



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Supplemental*

#### 16 Power to grant licences. **E+W**

- (1) Sections 1, 5, 6(3), 7 and 8 and orders under section 3 do not apply to anything done—
- [<sup>F1</sup>(a) for scientific, research or educational purposes;]
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;
  - (c) for the purpose of conserving wild birds;
  - [<sup>F2</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;
  - (cb) for the purpose of conserving flora or fauna;]
  - (d) for the purpose of protecting any collection of wild birds;
  - (e) for the purposes of falconry or aviculture;
  - (f) for the purposes of any public exhibition or competition;
  - (g) for the purposes of taxidermy;
  - (h) for the purpose of photography;
  - (i) for the purposes of preserving public health or public or air safety;
  - (j) for the purpose of preventing the spread of disease; or
  - (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber [<sup>F3</sup>, fisheries or inland waters],

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F4</sup>(1A) The appropriate authority—

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- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
  - (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]
- (2) Section 1 and orders under section 3 do not apply to anything done for the purpose of providing food for human consumption in relation to—
  - (a) a gannet on the island of Sula Sgeir; or
  - (b) a gull's egg or, at any time before 15th April in any year, a lapwing's egg,
 if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- (3) Sections 9(1), (2) [<sup>F5</sup>, (4) and (4A)], 11(1) [<sup>F6</sup>(a), (b), (be), (c) and (d),] and (2) and 13(1) do not apply to anything done—
  - (a) for scientific or educational purposes;
  - (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
  - (c) for the purpose of conserving wild animals or wild plants or introducing them to particular areas;
  - (d) for the purpose of protecting any zoological or botanical collection;
  - (e) for the purpose of photography;
  - (f) for the purpose of preserving public health or public safety;
  - (g) for the purpose of preventing the spread of disease; or
  - (h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries, <sup>F7</sup> ... [<sup>F8</sup> or
  - (j) in England, for reasons of overriding public interest],
 if it is done under and in accordance with the terms of a licence granted by the appropriate authority.
- [<sup>F9</sup>(3ZZA) Subsection (3)(c), so far as relating to section 11(2) in its application to *mustela erminea* (stoat, otherwise known as ermine), is to be read as if the reference to wild animals included wild birds.]
- [<sup>F10</sup>(3ZA) A licence granted under subsection (3) may permit the use [<sup>F11</sup>, otherwise than in Wales,] of a trap or snare [<sup>F12</sup>, or, in Wales, of a trap other than a glue trap,] for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—
  - (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
  - (b) meets the approved design conditions (see subsections (3ZG) to (3ZI)).
 This subsection is subject to (3ZJ).
- (3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—
  - (a) the trap or snare is of a certified type and make;
  - (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and

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- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.
- (3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.
- (3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—
  - (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.
- (3ZE) The relevant authority shall—
  - (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
  - (b) make the list available to anyone who asks for it in writing.
- (3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—
  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers;
  - (c) in relation to Scotland, the Scottish Ministers.
- (3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—
  - (a) has been constructed by the person using it; and
  - (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (<sup>F13</sup>where it is a trap other than a glue trap, and it is used in Wales).
- (3ZH) The relevant authority must—
  - (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
  - (b) make the details available to anyone who asks for them in writing.
- (3ZI) In subsection (3ZH), “the relevant authority” means—
  - (a) the Secretary of State, for designs of traps or snares approved for use in England;
  - (b) the Welsh Ministers, for designs of traps <sup>F14</sup>(other than glue traps) approved for use in Wales;
  - (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

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(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation.]

[<sup>F15</sup>(3B) In England, the appropriate authority shall not grant a licence under subsection (3) unless it is satisfied—

- (a) that there is no other satisfactory solution, and
- (b) that the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.]

(4) The following provisions, namely—

- (a) section 6(1) and (2);
- (b) sections 9(5) and 13(2); and
- (c) [<sup>F16</sup>sections 14 and 14ZA],

do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

(5) Subject to [<sup>F17</sup>subsections (5A) and (6)], a licence under the foregoing provisions of this section—

- (a) may be, to any degree, general or specific;
  - (b) may be granted either to persons of a class or to a particular person;
  - (c) may be subject to compliance with any specified conditions;
  - (d) may be modified or revoked at any time by the appropriate authority; and
  - (e) subject to paragraph (d), shall be valid for the period stated in the licence;
- and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.

[<sup>F18</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—

- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
- (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
- (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, [<sup>F19</sup>or in the case of a licence granted by Natural England five years,] stated in the licence.]

(6) A licence under subsection [<sup>F20</sup>(2) or (3)] which authorises any person to kill wild birds or wild animals—

- (a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and

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- (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, <sup>F21</sup>or in the case of a licence granted by Natural England five years,] stated in the licence.
- (7) It shall be a defence in proceedings for an offence under section 8(b) of the <sup>M1</sup>Protection of Animals Act 1911 or section 7(b) of the <sup>M2</sup>Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—
  - (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under subsection (1) or (3); and
  - (b) any conditions specified in the licence were complied with.
- (8) For the purposes of a licence granted under the foregoing provisions of this section, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.
- <sup>F22</sup>(8A) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.]
- <sup>F23</sup>(8C) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to Wales, “the appropriate authority” means the Natural Resources Body for Wales.]
- (9) <sup>F24</sup>Except as provided by <sup>F25</sup>subsections (8A) and (8C)],] In this section “the appropriate authority” means—
  - (a) in the case of a licence under <sup>F26</sup>any of paragraphs (a) to (cb)] of subsection (1), either the Secretary of State after consultation with whichever one of the advisory bodies he considers is best able to advise him as to whether the licence should be granted, or the <sup>F27</sup>relevant<sup>F28</sup> conservation body];
  - (b) in the case of a licence under any of paragraphs (d) to (g) of subsection (1), subsection (2) or paragraph (a) or (b) of subsection (4), the Secretary of State after such consultation as aforesaid;
  - (c) in the case of a licence under paragraph (h) of subsection (1) or any of paragraphs (a) to (e) <sup>F29</sup>or (j)] of subsection (3), the <sup>F27</sup>relevant<sup>F28</sup> conservation body];
  - (d) in the case of a licence under paragraph (i), (j) or (k) of subsection (1) or paragraph (f), (g) or (h) of subsection (3) or a licence under paragraph (c) of subsection (4) which authorises anything to be done in relation to fish or shellfish, the agriculture Minister; and
  - (e) in the case of any other licence under paragraph (c) of subsection (4), the Secretary of State.
- <sup>F30</sup>(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in <sup>F31</sup>the Wild Birds Directive].]
- (10) The agriculture Minister—
  - (a) shall from time to time consult with <sup>F32</sup>each of the <sup>F33</sup>GB conservation bodies]] as to the exercise <sup>F34</sup>in the area of that <sup>F35</sup>body]] of his functions under this section; and
  - (b) shall not grant a licence of any description unless he has been advised by the <sup>F36</sup>relevant <sup>F28</sup>conservation body]] as to the circumstances in which, in their opinion, licences of that description should be granted.

