



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Supplemental*

#### 16 Power to grant licences. **E+W**

- (1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—
- [<sup>F1</sup>(a) for scientific, research or educational purposes;]
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
  - (c) for the purpose of conserving wild birds;
  - [<sup>F2</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;
  - (cb) for the purpose of conserving flora or fauna;]
  - (d) for the purpose of protecting any collection of wild birds;
  - (e) for the purposes of falconry or aviculture;
  - (f) for the purposes of any public exhibition or competition;
  - (g) for the purposes of taxidermy;
  - (h) for the purpose of photography;
  - (i) for the purposes of preserving public health or public or air safety;
  - (j) for the purpose of preventing the spread of disease; or
  - (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber [<sup>F3</sup>, fisheries or inland waters],

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F4</sup>(1A) The appropriate authority—

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
  - (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]
- (2) Section 1 and orders under section 3 do not apply to anything done for the purpose of providing food for human consumption in relation to—
- (a) a gannet on the island of Sula Sgeir; or
  - (b) a gull's egg or, at any time before 15th April in any year, a lapwing's egg,
- if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- (3) Sections 9(1), (2) [<sup>F5</sup>, (4) and (4A)], 11(1) and (2) and 13(1) do not apply to anything done—
- (a) for scientific or educational purposes;
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
  - (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
  - (d) for the purpose of protecting any zoological or botanical collection;
  - (e) for the purpose of photography;
  - (f) for the purpose of preserving public health or public safety;
  - (g) for the purpose of preventing the spread of disease; or
  - (h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries,
- if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- (4) The following provisions, namely—
- (a) section 6(1) and (2);
  - (b) sections 9(5) and 13(2); and
  - (c) section 14,
- do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.
- (5) Subject to [<sup>F6</sup>subsections (5A) and (6)], a licence under the foregoing provisions of this section—
- (a) may be, to any degree, general or specific;
  - (b) may be granted either to persons of a class or to a particular person;
  - (c) may be subject to compliance with any specified conditions;
  - (d) may be modified or revoked at any time by the appropriate authority; and
  - (e) subject to paragraph (d), shall be valid for the period stated in the licence;
- and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.

[<sup>F7</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—

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- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
  - (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
  - (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.]
- (6) A licence under subsection [F8(2) or (3)] which authorises any person to kill wild birds or wild animals—
  - (a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
  - (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.
- (7) It shall be a defence in proceedings for an offence under section 8(b) of the M1Protection of Animals Act 1911 or section 7(b) of the M2Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—
  - (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under subsection (1) or (3); and
  - (b) any conditions specified in the licence were complied with.
- (8) For the purposes of a licence granted under the foregoing provisions of this section, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.
- (9) In this section “the appropriate authority” means—
  - (a) in the case of a licence under [F9any of paragraphs (a) to (cb)] of subsection (1), either the Secretary of State after consultation with whichever one of the advisory bodies he considers is best able to advise him as to whether the licence should be granted, or the [F10relevant] Nature Conservancy Council;
  - (b) in the case of a licence under any of paragraphs (d) to (g) of subsection (1), subsection (2) or paragraph (a) or (b) of subsection (4), the Secretary of State after such consultation as aforesaid;
  - (c) in the case of a licence under paragraph (h) of subsection (1) or any of paragraphs (a) to (e) of subsection (3), the [F10relevant] Nature Conservancy Council;
  - (d) in the case of a licence under paragraph (i), (j) or (k) of subsection (1) or paragraph (f), (g) or (h) of subsection (3) or a licence under paragraph (c) of subsection (4) which authorises anything to be done in relation to fish or shellfish, the agriculture Minister; and
  - (e) in the case of any other licence under paragraph (c) of subsection (4), the Secretary of State.
- [F11(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 (No.79/409/EEC) on the conservation of wild birds.]
- (10) The agriculture Minister—
  - (a) shall from time to time consult with [F12each of the Nature Conservancy Councils] as to the exercise [F13in the area of that Council] of his functions under this section; and

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- (b) shall not grant a licence of any description unless he has been advised by the [<sup>F14</sup>relevant Nature Conservancy] Council as to the circumstances in which, in their opinion, licences of that description should be granted.

[<sup>F15</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the Nature Conservancy Council for the area in which it is proposed to carry on the activity requiring a licence.]

#### 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** S. 16(1)(a) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(a\)](#)
- F2** S. 16(1)(ca)(cb) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(b\)](#)
- F3** Words in s. 16(2)(k) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(c\)](#)
- F4** S. 16(1A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(3\)](#)
- F5** Words in s. 16(3) substituted (E.W.) (30.1.2001) by [2000 c. 37, ss. 81\(1\), 103\(2\), Sch. 12 para. 6](#)
- F6** Words in s. 16(5) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(4\)](#)
- F7** S. 16(5A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(5\)](#)
- F8** Words in s. 16(6) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(6\)](#)
- F9** Words in s. 16(9)(a) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(7\)](#)
- F10** Word in s. 16(9) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(4\)\(a\)](#); [S.I. 1991/685, art. 3](#)
- F11** S. 16(9A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(8\)](#)
- F12** Words in s. 16(10)(a) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(4\)\(b\)](#); [S.I. 1991/685, art. 3](#)
- F13** Words in s. 16(10)(a) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(4\)\(b\)](#); [S.I. 1991/685, art. 3](#)
- F14** Words in s. 16(10)(b) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(4\)\(c\)](#); [S.I. 1991/685, art. 3](#)
- F15** S. 16(11) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(4\)\(d\)](#); [S.I. 1991/685, art. 3](#)

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

- C1** S. 16: Functions transferred (W.) (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

#### Marginal Citations

- M1** [1911 c. 27.](#)
- M2** [1912 c. 14.](#)

## 16 Power to grant licences. **S**

- (1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—
- [<sup>F73</sup>(a) for scientific, research or educational purposes;]
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
- (c) for the purpose of conserving wild birds;
- [<sup>F74</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;

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- (cb) for the purpose of conserving flora or fauna;]
- (d) for the purpose of protecting any collection of wild birds;
- (e) for the purposes of falconry or aviculture;
- (f) for the purposes of any public exhibition or competition;
- (g) for the purposes of taxidermy;
- (h) for the purpose of photography;
- (i) for the purposes of preserving public health or public or air safety;
- (j) for the purpose of preventing the spread of disease; or
- (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber [<sup>F75</sup>, fisheries or inland waters],

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F76</sup>(1A) The appropriate authority—

- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
- (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]

(2) Section 1 and orders under section 3 do not apply to anything done for the purpose of providing food for human consumption in relation to—

- (a) a gannet on the island of Sula Sgeir; or
- (b) a gull's egg <sup>F77</sup> . . . ,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(3) Sections 9(1), (2) [<sup>F78</sup>, (4) and (4A)] , 11(1) [<sup>F79</sup>, (2) and (3C)(a)] and 13(1) do not apply to anything done—

- (a) for scientific [<sup>F80</sup>, research] or educational purposes;
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
- (c) for the purpose of conserving [<sup>F81</sup>wild birds,] wild animals or wild plants or introducing them to particular areas;

[<sup>F82</sup>(ca) for the purpose of conserving any area of natural habitat;]

