



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART I

WILDLIFE

Protection of plants

13 Protection of wild plants. **E+W**

- (1) Subject to the provisions of this Part, if any person—
 - (a) intentionally picks, uproots or destroys any wild plant included in Schedule 8; or
 - (b) not being an authorised person, intentionally uproots any wild plant not included in that Schedule,he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person—
 - (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,he shall be guilty of an offence.
- (3) Notwithstanding anything in subsection (1), a person shall not be guilty of an offence by reason of any act made unlawful by that subsection if he shows that the act was an incidental result of a lawful operation and could not reasonably have been avoided.
- (4) In any proceedings for an offence under subsection (2)(a), the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Wildlife and Countryside Act 1981, Section 13 is up to date with all changes known to be in force on or before 18 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) View outstanding changes

Extent Information

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

13 Protection of wild plants. **S**

- (1) Subject to the provisions of this Part, if any person—
- (a) intentionally [^{F1}or recklessly] picks, uproots or destroys [^{F2}(i)] any wild plant included in Schedule 8; or [^{F3}(ii)] any seed or spore attached to any such wild plant; or
 - (b) not being an authorised person, intentionally [^{F4}or recklessly] uproots any wild plant not included in that Schedule,
- he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person—
- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,
- he shall be guilty of an offence.
- (3) Notwithstanding anything in subsection (1), a person shall not be guilty of an offence by reason of any act made unlawful by that subsection [^{F5} (“an unlawful act”) if he shows—
- (a) that the unlawful act was the incidental result of a lawful operation or other activity;
 - (b) that the person who carried out the lawful operation or other activity—
 - (i) took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or
 - (ii) did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and
 - (c) that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent, such steps as were reasonably practicable in the circumstances to minimise the damage to the wild plant in relation to which the unlawful act was carried out.]

[^{F6}(3A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.]

- (4) In any proceedings for an offence under subsection (2)(a) [^{F7}or for an offence under subsection (3A) relating to an act which is mentioned in subsection (2)(a)] , the plant in question shall be presumed to have been a wild plant unless the contrary is shown.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent

Changes to legislation: Wildlife and Countryside Act 1981, Section 13 is up to date with all changes known to be in force on or before 18 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) View outstanding changes

Extent Information

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

Textual Amendments

- F1** Words in s. 13(1)(a) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(2\)\(a\)](#); S.S.I. 2004/407, [art. 2](#)
- F2** Words in s. 13(1)(a) renumbered (S.) (1.10.2004) as s. 13(1)(a)(i) by virtue of [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(2\)\(b\)](#); S.S.I. 2004/407, [art. 2](#)
- F3** S. 13(1)(a)(ii) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(2\)\(c\)](#); S.S.I. 2004/407, [art. 2](#)
- F4** Words in s. 13(1)(b) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(3\)](#); S.S.I. 2004/407, [art. 2](#)
- F5** Words in s. 13(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(4\)](#); S.S.I. 2004/407, [art. 2](#)
- F6** S. 13(3A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(5\)](#); S.S.I. 2004/407, [art. 2](#)
- F7** Words in s. 13(4) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 11\(6\)](#); S.S.I. 2004/407, [art. 2](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

Wildlife and Countryside Act 1981, Section 13 is up to date with all changes known to be in force on or before 18 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.

[View outstanding changes](#)

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

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

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)