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[<sup>F37</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the [<sup>F28</sup>conservation body] for the area in which it is proposed to carry on the activity requiring a licence.]

[<sup>F38</sup>(12) In this section—

- (a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;
- (b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

[<sup>F39</sup>(c) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]]

#### Extent Information

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

#### Textual Amendments

- F1** S. 16(1)(a) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(a\)](#)
- F2** S. 16(1)(ca)(cb) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(b\)](#)
- F3** Words in s. 16(2)(k) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(2\)\(c\)](#)
- F4** S. 16(1A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(3\)](#)
- F5** Words in s. 16(3) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), [Sch. 12 para. 6](#)
- F6** Words in s. 16(3) inserted (W.) (17.10.2023) by [Agriculture \(Wales\) Act 2023 \(asc 4\), ss. 48\(6\), 56\(2\)\(d\)](#)
- F7** Word in s. 16(3)(h) omitted (E.W.) (30.9.2022) by virtue of [Environment Act 2021 \(c. 30\), ss. 111\(2\)\(a\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F8** S. 16(3)(j) and word inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(2\)\(b\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F9** S. 16(3ZZA) inserted (E.W.) (1.4.2020) by [The Humane Trapping Standards \(England and Wales\) Regulations 2019 \(S.I. 2019/1288\), regs. 1\(1\), 2](#)
- F10** S. 16(3ZA)-(3ZK) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\), regs. 1\(1\), 4](#)
- F11** Words in s. 16(3ZA) inserted (W.) (17.10.2023) by [Agriculture \(Wales\) Act 2023 \(asc 4\), ss. 48\(7\)\(a\), 56\(2\)\(d\)](#)
- F12** Words in s. 16(3ZA) inserted (W.) (17.10.2023) by [Agriculture \(Wales\) Act 2023 \(asc 4\), ss. 48\(7\)\(b\), 56\(2\)\(d\)](#)
- F13** Words in s. 16(3ZG)(b) substituted (W.) (17.10.2023) by [Agriculture \(Wales\) Act 2023 \(asc 4\), ss. 48\(8\), 56\(2\)\(d\)](#)
- F14** Words in s. 16(3ZI)(b) substituted (W.) (17.10.2023) by [Agriculture \(Wales\) Act 2023 \(asc 4\), ss. 48\(9\), 56\(2\)\(d\)](#)
- F15** S. 16(3B) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(3\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F16** Words in s. 16(4) substituted (E.W.) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 72\(2\); S.I. 2006/2541, art. 2](#)
- F17** Words in s. 16(5) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(4\)](#)
- F18** S. 16(5A) inserted (30.11.1995) by [S.I. 1995/2825, reg. 3\(5\)](#)
- F19** Words in s. 16(5A)(c) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(4\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)
- F20** Words in s. 16(6) substituted (30.11.1995) by [S.I. 1995/2825, reg. 3\(6\)](#)
- F21** Words in s. 16(6)(b) inserted (E.W.) (30.9.2022) by [Environment Act 2021 \(c. 30\), ss. 111\(4\), 147\(3\)](#) (with s. 144); [S.I. 2022/518, regs. 1\(2\), 3\(b\)](#)

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- F22** S. 16(8A) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 10(2)(5)**, 324(3); S.I. 2010/298, **art. 2**, Sch. Pt. 1 para. 2
- F23** S. 16(8C) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 170(2)** (with Sch. 7)
- F24** Words in s. 16(9) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 10(3)(5)**, 324(3); S.I. 2010/298, **art. 2**, Sch. Pt. 1 para. 2
- F25** Words in s. 16(9) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 170(3)** (with Sch. 7)
- F26** Words in s. 16(9)(a) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(7)**
- F27** Word in s. 16(9) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(a)**; S.I. 1991/685, **art. 3**
- F28** Words in s. 15(9)(a)(c)(10)(b)(11) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 105(1)**, 107, **Sch. 11 para. 72(3)**; S.I. 2006/2541, **art. 2**
- F29** Words in s. 16(9)(c) inserted (E.W.) (30.9.2022) by Environment Act 2021 (c. 30), **ss. 111(5)**, 147(3) (with s. 144); S.I. 2022/518, **regs. 1(2)**, 3(b)
- F30** S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(8)**
- F31** Words in s. 16(9A) substituted (E.W.) (21.8.2007) by The Conservation (Natural Habitats, & c.) (Amendment) Regulations 2007 (S.I. 2007/1843), **reg. 7(5)**
- F32** Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F33** Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 105(1)**, 107, **Sch. 11 para. 72(4)(a)**; S.I. 2006/2541, **art. 2**
- F34** Words in s. 16(10)(a) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F35** Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), **ss. 105(1)**, 107, **Sch. 11 para. 72(4)(b)**; S.I. 2006/2541, **art. 2**
- F36** Words in s. 16(10)(b) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(c)**; S.I. 1991/685, **art. 3**
- F37** S. 16(11) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(d)**; S.I. 1991/685, **art. 3**
- F38** S. 16(12) inserted (1.4.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 10(4)(5)**, 324(3); S.I. 2010/298, **art. 2**, Sch. Pt. 1 para. 2
- F39** S. 16(12)(c) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2)**, **Sch. 2 para. 170(4)** (with Sch. 7)

#### Modifications etc. (not altering text)

- C1** S. 16: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, **art. 2**, **Sch. 1**
- C2** S. 16 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, **reg. 3(p)**)

#### Marginal Citations

- M1** 1911 c. 27.
- M2** 1912 c. 14.

## 16 Power to grant licences. **S**

(1) Sections 1, 5, 6(3), 7 and 8<sup>F140</sup> ... do not apply to anything done—

- [<sup>F141</sup>(a) for scientific, research or educational purposes;]
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild birds;

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- (c) for the purpose of conserving wild birds;
- [<sup>F142</sup>(ca) for the purposes of the re-population of an area with, or the re-introduction into an area of, wild birds, including any breeding necessary for those purposes;
- (cb) for the purpose of conserving flora or fauna;]
- (d) for the purpose of protecting any collection of wild birds;
- (e) for the purposes of falconry or aviculture;
- (f) for the purposes of any public exhibition or competition;
- (g) for the purposes of taxidermy;
- (h) for the purpose of photography;
- (i) for the purposes of preserving public health or public or air safety;
- (j) for the purpose of preventing the spread of disease; or
- (k) for the purposes of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber [<sup>F143</sup>, fisheries or inland waters],

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F144</sup>(1A) The appropriate authority—

- (a) shall not grant a licence for any purpose mentioned in subsection (1) unless it is satisfied that, as regards that purpose, there is no other satisfactory solution; and
- (b) shall not grant a licence for any purpose mentioned in paragraphs (e) to (h) of that subsection otherwise than on a selective basis and in respect of a small number of birds.]

