

**2014 No. 538**

**WILDLIFE, ENGLAND**

**The Wildlife and Countryside Act 1981 (Prohibition on Sale etc.  
of Invasive Non-native Plants) (England) Order 2014**

<i>Made</i>	- - - -	<i>3rd March 2014</i>
<i>Laid before Parliament</i>		<i>10th March 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred on him by sections 14ZA(3)(b) and 26 of the Wildlife and Countryside Act 1981(a).

In accordance with the requirements of section 26(4) of that Act, the Secretary of State—

- (a) has given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order; and
- (b) has consulted with the Joint Nature Conservation Committee, being the advisory body he considered was best able to advise him as to whether this Order should be made.

**Title, commencement, extent and application**

**1. This Order—**

- (a) may be cited as the Wildlife and Countryside Act 1981 (Prohibition on Sale etc. of Invasive Non-native Plants) (England) Order 2014;
- (b) comes into force on 6th April 2014; and
- (c) extends to England and Wales and applies in relation to England only.

**Non-native species prescribed for the purposes of section 14ZA of the Wildlife and Countryside Act 1981**

2. The plants of a description specified in article 3, being plants within section 14(2) of the Wildlife and Countryside Act 1981 and listed in Part 2 (plants) of Schedule 9(b) to that Act (animals and plants to which section 14 applies), are plants of a description prescribed for the purposes of section 14ZA (sale etc. of invasive non-native species) of that Act.

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- (a) 1981 c. 69. Section 14ZA was inserted by section 50 of the Natural Environment and Rural Communities Act 2006 (c. 16); as regards Wales, section 103 of that Act provides that the reference to the Wildlife and Countryside Act 1981 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is to be read as a reference to that Act of 1981 as amended by the later Act; by paragraph 11 of Schedule 30 to the Government of Wales Act 2006 (c. 32), the Assembly's functions under the Act of 1981 have been transferred to the Welsh Ministers.
- (b) The relevant amending instruments are S.I. 1992/320, 2010/609.

3. The prescribed descriptions of plant are—

<b>Common name</b>	<b>Scientific name</b>
Fern, Water	<i>Azolla filiculoides</i>
Parrot's Feather	<i>Myriophyllum aquaticum</i>
Pennywort, Floating	<i>Hydrocotyle ranunculoides</i>
Primrose, Floating Water	<i>Ludwigia peploides</i>
Primrose, Water	<i>Ludwigia grandiflora</i>
Primrose, Water	<i>Ludwigia uruguayensis</i>
Stonecrop, Australian Swamp (otherwise known as New Zealand Pygmyweed)	<i>Crassula helmsii</i>

3rd March 2014

*de Mauley*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, which applies in relation to England only, prescribes seven plants (being plants listed in Part 2 of Schedule 9 to the Wildlife and Countryside Act 1981 (c. 69) (“the Act”)) for the purposes of section 14ZA of the Act.

Part 2 of Schedule 9 to the Act lists plants which may not be planted or otherwise caused to grow in the wild, by virtue of the provisions of section 14 (introduction of new species etc.) of the Act.

By virtue of these plants now being prescribed for the purposes of section 14ZA of the Act, it is an offence under that section—

(a) to sell, offer or expose for sale, or have in one's possession or transport for the purposes of sale, or

(b) to publish or cause to be published any advertisement likely to be understood as conveying that one buys or sells, or intends to buy or sell,

any live plant listed in article 3 of this Order.

A full impact assessment of the effect this instrument will have on the costs of business and the voluntary sector is available at [www.gov.uk](http://www.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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