



Endangered Species (Import and Export) Act 1976

1976 CHAPTER 72

An Act to restrict the importation and exportation of certain animals, plants and items and to restrict certain transactions in respect of them or their derivatives; to confer on the Secretary of State power to restrict by order the places at which live animals may be imported; to restrict the movement after importation of certain live animals; and for connected purposes. [22nd November 1976]

Whereas a Convention on International Trade in endangered Species of Wild Fauna and Flora (in this Act referred to as the Convention) was signed at Washington on 3rd March 1973, was presented to Parliament in November 1973 and came into force in the United Kingdom on 31st October 1976:

And whereas it is expedient to give effect in the United Kingdom to the restrictions on international trade contained in the Convention and to make certain other provisions in connection with the conservation of endangered animals and plants:

1 Restriction of importation and exportation of certain animals and plants.

- (1) Subject to subsection (2) below, the importation and the exportation of the following things are hereby prohibited, namely—
 - (a) a live or dead animal of any of the kinds to which Schedule 1 to this Act for the time being applies;
 - (b) a live or dead plant of any of the kinds to which Schedule 2 to this Act for the time being applies;
 - (c) an item to which Schedule 3 to this Act for the time being applies.
- (2) Subsection (1) above does not apply to the importation or exportation of anything under and in accordance with the terms of a licence issued by the Secretary of State.
- (3) The Secretary of State shall submit any application for a licence under subsection (2) above to whichever one of the scientific authorities (as defined in section 2 below) he considers is the best able to advise him as to whether a licence should be issued in

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pursuance of the application and, if so, its terms; and, before he issues or declines to issue a licence in pursuance of the application, he shall allow the authority a reasonable time so to advise him.

[^{F1}(3A) Subsection (3) above shall not apply in relation to an application of any description if the scientific authority concerned has advised the Secretary of State as to whether licences should be issued in pursuance of applications of that description and, if so, their terms.

(3B) Where the Secretary of State is satisfied that the issue of a licence authorising the importation or exportation of any item which—

(a) is part of or derives from or is made wholly or partly from an animal of any of the kinds to which Schedule 1 or a plant of any of the kinds to which Schedule 2 to this Act for the time being applies; but

(b) is not an item to which Schedule 3 to this Act for the time being applies, would facilitate the importation or exportation of that item, he may, if he considers it expedient to do so, issue such a licence.]

(4) A licence issued under subsection (2) [^{F2}or (3B)] above—

(a) may be, to any degree, general or specific,

[^{F3}(aa) may be issued either to all persons, to persons of a class or to a particular person;

(ab) may be subject to compliance with any specified conditions,]

(b) may be modified or revoked at any time by the Secretary of State, and

(c) subject to paragraph (b) above, shall be valid for [^{F4}such] period as is stated in the licence.

(5) The Secretary of State may charge for the issue of a licence under subsection (2) [^{F2}or (3B)] above such sum (if any) as is for the time being prescribed by order of the Secretary of State.

(6) A person who, for the purpose of obtaining, whether for himself or another, the issue of a licence under subsection (2) [^{F2}or (3B)] above,—

(a) makes a statement or representation which he knows to be false in a material particular,

(b) furnishes a document or information which he knows to be false in a material particular,

(c) recklessly makes a statement or representation which is false in a material particular, or

(d) recklessly furnishes a document or information which is false in a material particular,

shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.

(7) Where a licence is issued under subsection (2) [^{F2}or (3B)] above and, for the purpose of obtaining its issue, a person commits an offence under subsection (6) above, the licence shall be void.

(8) Where—

(a) any live or dead animal or plant, or

(b) an item to which Schedule 3 to this Act for the time being applies,

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is being imported or exported or has been imported or brought to any place for the purpose of being exported, a person commissioned by the Commissioners of Customs and Excise or a person authorised by them may require any person possessing or having control of the animal, plant or item to furnish proof that its importation or exportation is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of the said Commissioners the animal, plant or item shall be liable to forfeiture under ^{F5}the ^{M1}Customs and Excise Management Act 1979].

