis	Moss, Nowell's Limestone

Scientific name	***Common name***
Bartramia stricta	Moss, Rigid Apple
Rhyncostegium rotundifolium	Moss, Round-leaved Feather
Bryum schleicheri	Moss, Schleicher's Thread
Acaulon triquetrum	Moss, Triangular Pygmy
Hypnum vaucheri	Moss, Vaucher's Feather
Limosella australis	Mudwort, Welsh
Najas marina	Naiad, Holly-leaved
Halimione pedunculata	Orache, Stalked
Ophrys sphegodes	Orchid, Early Spider
Epipogium aphyllum	Orchid, Ghost
Dactylorhiza lapponica	Orchid, Lapland Marsh
Ophrys fuciflora	Orchid, Late Spider
Himantoglossum hircinum	Orchid, Lizard
Orchis militaris	Orchid, Military
Orchis simia	Orchid, Monkey
Pannaria ignobilis	Pannaria, Caledonia
Parmelia minarum	Parmelia, New Forest
Parmentaria chilensis	Parmentaria, Oil Stain
Pyrus cordata	Pear, Plymouth
Thlaspi perfoliatum	Penny-cress, Perfoliate
Mentha pulegium	Pennyroyal
Pertusaria bryontha	Pertusaria, Alpine Moss
Physcia tribacioides	Physcia, Southern Grey
Crassula aquatica	Pigmyweed
Ajuga chamaepitys	Pine, Ground
Dianthus gratianopolitanus	Pink, Cheddar
Petroraghia nanteuilii	Pink, Childling
Buglossoporus pulvinus	Polypore, Oak
Pseudocyphellaria lacerata	Pseudocyphellaria, Ragged
Psora rubiformis	Psora, Rusty Alpine
Battarraea phalloides	Puffball, Sandy Stilt
Senecio paludosus	Ragwort, Fen
Fumaria martinii	Ramping-fumitory, Martin's
Phyteuma spicatum	Rampion, Spiked
Ononis reclinata	Restharrow, Small
Arabis alpina	Rock-cress, Alpine
Arabis stricta	Rock-cress, Bristol
Marsupella profunda	Rustworth, Western
Arenaria norvegica	Sandwort, Norwegian
Minuartia stricta	Sandwort, Teesdale
Saxifraga cernua	Saxifrage, Drooping

Scientific name	***Common name***
Saxifraga cespitosa	Saxifrage, Tufted
Polygonatum verticillatum	Solomon's-seal, Whorled
Solenopsora liparina	Solenopsora, Serpentine
Cicerbita alpina	Sow-thistle, Alpine
Ranunculus ophioglossifolius	Spearwort, Adder's-tongue
Veronica triphyllos	Speedwell, Fingered
Veronica spicata	Speedwell, Spiked
Eleocharis parvula	Spike-rush, Dwarf
Gagea bohemica	Star-of-Bethlehem, Early
Damasonium alisma	Starfruit
Chara canescens	Stonewort, Bearded
Lamprothamnium papulosum	Stonewort, Foxtail
Corrigiola litoralis	Strapwort
Alectoria ochroleuca	Sulphur-tresses, Alpine
Bryum neodamense	Threadmoss, Long-leaved
Geocalyx graveolens	Turpswort
Scorzonera humilis	Viper's-grass
Viola persicifolia	Violet, Fen
Alisma gramineum	Water-plantain, Ribbon-leaved
Carex depauperata	Wood-sedge, Starved
Woodsia alpina	Woodsia, Alpine
Woodsia ilvensis	Woodsia, Oblong
Artemisia campestris	Wormwood, Field
Stachys germanica	Woundwort, Downy
Stachys alpina	Woundwort, Limestone
Rhinanthus serotinus	Yellow-rattle, Greater

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.
] [1]

Notes

[1] Entries repealed by Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007/80 (Scottish SI) Pt III reg.29 (February 15, 2007)

Commencement

Sch. 8 para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 8 para. 1: England, Wales, Scotland

SCHEDULE 9

ANIMALS AND PLANTS TO WHICH SECTION 14 APPLIES

Sections 14 and 22

PART I

[NON-NATIVE] [1] ANIMALS WHICH ARE ESTABLISHED IN THE WILD [[W.]; NON-NATIVE ANIMALS WHICH ARE ESTABLISHED IN THE WILD [E.]; [...] [S.]] [2]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(2) (April 12, 2015 as SI 2015/990)

2 Words inserted by Infrastructure Act 2015 c. 7 Pt 4 s.24(2) (March 5, 2015 as SI 2015/481)

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

Partially Repealed

Wales

[

Common name	*Scientific name*
Bass, Large-mouthed Black	Micropterus salmoides
Bass, Rock	Ambloplites rupestris
Bitterling	Rhodeus sericeus
[…	…
…	…
…	…
…	…
…	…][2]
[…	…][3]
[…	…][4]
[…	…][2]
Crayfish, Noble	Astacus astacus
[…	…
…	…

Common name	***Scientific name***
…	…[4]
Crayfish, Turkish	Astacus leptodactylus
Deer, any hybrid one of whose parents or other lineal ancestor was a Sika Deer	Any hybrid of Cervus nippon
[…	…
…	…
…	…[3]
Deer, Chinese Water	Hydropotes inermis
[…	…[4]
Deer, Sika	Cervus nippon
Dormouse, Fat	Glis glis
Duck, Carolina Wood	Aix sponsa
Duck, Mandarin	Aix galericulata
[…	…[4]
[…	…[2]
Flatworm	Kontikia andersoni
Flatworm	Kontikia ventrolineata
Flatworm, Australian	Australoplana sanguinea
Frog, Edible	Rana esculenta
Frog, European Tree (otherwise known as Common tree frog)	Hyla arborea
Flatworm, New Zealand	Artiposthia triangulata
Frog, Marsh	Rana ridibunda
[…	…[3]
Goose, Bar-headed	Anser indicus
Goose, Barnacle	Branta leucopsis
Goose, Canada	Branta canadensis
[…	…[4]
Goose, Emperor	Anser canagicus
Goose, Snow	Anser caerulescens
[…	…[2]
Heron, Night	Nycticorax nycticorax
[…	…[2]
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
[…	…[2]
Owl, Eagle	Bubo bubo
Oyster Drill, American	Urosalpinx cinerea

Common name	***Scientific name***
Parakeet, Monk	Myiopsitta monachus
Pochard, Red-crested	Netta rufina
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
[…	…
…	…**]**[3]
Pumpkinseed (otherwise known as Sun-fish or Pond-perch)	Lepomis gibbosus
[…	…**]**[3]
Rat, Black	Rattus rattus
Shelduck, Ruddy	Tadorna ferruginea
Snake, Aesculapian	Elaphe longissima
[…	…**]**[4]
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

] [1]

Notes

1 Entries added by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(2) (April 6, 2010)

2 Entries repealed by Infrastructure Act 2015 c. 7 Pt 4 s.24(3) (April 12, 2015 as SI 2015/990)

3 Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(3) (April 6, 2010)

4 Entries repealed by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(a) (October 1, 2019)

England

[

Common name	***Scientific name***
Bass, Large-mouthed Black	Micropterus salmoides