(2) Section 1 [<sup>F145</sup>does] not apply to anything done for the purpose of providing food for human consumption in relation to—

- (a) a gannet on the island of Sula Sgeir; or
- (b) a gull's egg [<sup>F146</sup> . . . ,

if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

(3) Sections 9(1), (2) [<sup>F147</sup>, (4) and (4A)], [<sup>F148</sup>10A(1),] 11(1) [<sup>F149</sup>, (2) and (3C)(a)] [<sup>F150</sup>, 11C] [<sup>F151</sup>, 11G(1)] and 13(1) do not apply to anything done—

- (a) for scientific [<sup>F152</sup>, research] or educational purposes;
- (b) for the purpose of ringing or marking, or examining any ring or mark on, wild animals;
- (c) for the purpose of conserving [<sup>F153</sup>wild birds,] wild animals or wild plants or introducing them to particular areas;
- [<sup>F154</sup>(ca) for the purpose of conserving any area of natural habitat;]
- (d) for the purpose of protecting any zoological or botanical collection;
- (e) for the purpose of photography;
- (f) for the purpose of preserving public health or public safety;
- (g) for the purpose of preventing the spread of disease; [<sup>F155</sup> . . .
- (h) for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries [<sup>F156</sup>, or
- (i) for any other social, economic or environmental purpose,]



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if it is done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F10</sup>(3ZA) A licence granted under subsection (3) may permit the use of a trap or snare for the purpose of killing, taking or restraining a wild animal included in Schedule 6ZA only if the trap or snare—

- (a) meets the conditions relating to certification (see subsections (3ZB) to (3ZF)); or
- (b) meets the approved design conditions (see subsections (3ZG) to (3ZI)).

This subsection is subject to (3ZJ).

(3ZB) For the purposes of subsection (3ZA)(a) the conditions relating to certification are that—

- (a) the trap or snare is of a certified type and make;
- (b) the manufacturer of the trap or snare provides instructions as to how it should be set, operated safely and maintained; and
- (c) where it is manufactured on or after 28th March 2019, the trap or snare is identified by its manufacturer by means of a permanent marking as being of a certified type and make.

(3ZC) For the purposes of subsection (3ZB)(b), instructions provided by the supplier of a trap or snare with the authorisation of the manufacturer of that trap or snare are to be treated as provided by the manufacturer.

(3ZD) For the purposes of this section, a type and make of trap or snare is “certified” in relation to a wild animal included in Schedule 6ZA if it is certified by or on behalf of any of the following authorities as conforming (where the trap or snare is set in accordance with any instructions provided by the manufacturer) to the standards set out in the international trapping standards agreement in relation to the trapping of that animal—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;
- (d) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (e) an authority in another country or territory which is designated for the purposes of the international trapping standards agreement as a certifying authority.

(3ZE) The relevant authority shall—

- (a) publish in such manner as it considers appropriate a list of all traps and snares of a certified type and make of which it is aware; and
- (b) make the list available to anyone who asks for it in writing.

(3ZF) For the purposes of subsection (3ZE), “the relevant authority” means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers.

(3ZG) For the purposes of subsection (3ZA)(b) a trap or snare meets the approved design conditions if it—

- (a) has been constructed by the person using it; and

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- (b) complies with a design approved for this purpose by or on behalf of the Secretary of State (where it is used in England or Scotland) or the Welsh Ministers (where it is used in Wales).

(3ZH) The relevant authority must—

- (a) publish in such manner as it considers appropriate details of the design of a trap or snare approved in accordance with subsection (3ZG)(b); and
- (b) make the details available to anyone who asks for them in writing.

(3ZI) In subsection (3ZH), “the relevant authority” means—

- (a) the Secretary of State, for designs of traps or snares approved for use in England;
- (b) the Welsh Ministers, for designs of traps or snares approved for use in Wales;
- (c) the Scottish Ministers, for designs of traps or snares approved for use in Scotland.

(3ZJ) Subsection (3ZA) does not apply where the licence—

- (a) is granted in accordance with any of paragraphs (a) to (d) or paragraphs (f) to (h) of subsection (3) and is subject to such conditions as the appropriate authority considers appropriate when granting the licence;
- (b) does not, in the opinion of the appropriate authority, undermine the objectives of the international trapping standards agreement; and
- (c) is accompanied by a written explanation of the reasons for that opinion and for the grant of the licence.

(3ZK) In this section “the international trapping standards agreement” means the Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation.]

[<sup>F157</sup>(3A) The appropriate authority shall not grant a licence under subsection (3)(i) unless it is satisfied—

- (a) that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and
- (b) that there is no other satisfactory solution.]

(4) The following provisions, namely—

- (a) section 6(1) and (2);
- (b) sections 9(5) [<sup>F158</sup>, 11I(1)] and 13(2); and
- (c) [<sup>F159</sup>sections 14 [<sup>F160</sup>, 14ZC][<sup>F161</sup>, 14A and 14AA]],

do not apply to anything done under and in accordance with the terms of a licence granted by the appropriate authority.

[<sup>F162</sup>(4A) The appropriate authority shall not grant a licence under subsection (4) permitting anything to be done in contravention of section 6(1) or (2) unless it is satisfied that there is no other satisfactory solution.]

[<sup>F163</sup>(4B) Schedule 9B contains provision restricting the granting of licences under subsection (4)(c) permitting activities which contravene Article 7(1)(b) to (h) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.]

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(5) Subject to <sup>F164</sup>subsections (5A) and (6)], a licence under the foregoing provisions of this section—

- (a) may be, to any degree, general or specific;
  - (b) may be granted either to persons of a class or to a particular person;
  - (c) may be subject to compliance with any specified conditions;
  - (d) may be modified or revoked at any time by the appropriate authority; and
  - (e) subject to paragraph (d), shall be valid for the period stated in the licence;
- and the appropriate authority may charge therefor such reasonable sum (if any) as they may determine.

<sup>F165</sup>(5A) A licence under subsection (1) which authorises any action in respect of wild birds—

- (a) shall specify the species of wild birds in respect of which, the circumstances in which, and the conditions subject to which, the action may be taken;
- (b) shall specify the methods, means or arrangements which are authorised or required for the taking of the action; and
- (c) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.]

(6) A licence under subsection <sup>F166</sup>(2) or (3)] which authorises any person to kill wild birds or wild animals—

- (a) shall specify the area within which, and the methods by which the wild birds or wild animals may be killed; and
- (b) subject to subsection (5)(d), shall be valid for the period, not exceeding two years, stated in the licence.

(7) It shall be a defence in proceedings for an offence under section 8(b) of the <sup>M7</sup>Protection of Animals Act 1911 or section 7(b) of the <sup>M8</sup>Protection of Animals (Scotland) Act 1912 (which restrict the placing on land of poison and poisonous substances) to show that—

- (a) the act alleged to constitute the offence was done under and in accordance with the terms of a licence issued under subsection (1) or (3); and
- (b) any conditions specified in the licence were complied with.

(8) For the purposes of a licence granted under the foregoing provisions of this section, the definition of a class of persons may be framed by reference to any circumstances whatever including, in particular, their being authorised by any other person.

<sup>F22</sup>(8A) In this section, in the case of a licence under any of subsections (1) to (4), so far as relating to the restricted English inshore region (see subsection (12)), “the appropriate authority” means the Marine Management Organisation.]

