



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Miscellaneous*

#### 14 Introduction of new species etc. **E+W**

- (1) Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—
  - (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
  - (b) is included in Part I<sup>F1</sup>, IA or IB] of Schedule 9,he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.
- (3) Subject to subsection (4), it shall be a defence to a charge of committing an offence under subsection (1) or (2) to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (4) Where the defence provided by subsection (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

[<sup>F2</sup>(4ZA) Subsection (1)(a) does not apply to species included on [<sup>F3</sup>the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of

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invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council], as amended from time to time.]

[<sup>F4</sup>(4A) Schedule 9A contains provision about species control agreements and orders and related matters.]

<sup>F5</sup>(5) .....

<sup>F5</sup>(6) .....

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 14(1)(b) inserted (E.W.) (5.3.2015 for E.) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 25(2)**, 57(4); [S.I. 2015/481](#), [reg. 2\(c\)](#)
- F2** S. 14(4ZA) inserted (E.W.) (1.12.2019) by [The Invasive Alien Species \(Enforcement and Permitting\) Order 2019 \(S.I. 2019/527\)](#), [art. 1\(1\)](#), **Sch. 4 para. 1(2)** (with [art. 1\(2\)\(4\)](#)) (as amended by [S.I. 2019/1213](#), [regs. 1, 2\(2\)](#))
- F3** Words in s. 14(4ZA) substituted (E.W.) (31.12.2020) by [The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1220\)](#), [regs. 1\(2\)\(c\)](#), **6(2)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** S. 14(4A) inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 23(2)**, 57(4); [S.I. 2015/481](#), [reg. 3\(a\)](#); [S.I. 2015/990](#), [reg. 2](#)
- F5** S. 14(5)(6) repealed (E.W.) (30.1.2001) by 2000 c. 37, [ss. 102, 103\(2\)](#), **Sch. 16 Pt. IV**

#### Modifications etc. (not altering text)

- C1** S. 14 excluded (E.W.) (21.8.2007) by [S.I. 1994/2716](#), **reg. 37C(9)** (as inserted by [The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#) {[reg. 5\(12\)](#)})
- C2** S. 14 excluded (E.W.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), [regs. 1\(2\)](#), **52(8)**
- C3** S. 14 excluded (E.W.) (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), [regs. 1\(2\)](#), **54(8)** (with [reg. 56\(2\)](#))

## 14 Introduction of new species etc. **S**

[<sup>F6</sup>(1) Subject to the provisions of this Part, any person who—

(a) releases, or allows to escape from captivity, any animal—

(i) to a place outwith its native range; or

(ii) of a type the Scottish Ministers, by order, specify; or

(b) otherwise causes any animal outwith the control of any person to be at a place outwith its native range,

is guilty of an offence.

(2) Subject to the provisions of this Part, any person who plants, or otherwise causes to grow, any plant in the wild at a place outwith its native range is guilty of an offence.

(2A) Subsection (1) does not apply to the following animals where those animals are released or allowed to escape from captivity for the purpose of being subsequently killed by shooting—

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- (a) common pheasant;
  - (b) red-legged partridge.
- (2B) The Scottish Ministers may, by order, specify—
- (a) other types of animals to which subsection (1)(a)(i) or (1)(b) does not apply; and
  - (b) types of plants to which subsection (2) does not apply.
- (2C) The Scottish Ministers may, by order, disapply subsection (1) or (2) in relation to—
- (a) any person specified in the order;
  - (b) any conduct undertaken for the purposes of any enactment (including any enactment contained in or made under an Act of the Scottish Parliament) so specified; or
  - (c) any conduct authorised by, under or in pursuance of any such enactment.
- (2D) An order under subsection (1)(a)(ii), (2B) or (2C) may make different provision for different cases and, in particular, for—
- (a) different types of animal or plant;
  - (b) different circumstances or purposes;
  - (c) different persons;
  - (d) different times of the year; and
  - (e) different areas or places.]
- (3) Subject to subsection (4), it shall be a defence to a charge of committing an offence under subsection (1) or (2) to <sup>[F7]</sup>show that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (4) Where the defence provided by subsection (3) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.

<sup>F8</sup>(5) .....

<sup>F8</sup>(6) .....

## Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

## Textual Amendments

- F6** S. 14(1)-(2D) substituted for s. 14(1)(2) (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 14\(2\)\(a\)](#), 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2012/116](#), [art. 2\(a\)\(i\)](#); [S.S.I. 2012/175](#), [art. 2\(1\)\(a\)](#) (with [art. 3\(3\)](#))
- F7** Word in s. 14(3) substituted (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 14\(2\)\(b\)](#), 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2012/175](#), [art. 2\(a\)](#)
- F8** S. 14(5)(6) repealed (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 14\(2\)\(c\)](#), 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2012/175](#), [art. 2\(a\)](#)

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**Modifications etc. (not altering text)**

- C3** S. 14 excluded (E.W.) (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), regs. 1(2), **54(8)** (with reg. 56(2))

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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](#)