



# Endangered Species (Import and Export) Act 1976

## 1976 CHAPTER 72

### **1 Restriction of importation and exportation of certain animals and plants.**

- (1) Subject to subsection (2) below, the importation and the exportation of the following things are hereby prohibited, namely—
- (a) a live or dead animal of any of the kinds to which Schedule 1 to this Act for the time being applies;
  - (b) a live or dead plant of any of the kinds to which Schedule 2 to this Act for the time being applies;
  - (c) an item to which Schedule 3 to this Act for the time being applies.

(2) Subsection (1) above does not apply to the importation or exportation of anything under and in accordance with the terms of a licence issued by the Secretary of State.

(3) The Secretary of State shall submit any application for a licence under subsection (2) above to whichever one of the scientific authorities (as defined in section 2 below) he considers is the best able to advise him as to whether a licence should be issued in pursuance of the application and, if so, its terms; and, before he issues or declines to issue a licence in pursuance of the application, he shall allow the authority a reasonable time so to advise him.

[<sup>F1</sup>(3A) Subsection (3) above shall not apply in relation to an application of any description if the scientific authority concerned has advised the Secretary of State as to whether licences should be issued in pursuance of applications of that description and, if so, their terms.

(3B) Where the Secretary of State is satisfied that the issue of a licence authorising the importation or exportation of any item which—

- (a) is part of or derives from or is made wholly or partly from an animal of any of the kinds to which Schedule 1 or a plant of any of the kinds to which Schedule 2 to this Act for the time being applies; but
- (b) is not an item to which Schedule 3 to this Act for the time being applies,

---

*Changes to legislation: There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976, Section 1. (See end of Document for details)*

---

would facilitate the importation or exportation of that item, he may, if he considers it expedient to do so, issue such a licence.]

- (4) A licence issued under subsection (2) [<sup>F2</sup>or (3B)] above—
- (a) may be, to any degree, general or specific,
  - [<sup>F3</sup>(aa) may be issued either to all persons, to persons of a class or to a particular person;
  - (ab) may be subject to compliance with any specified conditions,]
  - (b) may be modified or revoked at any time by the Secretary of State, and
  - (c) subject to paragraph (b) above, shall be valid for [<sup>F4</sup>such] period as is stated in the licence.
- (5) The Secretary of State may charge for the issue of a licence under subsection (2) [<sup>F2</sup>or (3B)] above such sum (if any) as is for the time being prescribed by order of the Secretary of State.
- (6) A person who, for the purpose of obtaining, whether for himself or another, the issue of a licence under subsection (2) [<sup>F2</sup>or (3B)] above,—
- (a) makes a statement or representation which he knows to be false in a material particular,
  - (b) furnishes a document or information which he knows to be false in a material particular,
  - (c) recklessly makes a statement or representation which is false in a material particular, or
  - (d) recklessly furnishes a document or information which is false in a material particular,
- shall be liable on summary conviction to a fine not exceeding £400 or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or both.
- (7) Where a licence is issued under subsection (2) [<sup>F2</sup>or (3B)] above and, for the purpose of obtaining its issue, a person commits an offence under subsection (6) above, the licence shall be void.
- (8) Where—
- (a) any live or dead animal or plant, or
  - (b) an item to which Schedule 3 to this Act for the time being applies,
- is being imported or exported or has been imported or brought to any place for the purpose of being exported, a person commissioned by the Commissioners of Customs and Excise or a person authorised by them may require any person possessing or having control of the animal, plant or item to furnish proof that its importation or exportation is or was not unlawful by virtue of this section; and if such proof is not furnished to the satisfaction of the said Commissioners the animal, plant or item shall be liable to forfeiture under [<sup>F5</sup>the <sup>M1</sup>Customs and Excise Management Act 1979].
- [<sup>F6</sup>(9) Where, in the case of a live animal or plant of any kind which is condemned or deemed to be condemned as forfeited, the Commissioners of Customs and Excise incur any expenses in connection with, or with a view to—
- (a) its return to the wild; or
  - (b) its being kept at premises (whether within or outside the United Kingdom) which are suitable for the keeping of animals or plants of that kind,

---

**Changes to legislation:** There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976, Section 1. (See end of Document for details)

---

those expenses may be recovered, as a debt due to the Crown, from the importer or intending exporter of the animal or plant or any person possessing or having control of it at the time of its seizure.

In this subsection expressions which are also used in the <sup>M2</sup>Customs and Excise Management Act 1979 have the same meanings as in that Act.]

[<sup>F7</sup>(10) Any person duly authorised in writing by the Secretary of State may, at any reasonable time and (if required to do so) upon producing evidence that he is so authorised, enter any premises where animals of any of the kinds to which Schedule 1 or plants of any of the kinds to which Schedule 2 to this Act for the time being applies are kept (whether temporarily or permanently) in order to ascertain whether any of the animals or plants kept there have been imported contrary to this section.

(11) Any person who wilfully obstructs a person acting under subsection (10) above shall be liable on summary conviction to a fine not exceeding][<sup>F8</sup>level 3 on the standard scale.]

#### Textual Amendments

- F1** S. 1(3A)(3B) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 1(1)**
- F2** Words inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 1(2)**
- F3** S. 1(4)(aa)(ab) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 1(3)**
- F4** Word substituted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 1(3)**
- F5** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), **Sch. 4 para. 12**
- F6** S. 1(9) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#), s. 15, **Sch. 10 para. 2**
- F7** S. 1(10)(11) inserted by [Wildlife and Countryside Act 1981 \(c. 69, SIF 4:5\)](#) s. 15, Sch. 10 para. 3
- F8** Words inserted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), art. 6

#### Marginal Citations

- M1** [1979 c. 2\(40:1\)](#)
- M2** [1979 c. 2\(40:1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Endangered Species (Import and Export) Act 1976, Section 1.