- (d) for the purpose of protecting any zoological or botanical collection;
- (e) for the purpose of photography;
- (f) for the purpose of preserving public health or public safety;
- (g) for the purpose of preventing the spread of disease; or
- (h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(4) The following provisions, namely—

- (a) section 6(1) and (2);

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- (b) sections 9(5) and 13(2); and
  - (c) [<sup>F83</sup>sections 14 and 14A],
- do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.
- [<sup>F84</sup>(4A) The appropriate authority shall not grant a licence under subsection (4) permitting anything to be done in contravention of section 6(1) or (2) unless it is satisfied that there is no other satisfactory solution.]
- (5) Subject to [<sup>F85</sup>subsections (5A) and (6)], a licence under the foregoing provisions of this section—
- (a) may be, to any degree, general or specific;
  - (b) may be granted either to persons of a class or to a particular person;
  - (c) may be subject to compliance with any specified conditions;
  - (d) may be modified or revoked at any time by the appropriate authority; and
  - (e) subject to paragraph (d), shall be valid for the period stated in the licence;
- and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.
- [<sup>F86</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—
- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
  - (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
  - (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.]
- (6) A licence under subsection [<sup>F87</sup>(2) or (3)] which authorises any person to kill wild birds or wild animals—
- (a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
  - (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.
- (7) It shall be a defence in proceedings for an offence under section 8(b) of the <sup>M9</sup>Protection of Animals Act 1911 or section 7(b) of the <sup>M10</sup>Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—
- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under subsection (1) or (3); and
  - (b) any conditions specified in the licence were complied with.
- (8) For the purposes of a licence granted under the foregoing provisions of this section, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.
- (9) In this section “the appropriate authority” means—
- (a) in the case of a licence under [<sup>F88</sup>any of paragraphs (a) to (cb)] of subsection (1), either the Secretary of State after consultation with whichever one of the advisory bodies he considers is best able to advise him as to whether the licence should be granted, or the [<sup>F89</sup>relevant] Nature Conservancy Council;

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- (b) in the case of a licence under any of paragraphs (d) to (g) of subsection (1), subsection (2) or paragraph (a) or (b) of subsection (4), the Secretary of State after such consultation as aforesaid;
- (c) in the case of a licence under paragraph (h) of subsection (1) or any of paragraphs (a) to (e) of subsection (3), the [<sup>F89</sup>relevant] Nature Conservancy Council;
- (d) in the case of a licence under paragraph (i), (j) or (k) of subsection (1) or paragraph (f), (g) or (h) of subsection (3) or a licence under paragraph (c) of subsection (4) which authorises anything to be done in relation to fish or shellfish, the agriculture Minister; and
- (e) in the case of any other licence under paragraph (c) of subsection (4), the Secretary of State.

[<sup>F90</sup>(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 (No.79/409/EEC) on the conservation of wild birds.]

(10) The agriculture Minister—

- (a) shall from time to time consult with [<sup>F91</sup>each of the Nature Conservancy Councils] as to the exercise [<sup>F92</sup>in the area of that Council] of his functions under this section; and
- (b) shall not grant a licence of any description unless he has been advised by the [<sup>F93</sup>relevant Nature Conservancy] Council as to the circumstances in which, in their opinion, licences of that description should be granted.

[<sup>F94</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the Nature Conservancy Council for the area in which it is proposed to carry on the activity requiring a licence.]

#### Extent Information

**E9** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F73** S. 16(1)(a) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(a)**
- F74** S. 16(1)(ca)(cb) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(b)**
- F75** Words in s. 16(2)(k) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(2)(c)**
- F76** S. 16(1A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(3)**
- F77** Words in s. 16(2)(b) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(a)**; S.S.I. 2004/407, **art. 2**
- F78** Words in s. 16(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(i)**; S.S.I. 2004/407, **art. 2**
- F79** Words in s. 16(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(ii)**; S.S.I. 2004/407, **art. 2**
- F80** Words in s. 16(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iii)**; S.S.I. 2004/407, **art. 2**
- F81** Words in s. 16(3)(c) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iv)**; S.S.I. 2004/407, **art. 2**
- F82** S. 16(3)(ca) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(v)**; S.S.I. 2004/407, **art. 2**

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- F83** Words in s. 16(4) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(c)**; S.S.I. 2004/407, **art. 2**
- F84** S. 16(4A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(d)**; S.S.I. 2004/407, **art. 2**
- F85** Words in s. 16(5) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(4)**
- F86** S. 16(5A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(5)**
- F87** Words in s. 16(6) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(6)**
- F88** Words in s. 16(9)(a) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(7)**
- F89** Word in s. 16(9) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(a)**; S.I. 1991/685, **art. 3**
- F90** S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(8)**
- F91** Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F92** Words in s. 16(10)(a) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F93** Words in s. 16(10)(b) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(c)**; S.I. 1991/685, **art. 3**
- F94** S. 16(11) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(d)**; S.I. 1991/685, **art. 3**

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

- C10** S. 16: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1**

#### Marginal Citations

- M9** 1911 c. 27.  
**M10** 1912 c. 14.

## 17 False statements made for obtaining registration or licence etc.

A person who, for the purposes of obtaining, whether for himself or another, a registration in accordance with regulations made under section [F16(2) or] 7(1) or the grant of a licence under section 16—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

shall be guilty of an offence.

#### Textual Amendments

- F16** Words in s. 17 repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), **Sch. 16 Pt. IV**

## 18 Attempts to commit offences etc.

- (1) Any person who attempts to commit an offence under the foregoing provisions of this Part shall be guilty of an offence and shall be punishable in like manner as for the said offence.
- (2) Any person who for the purposes of committing an offence under the foregoing provisions of this Part, has in his possession anything capable of being used for



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committing the offence shall be guilty of an offence and shall be punishable in like manner as for the said offence.

## [<sup>F17</sup>18A Wildlife inspectors

- (1) In this Part, “wildlife inspector” means a person authorised in writing under this section by—
  - (a) the Secretary of State (in relation to England), or
  - (b) the National Assembly for Wales (in relation to Wales).
- (2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it.
- (3) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under section 18B or 18D.
- (4) A wildlife inspector entering premises under either of those sections may take with him a veterinary surgeon if he has reasonable grounds for believing that such a person will be needed for the exercise of powers under section 18C or 18E.

### Textual Amendments

**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

### Modifications etc. (not altering text)

**C2** S. 18A applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

## 18B Group 1 offences and licences: power to enter premises

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
  - (a) for the purpose of ascertaining whether a Group 1 offence is being or has been committed;
  - (b) for the purpose of—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 1 licence, or
    - (ii) ascertaining whether any condition to which a Group 1 licence was subject has been complied with.
- (2) In this Part—

“Group 1 offence” means an offence under section 1, 5, 9(1), (2) or (4), 11, 13(1) or 14ZA, and

“Group 1 licence” means a licence authorising anything which would otherwise be a Group 1 offence.
- (3) Nothing in this section confers power to enter a dwelling.