Common name	***Scientific name***
Bass, Rock	Ambloplites rupestris
Bitterling	Rhodeus sericeus
[…	…
…	…
…	…
…	…
…	…][2]
[…	…][3]
[…	…][4]
[…	…][2]
Crayfish, Noble	Astacus astacus
[…	…
…	…
…	…][4]
Crayfish, Turkish	Astacus leptodactylus
Deer, any hybrid one of whose parents or other lineal ancestor was a Sika Deer	Any hybrid of Cervus nippon
[…	…
…	…
…	…][3]
Deer, Chinese Water	Hydropotes inermis
[…	…][4]
Deer, Sika	Cervus nippon
Dormouse, Fat	Glis glis
Duck, Carolina Wood	Aix sponsa
Duck, Mandarin	Aix galericulata
[…	…][4]
[…	…][2]
Flatworm	Kontikia andersoni
Flatworm	Kontikia ventrolineata
Flatworm, Australian	Australoplana sanguinea
Frog, Edible	Rana esculenta
Frog, European Tree (otherwise known as Common tree frog)	Hyla arborea
Flatworm, New Zealand	Artiposthia triangulata
Frog, Marsh	Rana ridibunda
[…	…][3]
Goose, Bar-headed	Anser indicus
Goose, Barnacle	Branta leucopsis
Goose, Canada	Branta canadensis
[…	…][4]
Goose, Emperor	Anser canagicus

Common name	***Scientific name***
Goose, Snow	Anser caerulescens
[…	…**]**[2]
Heron, Night	Nycticorax nycticorax
[…	…**]**[2]
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
[…	…**]**[2]
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
[…	…
…	…**]**[3]
Pumpkinseed (otherwise known as Sun-fish or Pond-perch)	Lepomis gibbosus
[…	…**]**[3]
Rat, Black	Rattus rattus
Shelduck, Ruddy	Tadorna ferruginea
Snake, Aesculapian	Elaphe longissima
[…	…**]**[4]
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

] [1]

Notes

1 Entries added by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(2) (April 6, 2010)

2 Entries repealed by Infrastructure Act 2015 c. 7 Pt 4 s.24(3) (March 5, 2015 as SI 2015/481)

3 Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(3) (April 6, 2010)

4 Entries repealed by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(a) (October 1, 2019)

Scotland

[...][1]

Notes

1 Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(8) (July 2, 2012)

Commencement

Sch. 9(I) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 9(I) para. 1: England, Wales, Scotland

[PART IA

NATIVE ANIMALS

][1]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(4) (March 5, 2015 as SI 2015/481)

In relation to Wales the text of this provision has only been partially reproduced as amended. Please refer to the wholly reproduced provision for the remainig text as it relates to Scotland and Wales | England

Partially In Force

Scotland and Wales

[NOTE: not yet in force otherwise.]

Wales

[PART IA

NATIVE ANIMALS

Common name	*Scientific name*
Capercaillie	Tetrao urogallus
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crane, Common	Grus grus
Eagle, White-tailed	Haliaetus albicilla
Goshawk	Accipiter gentilis
Kite, Red	Milvus milvus
Owl, Barn	Tyto alba.

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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(4) (April 12, 2015 as SI 2015/990)

England

[

Common name	*Scientific name*
Capercaillie	Tetrao urogallus
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crane, Common	Grus grus
Eagle, White-tailed	Haliaetus albicilla
Goshawk	Accipiter gentilis
Kite, Red	Milvus milvus
Owl, Barn	Tyto alba.

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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(4) (March 5, 2015 as SI 2015/481)

Extent

Sch. 9(1A) para. 1: England, Wales, Scotland

[PART IB

ANIMALS NO LONGER NORMALLY PRESENT

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(5) (March 5, 2015 as SI 2015/481)

In relation to Wales the text of this provision has only been partially reproduced as amended. Please refer to the wholly reproduced provision for the remainig text as it relates to Scotland and Wales | England

Partially In Force

Scotland and Wales

[NOTE: not yet in force otherwise.]

Wales

[PART IB

ANIMALS NO LONGER NORMALLY PRESENT

Common name	*Scientific name*
Beaver, Eurasian **[…]**[2]	Castor fiber
Boar, Wild	Sus Scrofa.

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.

] [1]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(5) (April 12, 2015 as SI 2015/990)

2 Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (Wales) Order 2015/1180 art.2 (May 11, 2015)

England

[

Common name	*Scientific name*
Beaver, Eurasian **[…]**[2]	Castor fiber
Boar, Wild	Sus Scrofa.

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.
] [1]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.24(5) (March 5, 2015 as SI 2015/481)

2 Words repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (Wales) Order 2015/1180 art.2 (May 11, 2015)

Extent

Sch. 9(IB) para. 1: England, Wales, Scotland

PART II

PLANTS

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

Partially Repealed

Wales

Common name	***Scientific name***
[Alexanders, Perfoliate	Smyrnium perfoliatum
Algae, Red	Grateloupia luxurians
Archangel, Variegated Yellow	Lamiastrum galeobdolon subsp. argentatum
Azalea, Yellow	Rhododendron luteum
[…	…**]**[2]
Cotoneaster	Cotoneaster horizontalis
Cotoneaster, Entire-leaved	Cotoneaster integrifolius
Cotoneaster, Himalayan	Cotoneaster simonsii
Cotoneaster, Hollyberry	Cotoneaster bullatus
Cotoneaster, Small-leaved	Cotoneaster microphyllus
Creeper, False Virginia	Parthenocissus inserta
Creeper, Virginia	Parthenocissus quinquefolia
Dewplant, Purple	Disphyma crassifolium
[…	…**]**[2]
Fern, Water	Azolla filiculoides
Fig, Hottentot	Carpobrotus edulis
Garlic, Three-cornered	Allium triquetrum**]**[1]
[…	…
…	…**]**[2]
[Kelp, Giant	Macrocystis angustifolia
Kelp, Giant	Macrocystis integrifolia
Kelp, Giant	Macrocystis laevis
Kelp, Japanese	Laminaria japonica**]**[3]
Kelp, Giant	Macrocystis pyrifera
[Knotweed, Giant	Fallopia sachalinensis
Knotweed, Hybrid	Fallopia japonica × Fallopia sachalinensis
Knotweed, Japanese	Fallopia japonica**]**[1]
[…	…**]**[4]
[Leek, Few-flowered	Allium paradoxum
Lettuce, Water	Pistia stratiotes
Montbretia	Crocosmia × crocosmiiflora
[…	…
…	…**]**[2]
Potato, Duck	Sagittaria latifolia
[…	…
…	…**]**[2]
Primrose, Water	Ludwigia uruguayensis
Rhododendron	Rhododendron ponticum
Rhododendron	Rhododendron ponticum × Rhododendron maximum
[…	…**]**[2]

Common name	***Scientific name***
Rose, Japanese	Rosa rugosa
Salvinia, Giant	Salvinia molesta
Seafingers, Green	Codium fragile**]**[1]
[[…	…**]**[4]
Seaweed, Californian Red	Pikea californica
Seaweed, Hooked Asparagus	Asparagopsis armata
Seaweeds, Laver (except native species)	Porphyra spp except-
	p. amethystea
	p. leucosticta
	p. linearis
	p. miniata
	p. purpurea
	p. umbilicalis**]**[3]
Seaweed, Japanese	Sargassum muticum
[Stonecrop, Australian Swamp (otherwise known as New Zealand Pygmyweed)	Crassula helmsii**]**[1]
[Wakame	Undaria pinnatifida.**]**[3]
[…	…**]**[2]
[Waterweeds (except Nuttall's Waterweed)	All species of the genus Elodea, except Elodea nuttallii.**]**[5]

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.

