



# Conservation of Seals Act 1970

## 1970 CHAPTER 30

An Act to provide for the protection and conservation of seals in England and Wales and Scotland and in the adjacent territorial waters.  
F1

[29th May 1970]

### Textual Amendments

- F1 Act repealed (S.) (31.1.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), ss. 130, 168(1) (with s. 162); S.S.I. 2010/230, art. 4(g)

### Commencement Information

- II Act wholly in force at 29.8.1970 see s. 17(4)

### Modifications etc. (not altering text)

- C1 Act (except s. 1(2)): power to transfer functions conferred (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

## 1 Prohibited methods of killing seals.

- (1) Subject to section 9(2) and section 10 of this Act, if any person—
- (a) uses for the purpose of killing or taking any seal any poisonous substance; or
  - (b) uses for the purpose of killing, injuring or taking any seal any firearm other than a rifle using ammunition having a muzzle energy of not less than 600 footpounds and a bullet weighing not less than 45 grains,
- he shall be guilty of an offence.
- (2) The Secretary of State may by order amend paragraph (b) of subsection (1) of this section by adding any firearm or ammunition to, or by altering the description of, or by substituting any other firearm or ammunition for, the firearm or ammunition mentioned in that subsection.

*Status: Point in time view as at 12/12/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Conservation of Seals Act 1970. (See end of Document for details)*

## 2 Close seasons for seals.

- (1) There shall be an annual close season for grey seals, that is to say seals of the species known as *Halichoerus grypus*, extending from 1st September to 31st December both inclusive and an annual close season for common seals, that is to say seals of the species known as *Phoca vitulina*, extending from 1st June to 31st August both inclusive.
- (2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal during the close season prescribed by subsection (1) of this section for seals of the species so killed, injured or taken he shall be guilty of an offence.

## 3 Orders prohibiting killing seals.

- (1) Where, after consultation with the Council, it appears to the Secretary of State necessary for the proper conservation of seals he may by order prohibit with respect to any area specified in the order the killing, injuring or taking of the seals of both or either of the species mentioned in section 2 of this Act.
- (2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal in contravention of an order made under subsection (1) of this section he shall be guilty of an offence.

### Subordinate Legislation Made

- P1** For previous exercises of power see Index to Government Orders
- P2** [S. 3\(1\)](#): [S. 3\(1\)](#) (with [s. 14\(2\)](#)) power exercised by [S.I. 1991/2638](#)

## 4 Apprehension of offenders and powers of search and seizure.

- (1) A constable may stop any person he suspects with reasonable cause of committing an offence under this Act and may—
  - [<sup>F2</sup>(a) without warrant arrest that person if he fails to give his name and address to the constable's satisfaction;]
  - (b) without warrant search any vehicle or boat which that person may be using at that time; and
  - (c) seize any seal, seal skin, firearm, ammunition or poisonous substance which is liable to be forfeited under section 6 of this Act.
- (2) A constable may sell or otherwise dispose of any seal seized under this section and the net proceeds of any sale shall be liable to forfeiture in the same manner as the seal sold: Provided that no constable shall be subject to any liability on account of his neglect or failure in the exercise of the powers conferred on him by this subsection.

### Textual Amendments

- F2** [S. 4\(1\)\(a\)](#) repealed (E.W.) by [Police and Criminal Evidence Act 1984](#) (c. 60, SIF 95), s. 119, [Sch. 7 Pt. I](#)

*Status: Point in time view as at 12/12/2014.*

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## 5 Penalties.

- (1) Any person guilty of an offence under section 11(7) of this Act shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 3 on the standard scale].
- (2) Any person guilty of any other offence under this Act shall be liable on summary conviction to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale] or, in the case of a second or subsequent conviction for such an offence, to a fine not exceeding [<sup>F4</sup>level 4 on the standard scale].
- [<sup>F5</sup>(3) Proceedings in England and Wales for an offence under this Act may be brought within the period of 6 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.
- (4) But subsection (3) does not authorise the commencement of proceedings for an offence more than 2 years after the date on which the offence was committed.
- (5) For the purposes of subsection (3), a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.
- (6) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

### Textual Amendments

- F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss 289F, 289G**
- F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G** and by 1995 c. 40, **ss. 3, 7(2)**, [Sch. 1 para. 3\(1\)](#), [Sch. 2 Pt. II](#) it is provided (S.)(1.4.1996) that s. 5(2) shall have effect as if the maximum fine that may be imposed on summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50 for a first offence and £100 for a second or subsequent offence
- F5** S. 5(3)-(6) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **s. 107, Sch. 6 para. 2**; S.I. 2006/1382, **art. 2**

## 6 Forfeitures.

The court by which a person is convicted of an offence under this Act may order the forfeiture of any seal or seal skin in respect of which that offence was committed or of any seal, seal skin, firearm, ammunition or poisonous substance in his possession at the time of the offence.