^{F6}(9) Where, in the case of a live animal or plant of any kind which is condemned or deemed to be condemned as forfeited, the Commissioners of Customs and Excise incur any expenses in connection with, or with a view to—

- (a) its return to the wild; or
- (b) its being kept at premises (whether within or outside the United Kingdom) which are suitable for the keeping of animals or plants of that kind,

those expenses may be recovered, as a debt due to the Crown, from the importer or intending exporter of the animal or plant or any person possessing or having control of it at the time of its seizure.

In this subsection expressions which are also used in the ^{M2}Customs and Excise Management Act 1979 have the same meanings as in that Act.]

^{F7}(10) Any person duly authorised in writing by the Secretary of State may, at any reasonable time and (if required to do so) upon producing evidence that he is so authorised, enter any premises where animals of any of the kinds to which Schedule 1 or plants of any of the kinds to which Schedule 2 to this Act for the time being applies are kept (whether temporarily or permanently) in order to ascertain whether any of the animals or plants kept there have been imported contrary to this section.

(11) Any person who wilfully obstructs a person acting under subsection (10) above shall be liable on summary conviction to a fine not exceeding ^{F8}level 3 on the standard scale.]

Textual Amendments

- F1** S. 1(3A)(3B) inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 15, **Sch. 10 para. 1(1)**
- F2** Words inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 15, **Sch. 10 para. 1(2)**
- F3** S. 1(4)(aa)(ab) inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 15, **Sch. 10 para. 1(3)**
- F4** Word substituted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 15, **Sch. 10 para. 1(3)**
- F5** Words substituted by Customs and Excise Management Act 1979 (c. 2, SIF 40:1), **Sch. 4 para. 12**
- F6** S. 1(9) inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5), s. 15, **Sch. 10 para. 2**
- F7** S. 1(10)(11) inserted by Wildlife and Countryside Act 1981 (c. 69, SIF 4:5) s. 15, Sch. 10 para. 3
- F8** Words inserted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 6**

Marginal Citations

- M1** 1979 c. 2(40:1)
- M2** 1979 c. 2(40:1)

2 Scientific authorities.

(1) The Secretary of State may—

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- (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 other body or bodies the duty referred to in subsection (4) below.
- (2) Without prejudice to his power under subsection (1) above, the Secretary of State shall, as soon as practicable after this subsection comes into operation,—
- (a) establish at least one body under paragraph (a) of subsection (1) above, or
 - (b) assign to at least one body, under paragraph (b) of that subsection, the duty referred to in subsection (4) below.
- (3) A reference in this Act to a scientific authority is a reference to a body which is established under subsection (1) above or to which the duty there referred to is assigned under that subsection.
- (4) It shall be the duty of a scientific authority to advise the Secretary of State on any question which he may refer to it, and on any question on which it considers it should offer its advice,—
- (a) in connection with the administration of this Act;
 - (b) generally in connection with the importation and exportation of animals and plants of kinds which appear to him or, as the case may be, the authority to be, or to be likely to become, endangered as a result of international trade, and items derived wholly or partly from animals and plants of those kinds.
- (5) In so far as it does not have power to do so apart from this subsection, any scientific authority may publish reports relating to the performance by it of its duty under subsection (4) above.
- (6) Before appointing a person to be a member of a scientific authority established under subsection (1)(a) above, the Secretary of State shall consult such persons or bodies, or persons and bodies, as he thinks fit.
- (7) The Secretary of State may, to such extent as may be approved by the Treasury, defray or contribute towards the expenses of any scientific authority established under subsection (1)(a) above; and any sums required by the Secretary of State for that purpose shall be paid out of money provided by Parliament.

3 Power to modify Schedules.

The Secretary of State may, after consulting any scientific authority or authorities, by order make such modifications in any of the Schedules to this Act as he considers necessary or desirable for any of the following purposes, namely—

- (a) to give effect to any amendment to the Convention made in pursuance of its provisions;
- (b) to give effect to the inclusion of anything in or the withdrawal of anything from Appendix III to the Convention (kinds of animals and plants the trade in which a party identifies as needing international control) at the instance of any party to the Convention;
- (c) to promote the conservation [^{F9}in any area] of animals or plants of any kind which appears to the Secretary of State to be, or to be likely to become, endangered [^{F10}there] as a result of international trade;
- (d) to remove any restriction which is for the time being imposed by virtue of this Act on the importation and exportation of animals or plants of any particular kind or of any particular items and which does not in the opinion of the

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Secretary of State promote such conservation as is referred to in paragraph (c) above;

- [^{F11}(dd) to restrict the importation of animals or plants of any kind which appear to the Secretary of State to be unlikely to survive for any appreciable time if they are kept in the United Kingdom;]
- (e) to facilitate the more effective or more convenient administration of any restriction which is for the time being imposed by virtue of this Act on the importation and exportation of animals or plants of any particular kind or of any particular items.