Notes

1 Entries added by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(4) (April 6, 2010)

2 Entries repealed by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(b)(i) (October 1, 2019)

3 Table entries added by Wildlife and Countryside Act 1981 (Variation of Schedule) Order 1992/320 art.3 (March 17, 1992)

4 Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(5) (April 6, 2010)

5 Entry substituted by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(b)(ii) (October 1, 2019)

England

[

Common name	***Scientific name***
Alexanders, Perfoliate	Smyrnium perfoliatum
Algae, Red	Grateloupia luxurians

Common name	***Scientific name***
Archangel, Variegated Yellow	Lamiastrum galeobdolon subsp. argentatum
Azalea, Yellow	Rhododendron luteum
[…	…**]**[2]
Cotoneaster	Cotoneaster horizontalis
Cotoneaster, Entire-leaved	Cotoneaster integrifolius
Cotoneaster, Himalayan	Cotoneaster simonsii
Cotoneaster, Hollyberry	Cotoneaster bullatus
Cotoneaster, Small-leaved	Cotoneaster microphyllus
Creeper, False Virginia	Parthenocissus inserta
Creeper, Virginia	Parthenocissus quinquefolia
Dewplant, Purple	Disphyma crassifolium
[…	…**]**[2]
Fern, Water	Azolla filiculoides
Fig, Hottentot	Carpobrotus edulis
Garlic, Three-cornered	Allium triquetrum
[…	…
…	…**]**[2]
Kelp, Giant	Macrocystis angustifolia
Kelp, Giant	Macrocystis integrifolia
Kelp, Giant	Macrocystis laevis
Kelp, Japanese	Laminaria japonica
Kelp, Giant	Macrocystis pyrifera
Knotweed, Giant	Fallopia sachalinensis
Knotweed, Hybrid	Fallopia japonica × Fallopia sachalinensis
Knotweed, Japanese	Fallopia japonica
[…	…**]**[3]
Leek, Few-flowered	Allium paradoxum
Lettuce, Water	Pistia stratiotes
Montbretia	Crocosmia × crocosmiiflora
[…	…
…	…**]**[2]
Potato, Duck	Sagittaria latifolia
[…	…
…	…**]**[2]
Primrose, Water	Ludwigia uruguayensis
Rhododendron	Rhododendron ponticum
Rhododendron	Rhododendron ponticum × Rhododendron maximum
[…	…**]**[2]
Rose, Japanese	Rosa rugosa
Salvinia, Giant	Salvinia molesta
Seafingers, Green	Codium fragile

Common name	***Scientific name***
[…	…**]**[3]
Seaweed, Californian Red	Pikea californica
Seaweed, Hooked Asparagus	Asparagopsis armata
Seaweeds, Laver (except native species)	Porphyra spp except-
	p. amethystea
	p. leucosticta
	p. linearis
	p. miniata
	p. purpurea
	p. umbilicalis
Seaweed, Japanese	Sargassum muticum
Stonecrop, Australian Swamp (otherwise known as New Zealand Pygmyweed)	Crassula helmsii
Wakame	Undaria pinnatifida.
[…	…**]**[2]
[Waterweeds (except Nuttall's Waterweed)	All species of the genus Elodea, except Elodea nuttallii.**]**[4]

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.
] [1]

Notes

1 Entries added by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(4) (April 6, 2010)

2 Entries repealed by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(b)(i) (October 1, 2019)

3 Entries repealed by Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010/609 art.2(5) (April 6, 2010)

4 Entry substituted by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(3)(b)(ii) (October 1, 2019)

Scotland

[…][1]

Notes

1 Repealed by Wildlife and Natural Environment (Scotland) Act 2011 asp 6 (Scottish Act) Pt 2 s.17(8) (July 2, 2012)

Commencement

Sch. 9(II) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 9(II) para. 1: England, Wales, Scotland

[SCHEDULE 9A

SPECIES CONTROL AGREEMENTS AND ORDERS (ENGLAND AND WALES)

Section 14(4A)

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[PART 1

OVERVIEW AND INTERPRETATION

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[1 Overview

(1) **[…]**[2] 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) a species of animal or plant included on the **[** list of species of special concern **]** [4] ,

(b) an invasive non-native species of animal or plant not falling within sub-paragraph (a), or

(c) a species of animal that is no longer normally present in Great Britain. **]** [3]

(3) The following definitions apply for the purposes of this Schedule.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

[3] Sch.9 Pt 1 para.1(2)(a)-(c) substituted for Sch.9 Pt 1 para.1(2)(a) and (b) by Invasive Alien Species (Enforcement and Permitting) Order 2019/527 Sch.4(1) para.1(4)(a) (October 1, 2019)

[4] Words substituted by Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019/1220 Pt 5 reg.6(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

Sch. 9A(1) para. 1(1)-(3): England, Wales

Law In Force

[2 Definitions relating to species

(1) **[…]**[2] "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.

[(6) The "list of species of special concern" means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council, as amended from time to time. **]** [3]
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

[3] Substituted by Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019/1220 Pt 5 reg.6(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1)

Extent

Sch. 9A(1) para. 2(1)-(6): England, Wales

Law In Force

[3 Environmental authorities

(1) **[…]**[2] "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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(1) para. 3(1)-(2)(b): England, Wales

Law In Force

[4 Owners and dwellings

(1) **[…]**[2] "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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(1) para. 4(1)-(2): England, Wales

Law In Force

[5 Operations

(1) **[…]**[2] "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. **]** [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(1) para. 5(1)-(2): England, Wales

[PART 2

SPECIES CONTROL AGREEMENTS

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[6 Making of species control agreements

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(2) para. 6(1)-(5): England, Wales

Law In Force

[7 Content of species control agreements

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(2) para. 7(1)-(3)(c): England, Wales

Law In Force

[8 Notice of compliance

[…][2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(2) para. 8: England, Wales

Law In Force

[9 Liability

[…][2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(2) para. 9: England, Wales

[PART 3

SPECIES CONTROL ORDERS

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[When a species control order may be made] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[10

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 10(1)-(5): England, Wales

[What an order must do] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[11

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 11(1)-(3): England, Wales

Law In Force

[12

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 12(1)-(2)(b): England, Wales

[What an order may do] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[13

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 13(1)-(2)(e): England, Wales

[Notice] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[14

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 14(1)-(3)(b): England, Wales

[Revocation] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[15

(1) **[…]**[2] An environmental authority may at any time revoke a species control order made by it. This does not stop it from making another one in respect of the same premises.

(2) Notice of revocation must be given as specified in paragraph 14 (but reasons need not be given). **]** [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 15(1)-(2): England, Wales

[Appeals] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[16

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 16(1)-(2)(d): England, Wales

[Notice of compliance] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[17

[…][2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 17: England, Wales

[Enforcement] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[18

(1) **[…]**[2] 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).
] [1]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

2 Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 18(1)-(6): England, Wales

[Offences] [1]

Notes

1 Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[19

(1) **[…]**[2] 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 subparagraph (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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 19(1)-(5): England, Wales

[Liability] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[20

(1) **[…]**[2] 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).

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(3) para. 20(1)-(2)(b)(ii): England, Wales

[PART 4

POWERS OF ENTRY

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[21 Powers of entry

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(4) para. 21(1)-(2): England, Wales

Law In Force

[22 Authorisation by justice of the peace

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(4) para. 22(1)-(4)(b): England, Wales

Law In Force

[23 Authorisation by environmental authority

(1) **[…]**[2] 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.
] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(4) para. 23(1)-(3): England, Wales

Law In Force

[24 Exercise of right of entry

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(4) para. 24(1)-(4): England, Wales

[PART 5

SUPPLEMENTARY

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[Compensation] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[25

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(5) para. 25(1)-(2): England, Wales

[Codes of practice] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

Law In Force

[26

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)
[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(5) para. 26(1)-(5)(b): England, Wales

Law In Force

[27

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(5) para. 27(1)-(5)(b): England, Wales

Law In Force

[28

(1) **[…]**[2] 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.

