
STATUTORY INSTRUMENTS

2007 No. 1843

The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007

Amendment of the Wildlife and Countryside Act 1981

7.—(1) The Wildlife and Countryside Act 1981 ^{M1} is amended as follows.

(2) In section 1 (protection of wild birds, their nests and eggs)—

(a) in subsection (3A)—

(i) in paragraph (c), for the words “Council Directive [79/409/EEC](#) on the conservation of wild birds” substitute “ the Wild Birds Directive ”, and

(ii) in paragraph (d), for the words “the Council Directive referred to in paragraph (c)” substitute “ the Wild Birds Directive ”; and

(b) in subsection (6A), for the words “the Directive of the Council of the European Communities dated 2nd April 1979 (No [1979/409/EEC](#)) on the conservation of wild birds” substitute “ the Wild Birds Directive ”.

(3) In section 6 (sale etc of live or dead wild birds, eggs etc), in subsection (5A), for the words “the Directive of the Council of the European Communities dated 2nd April 1979 (No [1979/409/EEC](#)) on the conservation of wild birds” substitute “ the Wild Birds Directive ”.

(4) In section 9 ^{M2} (protection of certain wild animals), for subsection (4) substitute the following subsection—

“(4) Subject to the provisions of this Part, a person is guilty of an offence if intentionally or recklessly—

(a) he damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;

(b) he disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or

(c) he obstructs access to any structure or place which any such animal uses for shelter or protection.”.

(5) In section 16 (power to grant licences), in subsection (9A), for the words “the Directive of the Council of the European Communities dated 2nd April 1979 (No [1979/409/EEC](#)) on the conservation of wild birds” substitute “ the Wild Birds Directive ”.

(6) In section 27 (interpretation of Part I), before the definition of “wild plant” insert the following definition—

““the Wild Birds Directive” means Council Directive [79/409/EEC](#) on the conservation of wild birds ^{M3}.”.

(7) In Schedule 5 ^{M4} (animals which are protected)—

(a) after each of “Butterfly, Large Blue”, “Cat, Wild”, “Dormouse”, “Lizard, Sand”, “Otter, Common”, “Snake, Smooth”, “Sturgeon”, and “Toad, Natterjack”, insert “ (in respect of section 9(4)(b) and (c) and (5) only) ”;

- (b) after “Bats, Horseshoe (all species)” insert “ but in respect of section 9(4)(b) and (c) and (5) only ”;
- (c) after “Bats, Typical (all species)” insert “ but in respect of section 9(4)(b) and (c) and (5) only ”;
- (d) for “Newt, Great Crested (otherwise known as Warty newt)” substitute “ Newt, Great Crested or Warty (in respect of section 9(4)(b) and (c) and (5) only) ”;
- (e) omit “Turtles, Marine (all species)” and “Dermochelyidae and Cheloniidae”;
- (f) after “Whales (all species)” insert “ but in respect of section 9(4A) and (5) only ”;
- (g) omit any entries relating to dolphins or porpoises; and
- (h) add at the appropriate place the following entries—

“Dolphins (all species but in respect of Cetacea”
section 9(4A) and (5) only)

“Porpoises (all species but in respect of Cetacea”
section 9(5) only)

“Turtle, Flatback Natator depressus”

“Turtle, Green Sea (in respect of Chelonia mydas”
section 9(4)(b) and (c) and (5) only)

“Turtle, Hawksbill (in respect of Eretmochelys imbricata”
section 9(4)(b) and (c) and (5) only)

“Turtle, Kemp's Ridley Sea (in respect of Lepidochelys kempii”
section 9(4)(b) and (c) and (5) only)

“Turtle, Leatherback Sea (in respect of Dermochelys coriacea”
section 9(4)(b) and (c) and (5) only)

“Turtle, Loggerhead Sea (in respect of Caretta caretta”
section 9(4)(b) and (c) and (5) only)

“Turtle, Olive Ridley Lepidochelys olivacea”.

(8) In Schedule 8 ^{M5} (plants which are protected)—

- (a) after “Dock, Shore” insert “ (in respect of section 13(2) only) ”;
- (b) after “Fern, Killarney” insert “ (in respect of section 13(2) only) ”;
- (c) after “Gentian, Early” insert “ (in respect of section 13(2) only) ”;
- (d) after “Lady's-slipper” insert “ (in respect of section 13(2) only) ”;
- (e) after “Marshwort, Creeping” insert “ (in respect of section 13(2) only) ”;
- (f) after “Naiad, Slender” insert “ (in respect of section 13(2) only) ”;
- (g) after “Orchid, Fen” insert “ (in respect of section 13(2) only) ”;
- (h) after “Plantain, Floating Water” insert “ (in respect of section 13(2) only) ”; and
- (i) after “Saxifrage, Marsh” insert “ (in respect of section 13(2) only) ”.

Marginal Citations

- M1** 1981 c.69. There are amendments to the [Wildlife and Countryside Act 1981 \(c.69\)](#) that are not relevant for the purposes of these Regulations, though relevant amendment are noted in footnotes below.

- M2** Section 9(4) of the [Wildlife and Countryside Act 1981 \(c.69\)](#) was amended by section 81(1) of, and paragraph 5(a) of Schedule 12 to, the [Countryside and Rights of Way Act 2000 \(c.37\)](#). Section 9(4A) was inserted into the [Wildlife and Countryside Act 1981 \(c. 69\)](#) by section 81(1) of, and paragraph 5(b) of Schedule 12 to, the [Countryside and Rights of Way Act 2000 \(c.37\)](#).
- M3** Council Directive 79/409/EEC (OJ No. L103, 25.4.1979, p.1). The Directive was last amended by Council Directive 2006/105/EC of 20 November 2006 adapting Directives 79/409/EEC, 92/43/EEC, 97/68/EC, 2001/80/EC and 2001/81/EC in the field of environment, by reason of the accession of Bulgaria and Romania (O.J. No. L363, 20.12.2006, p. 368; and see O.J. L80, 21.3.2007, p. 15, for the Corrigendum amending the original title).
- M4** The entries relating to the wild cat, dolphins (all species), the dormouse, porpoises (all species) and marine turtles (all species) were inserted by article 2 of the Wildlife and Countryside Act 1981 (Variation of Schedules) Order 1988, [S.I. 1988/288](#). The entry relating to the sturgeon was inserted by article 2 of the [Wildlife and Countryside Act 1981 \(Variation of Schedules 5 and 8\) Order 1992 \(S.I. 1992/2350\)](#).
- M5** The entry relating to the creeping marshwort was inserted by article 3 of the [Wildlife and Countryside Act 1981 \(Variation of Schedules\) Order 1988 \(S.I. 1988/288\)](#). The entries relating to the shore dock, the early gentian, the slender naiad, the floating water plantain and the marsh saxifrage were inserted by article 3 of the [Wildlife and Countryside Act 1981 \(Variation of Schedules 5 and 8\) Order 1992 \(S.I. 1992/2350\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007, Section 7.