Textual Amendments

- F9** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 15, Sch. 10 para. 4\(1\)](#)
- F10** Word inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 15, Sch. 10 para. 4\(1\)](#)
- F11** [S. 3\(dd\)](#) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\), s. 15, Sch. 10 para. 4\(2\)](#)

4 Offence to sell etc. things imported contrary to section 1 or their derivatives.

- (1) [^{F12}Subject to subsections (1B) and (2)] below, a person who sells, offers or exposes for sale, has in his possession [^{F13}or transports] for the purpose of sale, or displays to the public,—
- (a) anything which has been imported contrary to section 1 above, or
- (b) anything which is made wholly or partly from anything referred to in paragraph (a) above and which at the time of the alleged offence (though not necessarily at the time of importation) constitutes an item to which Schedule 3 to this Act for the time being applies,
- shall be guilty of an offence; . . . ^{F14}.

- [^{F15}(1A) Subject to subsections (1B) and (2) below, a person who sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale—
- (a) a live or dead animal of any of the kinds to which Schedule 4 of this Act for the time being applies or an egg or other immature stage of such an animal;
- (b) a live or dead plant of any of the kinds to which Schedule 5 to this Act for the time being applies; or
- (c) any part of or anything which derives from or is made wholly or partly from anything referred to in paragraph (a) or (b) above,
- shall be guilty of an offence; but nothing in this subsection shall apply in relation to anything falling within subsection (1) above or anything which has been imported, or is a part of or derives from or is made wholly or partly from anything which has been imported, before the passing of the ^{M3}Wildlife and Countryside Act 1981.

- (1B) Subsections (1) and (1A) above do not apply to anything done under and in accordance with the terms of a licence issued by the Secretary of State; and subsections (4) to (7) of section 1 above shall apply in relation to a licence issued under this subsection as they apply in relation to a licence issued under subsection (2) of that section.

- (1C) In the following provisions of this section “restricted article” means anything falling within subsection (1) or (1A) above.]

- (2) A person shall not be guilty of an offence under subsection (1) [^{F16}or (1A)] above with respect to a restricted article if he proves to the satisfaction of the court—

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- (a) that at the time when it first came into his possession he made such enquiries (if any) as in the circumstances were reasonable in order to ascertain whether it was a restricted article, and
 - (b) that, at the time the alleged offence was committed, he had no reason to believe that it was a restricted article.
- (3) Without prejudice to the generality of subsection (2)(a) above, a person shall be taken to have made such enquiries as are there mentioned if he produces to the court a certificate which was furnished by the person from whom the accused obtained possession of the restricted article (the supplier), which was signed by the supplier or by a person authorised by him, and which states that—
- (a) the supplier made enquiries at the time the restricted article came into his possession in order to ascertain whether it was a restricted article, and
 - (b) the supplier had no reason to believe at the time he relinquished possession of the restricted article to the accused that the article was at that time a restricted article.
- (4) A person who furnishes for the purposes of subsection (3) above a certificate which he knows to be false in a material particular, or recklessly furnishes for those purposes a certificate which is false in a material particular, shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (1) [F17, (1A)] or (4) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.
- (6) In this section any reference to sale includes references to [F18]hire] barter and exchange.
- (7) For the purposes of this section a restricted article is displayed to the public if it is displayed to the public generally or any section of it, and (in either case) whether in return for money or otherwise.
- (8) For the purposes of any proceedings under [F19]section 50 or 170 of the M4Customs and Excise Management Act 1979] (penalties for improper importation and evasion of restriction on importation) for an offence in connection with the importation of anything contrary to section 1 above, this section shall not be taken expressly to provide a penalty for that offence.