<sup>F167</sup>(8B) .....

<sup>F168</sup>(9) In this section “the appropriate authority” means the Scottish Ministers or such other person to whom the Scottish Ministers delegate power under section 16A.

(9ZA) The Scottish Ministers must consult Scottish Natural Heritage before granting or modifying a licence under any of subsections (1) to (5).

(9ZB) Subsection (9ZA) does not apply in relation to licences granted under—

- (a) paragraph (i), (j) or (k) of subsection (1);
- (b) paragraph (f), (g) or (h) of subsection (3); or

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(c) paragraph (c) of subsection (4).]

[<sup>F169</sup>(9A) In this section “re-population” and “re-introduction”, in relation to wild birds, have the same meaning as in the Directive of the Council of the European Communities dated 2nd April 1979 ( No. [79/409/EEC](#) ) on the conservation of wild birds.]

(10) The agriculture Minister—

- (a) shall from time to time consult with [<sup>F170</sup>each of the [<sup>F171</sup>GB conservation bodies]] as to the exercise [<sup>F172</sup>in the area of that [<sup>F173</sup>body]] of his functions under this section; and
- (b) shall not grant a licence of any description unless he has been advised by the [<sup>F174</sup>relevant [<sup>F175</sup>conservation body]] as to the circumstances in which, in their opinion, licences of that description should be granted.

[<sup>F176</sup>(11) For the purposes of this section a reference to a relevant Nature Conservancy Council is a reference to the [<sup>F175</sup>conservation body] for the area in which it is proposed to carry on the activity requiring a licence.]

[<sup>F38</sup>(12) In this section—

- (a) “the restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;
- (b) “the English inshore region” has the meaning given by section 322 of the Marine and Coastal Access Act 2009.

[<sup>F39</sup>(c) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.]]

[<sup>F177</sup>(13) . . . . .]

#### Extent Information

**E11** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F10** S. 16(3ZA)-(3ZK) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), [regs. 1\(1\), 4](#)
- F22** S. 16(8A) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 10\(2\)\(5\)](#), 324(3); [S.I. 2010/298](#), [art. 2](#), [Sch. Pt. 1 para. 2](#)
- F38** S. 16(12) inserted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 10\(4\)\(5\)](#), 324(3); [S.I. 2010/298](#), [art. 2](#), [Sch. Pt. 1 para. 2](#)
- F39** S. 16(12)(c) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 170\(4\)](#) (with [Sch. 7](#))
- F140** Words in s. 16(1) repealed (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 4\(4\)\(a\)](#), 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2011/433](#), [art. 2\(1\)\(a\)](#)
- F141** S. 16(1)(a) substituted (30.11.1995) by [S.I. 1995/2825](#), [reg. 3\(2\)\(a\)](#)
- F142** S. 16(1)(ca)(cb) inserted (30.11.1995) by [S.I. 1995/2825](#), [reg. 3\(2\)\(b\)](#)
- F143** Words in s. 16(2)(k) substituted (30.11.1995) by [S.I. 1995/2825](#), [reg. 3\(2\)\(c\)](#)
- F144** S. 16(1A) inserted (30.11.1995) by [S.I. 1995/2825](#), [reg. 3\(3\)](#)
- F145** Word in s. 16(2) substituted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 4\(4\)\(b\)](#), 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2011/433](#), [art. 2\(1\)\(a\)](#)
- F146** Words in s. 16(2)(b) repealed (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), [ss. 50, 59](#), [Sch. 6 para. 15\(a\)](#); [S.S.I. 2004/407](#), [art. 2](#)

**Changes to legislation:** Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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

- F147** Words in s. 16(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(i)**; S.S.I. 2004/407, **art. 2**
- F148** Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 9(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F149** Words in s. 16(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(ii)**; S.S.I. 2004/407, **art. 2**
- F150** Word in s. 16(3) inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 13(4)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(c)(iii)
- F151** Word in s. 16(3) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 9(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F152** Words in s. 16(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iii)**; S.S.I. 2004/407, **art. 2**
- F153** Words in s. 16(3)(c) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(iv)**; S.S.I. 2004/407, **art. 2**
- F154** S. 16(3)(ca) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(b)(v)**; S.S.I. 2004/407, **art. 2**
- F155** Word in s. 16(3) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F156** S. 16(3)(i) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(a)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F157** S. 16(3A) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F158** Word in s. 16(4)(b) inserted (S.) (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 9(b)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(g); S.S.I. 2011/433, art. 2(1)(b)
- F159** Words in s. 16(4) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(c)**; S.S.I. 2004/407, **art. 2**
- F160** Word in s. 16(4)(c) inserted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 17(2)**, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c) (with art. 3(3)(4))
- F161** Words in s. 16(4)(c) substituted (S.) (1.11.2019) by The Conservation (Natural Habitats, c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/364), regs. 1(2), **2(4)(a)**
- F162** S. 16(4A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 15(d)**; S.S.I. 2004/407, **art. 2**
- F163** S. 16(4B) inserted (S.) (1.11.2019) by The Conservation (Natural Habitats, c.) (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/364), regs. 1(2), **2(4)(b)**
- F164** Words in s. 16(5) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(4)**
- F165** S. 16(5A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(5)**
- F166** Words in s. 16(6) substituted (30.11.1995) by S.I. 1995/2825, **reg. 3(6)**
- F167** S. 16(8B) repealed (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(c)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F168** S. 16(9)-(9ZB) substituted for s. 16(9)-(9ZC) (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(2)(d)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F169** S. 16(9A) inserted (30.11.1995) by S.I. 1995/2825, **reg. 3(8)**
- F170** Words in s. 16(10)(a) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F171** Words in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(a)**; S.I. 2006/2541, **art. 2**
- F172** Words in s. 16(10)(a) inserted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1)(a), **Sch. 9 para. 11(4)(b)**; S.I. 1991/685, **art. 3**
- F173** Word in s. 16(10)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 72(4)(b)**; S.I. 2006/2541, **art. 2**

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**F174** Words in s. 16(10)(b) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), **Sch. 9 para. 11(4)(c)**; S.I. 1991/685, **art. 3**

**F175** Words in s. 16(9)(a)(c)(10)(b)(11) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, **Sch. 11 para. 72(3)**; S.I. 2006/2541, **art. 2**

**F176** S. 16(11) inserted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), **Sch. 9 para. 11(4)(d)**; S.I. 1991/685, **art. 3**

**F177** S. 16(13) repealed (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 18(2)(e), 43(1)** (with s. 41(1)); S.S.I. 2011/279, **art. 2(1)(j)**

#### Modifications etc. (not altering text)

**C2** S. 16 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 4 para. 1** (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, **reg. 3(p)**)