] [1]

Notes

[1] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/481)

[2] Added by Infrastructure Act 2015 c. 7 Pt 4 s.23(3) (April 12, 2015 as SI 2015/990)

Extent

Sch. 9A(5) para. 28(1)-(2)(b): England, Wales

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

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[SCHEDULE 9B

Invasive alien species: defences and licences

(introduced by sections 14AA(5) and 16(4B))

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

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

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[Part 1

Interpretation

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[1. Interpretation

In this schedule—

"Invasive Alien Species Regulation" means Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species,

"contained holding" means closed facilities from which escape or spread is not possible,

"ex-situ conservation" means the conservation of components of biological diversity outside their natural habitat,

"invasive alien species" means a species, sub-species or lower taxon of animal, plant, fungus or micro-organism included on the **[** Scottish list of species of special concern **]** [2] ,

"research" means descriptive or experimental work, undertaken under regulated conditions to obtain new scientific findings or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features, other than those features which make a species invasive, of invasive alien species only insofar as essential to enable the breeding of those features into non-invasive species,

["Scottish list of species of special concern" means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time, **]** [3]

"specimen" means a live specimen and includes any part, gamete, seed, egg or propagule of a species, as well as any hybrids, varieties or breeds that might grow, hatch or reproduce, as the case may be **[** . **]** [4]

[…][4]

] [1]

Notes

1 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

2 Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(5)(a) (December 31, 2020: shall come into force on IP completion day)

3 Definition inserted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(5)(b) (December 31, 2020: shall come into force on IP completion day)

4 Definition repealed by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(5)(c) (December 31, 2020: shall come into force on IP completion day)

Extent

Sch. 9B(1) para. 1 definition of "Invasive Alien Species Regulation"- definition of "Union list": England, Wales, Scotland

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

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[Part 2

Defences

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[2.— Companion animals

(1) This paragraph applies where—

(a) a person is charged with an offence under section 14ZC or 14AA,

(b) the charge relates to an animal, and

(c) the activity to which the charge relates contravenes one of the following paragraphs of Article 7(1) of the Invasive Alien Species Regulation—

(i) paragraph (b) (keeping, including in contained holding),

(ii) paragraph (d) (transporting to, from or within **[** Scotland **]**[2] , except for the transportation of species to facilities in the context of eradication).

(2) It is a defence to the charge to show that—

(a) immediately before the inclusion on the **[** Scottish list of species of special concern **]**[3] of the species to which the animal belongs, the animal was kept as a companion animal,

(b) at all material times the animal was kept—

(i) as a companion animal, or

(ii) for the purpose of transporting the animal to a place mentioned in sub-paragraph (3), and

(c) at all material times—

(i) the animal was kept in contained holding, and

(ii) appropriate measures were in place to ensure that it could not reproduce or escape.

(3) The places referred to in sub-paragraph (2)(b)(ii) are—

(a) an establishment to which a relevant licence or permit has been granted,

(b) a facility to which a relevant licence has been granted,

(c) a place where the animal was to be humanely killed.

(4) In sub-paragraph (3)—

(a) "relevant licence or permit" means, in relation to an establishment—

(i) a licence granted under section 16(4)(c) by virtue of paragraph 6,

(ii) a permit granted under article 35 of the Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527),

(iii) a permit granted under any provision in legislation which applies in relation to Northern Ireland and which enables a permit to be issued in accordance with Article 8 or 9 of the Invasive Alien Species Regulation,

(b) "relevant licence" means, in relation to a facility—

(i) a licence granted under section 16(4)(c) by virtue of paragraph 7,

(ii) a licence granted under article 36(1) of the Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527), for the purpose mentioned in article 36(2)(d) of that Order,

(iii) a licence granted under any provision in legislation which applies in relation to Northern Ireland and enables a licence to be issued for the keeping of an animal by a facility until the end of its natural life in accordance with Article 31(4) of the Invasive Alien Species Regulation.

][1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

[2] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(a)(i) (December 31, 2020: shall come into force on IP completion day)

[3] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(a)(ii) (December 31, 2020: shall come into force on IP completion day)

Extent

Sch. 9B(2) para. 2(1)-(4)(b)(iii): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[3.— Commercial stocks

(1) This paragraph applies where—

(a) a person who keeps a commercial stock of specimens of invasive alien species is charged with an offence under section 14ZC, 14A or 14AA,

(b) the charge relates to such a specimen, and

(c) the activity to which the charge relates contravenes one of the following paragraphs of Article 7(1) of the Invasive Alien Species Regulation—

(i) paragraph (b) (keeping, including in contained holding),

(ii) paragraph (d) (transporting to, from or within [Scotland] [2] , except for transportation of species to facilities in the context of eradication),

(iii) paragraph (e) (placing on the market),

(iv) paragraph (f) (using or exchanging).

(2) It is a defence to the charge to show that—

(a) the specimen was acquired by the person before the inclusion on the [Scottish list of species of special concern] [3] of the species to which the specimen belongs,

(b) the activity to which the charge relates was not carried out after the end of the relevant period following the inclusion on [the Scottish list of species of special concern] [4] to which the specimen belongs, and

(c) that activity is mentioned in sub-paragraph (3).

(3) The activities referred to in sub-paragraph (2)(c) are—

(a) sale or transfer to an establishment which holds a relevant licence or permit, provided that the conditions in paragraph (4) are met,

(b) a scientific or medicinal activity pursuant to a relevant licence or permit, provided that the conditions in paragraph (4) are met,

(c) destruction (in the case of a plant, fungus or micro-organism) or humane killing (in the case of an animal) of the specimen to exhaust the keeper's stock, or

(d) sale or transfer to a non-commercial user, provided that the conditions in paragraph (4) are met.

(4) The conditions referred to in sub-paragraph (3) are that, at all material times-—
(a) the specimen was kept and transported in contained holding, and
(b) appropriate measures were in place to ensure that it could not reproduce or escape.

(5) For the purposes of sub-paragraph (2)(b), the relevant period is—
(a) in relation to an activity mentioned in sub-paragraph (3)(a) to (c), 2 years,
(b) in relation to an activity mentioned in sub-paragraph (3)(d), 1 year.

(6) In sub-paragraph (3), "relevant licence or permit" means—
(a) for the purposes of sub-paragraph (3)(a)—
(i) a licence granted under section 16(4)(c) by virtue of paragraph 6(b)(i) or (ii),
(ii) a permit granted under section 35(1)(a) of the Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527),
(iii) a permit granted under any provision in legislation which applies in relation to Northern Ireland and enables permits to be issued for research or ex-situ conservation in accordance with Article 8 of the Invasive Alien Species Regulation,
(b) for the purposes of sub-paragraph (3)(b)—
(i) a licence granted under section 16(4)(c) by virtue of paragraph 6(b)(iii),
(ii) a permit granted under article 35(1)(b) of the Invasive Alien Species (Enforcement and Permitting) Order 2019 (S.I. 2019/527),
(iii) a permit granted under any provision in legislation which applies in relation to Northern Ireland and enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of the Invasive Alien Species Regulation.

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

[2] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(b)(i) (December 31, 2020: shall come into force on IP completion day)

[3] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(b)(ii) (December 31, 2020: shall come into force on IP completion day)

[4] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(b)(iii) (December 31, 2020: shall come into force on IP completion day)

Extent

Sch. 9B(2) para. 3(1)-(6)(b)(iii): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[4.— Non-commercial owners: receipt of commercial stocks

(1) This paragraph applies where—

(a) a person is charged with an offence under section 14ZC or 14AA, and

(b) the activity to which the charge relates contravenes one of the following paragraphs of Article 7(1) of the Invasive Alien Species Regulation—

(i) paragraph (b) (keeping, including in contained holding),

(ii) paragraph (d) (transporting to, from or within **[** Scotland **]** [2] , except for the transportation of species to facilities in the context of eradication).

(2) It is a defence to the charge to show that—

(a) the specimen to which the charge relates was received by the person—

(i) from a keeper of commercial stocks of specimens of the species to which the specimen belongs, and

(ii) before the end of the period of one year beginning with the date on which that species was included on the **[** Scottish list of species of special concern **]** [3] , and

(b) at all material times—

(i) the specimen was kept and transported in contained holding, and

(ii) appropriate measures were in place to ensure that it could not reproduce or escape.