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

#### Textual Amendments

**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

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

**C3** S. 18B applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

### 18C Group 1 offences and licences: examining specimens and taking samples

- (1) The powers conferred by this section are exercisable where a wildlife inspector has entered any premises for a purpose mentioned in section 18B(1)(a) or (b).
- (2) The inspector, or a veterinary surgeon accompanying him, may—
  - (a) for any such purpose, examine any specimen, and
  - (b) subject to subsection (5) and section 18F, take a sample from it.
- (3) “Specimen” means—
  - (a) any bird, other animal or plant, or
  - (b) any part of, or anything derived from, a bird, other animal or plant.
- (4) “Sample” means a sample of blood, tissue or other biological material.
- (5) No sample may be taken under subsection (2) from a live bird, other animal or plant except for the purpose of establishing its identity or ancestry.
- (6) The inspector may require an occupier of the premises to give such assistance as is reasonable in the circumstances for the purpose of—
  - (a) making an examination under subsection (2)(a), or
  - (b) taking a sample under subsection (2)(b).
- (7) The inspector may take and remove from the premises a specimen which is not a live bird, other animal or plant, if there are reasonable grounds for believing that it is evidence of a Group 1 offence.

#### Textual Amendments

**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

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

**C4** S. 18C applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

### 18D Group 2 offences and licences etc.: power to enter premises

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
  - (a) for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (b) where he has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
- (c) for the purpose of ascertaining whether an offence under section 14 is being, or has been, committed on those premises;
- (d) for the purpose of—
  - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 2 licence or a relevant registration, or
  - (ii) ascertaining whether any condition to which a Group 2 licence was subject has been complied with.

(2) In this Part—

“Group 2 offence” means an offence under section 6, 7, 9(5), 13(2) or 14,  
“Group 2 licence” means a licence authorising anything which would otherwise be a Group 2 offence, and  
“relevant registration” means a registration in accordance with regulations under section 7(1).

(3) In subsection (1)—

- (a) paragraphs (a) and (b) do not confer power to enter a dwelling except for purposes connected with—
  - (i) a Group 2 licence or a relevant registration held by an occupier of the dwelling, or
  - (ii) an application by an occupier of the dwelling for a Group 2 licence or a relevant registration, and
- (b) paragraph (c) does not confer any power to enter a dwelling.

**Textual Amendments**

**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

**18E Group 2 offences: examining specimens and taking samples**

- (1) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.
- (2) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by section 18D in order to determine its identity or ancestry.
- (3) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed in respect of any specimen (the relevant specimen), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
  - (a) is alleged to be, or

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*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (b) which the wildlife inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.
- (4) Where, pursuant to a requirement under this section—
  - (a) a bird or other animal is to be examined, or
  - (b) a sample is to be taken from a bird or other animal,
 a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.
- (5) “Specimen” and “sample” have the same meaning as in section 18C.
- (6) This section is subject to section 18F.

**Textual Amendments**  
**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

**18F Restrictions on taking of samples from live specimens**

- (1) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird or other animal except by a veterinary surgeon.
- (2) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.]

**Textual Amendments**  
**F17** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

**Modifications etc. (not altering text)**  
**C5** S. 18F applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

**19 Enforcement. E+W**

- (1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—
  - (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
  - (b) search or examine any thing which that person may then be using or have in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that thing;
  - (c) <sup>F18</sup> .....

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- (d) seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.
- (2) If a constable suspects with reasonable cause that any person is committing [<sup>F19</sup>or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1) [<sup>F20</sup>or arresting a person, in accordance with [<sup>F21</sup>section 24] of Police and Criminal Evidence Act 1984, for such an offence], [<sup>F22</sup>enter any premises other than a dwelling] .
- [<sup>F23</sup>(2A) A constable may, for the purpose of assisting him in exercising the powers conferred by subsection (1)(b) and (d) when he has entered any premises under subsection (2), take with him—
- (a) any other person, and
  - (b) any equipment or materials.]
- (3) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for [<sup>F24</sup>suspecting that an offence under this Part has been committed] and that evidence of the offence may be found on any premises, he may grant a warrant to any constable <sup>F25</sup>. . . to enter upon and search those premises for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

#### Extent Information

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

#### Textual Amendments

- F18** S. 19(1)(c) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 7 Pt. 1](#)
- F19** Words in s. 19(2) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(2\)\(a\)](#); S.I. 2006/1382, [art. 2](#)
- F20** Words inserted (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 6 para. 25](#)
- F21** Words in s. 19(2) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 56](#) (subject to [art. 2\(2\)](#)); S.I. 2005/3495, [art. 2\(1\)\(m\)](#)
- F22** Words in s. 19(2) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(2\)\(b\)](#); S.I. 2006/1382, [art. 2](#)
- F23** S. 19(2A) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(3\)](#); S.I. 2006/1382, [art. 2](#)
- F24** Words in s. 19(3) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), [Sch. 12 para. 7](#)
- F25** Words in s. 19(3) omitted (E.W.) (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(4\)](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(2), 107, [Sch. 12](#); S.I. 2006/1382, [art. 2](#); S.I. 2006/2541, [art. 2](#)

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

- C6** S. 19(3) applied (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 13](#); S.I. 2006/1382, [art. 2](#)

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*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

## 19 Enforcement. **S**

- (1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—
  - (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
  - (b) [<sup>F95</sup>search for,]search or examine any thing which that person may then be using or [<sup>F96</sup>may have used, or may have or have had in his possession,] if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found [<sup>F97</sup>in or] on that thing;
  - (c) arrest that person <sup>F98</sup> . . . ;
  - (d) seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.
- (2) If a constable suspects with reasonable cause that any person is committing [<sup>F99</sup>or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1), enter any land other than a [<sup>F100</sup>dwelling or lockfast premises] .
- (3) If a justice of the peace is satisfied by [<sup>F101</sup>evidence] on oath that there are reasonable grounds for suspecting that [<sup>F102</sup>an offence under this Part] has been committed and that evidence of the offence may be found on any premises, he may grant a warrant to any constable [<sup>F103</sup>to enter those premises, if necessary using reasonable force, and search them] for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

- <sup>F104</sup>(4) A warrant under subsection (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.
- (5) A constable authorised by virtue of this section to enter any land must, if required to do so by the occupier or anyone acting on the occupier's behalf, produce evidence of the constable's authority.
- (6) A constable who enters any land in the exercise of a power conferred by this section—
  - (a) may—
    - (i) be accompanied by any other persons, and
    - (ii) take any machinery, other equipment or materials on to the land, for the purpose of assisting the constable in the exercise of that power,
  - (b) may take samples of any articles or substances found there and remove the samples from the land.
- (7) A power specified in subsection (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.
- (8) A constable leaving any land which has been entered in exercise of a power conferred by subsection (2) or by a warrant under subsection (3), being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it.]