**C11** S. 16: Functions transferred (W.) (1.7.1999) by S.I. 1999/672, **art. 2, Sch. 1**

#### Marginal Citations

**M7** 1911 c. 27.

**M8** 1912 c. 14.

### [<sup>F40</sup>16A Delegation of licence-granting power: Scotland

- (1) The Scottish Ministers may delegate their functions in relation to licences under section 16 to—
  - (a) Scottish Natural Heritage; or
  - (b) a local authority.
- (2) But a function may be delegated to a local authority only in so far as it relates to—
  - (a) the development of land within the meaning of section 26(1) of the Town and Country Planning (Scotland) Act 1997 (c. 8); or
  - (b) the demolition of buildings within the meaning of section 55 of the Building (Scotland) Act 2003 (asp 8).
- (3) A delegation may be, to any degree, general or specific and may in particular relate to—
  - (a) a particular type of bird, other animal or plant;
  - (b) a particular licence or type of licence;
  - (c) a particular area.
- (4) Unless it specifies otherwise, a delegation relating to a particular type of licence includes the power to modify or revoke licences of that type that were granted before the delegation.
- (5) A delegation to—
  - (a) Scottish Natural Heritage under subsection (1)(a) is to be made by written direction;
  - (b) a local authority under subsection (1)(b) is to be made by order.
- (6) A local authority which is delegated a function under subsection (1)(b) must, before granting or modifying a licence, consult Scottish Natural Heritage.
- (7) The Scottish Ministers may modify or revoke a direction under subsection (5)(a).

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- (8) Where a direction or order under subsection (5) is revoked, any existing licence granted under the direction or order continues to have effect (unless the revoking direction or order provides otherwise).]

#### Textual Amendments

- F40** S. 16A inserted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 18(3)**, 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2011/279](#), art. 2(1)(j)

### 17 False statements made for obtaining registration<sup>[F41]</sup>, identification number<sup>[F42]</sup> or licence etc.

A person who, for the purposes of obtaining, whether for himself or another, a registration in accordance with regulations made under section <sup>[F42]</sup>6(2) or <sup>[F43]</sup>7(1) an identification number under section 11A(4)] or the grant of a licence under section 16—

- (a) makes a statement or representation, or furnishes a document or information, which he knows to be false in a material particular; or
- (b) recklessly makes a statement or representation, or furnishes a document or information, which is false in a material particular,

shall be guilty of an offence.

#### Textual Amendments

- F41** Words in s. 17 heading inserted (S.) (22.11.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 13(5)(a)**, 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2011/433](#), art. 2(3A)(b) (as inserted by [S.S.I. 2012/281](#), art. 2(2))
- F42** Words in s. 17 repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 102, 103(2), **Sch. 16 Pt. IV**
- F43** Words in s. 17 inserted (S.) (22.11.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 13(5)(b)**, 43(1) (with [s. 41\(1\)](#)); [S.S.I. 2011/433](#), art. 2(3A)(b) (as inserted by [S.S.I. 2012/281](#), art. 2(2))

### 18 Attempts to commit offences etc.

- (1) Any person who attempts to commit an offence under the foregoing provisions of this Part shall be guilty of an offence and shall be punishable in like manner as for the said offence.
- (2) Any person who for the purposes of committing an offence under the foregoing provisions of this Part, has in his possession anything capable of being used for committing the offence shall be guilty of an offence and shall be punishable in like manner as for the said offence.

### <sup>[F44]</sup>18A Wildlife inspectors **E+W**

- (1) In this Part, “wildlife inspector” means a person authorised in writing under this section by—
- (a) the Secretary of State (in relation to England), or
  - (b) the National Assembly for Wales (in relation to Wales).



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- (2) An authorisation under subsection (1) is subject to any conditions or limitations specified in it.
- (3) A wildlife inspector must, if required to do so, produce evidence of his authority before entering any premises under section 18B or 18D.
- (4) A wildlife inspector entering premises under either of those sections may take with him a veterinary surgeon if he has reasonable grounds for believing that such a person will be needed for the exercise of powers under section 18C or 18E.]

#### Extent Information

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

#### Textual Amendments

- F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

#### Modifications etc. (not altering text)

- C3** S. 18A applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

### [<sup>F178</sup>18A Vicarious liability for certain offences by employee or agent **S**

- (1) This subsection applies where, on or in relation to any land, a person (A) commits a relevant offence while acting as the employee or agent of a person (B) who—
  - (a) has a legal right to kill or take a wild bird on or over that land; or
  - (b) manages or controls the exercise of any such right.
- (2) Where subsection (1) applies, B is also guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In any proceedings under subsection (2), it is a defence for B to show—
  - (a) that B did not know that the offence was being committed by A; and
  - (b) that B took all reasonable steps and exercised all due diligence to prevent the offence being committed.
- (4) Proceedings may be taken against B in respect of the offence whether or not proceedings are also taken against A.
- (5) For the purposes of subsection (1)(b), management or control of the exercise of a right to kill or take any wild bird on or over land includes in particular management or control of any of the following—
  - (a) the operation or activity of killing or taking any such birds on or over that land;
  - (b) the habitat of any such birds on that land;
  - (c) the presence on or over that land of predators of any such birds;
  - (d) the release of birds from captivity for the purpose of their being killed or taken on or over that land.
- (6) In this section and section 18B, “a relevant offence” is—
  - (a) an offence under—



**Changes to legislation:** Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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

- (i) section 1(1), (5) or (5B);
- (ii) section 5(1)(a) or (b); <sup>F179</sup> ...
- [ section 11(1)(a) or (aa), (2)(a) or (b)(ii); or]
- <sup>F180</sup> (ia)
- (iii) section 15A(1); and
- (b) an offence under section 18 committed in relation to any of the offences mentioned in paragraph (a).]

#### Extent Information

**E12** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F178** Ss. 18A, 18B inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011](#) (asp 6), [ss. 24, 43\(1\)](#) (with [s. 41\(1\)](#)); [S.S.I. 2011/433](#), [art. 2\(1\)\(e\)](#)

**F179** Word in [s. 18A\(6\)\(a\)](#) repealed (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(3\)\(a\), 22\(2\)](#); [S.S.I. 2020/379](#), [reg. 2\(1\)](#), [sch. \(with reg. 3\)](#)

**F180** [S. 18A\(6\)\(a\)\(ia\)](#) inserted (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(3\)\(b\), 22\(2\)](#); [S.S.I. 2020/379](#), [reg. 2\(1\)](#), [sch. \(with reg. 3\)](#)

### <sup>F44</sup>18B Group 1 offences and licences: power to enter premises **E+W**

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
  - (a) for the purpose of ascertaining whether a Group 1 offence is being or has been committed;
  - (b) for the purpose of—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 1 licence, or
    - (ii) ascertaining whether any condition to which a Group 1 licence was subject has been complied with.
- (2) In this Part—
  - “Group 1 offence” means an offence under section 1, 5, 9(1), (2) or (4), 11, 13(1) or 14ZA, and
  - “Group 1 licence” means a licence authorising anything which would otherwise be a Group 1 offence.
- (3) Nothing in this section confers power to enter a dwelling.]