Textual Amendments

- F12** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(1)**
- F13** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(1)**
- F14** Words repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(1)**
- F15** [S. 4\(1A\)–\(1C\)](#) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(2)**
- F16** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(3)**
- F17** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(4)**
- F18** Word inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 5(5)**
- F19** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 4 para. 12**

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Marginal Citations

M3 1981 c. 69(4:5)

M4 1979 c. 2(40:1)

5 Power to restrict places at which live animals may be imported.

- (1) If it appears to the Secretary of State desirable to do so for the purpose of assisting the discovery of any importation contrary to section 1 above of any live animal of any of the kinds to which Schedule 1 to this Act for the time being applies, he may make an order under this section relating to any kind of animal.
- (2) An order under this section may provide that (subject to such exceptions as may be specified in the order) it is prohibited to do such one or more of the following things as is (or are) specified in the order, that is to say—
 - (a) to import by sea any live animal of any kind to which the order is expressed to relate;
 - (b) to import any such animal by sea unless it is imported at a port or one of the ports specified in the order in relation to animals of that kind;
 - (c) to import any such animal by air;
 - (d) to import any such animal by air unless it is unloaded at an airport or one of the airports specified in the order in relation to animals of that kind;
 - (e) to import any such animal by land;
 - (f) to import any such animal by land unless it is brought across the boundary into Northern Ireland at a place or one of the places specified in the order in relation to animals of that kind.
- (3) Any prohibition or restriction in any order under this section shall not apply to an animal which the Secretary of State authorises to be imported otherwise than in accordance with the order and which is imported in accordance with that authorisation.
- (4) In subsection (2) above—

“airport” means an aerodrome for the time being designated as a [F20customs and excise airport as mentioned in section 21(7) of the M5Customs and Excise Management Act 1979];

“port” means any area for the time being appointed and named under [F20section 19(1)] of that Act as a port for the purposes of customs and excise.

Textual Amendments

F20 Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), [Sch. 4 para. 12](#)

Marginal Citations

M5 1979 c. 2(40:1)

6 Restriction of movement of certain live animals after importation.

- (1) Where a licence under section 1(2) above has been issued or applied for in respect of the importation of a live animal of any of the kinds to which Schedule 1 to this Act for the time being applies and, after consulting one or more of the scientific authorities,

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the Secretary of State considers that it is desirable to do so, he may give a direction under this section in relation to the animal.

- (2) Where a direction has been given under this section in relation to an animal, and has not been revoked by the Secretary of State, the animal shall, immediately after the relevant event, be taken to and subsequently kept at the specified premises until such time as the Secretary of State may require or permit the animal to be moved to other specified premises or revoke the direction.
- (3) Where a direction has been given under this section in relation to an animal, and has not been revoked by the Secretary of State, any person who knows or ought to know that a direction has been so given and who—
 - (a) knowingly takes the animal, or knowingly permits it to be taken, at any time after the relevant event to premises which he knows or ought to know are not at the time of the taking the specified premises; or
 - (b) knowingly moves the animal, or knowingly permits it to be moved, at any time after the relevant event, the circumstances of the removal being that—
 - (i) it is made from premises which he knows or ought to know are at the time of the removal the specified premises, and
 - (ii) he knows or ought to know that the removal is made in the absence of, or otherwise than in accordance with any condition attached to, such a requirement or permission as is referred to in subsection (2) above; or
 - (c) knowingly keeps the animal at any time after the relevant event at premises which are occupied by him and which he knows or ought to know are not at the time of the keeping the specified premises,shall be liable on summary conviction to a fine not exceeding [^{F21}level 5 on the standard scale].
- (4) In this section “relevant event” means, in relation to an animal, whichever of the following occurs later:—
 - (a) the completion by the animal of any period of detention (whether in quarantine or otherwise) in accordance with any provision made by or under any enactment, being detention connected with the importation in respect of which the direction concerned was given;
 - (b) the departure of the animal from any premises connected with the importation in respect of which the direction concerned was given.
- (5) In this section “specified premises” means, in relation to an animal, such premises as are for the time being (and in whatever manner) specified in relation to that animal by the Secretary of State for the purposes of this section.
- (6) Proceedings for an offence under subsection (3) above 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.
- (7) For the purposes of subsection (6) above—
 - (a) 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
 - (b) a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

