

Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: When a species control order may be made is up to date with all changes known to be in force on or before 30 March 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

[^{F1}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.]

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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](#)