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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2010 No. 609

WILDLIFE, ENGLAND AND WALES

The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010

<i>Made</i>	- - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>		<i>9th March 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9th March 2010</i>
<i>Coming into force</i>	- -	<i>6th April 2010</i>

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Order in exercise of the powers conferred on them by section 22(5) of the Wildlife and Countryside Act 1981(1).

In accordance with the requirements of section 26(4)(2) of that Act, the Secretary of State and the Welsh Ministers—

- (a) have given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order; and
- (b) have consulted with the Joint Nature Conservation Committee, being the advisory body they considered was best able to advise them as to whether this Order should be made.

PROSPECTIVE

Title, commencement and extent

1. This Order—

- (a) may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010:

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- (1) 1981 c. 69. The functions of the Secretary of State under section 22, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (2) The functions of the Secretary of State under section 26(4), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. For the definition of “advisory body” see section 23 of the Wildlife and Countryside Act 1981.

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- (b) comes into force on 6th April 2010; and
- (c) extends to England and Wales only.

Commencement Information

II Art. 1 in force at 6.4.2010, see [art. 1\(b\)](#)

Variation of Schedule 9

2.—(1) Schedule 9 (animals and plants to which section 14 applies)⁽³⁾ to the Wildlife and Countryside Act 1981 is varied as follows.

(2) Add the following animals to Part 1 (animals which are established in the wild) —

Common name	Scientific name
Boar, Wild	<i>Sus scrofa</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>
Corncrake	<i>Crex crex</i>
Crab, Chinese Mitten	<i>Eriocheir sinensis</i>
Crane, Common	<i>Grus grus</i>
Crayfish, Red Swamp	<i>Procambarus clarkii</i>
Crayfish, Spiny-cheek	<i>Orconectes limosus</i>
Deer, Chinese Water	<i>Hydropotes inermis</i>
Flatworm	<i>Kontikia andersoni</i>
Flatworm	<i>Kontikia ventrolineata</i>
Flatworm, Australian	<i>Australoplana sanguinea</i>
Goose, Bar-headed	<i>Anser indicus</i>
Goose, Barnacle	<i>Branta leucopsis</i>
Goose, Emperor	<i>Anser canagicus</i>
Goose, Snow	<i>Anser caerulescens</i>
Goshawk	<i>Accipiter gentilis</i>
Kite, Red	<i>Milvus milvus</i>
Limpet, Slipper	<i>Crepidula fornicata</i>
Owl, Eagle	<i>Bubo bubo</i>
Oyster Drill, American	<i>Urosalpinx cinerea</i>
Parakeet, Monk	<i>Myiopsitta monachus</i>
Pochard, Red-crested	<i>Netta rufina</i>
Shelduck, Ruddy	<i>Tadorna ferruginea</i>

(3) As previously varied by S.I. 1992/320, 2674, 1997/226, 1999/1002.

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Swan, Black	Cygnus atratus.
(3) Remove the following animals from Part 1 —	
Common name	Scientific name
Budgerigar	Melopsittacus undulatus
Coypu	Myocastor coypus
With respect to the Outer Hebrides and the islands of Arran, Islay, Jura and Rum —	Cervus
(a) Deer, Cervus (all species)	Any hybrid of the genus Cervus
(b) Deer, any hybrid one of whose parents or other lineal ancestor was a species of	
Cervus Deer	
Gerbil, Mongolian	Meriones unguiculatus
Porcupine, Crested	Hystrix cristata
Porcupine, Himalayan	Hystrix hodgsonii
Quail, Bobwhite	Colinus virginianus.
(4) Add the following plants to Part 2 (plants) —	
Common name	Scientific name
Alexanders, Perfoliate	Smyrnum perfoliatum
Algae, Red	Grateloupia luxurians
Archangel, Variegated Yellow	Lamiastrum galeobdolon subsp. argentatum
Azalea, Yellow	Rhododendron luteum
Balsam, Himalayan	Impatiens glandulifera
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
Fanwort (otherwise known as Carolina Water-Shield)	Cabomba caroliniana

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Fern, Water	Azolla filiculoides
Fig, Hottentot	Carpobrotus edulis
Garlic, Three-cornered	Allium triquetrum
Hyacinth, Water	Eichhornia crassipes
Knotweed, Giant	Fallopia sachalinensis
Knotweed, Hybrid	Fallopia japonica x Fallopia sachalinensis
Knotweed, Japanese	Fallopia japonica
Leek, Few-flowered	Allium paradoxum
Lettuce, Water	Pistia stratiotes
Montbretia	Crocoshmia x crocosmiiflora
Parrot's Feather	Myriophyllum aquaticum
Pennywort, Floating	Hydrocotyle ranunculoides
Potato, Duck	Sagittaria latifolia
Primrose, Floating Water	Ludwigia peploides
Primrose, Water	Ludwigia grandiflora
Primrose, Water	Ludwigia uruguayensis
Rhododendron	Rhododendron ponticum
Rhododendron	Rhododendron ponticum x Rhododendron maximum
Rhubarb, Giant	Gunnera tinctoria
Rose, Japanese	Rosa rugosa
Salvinia, Giant	Salvinia molesta
Seafingers, Green	Codium fragile
Stonecrop, Australian Swamp (otherwise known as New Zealand Pygmyweed)	Crassula helmsii
Waterweed, Curly	Lagarosiphon major
Waterweeds	All species of the genus Elodea.

(5) Remove the following plants from Part 2 —

Common name	Scientific name
Knotweed, Japanese	Polygonum cuspidatum
Seafingers, Green	Codium fragile tomentosoides.

Commencement Information

I2 Art. 2 in force at 6.4.2010, see [art. 1\(b\)](#)

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26th February 2010

3rd March 2010

Huw Irranca-Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs
Jane Davidson
Minister for Environment, Sustainability and
Housing One of the Welsh Ministers

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PROSPECTIVE

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to England and Wales, varies Schedule 9 to the Wildlife and Countryside Act 1981 (c. 69), which lists animals which may not be released or allowed to escape into the wild and plants which may not be planted or otherwise caused to grow in the wild.

Article 2(2) adds twenty-four new entries to Part 1 (animals which are established in the wild) of Schedule 9, and article 2(3) removes eight existing entries from that Part.

Article 2(4) adds thirty-nine new entries to Part 2 (plants) of Schedule 9. Amongst these, the new entry for Japanese Knotweed under the scientific name “Fallopia japonica” replaces the former entry for it which used the scientific name “Polygonum cuspidatum” (and which is now removed by article 2(5)); and the new entry for Green Seafingers under the scientific name “Codium fragile” replaces that (again removed by article 2(5)) for only its sub-species “Codium fragile tomentosoides”.

A full impact assessment of the effect this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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Changes and effects yet to be applied to :

- art. 1 coming into force by [S.I. 2010/609 art. 1\(b\)](#)
- art. 2 coming into force by [S.I. 2010/609 art. 1\(b\)](#)