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- (8) In the application of this Act to Scotland—
- (a) subsections (6) and (7) above shall not apply;
 - (b) proceedings for an offence under subsection (3) above may be commenced at any time within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify a prosecution comes to his knowledge, or where such evidence is reported to him by the Secretary of State within six months after the date on which it came to the knowledge of the Secretary of State; but no such proceedings shall be commenced by virtue of this section more than three years after the commission of the offence;
 - (c) for the purposes of paragraph (b) above—
 - (i) a certificate purporting to be signed by or on behalf of the Lord Advocate or the Secretary of State, as the case may be, stating the date on which such evidence as aforesaid came to their knowledge shall be conclusive evidence of that fact; and
 - (ii) subsection (3) of section 331 of the ^{M6}Criminal Procedure (Scotland) Act 1975 shall have effect as it has effect for the purposes of that section.

Textual Amendments

F21 Words inserted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**; (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Marginal Citations

M6 [1975 c. 21\(39:1\)](#)

7 Provisions supplementary to section 6.

- (1) Before he specifies any premises for the purposes of section 6 above or revokes a direction given under that section, the Secretary of State shall consult one or more of the scientific authorities.
- (2) The Secretary of State shall not specify any premises for those purposes unless they are such that in his opinion the animal in relation to which he proposes to give, or has given, a direction under section 6 above may suitably be kept there.
- (3) Any person duly authorised in writing by the Secretary of State may, at any reasonable time and (if required to do so) upon producing evidence that he is so authorised, enter any premises which are for the time being specified in relation to any animal for the purposes of section 6 above for one or both of the following purposes:—
 - (a) in order to enable the Secretary of State to decide whether the premises remain such that in his opinion the animal may suitably be kept there;
 - (b) in order to ascertain whether the animal is being kept on the premises.
- (4) Any person who wilfully obstructs a person acting under subsection (3) above shall be liable on summary conviction to a fine not exceeding [^{F22}level 5 on the standard scale].

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Textual Amendments

F22 Words inserted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#); (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#) and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), [arts. 5, 6](#)

8 Offences by corporations.

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a 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.

In this section “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

9 Extension to British possessions etc.

- (1) Her Majesty may by Order in Council direct that all or any of the provisions of this Act shall extend, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the following countries, namely—
 - (a) any colony other than one for whose external relations a country other than the United Kingdom is responsible;
 - (b) any country outside Her Majesty’s dominions in which Her Majesty has jurisdiction in right of Her Majesty’s Government in the United Kingdom.
- (2) Without prejudice to section 37 of the ^{M7}Interpretation Act 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act conferring them) an Order under subsection (1) above may be made so as to come into operation at any time before this Act comes into operation in the United Kingdom.
- (3) An Order under this section may be varied or revoked by a subsequent Order thereunder.

Marginal Citations

M7 [1889 c.63.](#)

10 Financial provisions.

- (1) There shall be paid out of money provided by Parliament—
 - (a) the expenses of any government department in respect of the administration of this Act;
 - (b) any increase attributable to this Act in the sums so payable under any other Act.

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- (2) Any sums received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

11 Orders.

- (1) An order under any of the relevant provisions may be varied or revoked by a subsequent order under the provision concerned.
- (2) The power conferred by each of the relevant provisions to make an order shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) In this section “the relevant provisions” means sections 1(5), 3 and 5 above.

12 Interpretation.

- (1) For the purposes of this Act an individual of the family Hominidae (man) is not an animal.
- (2) In this Act a reference to a dead animal of any particular kind includes a reference to the body of an animal of that kind—
 - (a) which is frozen, dried or preserved by chemicals, or
 - (b) which, although not complete (whether because it has been eviscerated or because it has had the whole of its inside removed and has been stuffed, or for any other reason), is substantially complete and externally substantially resembles the complete body of an animal of the kind concerned.
- (3) In this Act a reference to a dead plant of any particular kind includes a reference to a plant of that kind—
 - (a) which is frozen, dried or preserved by chemicals, or
 - (b) which, although for any reason not complete, is substantially complete and externally substantially resembles a complete dead plant of the kind concerned.
- (4) In this Act “enactment” includes an enactment of the Parliament of Northern Ireland or of the Northern Ireland Assembly and an Order in Council having the same effect as such an enactment.
- (5) Except in so far as the context otherwise requires, a reference in this Act to any other enactment is a reference to that enactment as amended, and includes a reference to it as extended or applied, by or under any other enactment, including this Act.