#### Extent Information

**E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), [ss. 52, 107](#), [Sch. 5 para. 1](#); [S.I. 2006/1382](#), [art. 2](#)

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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*

#### Modifications etc. (not altering text)

- C4** S. 18B applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

### [<sup>F178</sup>18B Liability where securing services through another **S**

- (1) This subsection applies where, on or in relation to any land—
  - (a) a person (A) commits a relevant offence;
  - (b) at the time the offence is committed, A is providing relevant services for a person (B); and
  - (c) B—
    - (i) has a legal right to kill or take a wild bird on or over that land; or
    - (ii) manages or controls the exercise of any such right.
- (2) Where subsection (1) applies, B is also guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In any proceedings under subsection (2), it is a defence for B to show—
  - (a) that B did not know that the offence was being committed by A; and
  - (b) that B took all reasonable steps and exercised all due diligence to prevent the offence being committed.
- (4) Proceedings may be taken against B in respect of the offence whether or not proceedings are also taken against A.
- (5) For the purposes of subsection (1)(b), A is providing “relevant services” for B—
  - (a) if A manages or controls any of the following—
    - (i) the operation or activity of killing or taking any wild birds on or over that land;
    - (ii) the habitat of any such birds on that land;
    - (iii) the presence on or over that land of predators of any such birds;
    - (iv) the release of birds from captivity for the purpose of their being killed or taken on or over that land; and
  - (b) whether A is providing the services—
    - (i) by arrangement between A and B; or
    - (ii) by arrangement with or as employee or agent of any other person (C) who is providing or securing the provision of relevant services for B.
- (6) For the purposes of subsection (5)(b)(ii), C is providing or securing the provision of relevant services for B if C manages or controls any of the things mentioned in subparagraphs (i) to (iv) of subsection (5)(a).]

#### Extent Information

- E13** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F178** Ss. 18A, 18B inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. 24, 43(1) (with s. 41(1)); S.S.I. 2011/433, [art. 2\(1\)\(e\)](#)

*Changes to legislation: Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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*

## **[<sup>F44</sup>18C Group 1 offences and licences: examining specimens and taking samples**

- (1) The powers conferred by this section are exercisable where a wildlife inspector has entered any premises for a purpose mentioned in section 18B(1)(a) or (b).
- (2) The inspector, or a veterinary surgeon accompanying him, may—
  - (a) for any such purpose, examine any specimen, and
  - (b) subject to subsection (5) and section 18F, take a sample from it.
- (3) “Specimen” means—
  - (a) any bird, other animal or plant, or
  - (b) any part of, or anything derived from, a bird, other animal or plant.
- (4) “Sample” means a sample of blood, tissue or other biological material.
- (5) No sample may be taken under subsection (2) from a live bird, other animal or plant except for the purpose of establishing its identity or ancestry.
- (6) The inspector may require an occupier of the premises to give such assistance as is reasonable in the circumstances for the purpose of—
  - (a) making an examination under subsection (2)(a), or
  - (b) taking a sample under subsection (2)(b).
- (7) The inspector may take and remove from the premises a specimen which is not a live bird, other animal or plant, if there are reasonable grounds for believing that it is evidence of a Group 1 offence.

### **Textual Amendments**

**F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

### **Modifications etc. (not altering text)**

**C5** S. 18C applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

## **18D Group 2 offences and licences etc. : power to enter premises**

- (1) A wildlife inspector may, at any reasonable time, enter and inspect any premises—
  - (a) for the purpose of ascertaining whether an offence under section 6, 9(5) or 13(2) is being, or has been, committed on those premises;
  - (b) where he has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
  - (c) for the purpose of ascertaining whether an offence under section 14 is being, or has been, committed on those premises;
  - (d) for the purpose of—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a Group 2 licence or a relevant registration, or

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- (ii) ascertaining whether any condition to which a Group 2 licence was subject has been complied with.

(2) In this Part—

“Group 2 offence” means an offence under section 6, 7, 9(5), 13(2) or 14,  
 “Group 2 licence” means a licence authorising anything which would otherwise be a Group 2 offence, and  
 “relevant registration” means a registration in accordance with regulations under section 7(1).

(3) In subsection (1)—

- (a) paragraphs (a) and (b) do not confer power to enter a dwelling except for purposes connected with—
  - (i) a Group 2 licence or a relevant registration held by an occupier of the dwelling, or
  - (ii) an application by an occupier of the dwelling for a Group 2 licence or a relevant registration, and
- (b) paragraph (c) does not confer any power to enter a dwelling.

#### Textual Amendments

**F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

### 18E Group 2 offences: examining specimens and taking samples

- (1) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being, or has been, committed in respect of any specimen, require any person who has the specimen in his possession or control to make it available for examination by the inspector or a veterinary surgeon.
- (2) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed, require the taking of a sample from a specimen found by him in the exercise of powers conferred by section 18D in order to determine its identity or ancestry.
- (3) A wildlife inspector may, for the purpose of ascertaining whether a Group 2 offence is being or has been committed in respect of any specimen (the relevant specimen), require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
  - (a) is alleged to be, or
  - (b) which the wildlife inspector suspects with reasonable cause to be,
 a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.
- (4) Where, pursuant to a requirement under this section—
  - (a) a bird or other animal is to be examined, or
  - (b) a sample is to be taken from a bird or other animal,
 a person who has the bird or animal in his possession or control must give the person making the examination or taking the sample such assistance as he may reasonably require for that purpose.

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(5) “Specimen” and “sample” have the same meaning as in section 18C.

(6) This section is subject to section 18F.

#### Textual Amendments

**F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

### 18F Restrictions on taking of samples from live specimens

(1) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird or other animal except by a veterinary surgeon.

(2) No sample may be taken by virtue of section 18C, 18E or 19XA from a live bird, other animal or plant unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.]

#### Textual Amendments

**F44** Ss. 18A-18F inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 1](#); S.I. 2006/1382, [art. 2](#)

#### Modifications etc. (not altering text)

**C6** S. 18F applied (with modifications) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 7-11](#); S.I. 2006/1382, [art. 2](#)

### 19 Enforcement. **E+W**

(1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—

- (a) stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
- (b) search or examine any thing which that person may then be using or have in his possession if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that thing;

(c) <sup>F45</sup> .....

(d) seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.

(2) If a constable suspects with reasonable cause that any person is committing [<sup>F46</sup>or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1) [<sup>F47</sup>or arresting a person, in accordance with [<sup>F48</sup>section 24] of Police and Criminal Evidence Act 1984, for such an offence], [<sup>F49</sup>enter any premises other than a dwelling].

[<sup>F50</sup>(2A) A constable may, for the purpose of assisting him in exercising the powers conferred by subsection (1)(b) and (d) when he has entered any premises under subsection (2), take with him—

- (a) any other person, and

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(b) any equipment or materials.]

- (3) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for [<sup>F51</sup>suspecting that an offence under this Part has been committed] and that evidence of the offence may be found on any premises, he may grant a warrant to any constable <sup>F52</sup>. . . to enter upon and search those premises for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

[<sup>F53</sup>(9) This section does not apply in relation to offences under Schedule 9A.]