] [1]

Notes

1 Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

2 Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(c)(i) (December 31, 2020: shall come into force on IP completion day)

3 Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(6)(c)(ii) (December 31, 2020: shall come into force on IP completion day)

Extent

Sch. 9B(2) para. 4(1)-(2)(b)(ii): England, Wales, Scotland

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

Westlaw UK

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[Part 3

Licences

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[5.— Restrictions

(1) The appropriate authority must not grant a licence under section 16(4)(c) permitting an activity which contravenes one of the following paragraphs of Article 7(1) of the Invasive Alien Species Regulation unless any of paragraphs 6 to 9 apply—

(a) paragraph (b) (keeping, including in contained holding),

(b) paragraph (c) (breeding, including in contained holding),

(c) paragraph (d) (transporting to, from or within **[** Scotland **]** [2] , except for the transportation of species to facilities in the context of eradication),

(d) paragraph (f) (using or exchanging),

(e) paragraph (g) (permitting to reproduce, growing or cultivating, including in contained holding).

(2) The appropriate authority must not grant a licence under section 16(4)(c) permitting an activity which contravenes one of the following paragraphs of that Article unless paragraph 8 or 9 applies—

(a) paragraph (e) (placing on the market),

(b) paragraph (h) (releasing into the environment).

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

[2] Words substituted by Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020/473 (Scottish SI) Pt 2 reg.10(7) (December 31, 2020: shall come into force on IP completion day)

Extent

Sch. 9B(3) para. 5(1)-(2)(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[6. Research etc.

This paragraph applies if the licence—

(a) is granted to an establishment,

(b) permits an activity to be done in the course of—

(i) research on an invasive alien species,

(ii) ex-situ conservation of an invasive alien species,

(iii) scientific production, and subsequent medicinal use of, a product derived from an invasive alien species where its use is necessary for the advancement of human health, or

(iv) in exceptional circumstances, such other activities as are justified for reasons of compelling public interest, including those of a social or economic nature, in accordance with Article 9 of the Invasive Alien Species Regulation, and

(c) is subject to the conditions specified in Article 8(2) and (3) of that Regulation.

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

Extent

Sch. 9B(3) para. 6(a)-(c): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[7. Keeping animals until the end of their natural lives

This paragraph applies if—

(a) the licence is granted for the purpose of the keeping of an animal by a facility (including any necessary ancillary activities such as transportation) until the end of its natural life in accordance with Article 31(4) of the Invasive Alien Species Regulation, and

(b) the appropriate authority is satisfied that all appropriate controls are in place to ensure that reproduction or escape of the animal is not possible.

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

Extent

Sch. 9B(3) para. 7(a)-(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[8. Eradication measures

This paragraph applies if the licence is—

(a) granted for the purpose of implementation of an eradication measure pursuant to Article 17 of the Invasive Alien Species Regulation, and

(b) subject to such conditions as are, in the opinion of the appropriate authority, necessary to meet the aim of ensuring that the eradication measure to which the licence relates will be effective in achieving the complete and permanent removal of the population of the invasive alien species concerned.

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

Extent

Sch. 9B(3) para. 8(a)-(b): England, Wales, Scotland

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

Partially In Force

England and Wales

[NOTE: not yet in force otherwise.]

Scotland

[9.— Management measures

(1) This paragraph applies if the licence is granted for the purpose of implementation of a management measure pursuant to Article 19 of the Invasive Alien Species Regulation.

(2) But, where the licence is granted for the purpose of the commercial use, on a temporary basis, of an invasive alien species as part of such a management measure pursuant to Article 19(2) of that Regulation, this paragraph applies only if the appropriate authority is satisfied that—

(a) there is strict justification for that use, and

(b) all appropriate controls are in place to avoid any further spread of the species concerned.

] [1]

Notes

[1] Added by Conservation (Natural Habitats, &c.) (Miscellaneous Amendments) (Scotland) Regulations 2019/364 (Scottish SI) reg.2(8) (November 1, 2019)

Extent

Sch. 9B(3) para. 9(1)-(2)(b): England, Wales, Scotland

SCHEDULE 10

PART I

Law In Force

1.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

Notes

[1] Inserts s. 1(3A)(3B) in Endangered Species (Import and Export) Act 1976 (c. 72)

[2] Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 1(4)(5)(6)(7)

[3] Inserts Endangered Species (Import and Export) Act 1976 (c. 72), s. 1(4)(aa)(ab) and amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 1(4)(c)

Commencement

Sch. 10(I) para. 1: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 10(I) para. 1(1)-(3): United Kingdom

Law In Force

2. […][1]

Notes

[1] Inserts Endangered Species (Import and Export) Act 1976 (c. 72), s. 1(9)

Commencement

Sch. 10(I) para. 2: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 10(I) para. 2: United Kingdom

Law In Force

3. […][1]

Notes

[1] Inserts Endangered Species (Import and Export) Act 1976 (c. 72), s. 1(10)(11)

Commencement

Sch. 10(I) para. 3: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 10(I) para. 3: United Kingdom

Law In Force

4.

(1) **[…][1]**

(2) **[…][2]**

Notes

[1] Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 3(c)

[2] Inserts Endangered Species (Import and Export) Act 1976 (c. 72), s. 3(dd)

Commencement

Sch. 10(I) para. 4: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 10(I) para. 4(1)-(2): United Kingdom

Law In Force

5.

(1) **[…]**[1]

(2) **[…]**[2]

(3) **[…]**[3]

(4) **[…]**[4]

(5) **[…]**[5]

(6) **[…]**[6]

(7) **[…]**[7]

Notes

1 Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 4(1)

2 Inserts Endangered Species (Import and Export) Act 1976 (c. 72), s. 4(1A)–(1C)

3 Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 4(2)

4 Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 4(5)

5 Amends Endangered Species (Import and Export) Act 1976 (c. 72), s. 4(6)

6 Inserts Endangered Species (Import and Export) Act 1976 (c. 72), Sch. 4

7 Inserts Endangered Species (Import and Export) Act 1976 (c. 72), Sch. 5

Commencement

Sch. 10(I) para. 5: September 28, 1982 (SI 1982/1217 art. 2)

Extent

Sch. 10(I) para. 5(1)-(7): United Kingdom

PART II […][1]

Notes

1 Sets out Endangered Species (Import and Export) Act 1976 (c. 72), Sch. 4 inserted by Sch. 10 Pt. I para. 5(6)

PART III […][1]

Notes

1 Sets out Endangered Species (Import and Export) Act 1976 (c. 72), Sch. 5 inserted by Sch. 10 Pt. I para. 5(7)

[SCHEDULE 10A

DELEGATION OF APPELLATE FUNCTIONS

] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[Interpretation

1.

In this Schedule—

"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.

] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 1 definition of "appointed person"- definition of "appointment": England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 2(a)-(c): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 3(a)-(c)(ii): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.
] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 4(1)-(4): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.
] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 5(1)-(3): England, Wales, Scotland

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

Partially In Force

Scotland

[NOTE: not yet in force otherwise.]

England and Wales

[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.

] [1]

Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.9 para.7 (January 30, 2001)

Extent

Sch. 10A para. 6(1)-(2)(b): England, Wales, Scotland

SCHEDULE 11

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART II

Sections 29 and 34

Coming into operation

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

Partially Repealed

England and Wales

1.—

(1) An original order or a restrictive amending order shall take effect on its being made.

(2) It shall be the duty of the Secretary of State to consider every original order or restrictive amending order made by him or a relevant authority, and any such order shall cease to have effect nine months after it is made unless the Secretary of State has previously given notice under paragraph 6 that he has considered it and does not propose to amend or revoke it or he has amended or revoked it or, in the case of an order made by such an authority, the authority has revoked it.