## 7 Jurisdiction of courts.

Where any offence under this Act is committed at some place on the sea coast or at sea outside the area of any commission of the peace, the place of the commission of the offence shall, for the purposes of the jurisdiction of any court, be deemed to be any place where the offender is found or to which he is first brought after the commission of the offence.

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## **8 Attempt to commit offence.**

- (1) Any person who attempts to commit an offence under this Act shall be guilty of an offence.
- (2) Any person who, for the purpose of committing an offence under this Act, has in his possession any poisonous substance or any firearm or ammunition the use of which is prohibited by section 1(1)(b) of this Act shall be guilty of an offence.

## **9 General exceptions.**

- (1) A person shall not be guilty of an offence under section 2 or 3 of this Act by reason only of—
  - (a) the taking or attempted taking of any seal which had been disabled otherwise than by his act and was taken or to be taken solely for the purpose of tending it and releasing it when no longer disabled;
  - (b) the unavoidable killing or injuring of any seal as an incidental result of a lawful action;
  - (c) the killing or attempted killing of any seal to prevent it from causing damage to a fishing net or fishing tackle in his possession or in the possession of a person at whose request he killed or attempted to kill the seal, or to any fish for the time being in such fishing net, provided that at the time the seal was in the vicinity of such net or tackle.
- (2) A person shall not be guilty of an offence under section 1, 2 or 3 of this Act by reason only of the killing of any seal which had been so seriously disabled otherwise than by his act that there was no reasonable chance of its recovering.

## **10 Power to grant licences.**

- (1) A licence may be granted to any person by [<sup>F6</sup>the appropriate licensing authority] authorising that person, notwithstanding anything in the foregoing provisions of this Act, but subject to compliance with any conditions specified in the licence,—
  - (a) for scientific or educational purposes to kill or take within an area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified;
  - (b) for the purposes of any zoological gardens or collection specified in the licence to take within an area specified in the licence by any means so specified any number of seals so specified;
  - (c) for—
    - (i) the prevention of damage to fisheries;
    - (ii) the reduction of a population surplus of seals for management purposes; . . . <sup>F7</sup>
    - (iii) the use of a population surplus of seals as a resource, [<sup>F8</sup>or]
    - [<sup>F9</sup>(iv) the protection of flora or fauna in an area to which subsection (4) of this section applies,]
 to kill or take within any area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified.
- (2) A licence granted under this section may be revoked at any time by [<sup>F6</sup>the appropriate licensing authority] and, without prejudice to any other liability to a penalty which he may have incurred under this or any other Act, any person who contravenes or fails to

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comply with any condition imposed on the grant of a licence under this section shall be guilty of an offence.

- (3) [<sup>F6</sup>the appropriate licensing authority]—
- (a) shall consult the Council before granting a licence under this Act; and
  - (b) except in relation to the prevention of damage to fisheries shall not without the consent of [<sup>F10</sup>Natural England] grant a licence to kill or take seals in [<sup>F11</sup>an area [<sup>F12</sup>in, or in waters adjacent to, England]to which subsection (4) of this section applies]

- [<sup>F13</sup>(4) This subsection applies to any area which—
- (a) is a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949;
    - [<sup>F15</sup>is a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981); or]
  - [<sup>F14</sup>(b) [<sup>F15</sup>is a site of special scientific interest;]
  - [<sup>F16</sup>(c) [<sup>F15</sup>is an area to which section 29(3) of that Act (special protection for certain areas of special scientific interest) applies; or]]
  - [<sup>F15</sup>is an area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect; or]
  - (d) has been designated as [<sup>F17</sup>a marine nature reserve under section 36 of [<sup>F18</sup>that Act]] [<sup>F17</sup> a marine conservation zone under section 116 of the Marine and Coastal Access Act 2009 ] [<sup>F18</sup> the Wildlife and Countryside Act 1981 ].]

