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STATUTORY INSTRUMENTS

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**1995 No. 2825**

**The Wildlife and Countryside Act  
1981 (Amendment) Regulations 1995**

**Amendments of section 4**

2.—(1) In subsection (3) of section 4 of the Act (exceptions to sections 1 and 3), in paragraph (c), for the words “or fisheries” there shall be substituted the words “, fisheries or inland waters”.

(2) After that subsection there shall be inserted the following subsections—

“(4) An authorised person shall not be regarded as showing that any action of his was necessary for a purpose mentioned in subsection (3)(c) unless he shows that as regards that purpose, there was no other satisfactory solution.

(5) An authorised person shall not be entitled to rely on the defence provided by subsection (3)(c) as respects any action taken at any time for any purpose mentioned in that paragraph if it had become apparent, before that time, that that action would prove necessary for that purpose and either—

- (a) a licence under section 16 authorising that action had not been applied for by him as soon as reasonably practicable after that fact had become apparent; or
- (b) an application by him for such a licence had been determined.

(6) An authorised person shall not be entitled to rely on the defence provided by subsection (3)(c) as respects any action taken at any time unless he notified the agriculture Minister as soon as reasonably practicable after that time that he had taken the action.”