

Changes to legislation: Countryside and Rights of Way Act 2000, SCHEDULE 12 is up to date with all changes known to be in force on or before 19 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

SCHEDULE 12

Section 81(1).

AMENDMENTS RELATING TO PART I OF WILDLIFE AND COUNTRYSIDE ACT 1981

- 1 In section 1(5) of the 1981 Act (offence of intentional disturbance of wild birds) after “intentionally” there is inserted “or recklessly”.
- 2 In section 3 of that Act (areas of special protection) in subsection (1)(c) for “the offender shall be liable to a special penalty” there is substituted “the offence shall be treated as falling within section 7(3A)”.
- 3 In section 6 of that Act (sale etc. of live or dead wild birds, eggs etc.), in subsection (2) the words from “who is not” to “Secretary of State” are omitted.
- 4 (1) In section 7 of that Act (registration etc. of certain captive birds), in subsection (3) (a), for “for which a special penalty is provided” there is substituted “which falls within subsection (3A)”.
- (2) After subsection (3) of that section there is inserted—

“(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 1 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 1 or any part of, or anything derived from, such a bird, or
 - (ii) an egg of such a bird or any part of such an egg;
 - (d) any offence under section 8.”.
- 5 In section 9 of that Act (protection of certain wild animals)—
 - ^{F1}(a)
 - (b) after that subsection there is inserted—

“(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.”

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Textual Amendments

F1 Sch. 12 para. 5(a) omitted (21.8.2007) by virtue of [The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), regs. 2(1), 8

6 In section 16(3) of that Act (power to grant licences) for “and (4)” there is substituted “, (4) and (4A) ”.

7 In section 19 of that Act (enforcement of Part I), in subsection (3) for the words from “suspecting that” to “has been committed” there is substituted “ suspecting that an offence under this Part has been committed ”.

^{F2}8

Textual Amendments

F2 Sch. 12 para. 8 repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 12](#); S.I. 2006/2541, art. 2

9 (1) In section 20 of that Act (time limit for summary prosecution of certain offences under Part I)—

(a) subsection (1) is omitted, and

(b) in subsection (2) for “an offence to which this section applies” there is substituted “ an offence under this Part ”.

(2) Sub-paragraph (1) does not have effect in relation to any offence committed before the commencement of this paragraph.

10 (1) Section 21 of that Act (penalties, forfeitures etc. for offences under Part I) is amended as follows.

(2) For subsections (1) to (3) there is substituted—

“(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.”

(3) In subsection (4)—

(a) in paragraph (a) for the words from “to a fine” to the end there is substituted “ to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both ”, and

(b) in paragraph (b) for “to a fine” there is substituted “ to imprisonment for a term not exceeding two years or to a fine, or to both ”.

(4) After subsection (4) there is inserted—

“(4A) Except in a case falling within subsection (4B), a person guilty of an offence under section 19ZA(7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

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- (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 19ZA(8) 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) A person guilty of an offence under section 19ZB(9) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

(5) In subsection (5) the words “, (2) or (3)” are omitted.

(6) Sub-paragraphs (1) to (5) and the repeal by this Act of provisions of the 1981 Act relating to special penalties do not have effect in relation to any offence committed before the commencement of this paragraph.

11 In section 24 of that Act (functions of the Nature Conservancy Councils), in subsection (4) for paragraph (c) there is substituted—

“(c) any wildlife inspector,”.

12 In section 27 of that Act (interpretation of Part I), in subsection (1) after the definition of “wild plant” there is inserted—

““wildlife inspector” has the meaning given by section 19ZA(1).”

^{F3}13

Textual Amendments

F3 Sch. 12 para. 13 repealed (1.10.2002) by 2002 c. 30, s. 107, [Sch. 8](#); S.I. 2002/2306, [art. 2\(g\)\(iii\)\(h\)](#)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 15(1)(e) and word inserted by [2023 asc 3 Sch. 13 para. 179](#)
- s. 55A inserted by [2015 c. 20 s. 20](#)
- s. 56A inserted by [2015 c. 20 s. 21](#)
- s. 56B inserted by [2015 c. 20 s. 22\(1\)](#)