13 Citation, commencement, repeals, extent, etc.

- (1) This Act may be cited as the Endangered Species (Import and Export) Act 1976.
- (2) In the application of this Act to Northern Ireland, for the references to the Secretary of State in sections [F²³1(2), to (4) and (10), 2(4), 4(1B)], 5(3), 6 and 7 and for the first reference to him in section 1(5) there shall be substituted references to the Department of Agriculture for Northern Ireland.
- (3) Subject to subsection (4) below, this Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed in pursuance of this subsection for different provisions of this

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Act and for such different purposes of the same provision as may be specified in the order.

- (4) Any provision of this Act not previously brought into operation, or not previously brought into operation for a particular purpose, shall come into operation or, as the case may be, shall come into operation for that purpose on the expiry of the period of 6 months beginning with the day on which this Act is passed.
- (5) ^{M8}The Importation of Plumage (Prohibition) Act 1921 and the ^{M9} Animals (Restriction of Importation) Act 1964 are hereby repealed.
- (6) In section 7 of the ^{M10} Protection of Birds Act 1954 (restrictions on importation of certain wild birds and eggs) subsection (1) and paragraph (a) of subsection (2) are hereby repealed; and accordingly in paragraph (b) of subsection (2) for “such a licence as aforesaid” there shall be substituted “a licence granted under section ten of this Act” and the word “other” (wherever it occurs) is hereby repealed.
- (7) This Act extends to Northern Ireland.

Textual Amendments

F23 Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, [Sch. 10 para. 6](#)

Modifications etc. (not altering text)

- C1** Power of appointment conferred by s. 13(3) fully exercised: 3.2.1977 appointed by [S.I. 1977/24](#) art. 2
- C2** The text of s. 13(5)(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M8** [1921 c. 16.](#)
- M9** [1964 c. 61.](#)
- M10** [1954 c. 30.](#)

Changes to legislation: There are currently no known outstanding effects for the
Endangered Species (Import and Export) Act 1976. (See end of Document for details)

SCHEDULES

[^{F24}SCHEDULE 1

Section 1.]

.....

Textual Amendments

F24 Schs. 1–3 substituted by [S.I. 1982/1230](#) art. 5

SCHEDULE 2

Section 1.

PLANTS THE IMPORTATION AND EXPORTATION OF WHICH ARE RESTRICTED

[^{F25}This Schedule does not apply to any kind of plant.]

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Textual Amendments

F25 Sch. 2 substituted (16.11.1996) by [S.I. 1996/2684](#), [reg. 3](#)

SCHEDULE 3

Section 1.

.....

Modifications etc. (not altering text)

C3 Sch. 3 excluded (15.11.1996 with effect as mentioned in art. 4 of the amending S.I.) by [S.I. 1996/2677](#),
[art. 4](#)

[^{F27}SCHEDULE 4

Section 4

ANIMALS THE SALE ETC OF WHICH IS RESTRICTED

.....

Textual Amendments

F27 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by [1981 c. 69](#), s. 15, [Sch. 10 para. 5\(6\)](#),
[Pt. II](#)) by [S.I. 1996/2684](#), [reg. 5](#), [Sch. 1](#)

*Changes to legislation: There are currently no known outstanding effects for the
 Endangered Species (Import and Export) Act 1976. (See end of Document for details)*

^{F28}This Schedule applies to the following kinds of animal, namely:—

Textual Amendments

F28 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5 Sch. 1

^{F29}MAMMALS

Textual Amendments

F29 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F30}₁ Subject to paragraph 2, the kinds of mammals specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
<i>Carnivora</i>	
Vulpes velox hebes	Northern kit fox
Aonyx microdon	Cameroon clawless otter
Felis bengalensis bengalensis	Bengal tiger cat
Felis rubiginosa	Rusty-spotted cat
Felis rufa escuinapae	Mexican bobcat
<i>Artiodactyla</i>	
Vicugna vicugna	Vicuna
Moschus moschiferus moschiferus	Himalayan musk deer
Antilocapra americana sonoriensis	Sonoran pronghorn
<i>Rodentia</i>	
Pseudomys fumous	Smoky mouse