#### Extent Information

- E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F45** S. 19(1)(c) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 7 Pt. I](#)
- F46** Words in s. 19(2) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(2\)\(a\)](#); S.I. 2006/1382, [art. 2](#)
- F47** Words inserted (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [Sch. 6 para. 25](#)
- F48** Words in s. 19(2) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 111, 178, [Sch. 7 para. 56](#) (subject to [art. 2\(2\)](#)); S.I. 2005/3495, [art. 2\(1\)\(m\)](#)
- F49** Words in s. 19(2) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(2\)\(b\)](#); S.I. 2006/1382, [art. 2](#)
- F50** S. 19(2A) inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(3\)](#); S.I. 2006/1382, [art. 2](#)
- F51** Words in s. 19(3) substituted (E.W.) (30.1.2001) by [2000 c. 37](#), ss. 81(1), 103(2), [Sch. 12 para. 7](#)
- F52** Words in s. 19(3) omitted (E.W.) (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 2\(4\)](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(2), 107, [Sch. 12](#); S.I. 2006/1382, [art. 2](#); S.I. 2006/2541, [art. 2](#)
- F53** S. 19(9) inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), ss. 23(4), 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2; S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

#### Modifications etc. (not altering text)

- C7** S. 19(3) applied (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 13](#); S.I. 2006/1382, [art. 2](#)

## 19 Enforcement. **S**

- (1) If a constable suspects with reasonable cause that any person is committing or has committed an offence under this Part, the constable may without warrant—
- stop and search that person if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found on that person;
  - [<sup>F181</sup>search for,] search or examine any thing which that person may then be using or [<sup>F182</sup>may have used, or may have or have had in his possession,] if the constable suspects with reasonable cause that evidence of the commission of the offence is to be found [<sup>F183</sup>in or] on that thing;
  - arrest that person <sup>F184</sup>. . . ;



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- (d) seize and detain for the purposes of proceedings under this Part any thing which may be evidence of the commission of the offence or may be liable to be forfeited under section 21.
- (2) If a constable suspects with reasonable cause that any person is committing [<sup>F185</sup>or has committed] an offence under this Part, he may, for the purpose of exercising the powers conferred by subsection (1), enter any land other than a [<sup>F186</sup>dwelling or lockfast premises].
- (3) If a justice of the peace is satisfied by [<sup>F187</sup>evidence] on oath that there are reasonable grounds for suspecting that [<sup>F188</sup>an offence under this Part] has been committed and that evidence of the offence may be found on any premises, he may grant a warrant to any constable [<sup>F189</sup>to enter those premises, if necessary using reasonable force, and search them] for the purpose of obtaining that evidence.

In the application of this subsection to Scotland, the reference to a justice of the peace includes a reference to the sheriff.

- [<sup>F190</sup>(4) A warrant under subsection (3) continues in force until the purpose for which the entry is required has been satisfied or, if earlier, the expiry of such period as the warrant may specify.
- (5) A constable authorised by virtue of this section to enter any land must, if required to do so by the occupier or anyone acting on the occupier's behalf, produce evidence of the constable's authority.
- (6) A constable who enters any land in the exercise of a power conferred by this section—
- (a) may—
- (i) be accompanied by any other persons, and
- (ii) take any machinery, other equipment or materials on to the land, for the purpose of assisting the constable in the exercise of that power,
- (b) may take samples of any articles or substances found there and remove the samples from the land.
- (7) A power specified in subsection (6)(a) or (b) which is exercisable under a warrant is subject to the terms of the warrant.
- (8) A constable leaving any land which has been entered in exercise of a power conferred by subsection (2) or by a warrant under subsection (3), being either unoccupied land or land from which the occupier is temporarily absent, must leave it as effectively secured against unauthorised entry as the constable found it.]

#### Extent Information

- E14** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F181** Words in s. 19(1)(b) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F182** Words in s. 19(1)(b) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F183** Words in s. 19(1)(b) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(a\)\(iii\)](#); S.S.I. 2004/407, [art. 2](#)

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- F184** Words in s. 19(1)(c) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 4\(a\)](#)
- F185** Words in s. 19(2) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(b\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F186** Words in s. 19(2) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(b\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F187** Words in s. 19(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(c\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F188** S. 19(3): paras. (a)(b) substituted (S.) (26.3.2003) for words by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. 77, 89(2)(b), [Sch. 3 para. 4\(b\)](#)
- F189** Words in s. 19(3) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(c\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F190** S. 19(4)-(8) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 16\(d\)](#); S.S.I. 2004/407, [art. 2](#)

## <sup>F54</sup>**19XA Constables' powers in connection with samples**

- (1) A constable who suspects with reasonable cause that a specimen found by him in the exercise of powers conferred <sup>F55</sup>by section 19] is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample.
- (2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (the relevant specimen) may require any person to make available for the taking of a sample any specimen (other than the relevant specimen) in that person's possession or control which—
  - (a) is alleged to be, or
  - (b) the constable suspects with reasonable cause to be,
 a specimen a sample from which will tend to establish the identity or ancestry of the relevant specimen.
- (3) Where a sample from a live bird or other animal is to be taken pursuant to a requirement under this section, any person who has possession or control of the specimen must give the person taking the sample such assistance as he may reasonably require for that purpose.
- (4) “Specimen” and “sample” have the same meaning as in section 18C.
- (5) This section is subject to section 18F (restrictions on taking samples).

### **Textual Amendments**

- F54** S. 19XA, 19XB inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 52, 107, [Sch. 5 para. 3](#); S.I. 2006/1382, [art. 2](#)
- F55** Words in s. 19XA(1) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148(1), 153(7), [Sch. 26 para. 7](#); S.I. 2008/1586, [art. 2\(1\)\(3\)](#), [Sch. 1 para. 48\(e\)](#) (subject to [Sch. 2](#))

## **19XB Offences in connection with enforcement powers**

- (1) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18B(1) or 18C(2) or (7), or



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- (b) fails without reasonable excuse to give any assistance reasonably required under section 18C(6).
- (2) A person is guilty of an offence if he—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by section 18D(1) or 18E(2), or
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 18E(1) or (3), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under section 18E(4).
- (3) A person is guilty of an offence if he—
  - (a) fails without reasonable excuse to make available any specimen in accordance with a requirement under section 19XA(2), or
  - (b) fails without reasonable excuse to give any assistance reasonably required under section 19XA(3).
- (4) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector is guilty of an offence.]

#### Textual Amendments

**F54** S. 19XA, 19XB inserted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 3](#); S.I. 2006/1382, [art. 2](#)

### 19ZA Enforcement: wildlife inspectors.

**F56** . . . . .

#### Textual Amendments

**F56** S. 19ZA omitted (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 4](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(2), 107 {[Sch. 12](#)}; S.I. 2006/1382, [art. 2](#); S.I. 2006/2541, [art. 2](#)

### 19ZB Power to take samples.

**F57** . . . . .

#### Textual Amendments

**F57** S. 19ZB omitted (31.5.2006) by virtue of [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 52, 107, [Sch. 5 para. 4](#) and repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(2), 107 {[Sch. 12](#)}; S.I. 2006/1382, [art. 2](#); S.I. 2006/2541, [art. 2](#)

### [<sup>F58</sup> **Wildlife inspectors: Scotland**

#### 19ZC

- (1) The Scottish Ministers may authorise any person to carry out the functions conferred by this section and section 19ZD(3), (4) and (8) (and any person so authorised is to be known as a “wildlife inspector”).