(3) An amending or revoking order, other than a restrictive amending order, made by a relevant authority shall be submitted by the authority to the Secretary of State for confirmation and shall not take effect until confirmed by him.

(4) Subject to paragraphs 3(1) and 4(4), an amending or revoking order, other than a restrictive amending order, made by the Secretary of State shall not take effect until confirmed by him.

(5) An amending or revoking order requiring confirmation shall, by virtue of this sub-paragraph, stand revoked if the Secretary of State gives notice under paragraph 6 that the order is not to be confirmed.

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 1: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 1-(5): England, Wales, Scotland

Publicity for orders

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

Partially Repealed

England and Wales

2.—

(1) Where an order takes effect immediately, the authority making the order (whether the relevant authority or the Secretary of State) shall give notice—

(a) setting out the order or describing its general effect and in either case stating that it has taken effect;

(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 at all reasonable hours; and

(c) specifying the time (not being 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 order may be made.

(2) Where an order requires confirmation, the authority making the order shall give notice—

(a) setting out the order or describing its general effect and in either case stating that it has been made and requires confirmation; and

(b) stating in relation to it the matters specified in sub-paragraph (1)(b) and (c).

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

(a) by publication in the Gazette and also 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 every owner and occupier of any of that land; and

(c) in the case of a notice given by the Secretary of State, by serving a like notice on the relevant authority in whose area the land to which the order relates is situated.

(4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (3)(b); 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.

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 2: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 2-(4): England, Wales, Scotland

Unopposed orders

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

Partially Repealed

England and Wales

3.—

(1) Where an order made by a relevant authority takes effect immediately and no representations or objections are duly made in respect of it or any so made are withdrawn,—

(a) the Secretary of State shall as soon as practicable after considering it decide either to take no action on the order or to make an order amending or revoking it (subject, however, to paragraph 5); and

(b) the amending or revoking order shall take effect immediately, but it shall not require confirmation and no representation or objection with respect to it shall be entertained.

(2) Where an order requiring confirmation is made and no representations or objections are duly made in respect of it or any so made are withdrawn, the Secretary of State may confirm the order (with or without modifications).

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 3: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 3-(2): England, Wales, Scotland

Opposed orders

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

Partially Repealed

England and Wales

4.—

(1) If any representation or objection duly made with respect to an order is not withdrawn, then, as soon as practicable in the case of an order having immediate effect and before confirming an order requiring confirmation, 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.

(2) On considering any representations or objections duly made and the report of any person appointed to hold the inquiry or to hear representations or objections, the Secretary of State—

(a) shall, if the order has already taken effect, decide either to take no action on the order or to make an order (subject, however, to paragraph 5) amending or revoking the order as the Secretary of State thinks appropriate in the light of the report, representations or objections, without consulting the relevant authority where that authority made the order; or

(b) if the order requires confirmation, may confirm it (with or without modifications).

(3) The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 or subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under this paragraph as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

(4) An amending or revoking order made by virtue of this paragraph shall take effect immediately, but it shall not require confirmation and no representation or objection with respect to it shall be entertained.

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 4: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 4-(4): England, Wales, Scotland

Restriction on power to amend orders or confirm them with modifications

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

Partially Repealed

England and Wales

5.
The Secretary of State shall not by virtue of paragraph 3(1) or 4(2) amend and order which has taken effect, or confirm any other order with modifications, so as to extend the area to which an original order applies.

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 5: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 5: England, Wales, Scotland

Notice of final decision on orders

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

Partially Repealed

England and Wales

6.—

(1) The Secretary of State shall as soon as practicable after making an order by virtue of paragraph 3(1) or 4(2) give notice—

(a) setting out the order or describing its general effect and in either case stating that it has taken effect; and

(b) stating the name of the 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 at all reasonable hours.

(2) The Secretary of State shall give notice of any of the following decisions of his as soon as practicable after making the decision—

(a) a decision under paragraph 3(1) or 4(2) to take no action on an order which has already taken effect;

(b) a decision to confirm or not to confirm an order requiring confirmation under this Schedule.

(3) A notice under this paragraph of a decision to confirm an order shall—

(a) set out the order as confirmed or describe its general effect, and in either case state the day on which the order took effect;

(b) state the name of the 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 at all reasonable hours.

(4) A notice under this paragraph shall be given by publishing it in accordance with paragraph 2(3) and serving a copy of it on any person on whom a notice was required to be served under paragraph 2(3) or (4).

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 6: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 6-(4): England, Wales, Scotland

Proceedings for questioning validity of orders

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

Partially Repealed

England and Wales

[7.—

(1) This paragraph applies to any order which has taken effect and as to which the Secretary of State has given notice under paragraph 6 of a decision of his to take no action or to amend the order in accordance with paragraph 3 or 4; and in this paragraph "the relevant notice" means any such notice.

(2) If any person is aggrieved by an order to which this paragraph applies and desires to question its validity on the ground that it is not within the powers ofsection 34, as the case may be, or that any of the requirements of this Schedule have not been complied with in relation to it, he may within six weeks from the date of the relevant notice make an application to the Court under this paragraph.

(3) On any such application the 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 any of those requirements—

(a) in England and Wales, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant; or

(b) in Scotland, make such declarator as seems to the Court to be appropriate.

(4) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.

(5) In this paragraph "the Court" means the High Court in relation to England and Wales and the Court of Session in relation to Scotland.
] [1]

Notes

[1] Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 7: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 7-(5): England, Wales, Scotland

Interpretation

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

Partially Repealed

England and Wales

[8.
In this Schedule—

"amending order" and "revoking order" mean an order which amends or, as the case may be, revokes a previous order;

"the Gazette" means —

(a) if the order relates in whole or in part to England and Wales, the London Gazette;

(b) if the order relates in whole or in part to Scotland, the Edinburgh Gazette;

"order" means an order under section 34;

"original order" means an order other than an amending or revoking order;

"the relevant authority" has the same meaning as in section 34;

"restrictive amending order" means an amending order which extends the area to which a previous order applies.

] [1]

Notes

[1] Words repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

Scotland

[…][1]

Notes

[1] Repealed by Nature Conservation (Scotland) Act 2004 asp 6 (Scottish Act) Sch.7 para.4 (November 29, 2004)

Commencement

Sch. 11 para. 8: November 30, 1981 so far as relates to orders under 1981 c.69 s.34; September 6, 1982 fo far as relates to orders under s.29 (1981 c. 69 Pt IV s. 74(2); SI 1982/1136 art. 2)

Extent

Sch. 11 para. 8- definition of "restrictive amending order": England, Wales, Scotland

SCHEDULE 12

PROCEDURE IN CONNECTION WITH ORDERS UNDER SECTION 36

Section 36

Consultation

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

Repealed

Wales

1. […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Publicity for draft orders

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

Repealed

Wales

2.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Unopposed orders

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

Repealed

Wales

3. […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Opposed orders

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

Repealed

Wales

4.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[...][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Restriction on power to make orders with modifications

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

Repealed

Wales

5.— [...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[...][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Local inquiries

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

Repealed

Wales

6.— [...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[...][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Notice of making of orders

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

Repealed

Wales

7.— [...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[...][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[...][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Proceedings for questioning validity of orders

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

Repealed

Wales

8.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

Supplemental

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

Repealed

Wales

9.— […][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (December 12, 2014 as SI 2014/3088)

Scotland

[…][1]

Notes

[1] Repealed by Marine (Scotland) Act 2010 asp 5 (Scottish Act) Sch.4(2) para.5(d) (July 1, 2010)

England

[…][1]

Notes

[1] Repealed by Marine and Coastal Access Act 2009 c. 23 Sch.22(3) para.1 (January 12, 2010)

SCHEDULE 13

PROVISIONS WITH RESPECT TO THE COUNTRYSIDE COMMISSION

Section 47.