*Status: Point in time view as at 31/05/2006.*

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### Extent Information

- E10** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F95** Words in s. 19(1)(b) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F96** Words in s. 19(1)(b) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F97** Words in s. 19(1)(b) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(iii\)](#); S.S.I. 2004/407, [art. 2](#)
- F98** Words in s. 19(1)(c) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 4\(a\)](#)
- F99** Words in s. 19(2) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(b\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F100** Words in s. 19(2) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(b\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F101** Words in s. 19(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(c\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F102** S. 19(3): paras. (a)(b) substituted (S.) (26.3.2003) for words by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 4\(b\)](#)
- F103** Words in s. 19(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(c\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F104** S. 19(4)-(8) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(d\)](#); S.S.I. 2004/407, [art. 2](#)

## [<sup>F26</sup>19XA Constables' powers in connection with samples

- (1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred by this section is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample.
- (2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (the relevant specimen) may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
  - (a) is alleged to be, or
  - (b) the constable suspects with reasonable cause to be,a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.
- (3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this section, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.
- (4) “Specimen” and “sample” have the same meaning as in section 18C.
- (5) This section is subject to section 18F (restrictions on taking samples).]

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

**Textual Amendments**

**F26** S. 19XA, 19XB inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 3](#); S.I. 2006/1382, [art. 2](#)

**[<sup>F26</sup>19XB Offences in connection with enforcement powers**

- (1) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18B(1) or 18C(2) or (7), or
  - (b) fails without reasonable excuse to give any assistance reasonably required under section 18C(6).
- (2) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18D(1) or 18E(2), or
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 18E(1) or (3), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under section 18E(4).
- (3) A person is guilty of an offence if he—
  - (a) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 19XA(2), or
  - (b) fails without reasonable excuse to give any assistance reasonably required under section 19XA(3).
- (4) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.]

**Textual Amendments**

**F26** S. 19XA, 19XB inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 3](#); S.I. 2006/1382, [art. 2](#)

**19ZA Enforcement: wildlife inspectors.**

<sup>F27</sup> .....

**Textual Amendments**

**F27** S. 19ZA omitted (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 4](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(2), 107 {Sch. 12}; S.I. 2006/1382, [art. 2](#); S.I. 2006/2541, [art. 2](#)

**19ZB Power to take samples.**

<sup>F28</sup> .....



*Status: Point in time view as at 31/05/2006.*

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### Textual Amendments

**F28** S. 19ZB omitted (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 52, 107, Sch. 5 para. 4](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(2\), 107 {Sch. 12}; S.I. 2006/1382, art. 2; S.I. 2006/2541, art. 2](#)

### [<sup>F29</sup>19ZC] **Wildlife inspectors: Scotland**

- (1) The Scottish Ministers may authorise any person to carry out the functions conferred by this section and section 19ZD(3), (4) and (8) (and any person so authorised is to be known as a “wildlife inspector”).
- (2) An authorisation under subsection (1)—
  - (a) shall be in writing, and
  - (b) is subject to any conditions or limitations specified in it.
- (3) A wildlife inspector may, at any reasonable time and (if required to do so) upon producing evidence of authorisation, enter and inspect—
  - (a) any premises for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;
  - (b) any premises where the inspector has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
  - (c) any premises where the inspector has reasonable cause to believe that any birds are kept, for the purpose of ascertaining whether an offence under section 8(1) is being, or has been, committed on those premises;
  - (d) any premises for the purpose of ascertaining whether an offence under section 14 or 14A is being, or has been, committed on those premises;
  - (e) any premises for the purpose of verifying any statement or representation which has been made by an occupier, or any document or information which has been furnished by the occupier, and which the occupier made or furnished—
    - (i) for the purposes of obtaining (whether for the occupier or another person) a relevant registration or licence; or
    - (ii) in connection with a relevant registration or licence held by the occupier.
- (4) In subsection (3)—
  - (a) paragraphs (a) to (c) do not confer power to enter a dwelling except for purposes connected with—
    - (i) a relevant registration or licence held by an occupier of the dwelling; or
    - (ii) an application by an occupier of the dwelling for a relevant registration or licence,
  - (b) paragraph (d) does not confer power to enter a dwelling.
- (5) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 8(1), 9(5), 13(2), 14 or 14A is being, or has been, committed in respect of any specimen, require any person who has possession or control of the specimen to make it available for examination by the inspector.

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (6) Any person who has possession or control of any live bird or other animal shall give any wildlife inspector acting in the exercise of powers conferred by this section such assistance as the inspector may reasonably require for the purpose of examining the bird or other animal.
- (7) Any person who—
- (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by subsection (3) or (5); or
  - (b) fails without reasonable excuse to give any assistance reasonably required under subsection (6),
- shall be guilty of an offence.
- (8) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector shall be guilty of an offence.
- (9) In this section—
- “relevant registration or licence” means—
- (a) a registration in accordance with regulations under section 7(1); or
  - (b) a licence under section 16 authorising anything which would otherwise be an offence under section 6, 7, 8(1), 9(5), 13(2), 14 or 14A;
- “specimen” means any bird, other animal or plant or any part of, or anything derived from, a bird, other animal or plant.

#### Textual Amendments

**F29** Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 17](#); [S.S.I. 2004/407](#), [art. 2](#)

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

**C7** S. 19ZC applied (with modifications) (S.) (29.11.2004) by [S.I. 1994/2716](#), [reg. 101A\(3\)](#) (as substituted by [The Conservation \(Natural Habitats, & c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#)), [reg. 18](#)

### 19ZD Power to take samples: Scotland

- (1) A constable who suspects with reasonable cause that a specimen found by the constable in the exercise of powers conferred by section 19 is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample of blood or tissue in order to determine its origin, identity or ancestry.
- (2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (“the relevant specimen”) may require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person’s possession or control which is alleged to be, or which the constable suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.
- (3) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2), 14 or 14A is being or has been committed, require the taking of a sample of blood or tissue from a specimen found by the inspector in the exercise of

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powers conferred by section 19ZC(3)(a) to (d) in order to determine its origin, identity or ancestry.

- (4) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), 13(2), 14 or 14A is being or has been committed in respect of any specimen (“the relevant specimen”), require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person’s possession or control which is alleged to be, or which the inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.
- (5) No sample from a live bird, other animal or plant shall be taken pursuant to a requirement under this section unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.
- (6) No sample from a live bird or other animal shall be taken pursuant to such a requirement except by a veterinary surgeon.
- (7) Where a sample from a live bird or other animal is to be taken pursuant to such a requirement, any person who has possession or control of the specimen shall give the person taking the sample such assistance as that person may reasonably require for that purpose.
- (8) A constable entering premises under section 19(2), and any wildlife inspector entering premises under section 19ZC(3), may take with him a veterinary surgeon if the constable or, as the case may be, inspector has reasonable grounds for believing that such a person will be required for the exercise on the premises of powers under subsection (1) or (2) or, as the case may be, (3) or (4).
- (9) Any person who—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of the power conferred by subsection (3),
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under subsection (2) or (4), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under subsection (7),shall be guilty of an offence.
- (10) In this section—
  - (a) “specimen” has the same meaning as in section 19ZC;
  - (b) in relation to a specimen which is a part of, or is derived from, a bird, other animal or plant, references to determining its origin, identity or ancestry are to determining the origin, identity or ancestry of the bird, other animal or plant.]

#### Textual Amendments

**F29** Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 17](#); [S.S.I. 2004/407](#), [art. 2](#)

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

**C8** S. 19ZD applied (with modifications) (S.) (29.11.2004) by [S.I. 2004/2716](#), [reg. 101A\(3\)](#) (as substituted by [The Conservation \(Natural Habitats, & c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#), [reg. 18](#))

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### [<sup>F30</sup>19A Evidence in Scotland as to taking or destruction of eggs.

