

**Changes to legislation:** Wildlife and Countryside Act 1981, PART 3 is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 9A

#### SPECIES CONTROL AGREEMENTS AND ORDERS (ENGLAND AND WALES)

##### Textual Amendments

- F1** Sch. 9A inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), ss. **23(3)**, 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

### PART 3

#### SPECIES CONTROL ORDERS

##### *When a species control order may be made*

- 10 (1) An environmental authority may make a species control order in relation to premises if—
- (a) it considers that there is present on the premises—
    - (i) an invasive non-native species, or
    - (ii) a species of animal that is no longer normally present in Great Britain, and
  - (b) any of the following circumstances apply.
- (2) The circumstances are—
- (a) the environmental authority considers that an owner has failed to comply with a species control agreement entered into with the environmental authority and, having been given notice to that effect and a reasonable opportunity to rectify the failure, has not done so;
  - (b) the environmental authority has offered to enter into a species control agreement with an owner but—
    - (i) the owner has refused to enter into any kind of species control agreement, or
    - (ii) no species control agreement has been entered into in respect of the premises by the end of the period of 42 days beginning with the day after the offer was made and the authority considers it unlikely that the owner will enter any kind of such agreement;
  - (c) the environmental authority considers that the making of the order is urgently necessary;
  - (d) the environmental authority has been unable to identify an owner, having—
    - (i) placed on the premises a conspicuous notice of its desire to enter into a species control agreement, and
    - (ii) waited for 5 days after the day on which the notice was placed.

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- (3) Before making a species control order, an environmental authority must be satisfied that the provisions of the order are proportionate to the objective to be achieved.
- (4) Before making a species control order relating to animals of a species that is no longer normally present in Great Britain, the environmental authority must also be satisfied that—
  - (a) the animals are present on the premises otherwise than under and in accordance with the terms of a licence under section 16(4)(c),
  - (b) the animals on the premises are having a significant adverse impact on—
    - (i) biodiversity,
    - (ii) other environmental interests, or
    - (iii) social or economic interests, and
  - (c) there is no appropriate alternative way of obviating that impact.
- (5) A species control order may not be made in relation to premises consisting of a dwelling except by the Secretary of State or the Welsh Ministers.

*What an order must do*

- 11 (1) A species control order under paragraph 10(2)(a) or (b) (failure to comply with or enter into agreement) must contain provision—
  - (a) requiring the owner specified in that paragraph to carry out species control operations, or
  - (b) stating that the environmental authority proposes to carry out species control operations,
 or both.
- (2) A species control order under paragraph 10(2)(c) (emergency) must contain provision—
  - (a) requiring any owner of the premises specified in the order to carry out species control operations, or
  - (b) stating that the environmental authority proposes to carry out species control operations,
 or both.
- (3) A species control order under paragraph 10(2)(d) (no identifiable owner) must contain provision stating that the environmental authority proposes to carry out species control operations.
- 12 (1) A species control order must—
  - (a) specify the species to which the order relates,
  - (b) specify the species control operations to be carried out,
  - (c) specify the time by which the species control operations must be carried out or (as the case may be) the time by which they are proposed to be carried out by the authority, and
  - (d) if appropriate, include a map of the premises to which the order relates.
- (2) Unless it is made under paragraph 10(2)(c) (emergency), a species control order—
  - (a) may not require an owner of premises to carry out species control operations, or provide for an environmental authority to carry out species control

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operations, before the end of the period in which an appeal may be made (as to appeals, see paragraph 16), and

- (b) must provide that if an appeal is made within that period, the owner need not carry out the operations, or the environmental authority shall not carry out the operations, before the appeal is withdrawn or finally determined.

#### *What an order may do*

- 13 (1) A species control order may contain provision supplementary to that specified in paragraphs 11 and 12.
- (2) That may include provision as to—
- (a) how species control operations are to be carried out;
  - (b) payment to be made by the environmental authority to—
    - (i) an owner, in respect of the reasonable costs of operations to be carried out by the owner, or
    - (ii) another person, in respect of the reasonable costs of operations to be carried out by an owner;
  - (c) payment that an owner must make in respect of the reasonable costs of species control operations to be carried out by the environmental authority;
  - (d) species control operations that an owner must not carry out;
  - (e) who will carry out species control operations for the environmental authority.

#### *Notice*

- 14 (1) After making a species control order, an environmental authority must forthwith give notice of it to—
- (a) all owners of the premises of whom the environmental authority is aware,
  - (b) the Secretary of State, if the environmental authority is the Environment Agency, Natural England or the Forestry Commissioners, and
  - (c) the Welsh Ministers, if the environmental authority is the Natural Resources Body for Wales.
- (2) In the case of an order under paragraph 10(2)(d) (no identifiable owner), the environmental authority must also give notice of the order by placing it on the premises conspicuously.
- (3) Notice under this paragraph must include—
- (a) reasons for making the species control order, and
  - (b) reasons for any requirement imposed by it on an owner.

#### *Revocation*

- 15 (1) An environmental authority may at any time revoke a species control order made by it.
- (2) Notice of revocation must be given as specified in paragraph 14 (but reasons need not be given).

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### *Appeals*

- 16 (1) An owner of premises in relation to which a species control order is made may appeal to the First-tier Tribunal against—
- (a) the making of the order, or
  - (b) any provision of the order.
- (2) The First-tier Tribunal may—
- (a) affirm the order,
  - (b) direct the environmental authority which made the order to revoke or amend it,
  - (c) in the case of an order under paragraph 10(2)(c) (emergency), suspend the order, or
  - (d) make such other order as the Tribunal thinks fit.

### *Notice of compliance*

- 17 Where an environmental authority considers that an owner of premises has complied with all the requirements in a species control order to carry out species control operations, the authority must give the owner notice to that effect.

### *Enforcement*

- 18 (1) This paragraph applies where an environmental authority considers that an owner of premises required by a species control order to carry out a species control operation has not done so by the date or in the way specified in the order.
- (2) The authority must give the owner notice to that effect.
- (3) Sub-paragraphs (4) to (6) apply if, after a week after giving notice under sub-paragraph (2), the authority considers that the owner has still not carried out the species control operation in the way specified in the order.
- (4) The authority may carry out the operation itself or carry out such further work as is necessary to ensure that the operation is carried out in the way specified in the order.
- (5) The authority may recover from the owner any expenses reasonably incurred by it in doing so (less any payment which the authority would apart from this paragraph have been required to make to the owner in respect of the carrying out of the operations by the owner).
- (6) The authority is not required to make any payment provided for under paragraph 13(2)(b) in relation to the operation (and may recover any payment made under that paragraph).

### *Offences*

- 19 (1) A person who, without reasonable excuse, fails to comply with a requirement imposed on that person by a species control order commits an offence.
- (2) A person who intentionally obstructs a person from carrying out an operation required or proposed under a species control order commits an offence.
- (3) A person guilty of an offence under sub-paragraph (1) or (2) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or a fine, or both.

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- (4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in sub-paragraph (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in sub-paragraph (3) to a fine is to be read as a reference to a fine not exceeding £40,000.

### *Liability*

- 20 (1) An owner of premises is not liable to any other person for doing anything required to be done by a species control order.
- (2) An environmental authority is not liable to a person with an interest in premises for anything done—
  - (a) by an owner pursuant to a requirement included in a species control order, or
  - (b) by the authority pursuant to—
    - (i) provision included in a species control order under paragraph 11(1)(b), (2)(b) or (3), or
    - (ii) paragraph 18(4).]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)