[<sup>F19</sup>(4A) A licence under this section does not authorise the use of any method of killing or taking seals which is inconsistent with [<sup>F20</sup>regulation 41 of the Conservation (Natural Habitats, &c.) Regulations 1994][<sup>F20</sup>regulation 43 of the Conservation of Habitats and Species Regulations 2010] or any other enactment for the time being in force for the purpose of giving effect to Article 15 of the Habitats Directive (as read subject to any derogation permitted by Article 16 of that Directive).]

[<sup>F21</sup>(5) .....

[<sup>F22</sup>(6) In subsection (4A), the “Habitats Directive” means the Directive of the Council of the European Communities dated 21st May 1992 ( No. [92/43/EEC](#) ) on the conservation of natural habitats and of wild flora and fauna , as amended from time to time. ]

[<sup>F23</sup>(6) In subsection (4A), the Habitats Directive means the Directive of the Council of the European Communities dated 21st May 1992 ( No. [92/43/EEC](#) ) on the conservation of natural habitats and of wild flora and fauna. ]

[<sup>F24</sup>(7) In this section “the appropriate licensing authority” means—

- (a) the Natural Resources Body for Wales where the area in question is in Wales;
- (b) in any other case, the Marine Management Organisation.

(8) In subsection (7)(a), “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]

#### Textual Amendments

- F6** Words in s. 10 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), [Sch. 2 para. 107\(2\)](#) (with Sch. 7)

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- F7** Word repealed by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 73, **Sch. 17 Pt. II**
- F8** Word inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(1)**
- F9** S. 10(1)(c)(iv) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(1)**
- F10** Words in s. 10(3)(b) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(3)(a)** (with Sch. 7)
- F11** Words substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(2)**
- F12** Words in s. 10(3)(b) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(3)(b)** (with Sch. 7)
- F13** S. 10(4) inserted by [Wildlife and Countryside Act 1981 \(c.69, SIF 4:5\)](#), s. 12, **Sch. 7 para. 7(3)**
- F14** S. 10(4)(b) substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 Pt. II para. 4**
- F15** S. 10(4)(b)(c) substituted (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), s. 59(2), **Sch. 7 para. 3(a)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F16** S. 10(4)(c) and the following word repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), **Sch. 16 Pt. III** (but by [S.I. 2001/114](#), art. 2, and [S.I. 2001/1410](#), art. 2, the commencement of the said Sch. 16 Pt. III is purported to be 30.1.2001 for E. and 1.5.2001 for W. respectively)
- F17** Words in s. 10(4)(d) substituted (E.W.) (12.1.2010 for specified purposes and 12.12.2014 for remaining purposes) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(2)(b)(i), **Sch. 11 para. 1**; [The Marine and Coastal Access Act 2009 \(Commencement and Consequential Provisions\) \(Wales\) Order 2014 \(No. 3088\)](#), art. 2(b)
- F18** Words in s. 10(4)(d) substituted (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), s. 59(2), **Sch. 7 para. 3(b)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F19** S. 10(4A) inserted (S.) (15.2.2007) by [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#), regs. 2, 26(a) and s. 10(4A) inserted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), regs. 2(1), **6(a)**
- F20** Words in s. 10(4A) substituted (E.W.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 6 para. 2** (with reg. 125)
- F21** S. 10(5) omitted (1.4.2013) by virtue of [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(4)** (with Sch. 7)
- F22** S. 10(6) inserted (S.) (15.2.2007) by [The Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#), regs. 2, **26(b)**
- F23** S. 10(6) added (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#), regs. 2(1), **6(b)**
- F24** S. 10(7)(8) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(No. 755\)](#), art. 1(2), **Sch. 2 para. 107(5)** (with Sch. 7)

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

- C2** S. 10 transfer of functions (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 9, 324(3); [S.I. 2010/298](#), art. 2, Sch. para. 1

## **11 Entry upon land.**

- (1) The Secretary of State may, after consultation with the Council, authorise in writing any person to enter upon any land for the purpose of—
- (a) obtaining information relating to seals for the purpose of any of the functions of the Secretary of State under this Act;
  - (b) killing or taking seals for the purpose of preventing damage to fisheries by seals.
- (2) Any such authorisation shall specify—
- (a) the land to be entered upon;