In any proceedings in Scotland for an offence under section 1(1)(c) of, or by virtue of section 3(1)(a)(iii) of, this Act, the accused may be convicted on the evidence of one witness.]

#### Textual Amendments

**F30** S. 19A inserted (18.9.1993) (S.) by 1993 c. 9, s.36 (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, art. 3(3), Sch.2.

### 20 [<sup>F31</sup>Proceedings for summary offences]. **E+W**

<sup>F32</sup>(1) .....

(2) [<sup>F33</sup>Proceedings for a summary offence under this Part] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than two years after the commission of the offence.

(3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

#### Extent Information

**E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F31** S. 20 heading substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 53, 107, [Sch. 6 para. 3\(3\)](#); S.I. 2006/1382, [art. 2](#)

**F32** S. 20(1) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), [Sch. 12 para. 9\(1\)\(a\)](#), [Sch. 16 Pt. IV](#) (with [Sch. 12 para. 9\(2\)](#))

**F33** Words in s. 20(2) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 53, 107, [Sch. 6 para. 3\(2\)](#); S.I. 2006/1382, [art. 2](#)

### 20 Summary prosecutions. **S**

(1) <sup>F105</sup> .....

(2) Summary proceedings for an offence [<sup>F106</sup>under this Part] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than [<sup>F107</sup>three] years after the commission of the offence [<sup>F108</sup>or, in the case of a continuous contravention, after the last date on which the offence was committed] .

(3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall

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be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

#### Extent Information

**E11** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F105** S. 20(1) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 5\(a\)](#)

**F106** Words in s. 20(2) substituted (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 5\(b\)](#)

**F107** Word in s. 20(2) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 18\(a\)](#); S.S.I. 2004/407, [art. 2](#)

**F108** Word in s. 20(2) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 18\(b\)](#); S.S.I. 2004/407, [art. 2](#)

## 21 Penalties, forfeitures etc. **E+W**

[<sup>F34</sup>(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.]

(4) A person guilty of an offence under section 14 shall be liable—

- (a) on summary conviction, [<sup>F35</sup>to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both];
- (b) on conviction on indictment, [<sup>F35</sup>to imprisonment for a term not exceeding two years or to a fine, or to both].

[<sup>F36</sup>(4A) <sup>F37</sup>.....]

[ Except in a case falling within subsection (4B) a person guilty of an offence under <sup>F38</sup>(4AA) section 19XB(1), (2) or (3) 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 [<sup>F39</sup>section 19XB(1)(a) or (2)(a)] in relation to a wildlife inspector [<sup>F40</sup>entering premises to ascertain whether an offence under section 14 or 14ZA is being or has been committed] shall be liable—

- (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 [<sup>F41</sup>19XB(4)] 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) <sup>F42</sup>.....]

(5) Where an offence to which subsection (1) <sup>F43</sup>... applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum

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fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

- (6) The court by which any person is convicted of an offence under this Part—
- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
  - (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14, any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.
- (7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

#### Extent Information

- E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F34** S. 21(1) substituted for s. 21(1)-(3) (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 12 para. 10(2)(6)**
- F35** Words in s. 21(4)(a)(b) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 9 para. 10(3)(a)(b)(6)**
- F36** S. 21(4A)-(4D) inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 12 para. 10(4)(6)**
- F37** S. 21(4A)(4D) omitted (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(2)**; S.I. 2006/1382, **art. 2**
- F38** S. 21(4AA) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(3)**; S.I. 2006/1382, **art. 2**
- F39** Words in s. 21(4B) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(4)(a)**; S.I. 2006/1382, **art. 2**
- F40** Words in s. 21(4B) substituted (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(4)(b)**; S.I. 2006/1382, **art. 2**
- F41** Words in s. 21(4C) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(5)**; S.I. 2006/1382, **art. 2**
- F42** S. 21(4A)(4D) omitted (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(2)**; S.I. 2006/1382, **art. 2**
- F43** Words in s. 21(5) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), **Sch. 9 para. 10(5)(6)**, **Sch. 16 Pt. IV**

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

- C9** S. 21(4AA)-(4C) applied (with modifications) (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 7-11**; S.I. 2006/1382, **art. 2**

## 21 Penalties, forfeitures etc. **S**

- [<sup>F109</sup>(1) Subject to subsection (5), a person guilty of an offence under any of sections 1 to 13 [<sup>F110</sup>, 15A, 17, 19ZC (other than an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by section 19ZC(3)(d)) or



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- 19ZD] 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.]
- (2) <sup>F111</sup> . . . . .
- (3) <sup>F111</sup> . . . . .
- (4) A person guilty of an offence under section 14 [<sup>F112</sup>or 14A] shall be liable—
- [<sup>F113</sup>(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the [<sup>F114</sup>£40,000] , or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.]
- [<sup>F115</sup>(4A) A person guilty of an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by subsection (3)(d) of that section shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to 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.]
- (5) Where an offence to which subsection (1), <sup>F116</sup> . . . applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.
- (6) The court by which any person is convicted of an offence under this Part—
- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14 [<sup>F117</sup>or 14A] , any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.
- (7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

**Extent Information**

**E12** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

**Textual Amendments**

- F109** S. 21(1) substituted (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 6\(a\)](#)
- F110** Words in s. 21(1) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 19\(a\)](#); S.S.I. 2004/407, [art. 2](#)
- F111** S. 21(2)(3) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 6\(b\)](#)
- F112** Words in s. 21(4) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 19\(b\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)

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- F113** S. 21(4)(a)(b) substituted (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 6\(c\)](#)
- F114** Words in s. 21(4)(a) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 19\(b\)\(ii\)](#); [S.S.I. 2004/407](#), [art. 2](#)
- F115** S. 21(4A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 19\(c\)](#); [S.S.I. 2004/407](#), [art. 2](#)
- F116** Words in s. 21(5) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 6\(d\)](#)
- F117** Word in s. 21(6)(a) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 19\(d\)](#); [S.S.I. 2004/407](#), [art. 2](#)

## 22 Power to vary Schedules. **E+W**

- (1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year, add any bird to, or remove any bird from, any of or any Part of <sup>[F44]</sup>Schedules ZA1 to 4].
- (2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.
- (3) The Secretary of State may, on a representation made <sup>[F45]</sup>jointly to him by the Nature Conservancy Councils], by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year—
  - (a) add to Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is in danger of extinction in Great Britain or is likely to become so endangered unless conservation measures are taken; and
  - (b) remove from Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is no longer so endangered or likely to become so endangered<sup>[F46]</sup>and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990].
- (4) The Secretary of State may, for the purpose of complying with an international obligation, by order, either generally or with respect to particular provisions of this Part or particular times of the year—
  - (a) add any animals to, or remove any animals from, Schedule 5 or Schedule 6; and
  - (b) add any plants to, or remove any plants from, Schedule 8.
- (5) The Secretary of State may by order, either generally or with respect to particular areas of Great Britain—
  - (a) add any animals to, or remove any animals from, Part I of Schedule 9; and
  - (b) add any plants to, or remove any plants from, Part II of that Schedule.

### Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.



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#### Textual Amendments

- F44** Words in s. 22(1) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **ss. 47(5)**, 107; S.I. 2006/1382, **art. 2**
- F45** Words in s. 22(3) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, **Sch. 9 para. 11(5)**; S.I. 1991/685, **art. 3**.
- F46** Words in s. 22(3) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), **Sch. 9 para. 11(5)**; S.I. 1991/685, **art. 3**.

## 22 Power to vary Schedules. **S**

- (1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year
- [<sup>F118</sup>(a)] add any bird to, or remove any bird from, any of or any Part of Schedules [<sup>F119</sup>A1] to 4.
- [<sup>F120</sup>(b)] add any animal to, or remove any animal from, Schedule 5 or 6 or Part I of Schedule 9;
- (c) add any plant to, or remove any plant from, Schedule 8 or Part II of Schedule 9.]
- (2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.
- [<sup>F121</sup>(2A) Before making an order under subsection (1) the Scottish Ministers shall consult Scottish Natural Heritage.]
- (3) The Secretary of State may, on a representation made [<sup>F45</sup>jointly to him by the Nature Conservancy Councils], by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year—
- (a) add to Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is in danger of extinction in Great Britain or is likely to become so endangered unless conservation measures are taken; and
- (b) remove from Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is no longer so endangered or likely to become so endangered
- [<sup>F46</sup>and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990].
- (4) <sup>F122</sup> .....
- (5) <sup>F122</sup> .....

#### Extent Information

- E13** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F45** Words in s. 22(3) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, **Sch. 9 para. 11(5)**; S.I. 1991/685, **art. 3**.

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- F46** Words in s. 22(3) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(5)**; S.I. 1991/685, **art. 3**.
- F118** Words in s. 22(1) renumbered (S.) (1.10.2004) as s. 22(1)(a) by virtue of Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 20(a)(i)**; S.S.I. 2004/407, **art. 2**
- F119** Word in s. 22(1) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 20(a)(ii)**; S.S.I. 2004/407, **art. 2**
- F120** S. 22(1)(b)(c) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 20(a)(iii)**; S.S.I. 2004/407, **art. 2**
- F121** S. 22(2A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 20(b)**; S.S.I. 2004/407, **art. 2**
- F122** S. 22(4)(5) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 20(c)**; S.S.I. 2004/407, **art. 2**

## 23 Advisory bodies and their functions.

- (1) The Secretary of State may—
  - (a) establish any body or bodies, consisting in each case of such members as he may from time to time appoint;
  - (b) assign to any body or bodies the duty referred to in subsection (4).
- (2) Without prejudice to his power under subsection (1), the Secretary of State shall, as soon as practicable after the commencement date,—
  - (a) establish at least one body under paragraph (a) of subsection (1); or
  - (b) assign to at least one body, under paragraph (b) of that subsection, the duty referred to in subsection (4).
- (3) A reference in this Part to an advisory body is a reference to a body which is established under subsection (1) or to which the duty there referred to is assigned under that subsection.
- (4) It shall be the duty of an advisory body to advise the Secretary of State on any question which he may refer to it or on which it considers it should offer its advice—
  - (a) in connection with the administration of this Part; or
  - (b) otherwise in connection with the protection of birds or other animals or plants.
- (5) In so far as it does not have power to do so apart from this subsection, an advisory body may publish reports relating to the performance by it of its duty under subsection (4).
- (6) Before appointing a person to be a member of an advisory body established under subsection (1)(a), the Secretary of State shall consult such persons or bodies as he thinks fit.
- (7) The Secretary of State may, out of moneys provided by Parliament and to such an extent as may be approved by the Treasury, defray or contribute towards the expenses of an advisory body established under subsection (1)(a).

## 24 Functions of Nature Conservancy Council. **E+W**

- (1) The Nature Conservancy [<sup>F47</sup>Councils, acting jointly] may at any time and shall five years after [<sup>F48</sup>30th October 1991] and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—
  - (a) any animal should be added to, or removed from, Schedule 5;
  - (b) any plant should be added to, or removed from, Schedule 8

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[<sup>F49</sup>and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990].

(2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led [<sup>F50</sup>to that advice being given.]

[<sup>F51</sup>(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.]

(4) The functions of the [<sup>F52</sup>Nature Conservancy Councils] shall include power to advise or assist—

(a) any constable;

(b) any proper officer of a local authority; or

[<sup>F53</sup>(c) any wildlife inspector,]

in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

#### Extent Information

**E6** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F47** Words in s. 24(1) substituted ( *I.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, [Sch. 9 para. 11\(6\)\(a\)](#); S.I. 1991/685, [art.3](#).

**F48** Words in s. 24(1) substituted ( *I.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, [Sch. 9 para. 11\(6\)\(a\)](#); S.I.1991/685, [art.3](#).

**F49** Words in s. 24(1) inserted ( *I.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(a\)](#); S.I. 1991/685, [art.3](#).

**F50** Words in s. 24(2) substituted ( *I.4.1991*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(b\)](#); 1991/685, [art.3](#).

**F51** S. 24(3) substituted ( *I.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(c\)](#); S.I. 1991/685, [art. 3](#).

**F52** Words in s. 24(4) substituted ( *I.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(d\)](#); S.I. 1991/685, [art.3](#).

**F53** S. 24(4)(c) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), [Sch. 12 para. 11](#)

## 24 Functions of Nature Conservancy Council. **S**

(1) The Nature Conservancy [<sup>F123</sup>Councils, acting jointly] may at any time and shall five years after [<sup>F124</sup>30th October 1991] and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—

(a) any animal should be added to, or removed from, Schedule 5;

(b) any plant should be added to, or removed from, Schedule 8

[<sup>F125</sup>and the functions of the Nature Conservancy Councils under this subsection shall be special functions of the Councils for the purposes of section 133 of the Environmental Protection Act 1990].

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led [<sup>F126</sup>to that advice being given.]
- [<sup>F127</sup>(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.]
- (4) The functions of the [<sup>F128</sup>Nature Conservancy Councils] shall include power to advise or assist—
- (a) any constable;
  - (b) any proper officer of a local authority; or
  - (c) any person duly authorised by the Secretary of State under section 6(9), 7(6) or 14(5),
- in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

#### Extent Information

- E14** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F123** Words in s. 24(1) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, [Sch. 9 para. 11\(6\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F124** Words in s. 24(1) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132, [Sch. 9 para. 11\(6\)\(a\)](#); S.I.1991/685, [art.3](#).
- F125** Words in s. 24(1) inserted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(a\)](#); S.I. 1991/685, [art.3](#).
- F126** Words in s. 24(2) substituted ( *1.4.1991*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(b\)](#); 1991/685, [art.3](#).
- F127** S. 24 (3) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(c\)](#); S.I. 1991/685, [art.3](#).
- F128** Words in s. 24(4) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(d\)](#); S.I. 1991/685, [art.3](#).

## 25 Functions of local authorities.

- (1) Every local authority shall take such steps as they consider expedient for bringing to the attention of the public and of schoolchildren in particular the effect of—
- (a) the provisions of this Part; and
  - (b) any order made under this Part affecting the whole or any part of their area.
- (2) A local authority in England and Wales may institute proceedings for any offence under this Part or any order made under it which is committed within their area.