Status

Repealed

1. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

2. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Members

Repealed

3.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

4.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Committee for Wales

Repealed

5.— […][1]

Notes

[1] Repealed by Environmental Protection Act 1990 c. 43 Sch.16(VI) para.1 (April 1, 1991 as SI 1991/685)

Procedure

Repealed

6. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

7. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Staff

Repealed

8.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

9.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

10.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Accounts and report

Repealed

11.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

12. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

13.— […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Land

Repealed

14. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Repealed

15. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

Interpretation

Repealed

16. […][1]

Notes

[1] Repealed by Natural Environment and Rural Communities Act 2006 c. 16 Sch.12 para.1 (October 1, 2006 as SI 2006/2541)

SCHEDULE 14

APPLICATIONS FOR CERTAIN ORDERS UNDER PART III

Section 53.

Form of applications

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 14 para. 1: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(2) (date to be appointed)

Commencement

Sch. 14 para. 1: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 14 para. 1(a)-(b): England, Wales, Scotland

Notice of applications

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 14 para. 2: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(2) (date to be appointed)

Commencement

Sch. 14 para. 2: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 14 para. 2(1)-(4): England, Wales, Scotland

Determination by authority

Law In Force With Amendments Pending

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).

Amendments Pending

Sch. 14 para. 3: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(2) (date to be appointed)

Commencement

Sch. 14 para. 3: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 14 para. 3(1)-(3): England, Wales, Scotland

Appeal against a decision not to make an order

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

Law In Force With Amendments Pending

Scotland

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.

Wales

[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 (which may include a direction as to the time within which an order is to be made).
] [1]

Notes

[1] Words inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.10 (May 31, 2005 as SI 2005/1314)

England

[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 (which may include a direction as to the time within which an order is to be made).
] [1]

Notes

[1] Words inserted by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.10 (February 13, 2004 as SI 2004/292)

Amendments Pending

Sch. 14 para. 4: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(2) (date to be appointed)

Commencement

Sch. 14 para. 4: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 14 para. 4(1)-(2): England, Wales, Scotland

Interpretation

Law In Force With Amendments Pending

5.—

(1) In this Schedule—

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

"local authority" means **[** a non-metropolitan district council **]** [1] , a parish **[…]**[2] council or the parish meeting of a parish not having a separate parish council **[** but, in relation to Wales, means a community council **]** [3] ;

"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.

Notes

[1] Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(8)

[2] Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996 as SI 1996/396)

[3] Words inserted into definition by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(11) (April 1, 1996)

Amendments Pending

Sch. 14 para. 5: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(2) (date to be appointed)

Sch. 14 para. 5(1) definition of "local authority": definition substituted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 11(3) (date to be appointed)

Commencement

Sch. 14 para. 5: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 14 para. 5(1)-(2): England, Wales, Scotland

SCHEDULE 15

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

Sections 53 and 54

Consultation

Law In Force With Amendments Pending

1.

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

Amendments Pending

Sch. 15 para. 1: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 1: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 1: England, Wales, Scotland

Coming into operation

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 15 para. 2: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 2: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 2: England, Wales, Scotland

Publicity for orders

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

Law In Force With Amendments Pending

Scotland

3.—

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

(a) describing the general effect of the order and stating that it has been made and requires confirmation;

(b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours; and

(c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.

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

(a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;

(b) by serving a like notice on—

(i) every owner and occupier of any of that land;

(ii) every local authority whose area includes any of that land;

(iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3); and

(iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate; and

(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 (8) shall be construed as limiting the documentary or other evidence which may be adduced at any local inquiry or hearing held under paragraph 7 or 8.

Wales

[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 (1)(c) or (8) shall be construed as limiting 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.

] [1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11 (May 31, 2005 as SI 2005/1314)

England

[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 (1)(c) or (8) shall be construed as limiting 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.
] [1]

Notes

[1] Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11 (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

Amendments Pending

Sch. 15 para. 3: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 3: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 3(1)-(9): England, Wales, Scotland

Representations or objections made with respect to abandoned surveys or reviews

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 15 para. 4: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 4: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 4(1)-(2)(b): England, Wales, Scotland

Severance of orders

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 15 para. 5: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 5: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 5(1)-(2): England, Wales, Scotland

Unopposed orders

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 15 para. 6: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 6: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 6(1)-(2): England, Wales, Scotland

Opposed orders

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

Law In Force With Amendments Pending

Scotland

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.

(3) On considering any representations or objections duly made and the report of the person appointed to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

Wales

[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, subject to sub-paragraph (2A) 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.
] [1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11 (May 31, 2005 as SI 2004/1314)

England

[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, subject to sub-paragraph (2A), 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.
] [1]

Notes

[1] Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11 (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

Amendments Pending

Sch. 15 para. 7: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 7: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 7(1)-(3): England, Wales, Scotland

Restriction on power to confirm orders with modifications

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

Law In Force With Amendments Pending

Scotland

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,

except 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 may be made;

(b) hold a local inquiry or afford any person by whom any 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; and

(c) consider the report of the person appointed to hold the inquiry or to hear representations or objections.

Wales

[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,

except 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, which must include particulars of the grounds relied on, may be made;

(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.

] [1]

Notes

[1] Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11(7) (May 31, 2005 as SI 2005/1314)

England

[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,

except 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, which must include particulars of the grounds relied on, may be made;

(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.

] [1]

Notes

[1] Amended subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11(7) (February 13, 2004: substitution has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

Amendments Pending

Sch. 15 para. 8: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 8: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 8(1)-(2)(c): England, Wales, Scotland

Local inquiries

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

Partially Repealed With Amendments Pending

England and Scotland

9.—
The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under paragraph 7or 8 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

Wales

[…][1]

Notes

[1] Repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(II) para.1 (December 6, 2006 as SI 2006/3257)

Amendments Pending

Sch. 15 para. 9: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Sch. 15 para. 9: repealed by Countryside and Rights of Way Act 2000 c. 37 Sch. 16(II) para. 1 (date to be appointed)

Commencement

Sch. 15 para. 9: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 9: England, Wales, Scotland

Appointment of inspectors etc.

Law In Force With Amendments Pending

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, 7or 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.

Amendments Pending

Sch. 15 para. 10: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 10: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 10(1)-(5): England, Wales, Scotland

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

Partially In Force With Amendments Pending

Scotland

[NOTE: not yet in force otherwise.]

Wales

[10A.— Hearings and local inquiries

(1) 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 **]** [2] as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.

[(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. **]** [3]
] [1]

Notes

1 Words inserted by Planning (Wales) Act 2015 anaw. 4 Sch.5 para.7(a) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)

2 Words inserted by Planning (Wales) Act 2015 anaw. 4 Sch.5 para.7(b) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)

3 Added by Planning (Wales) Act 2015 anaw. 4 Sch.5 para.7(c) (March 1, 2016 subject to transitional provisions specified in SI 2016/52 art.17)

England

[10A.— Hearings and local inquiries

(1) 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 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 as it applies in relation to a hearing or local inquiry for the purposes referred to in that section.[2]
] [1]

Notes

1 Inserted subject to transitional provisions specified in SI 2004/292 art.3(1) by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11(8) (February 13, 2004: insertion has effect as SI 2004/292 art.2(d)(iii) subject to transitional provisions specified in SI 2004/292 art.3(1))

2 In relation to England: Sch.15 para.10A is inserted.

Wales

[10A.— Hearings and local inquiries

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Notes

[1] Added by Countryside and Rights of Way Act 2000 c. 37 Sch.5(I) para.11(8) (May 31, 2005 as SI 2005/1314)

Amendments Pending

Sch. 15 para. 10A: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Extent

Sch. 15 para. 10A(1)-(3): England, Wales, Scotland

Notice of final decisions on orders

Law In Force With Amendments Pending

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).