Textual Amendments

F30 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F31}₂ The species *Aonyx microdon*, *Felis bengalensis bengalensis*, *Felis rubiginosa*, *Antilocapra americana sonoriensis*, *Moschus moschiferus moschiferus* and *Vicugna vicugna* are specified in this Schedule only in relation to populations excluded from Appendix I of Annex A to Council Regulation (EEC) No. 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of wild fauna and flora, as amended by Commission Regulation (EEC) No. 558/95.

Changes to legislation: There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976. (See end of Document for details)

Textual Amendments

F31 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F32}BIRDS

Textual Amendments

F32 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F33} The kinds of birds specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
<i>Falconiformes</i>	
Cathartidae (except <i>Gymnogyps californianus</i> and <i>Vultur gryphus</i>)	New World vultures

Textual Amendments

F33 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F34}REPTILES

Textual Amendments

F34 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F35} Subject to paragraph 5, the kinds of reptiles specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
<i>Crocodylia</i>	
<i>Crocodylus niloticus</i>	Nile crocodile
<i>Crocodylus porosus</i>	Salt-water crocodile
<i>Serpentes</i>	
<i>Bolyeria</i> spp (except <i>B. multocarinata</i>)	Round Island boas
<i>Casarea</i> spp (except <i>C. dussumeri</i>)	Keel-scaled boas

*Changes to legislation: There are currently no known outstanding effects for the
 Endangered Species (Import and Export) Act 1976. (See end of Document for details)*

Textual Amendments

F35 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F36}₅ Crocodylus niloticus and Crocodylus porosus are specified in this Schedule only in relation to populations excluded from Appendix I of Annex A to Council Regulation (EEC) No. 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of wild fauna and flora, as amended by Commission Regulation (EEC) No. 558/95.

Textual Amendments

F36 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F37}FISH

Textual Amendments

F37 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F38}₆ The kinds of fish specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
Coregonus alpenae	Longjaw cisco
Stizostedion vitreum glaucum	Blue walleye

Textual Amendments

F38 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

^{F39}Note: The second column of this Schedule gives a common name or names, where available, and is included by way of guidance only; in the event of any dispute or proceedings, only the first column is to be taken into account.]

Textual Amendments

F39 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

Textual Amendments

F39 Sch. 4 substituted (16.11.1996) (for Sch. 4 which was inserted by 1981 c. 69, s. 15, Sch. 10 para. 5(6), Pt. II) by S.I. 1996/2684, reg. 5, Sch. 1

Changes to legislation: There are currently no known outstanding effects for the
Endangered Species (Import and Export) Act 1976. (See end of Document for details)

[^{F40}SCHEDULE 5

Section 4

PLANTS THE SALE ETC. OF WHICH IS RESTRICTED

Textual Amendments

F40 Sch. 5 substituted (16.11.1996) by S.I. 1996/2684, reg. 6, Sch. 2

<i>Family</i>	<i>Kind</i>
Araceae	Alocasia sanderana
Caryocaraceae	Caryocar costaricense
Caryophyllaceae	Gymnocarpus przewalskii Melandrium mongolicus Silene mongolica Stellaria palvinata
Gentianaceae	Prepusa hookeriana
Humiriaceae	Vantanea barbourii
Juglandaceae	Engelhardtia pterocarpa
Leguminosae	Ammopiptanthus mongolicum Cynometra hemitomophylla Platymiscium pleiostachyum Tachigalia versicolor
Melastomataceae	Lavoisiera itambana
Meliaceae	Guarea longipetiola
Moraceae	Batocarpus costaricensis
Pinaceae	Abies nebrodensis
Podocarpaceae	Podocarpus costalis
Saxifragaceae (otherwise known as Grossulariaceae)	Ribes sardoum
Ulmaceae	Celtis aetnensis
Welwitschiaceae	Welwitschia bainesii
Zingiberaceae	Hedychium philippinense]

Changes to legislation:

There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976.