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- (b) the period, not exceeding 8 weeks, during which the power of entry upon the land may be exercised;
  - (c) the purpose of the entry;
  - (d) the number, species and age of seals that may be killed or taken where the purpose of the entry is to prevent damage to fisheries by seals.
- (3) Any such authorisation may impose other conditions on the exercise by the person authorised of the power of entry or the manner of giving effect to the authorisation.
- (4) The Secretary of State shall give not less than 48 hours' notice, or in the case of an authorisation to enter upon land for the purpose of killing or taking seals not less than 28 days' notice, to the occupier of any land of his intention to issue an authorisation and of the purpose of the authorisation; and in the case of an authorisation to enter upon land for the purpose of killing or taking seals the Secretary of State shall have regard to any representations that might be made by the occupier and shall not issue the authorisation if before the expiration of the notice the occupier satisfies the Secretary of State that he has killed or taken the number of seals which the Secretary of State proposes to specify in the authorisation.
- (5) Any seals killed or taken by a person authorised under this section to enter upon land shall belong to the Secretary of State and may be disposed of as the Secretary of State thinks fit.
- (6) Any person authorised under this section to enter upon any land shall, if required by the occupier of that land, produce his authority and may take with him upon that land such other persons as may be necessary.
- (7) If any person wilfully obstructs any person authorised by the Secretary of State exercising a power of entry under this section, he shall be guilty of an offence.
- (8) Any reference in this section to the Secretary of State shall, in relation to England and Wales, be deemed to include a reference to the Minister of Agriculture, Fisheries and Food and any reference to land shall include land covered by water.

## **12 Giving of notice.**

- (1) Any notice required by this Act to be given to any person shall be duly given if it is delivered to him, or left at his proper address, or sent to him by post.
- (2) Any such notice required to be given to an incorporated company or body shall be duly given if given to the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section 26 of the <sup>M1</sup>Interpretation Act 1889 the proper address of any person to whom any such notice is to be given shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last-known address of the person in question.
- (4) Where any such notice is to be given to a person as being the person having any interest in land, and it is not practicable after reasonable enquiry to ascertain his name or address, the notice may be given by addressing it to him by the description of the person having that interest in the land (naming it), and delivering the notice to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

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#### Marginal Citations

**M1** 1889 c. 63.

### 13 Duty of the Council.

The Council shall provide the Secretary of State<sup>F25</sup>, the Welsh Ministers and the Natural Resources Body for Wales] with scientific advice on matters related to the management of seal populations.

#### Textual Amendments

**F25** Words in s. 13 inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013](#) (No. 755), art. 1(2), **Sch. 2 para. 108** (with Sch. 7)

### 14 Orders.

- (1) The power of the Secretary of State to make orders under this Act shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order made under this Act may be varied or revoked by a subsequent order made in the like manner.

#### Subordinate Legislation Made

- P3** For previous exercises of power see Index to Government Orders
- P4** [S. 14\(2\)](#): [S. 3\(1\)\(with s. 14\(2\)\)](#) power exercised by [S.I. 1991/2638](#)

### 15 Interpretation.

In this Act unless the context otherwise requires—

“ammunition” has the same meaning as in the <sup>M2</sup>Firearms Act 1968;

“the Council” means the Natural Environment Research Council;

“firearm” has the same meaning as in the <sup>M3</sup>Firearms Act 1968.

#### Marginal Citations

- M2** 1968 c. 27.
- M3** 1968 c. 27.

### 16 Repeal.

- (1) The <sup>M4</sup>Grey Seals Protection Act 1932 and the reference to section 2(1) of that Act in Schedule 3 to the <sup>M5</sup>Criminal Justice Act 1967 are hereby repealed.
- (2) Notwithstanding the repeal of the <sup>M6</sup>Grey Seals Protection Act 1932 all prosecutions and proceedings in respect of offences under that Act committed before the coming



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into force of this Act may be continued, commenced, taken or prosecuted as if this Act had not been passed.

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

- C3** The text of s. 16(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any repeals or amendments which may have been made prior to 1.2.1991

**Marginal Citations**

- M4** 1932 c. 23.  
**M5** 1967 c. 80.  
**M6** 1932 c. 23.

**17 Short title, area of application, extent and commencement.**

- (1) This Act may be cited as the Conservation of Seals Act 1970.
- (2) Nothing done outside the seaward limits of the territorial waters adjacent to Great Britain shall constitute an offence under this Act.
- (3) This Act shall not extend to Northern Ireland.
- (4) This Act shall come into force at the expiry of 3 months beginning with the date of its passing.

**Status:**

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**Changes to legislation:**

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