Amendments Pending

Sch. 15 para. 11: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 11: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 11(1)-(4): England, Wales, Scotland

Proceedings for questioning validity of orders

Law In Force With Amendments Pending

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.

Amendments Pending

Sch. 15 para. 12: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Commencement

Sch. 15 para. 12: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 12(1)-(3): England, Wales, Scotland

Supplemental

Law In Force With Amendments Pending

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 **[** a non-metropolitan district council **]**[1] , a parish **[…]**[2] council or the parish meeting of a parish not having a separate parish council **[** but, in relation to Wales, means a community council **]**[3] ;

"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.

Notes

[1] Words substituted by Local Government Act 1985 (c.51), ss. 1, 2, 7, Sch. 3 para. 7(8)

[2] Words repealed by Local Government (Wales) Act 1994 c. 19 Sch.18 para.1 (April 1, 1996 as SI 1996/396)

[3] Words inserted into definition by Local Government (Wales) Act 1994 c. 19 Sch.16 para.65(12) (April 1, 1996)

Amendments Pending

Sch. 15 para. 13: word inserted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(2) (date to be appointed)

Sch. 15 para. 13(2) definition of "local authority": definition substituted by Deregulation Act 2015 c. 20 Sch. 7(5) para. 12(3) (date to be appointed)

Commencement

Sch. 15 para. 13: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 15 para. 13(1)-(3): England, Wales, Scotland

SCHEDULE 16

ORDERS CREATING, EXTINGUISHING OR DIVERTING FOOTPATHS OR BRIDLEWAYS

Section 63

Repealed

1. […][1]

Notes

[1] Repealed by Planning (Consequential Provisions) Act 1990 (c.11), ss. 3, 5, Sch. 1 Pt. I, Sch. 3

Repealed

2. […][1]

Notes

[1] Repealed by Planning (Consequential Provisions) Act 1990 (c.11), ss. 3, 5, Sch. 1 Pt. I, Sch. 3

Repealed

3. […][1]

Notes

[1] Repealed by Planning (Consequential Provisions) Act 1990 (c.11), ss. 3, 5, Sch. 1 Pt. I, Sch. 3

Repealed

4. […][1]

Notes

[1] Repealed by Planning (Consequential Provisions) Act 1990 (c.11), ss. 3, 5, Sch. 1 Pt. I, Sch. 3

Law In Force

5.

(1) **[…][1]**

(2) **[…][2]**

Notes

[1] Amends Highways Act 1980 (c. 66), s. 119(1)

[2] Amends Highways Act 1980 (c. 66), s. 119(5)

Extent

Sch. 16 para. 5(1)-(2): England, Wales, Scotland

Law In Force

6.

(1) **[…][1]**

(2) **[…][2]**

(3) **[…][3]**

(4) **[…][4]**

Notes

[1] Amends Highways Act 1980 (c. 66), Sch. 6 para. 1(1)(b)(2)(b)

[2] Substitutes Highways Act 1980 (c. 66), new Sch. 6 para. 1(3)

[3] Inserts Highways Act 1980 (c. 66), Sch. 6 para. 1(3A)–(3C)

[4] Inserts Highways Act 1980 (c. 66), Sch. 6 para. 1(4A)–(4D)

Extent

Sch. 16 para. 6(1)-(4): England, Wales, Scotland

Law In Force

7. […][1]

Notes

[1] Inserts Highways Act 1980 (c. 66), Sch. 6 para. 2A

Extent

Sch. 16 para. 7: England, Wales, Scotland

Law In Force

8.

(1) **[…][1]**

(2) **[…][2]**

Notes

[1] Amends Highways Act 1980 (c. 66), Sch. 6 para. 4 and substitutes Highways Act 1980 (c. 66), new Sch. 6 para. 4(a)(b)

[2] Renumbers Highways Act 1980 (c. 66), Sch. 6 para. 4 as para. 4(1) and inserts Highways Act 1980 (c. 66), Sch. 6 para. 4(2)(3)

Extent

Sch. 16 para. 8(1)-(2): England, Wales, Scotland

Law In Force

9. […][1]

Notes

[1] Inserts Highways Act 1980 (c. 66), Sch. 6 para. 4A

Extent

Sch. 16 para. 9: England, Wales, Scotland

Supplemental

Law In Force

10.—

(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 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 Acquisition of Land (Authorisation Procedure) Act 1946.

Commencement

Sch. 16 para. 10: February 28, 1983 (SI 1983/20 art. 3)

Extent

Sch. 16 para. 10(1)-(2): England, Wales, Scotland

SCHEDULE 17 […][1]

Notes

[1] Specifies enactments repealed by s. 73(1)

Modifications

Provision	Modification	Notes	Further Information
Whole Document	Environment Act 1995 (Consequential Amendments) Regulations 1996/593, Sch. 1 para. 1	Modified in relation to the Environment Agency	reg. 2
Pt I s. 2(6)	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	art. 2
Pt I s. 16	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	art. 2
Pt I s. 18A	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 8(1)	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 9	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 10	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 11	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
Pt I s. 18B	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 8(1)	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 9	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 10	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 11	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
Pt I s. 18C	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 8(1)	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 9	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 10	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 11	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52

Pt I s. 18F	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 8(1)	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 9	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 10	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 11	Modified in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
Pt I s. 19ZC	Conservation (Natural Habitats, &c.) Regulations 1994/2716, Pt V reg. 101A(3)	Modified for the purpose of implementing Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	
Pt I s. 19ZD	Conservation (Natural Habitats, &c.) Regulations 1994/2716, Pt V reg. 101A(4)	Modified for the purpose of implementing Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	
Pt I s. 21(4AA)	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 8(1)	Deemed to be inserted in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 9	Deemed to be inserted in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 10	Deemed to be inserted in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
	Natural Environment and Rural Communities Act 2006 c. 16, Sch. 5(2) para. 11	Deemed to be inserted in relation to Group 1 offences and Group 1 licences	Pt 3 s. 52
Pt II s. 28	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28A	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28B	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 7		
	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28C	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 7		
	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28CA	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28CB	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		

Pt II s. 28D	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28D(2)(d)	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28E	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(1)		Pt III s. 76(2)
	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28E(7)	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 8(2)		Pt III s. 76(2)
	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(3)		Pt III s. 76(2)
Pt II s. 28E(8)	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 8(2)		Pt III s. 76(2)
	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(3)		Pt III s. 76(2)
Pt II s. 28F	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 11		Pt III s. 76(2)
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Pt II s. 28N	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
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Pt II s. 28R	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 28S	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		
Pt II s. 29	Wildlife and Countryside Act 1981 c. 69, Pt II s. 27AA		

Pt II s. 29(1)	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	
Pt II s. 29(2)	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	
Pt II s. 29(4)(a)	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 16(2)		Pt III s. 76(2)
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Pt II s. 44	Wildlife and Countryside Act 1981 c. 69, Pt II s. 41A	Modified in relation to land in Wales	
Pt II s. 45	Wildlife and Countryside Act 1981 c. 69, Pt II s. 41A	Modified in relation to land in Wales	
Pt II s. 51(1)(n)	Countryside and Rights of Way Act 2000 c. 37, Sch. 11 para. 21		Pt III s. 76(2)
Pt III	Town and Country Planning (General Development Procedure) Order 1995/419, art. 8(2)(c)	Modified in relation to publicity for applications for planning permission	art. 8(3)
Sch. 13 para. 13(3)	National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1	Modified in relation to the transfer of functions to the National Assembly of Wales	art. 2

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