## 26 Regulations, orders, notices etc. E+W

- (1) Any power to make regulations or orders under this Part shall be exercisable by statutory instrument.

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than sections 2(6), 3, 5 and 11, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order under section 5 or 11 shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) Before making any order under this Part, the Secretary of State—
  - (a) except in the case of an order under section 2(6), shall give to any local authority affected and, except in the case of an order under section 3, any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order;
  - (b) except in the case of an order under section 22(3), shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and
  - (c) may, if he thinks fit, cause a public inquiry to be held.
- (5) Notice of the making of an order under this Part shall be published by the Secretary of State—
  - (a) if the order relates in whole or in part to England and Wales, in the London Gazette; and
  - (b) if the order relates in whole or in part to Scotland, in the Edinburgh Gazette.
- (6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.

#### Extent Information

- E7** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

## 26 Regulations, orders, notices etc. **S**

- (1) Any power to make regulations or orders under this Part shall be exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than sections 2(6), 3, 5 and <sup>F129</sup>11(4), shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order under section 5 or <sup>F129</sup>11(4) shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) Before making any order under this Part, the Secretary of State—
  - (a) except in the case of an order under section 2(6), shall give to any local authority affected and, except in the case of an order under section 3, any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order;

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- (b) except in the case of an order under section [<sup>F130</sup>22] , shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and
  - (c) may, if he thinks fit, cause a public inquiry to be held.
- (5) Notice of the making of an order under this Part shall be published by the Secretary of State—
- (a) if the order relates in whole or in part to England and Wales, in the London Gazette; and
  - (b) if the order relates in whole or in part to Scotland, in the Edinburgh Gazette.
- (6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.

#### Extent Information

**E15** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F129** Word in s. 26(2)(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 21\(a\)](#); S.S.I. 2004/407, [art. 2](#)

**F130** Word in s. 26(4)(b) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 21\(b\)](#); S.S.I. 2004/407, [art. 2](#)

### [<sup>F54</sup>26A Enforcement of wildlife legislation

Regulations under section 2(2) of the European Communities Act 1972 (c. 68) for the purpose of implementing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora as amended by the Act of Accession to the European Union of Austria, Finland and Sweden and by Council Directive [97/62/EC](#) may, despite paragraph 1(1)(d) of Schedule 2 to that Act, create offences punishable on summary conviction with imprisonment for a term not exceeding six months.]

#### Textual Amendments

**F54** S. 26A inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 22](#); S.S.I. 2004/407, [art. 2](#)

## 27 Interpretation of Part I. **E+W**

- (1) In this Part, unless the context otherwise requires—
- “advertisement” includes a catalogue, a circular and a price list;
  - “advisory body” has the meaning given by section 23;
  - “agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;
  - “authorised person” means—
- (a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- (b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
- (c) as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, [<sup>F55</sup>any of the Nature Conservancy Councils], <sup>F56</sup> . . . a district board for a fishery district within the meaning of the <sup>M3</sup>Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the <sup>M4</sup>Sea Fisheries Regulation Act 1966;
- (d) [<sup>F57</sup>any person authorised in writing by the National Rivers Authority, a water undertaker or a sewerage undertaker;]

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;

“aviculture” means the breeding and rearing of birds in captivity;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“domestic duck” means any domestic form of duck;

“domestic goose” means any domestic form of goose;

“firearm” has the same meaning as in the <sup>M5</sup>Firearms Act 1968;

“game bird” means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;

[<sup>F58</sup>“inland waters” means—

- (a) inland waters within the meaning of the Water Resources Act 1991; <sup>M6</sup>
- (b) any waters not falling within paragraph (a) above which are within the seaward limits of the territorial sea;
- (c) controlled waters within the meaning of Part II of the Control of Pollution Act 1974 <sup>M7</sup> other than ground waters as defined in section 30A(1)(d) of that Act.]

“livestock” includes any animal which is kept—

- (a) for the provision of food, wool, skins or fur;
- (b) for the purpose of its use in the carrying on of any agricultural activity; or
- (c) for the provision or improvement of shooting or fishing;

“local authority” means—

- (a) in relation to England <sup>F59</sup> . . . , a county, district or London borough council <sup>F60</sup> . . . ;

(aa) [<sup>F61</sup>in relation to Wales, a county council or county borough council;]

- (b) in relation to Scotland, a [<sup>F62</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“occupier”, in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means domestic fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;



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“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“vehicle” includes aircraft, hovercraft and boat;

[<sup>F63</sup>“water authority”, in relation to Scotland, has the same meaning as in the <sup>M8</sup>Water (Scotland) Act 1980;]

“wild animal” means any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means any bird of a [<sup>F64</sup>species] which is ordinarily resident in or is a visitor to [<sup>F65</sup>the European territory of any member State] in a wild state but does not include poultry or, except in sections 5 and 16, any game bird;

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Great Britain in a wild state.

[<sup>F66</sup>“wildlife inspector” has the meaning given by [<sup>F67</sup>section 18A(1)].]

- (2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.
- (3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.
- [<sup>F68</sup>(3A) Any reference in this Part to the Nature Conservancy Councils is a reference to [<sup>F69</sup>English Nature], [<sup>F70</sup>Scottish Natural Heritage] and the Countryside Council for Wales.]
- (4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.
- (5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

#### Extent Information

- E8** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F55** Words in s. 27(1) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), [s. 132\(1\)\(a\)](#), Sch. 9 para. 11(7)(a); S.I. 1991/685, [art. 3](#).
- F56** Words in s. 27(1) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)
- F57** S. 27(1): para. (d) in definition of “authorised person” inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 60(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 66(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), [58](#)
- F58** Definition in s. 27(1) inserted (30.11.1995) by S.I. 1995/2825, [reg. 4](#)
- F59** Words in s. 27(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(2), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F60** Words in s. 27(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F61** S. 27(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 65\(2\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, [Sch. 2](#)



*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- F62** Words in s. 27(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 125(2)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F63** S. 27(1): definition of "water authority" repealed (S.) (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71, **Sch. 7 para. 11(2)**; S.S.I. 2002/118, **art. 2(3)**
- F64** S. 27(1): word in definition of "wild bird" substituted (E.W.) (14.7.2004) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 (S.I. 2004/1487), {reg. 4(a)} and also expressed to be substituted (W.) (2.8.2004) by S.I. 2004/1733, reg. 3(1), **Sch. para. 2(a)**
- F65** S. 27(1): words in definition of "wild bird" substituted (E.W.) (14.7.2004) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 (S.I. 2004/1487), {reg. 4(b)} and also expressed to be substituted (W.) (2.8.2004) by S.I. 2004/1733, reg. 3(1), **Sch. para. 2(b)**
- F66** S. 27(1): definition of "wildlife inspector" inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 12 para. 12**
- F67** S. 27(1): words in definition of "wildlife inspector" substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 6**; S.I. 2006/1382, **art. 2**
- F68** S. 27(3A) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(7)(b)**; S.I. 1991/685, **art. 3**
- F69** Words in s. 27(3A) substituted (30.1.2001) by 2000 c. 37, ss. 73(4), 103(2), **Sch. 8 para. 1(h)(i)**
- F70** Words in s. 27(3A) substituted (1.4.1992) by Natural Heritage (Scotland) Act 1991 (c. 28, SIF 46:1), s. 4, **Sch. 2 para.8(2)**; S.I. 1991/2633, **art. 4**.

#### Marginal Citations

- M3** 1862 c. 97.  
**M4** 1966 c. 38.  
**M5** 1968 c. 27.  
**M6** 1991 c.57.  
**M7** 1974 c.40.  
**M8** 1980 c. 45.

## 27 Interpretation of Part I. **S**

- (1) In this Part, unless the context otherwise requires—
- “advertisement” includes a catalogue, a circular and a price list;
  - “advisory body” has the meaning given by section 23;
  - “agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;
  - “authorised person” means—
    - (a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
    - (b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
    - (c) as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, [<sup>F55</sup>any of the Nature Conservancy Councils], [<sup>F56</sup>. . . a district board for a fishery district within the meaning of the <sup>M3</sup>Salmon Fisheries (Scotland) Act 1862 or a local fisheries committee constituted under the <sup>M4</sup>Sea Fisheries Regulation Act 1966;
    - (d) [<sup>F57</sup>any person authorised in writing by the National Rivers Authority, a water undertaker or a sewerage undertaker;]
- so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;

“aviculture” means the breeding and rearing of birds in captivity;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“domestic duck” means any domestic form of duck;

“domestic goose” means any domestic form of goose;

“firearm” has the same meaning as in the <sup>M5</sup>Firearms Act 1968;

“game bird” means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;

[<sup>F58</sup>“inland waters” means—

(a) inland waters within the meaning of the Water Resources Act 1991; <sup>M6</sup>

(b) any waters not falling within paragraph (a) above which are within the seaward limits of the territorial sea;

(c) controlled waters within the meaning of Part II of the Control of Pollution Act 1974 <sup>M7</sup> other than ground waters as defined in section 30A(1)(d) of that Act.]

“livestock” includes any animal which is kept—

(a) for the provision of food, wool, skins or fur;

(b) for the purpose of its use in the carrying on of any agricultural activity; or

(c) for the provision or improvement of shooting or fishing;

“local authority” means—

(a) in relation to England <sup>F59</sup> . . . , a county, district or London borough council <sup>F60</sup> . . . ;

(aa) [<sup>F61</sup>in relation to Wales, a county council or county borough council;]

(b) in relation to Scotland, a [<sup>F62</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“occupier”, in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means [<sup>F131</sup>the domestic forms of the following, that is to say] fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“vehicle” includes aircraft, hovercraft and boat;

[<sup>F63</sup>“water authority”, in relation to Scotland, has the same meaning as in the <sup>M8</sup>Water (Scotland) Act 1980;]

“wild animal” means any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means any bird of a [<sup>F132</sup>species] which is ordinarily resident in or is a visitor to [<sup>F133</sup>any member State or the European territory of any member State] in a wild state but does not include poultry or, except in sections 5 and 16, any game bird;

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“wild plant” means any plant [<sup>F134</sup>(including fungi)] which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Great Britain in a wild state.

[<sup>F66</sup>“wildlife inspector” has the meaning given by section 19ZA(1).]

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.

[<sup>F135</sup>(2A) An animal shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully held in captivity—

- (a) where the animal is of a viviparous species, when it was born,
- (b) where the animal is of an oviparous species, when the egg was laid.]

(3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.

[<sup>F136</sup>(3ZA) Any reference in this Part to a plant which is growing—

- (a) includes a reference to a bulb, corm or rhizome;
- (b) does not include a reference to a seed or spore.]

[<sup>F68</sup>(3A) Any reference in this Part to the Nature Conservancy Councils is a reference to [<sup>F69</sup>English Nature], [<sup>F70</sup>Scottish Natural Heritage] and the Countryside Council for Wales.]

(4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.

(5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

#### Extent Information

**E16** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F55** Words in s. 27(1) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. [132\(1\)\(a\)](#), Sch. 9 para. 11(7)(a); S.I. 1991/685, [art. 3](#).

**F56** Words in s. 27(1) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)

**F57** S. 27(1): para. (d) in definition of "authorised person" inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 60(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 66(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), [58](#)

**F58** Definition in s. 27(1) inserted (30.11.1995) by S.I. 1995/2825, [reg. 4](#)

**F59** Words in s. 27(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(2), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, [Sch. 2](#)

**F60** Words in s. 27(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F61** S. 27(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 65\(2\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, [Sch. 2](#)

**F62** Words in s. 27(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 125\(2\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)

*Status: Point in time view as at 31/05/2006.*

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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)*

- F63** S. 27(1): definition of "water authority" repealed (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 11\(2\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
- F66** S. 27(1): definition of "wildlife inspector" inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), [Sch. 12 para. 12](#)
- F68** S. 27(3A) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(7\)\(b\)](#); S.I. 1991/685, [art. 3](#).
- F69** Words in s. 27(3A) substituted (30.1.2001) by 2000 c. 37, ss. 73(4), 103(2), [Sch. 8 para. 1\(h\)\(i\)](#)
- F70** Words in s. 27(3A) substituted (1.4.1992) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1\)](#), s. 4, [Sch. 2 para.8\(2\)](#); S.I. 1991/2633, [art. 4](#).
- F131** S. 27(1): words in the definition of "poultry" substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(a\)](#); S.S.I. 2004/407, [art. 2](#)
- F132** S. 27(1): word in the definition of "wild bird" substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(b\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F133** S. 27(1): words in the definition of "wild bird" substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(b\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F134** S. 27(1): words in definition of "wild plant" inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(c\)](#); S.S.I. 2004/407, [art. 2](#)
- F135** S. 27(2A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(3\)](#); S.S.I. 2004/407, [art. 2](#)
- F136** S. 23(3ZA) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(4\)](#); S.S.I. 2004/407, [art. 2](#)

#### Marginal Citations

- M3** 1862 c. 97.  
**M4** 1966 c. 38.  
**M5** 1968 c. 27.  
**M6** 1991 c.57.  
**M7** 1974 c.40.  
**M8** 1980 c. 45.

#### [<sup>F71</sup>27ZA] Application of Part 1 to England and Wales

[<sup>F72</sup>(1) The amendments made to this Part of the Act by the 2004 Regulations have effect in relation to England only, and accordingly, in the application of this Act in relation to Wales, this Part continues to have effect without the amendments made by the 2004 Regulations.

This subsection is subject to any regulations which may be made under section 2(2) of the European Communities Act 1972 by the National Assembly for Wales.

(2) In this section "the 2004 Regulations" means the Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004.]]

#### Textual Amendments

- F71** S. 27ZA inserted (E.W.) (14.7.2004) by [The Wildlife and Countryside Act 1981\(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1487\)](#), {reg. 5}
- F72** S. 27ZA ceases to have effect (W.) (2.8.2004) by virtue of [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), [reg. 3\(1\)](#)

**Status:**

Point in time view as at 31/05/2006.

**Changes to legislation:**

Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 14 April 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.