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- (2) An authorisation under subsection (1)—
  - (a) shall be in writing, and
  - (b) is subject to any conditions or limitations specified in it.
- (3) A wildlife inspector may, at any reasonable time and (if required to do so) upon producing evidence of authorisation, enter and inspect—
  - (a) any premises for the purpose of ascertaining whether an offence under section 6, 9(5) [<sup>F59</sup>, 11I(1)] or 13(2) is being, or has been, committed on those premises;
  - (b) any premises where the inspector has reasonable cause to believe that any birds included in Schedule 4 are kept, for the purpose of ascertaining whether an offence under section 7 is being, or has been, committed on those premises;
  - (c) any premises where the inspector has reasonable cause to believe that any birds are kept, for the purpose of ascertaining whether an offence under section 8(1) is being, or has been, committed on those premises;
  - (d) any premises for the purpose of ascertaining whether an offence under section 14 [<sup>F60</sup>, 14ZC, 14A, [<sup>F61</sup>14AA,][<sup>F61</sup>14AA,] 14B or 14K] is being, or has been, committed on those premises;
  - (e) any premises for the purpose of [<sup>F62</sup>—
    - (i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a relevant registration or licence; or
    - (ii) ascertaining whether a condition to which a relevant registration or licence was subject to has been complied with.]
- (4) In subsection (3)—
  - (a) paragraphs (a) to (c) do not confer power to enter a dwelling except for purposes connected with—
    - (i) a relevant registration or licence held by an occupier of the dwelling; or
    - (ii) an application by an occupier of the dwelling for a relevant registration or licence,
  - (b) paragraph (d) does not confer power to enter a dwelling.
- (5) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 8(1), 9(5), [<sup>F63</sup>11I(1), 13(2), 14, 14ZC, 14A, [<sup>F64</sup>14AA,] 14B or 14K] is being, or has been, committed in respect of any specimen, require any person who has possession or control of the specimen to make it available for examination by the inspector.
- (6) Any person who has possession or control of any live bird or other animal shall give any wildlife inspector acting in the exercise of powers conferred by this section such assistance as the inspector may reasonably require for the purpose of examining the bird or other animal.
- (7) Any person who—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of powers conferred by subsection (3) or (5); or
  - (b) fails without reasonable excuse to give any assistance reasonably required under subsection (6),
 shall be guilty of an offence.

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- (8) Any person who, with intent to deceive, falsely pretends to be a wildlife inspector shall be guilty of an offence.
- (9) In this section—
- “relevant registration or licence” means—
- (a) a registration in accordance with regulations under section 7(1); or
- (b) a licence under section 16 authorising anything which would otherwise be an offence under section 6, 7, 8(1), 9(5), [F65 11I(1), 13(2), 14, 14ZC [F66, 14A or 14AA]];
- “specimen” means any bird, other animal [F67, plant, fungus or micro-organism] or any part of, or anything derived from, a bird, other animal [F67, plant, fungus or micro-organism].

#### Textual Amendments

- F58** Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 17](#); S.S.I. 2004/407, [art. 2](#)
- F59** Word in s. 19ZC(3)(a) inserted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(4\)\(a\)\(i\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F60** Words in s. 19ZC(3)(d) substituted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(4\)\(a\)\(ii\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F61** Word in s. 19ZC(3)(d) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(5\)\(a\)](#)
- F62** Words in s. 19ZC(3)(e) substituted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(4\)\(a\)\(iii\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F63** Words in s. 19ZC(5) substituted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(4\)\(b\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F64** Word in s. 19ZC(5) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(5\)\(b\)](#)
- F65** Words in s. 19ZC(9) substituted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(4\)\(c\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F66** Words in s. 19ZC(9) substituted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(5\)\(c\)\(i\)](#)
- F67** Words in s. 19ZC(9) substituted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(5\)\(c\)\(ii\)](#)

#### Modifications etc. (not altering text)

- C8** S. 19ZC applied (with modifications) (S.) (29.11.2004) by [S.I. 1994/2716](#), [reg. 101A\(3\)](#) (as substituted by [The Conservation \(Natural Habitats, & c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#), [reg. 18](#)

### 19ZD Power to take samples: Scotland

- (1) A constable who suspects with reasonable cause that a specimen found by the constable in the exercise of powers conferred by section 19 is one in respect of which an offence under this Part is being or has been committed may require the taking from it of a sample of blood or tissue in order to determine its origin, identity or ancestry.
- (2) A constable who suspects with reasonable cause that an offence under this Part is being or has been committed in respect of any specimen (“the relevant specimen”) may require any person to make available for the taking of a sample of blood or tissue

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any specimen (other than the relevant specimen) in that person's possession or control which is alleged to be, or which the constable suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.

- (3) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), [F68 11I(1), 13(2), 14, 14ZC, 14A, [F69 14AA,] 14B or 14K] is being or has been committed, require the taking of a sample of blood or tissue from a specimen found by the inspector in the exercise of powers conferred by section 19ZC(3)(a) to (d) in order to determine its origin, identity or ancestry.
- (4) A wildlife inspector may, for the purpose of ascertaining whether an offence under section 6, 7, 9(5), [F68 11I(1), 13(2), 14, 14ZC, 14A, [F70 14AA,] 14B or 14K] is being or has been committed in respect of any specimen ("the relevant specimen"), require any person to make available for the taking of a sample of blood or tissue any specimen (other than the relevant specimen) in that person's possession or control which is alleged to be, or which the inspector suspects with reasonable cause to be, a specimen a sample from which will tend to establish the origin, identity or ancestry of the relevant specimen.
- (5) No sample from a live bird, other animal or plant shall be taken pursuant to a requirement under this section unless the person taking it is satisfied on reasonable grounds that taking the sample will not cause lasting harm to the specimen.
- (6) No sample from a live bird or other animal shall be taken pursuant to such a requirement except by a veterinary surgeon.
- (7) Where a sample from a live bird or other animal is to be taken pursuant to such a requirement, any person who has possession or control of the specimen shall give the person taking the sample such assistance as that person may reasonably require for that purpose.
- (8) A constable entering premises under section 19(2), and any wildlife inspector entering premises under section 19ZC(3), may take with him a veterinary surgeon if the constable or, as the case may be, inspector has reasonable grounds for believing that such a person will be required for the exercise on the premises of powers under subsection (1) or (2) or, as the case may be, (3) or (4).
- (9) Any person who—
  - (a) intentionally obstructs a wildlife inspector acting in the exercise of the power conferred by subsection (3),
  - (b) fails without reasonable excuse to make available any specimen in accordance with a requirement under subsection (2) or (4), or
  - (c) fails without reasonable excuse to give any assistance reasonably required under subsection (7),
 shall be guilty of an offence.
- (10) In this section—
  - (a) "specimen" has the same meaning as in section 19ZC;
  - (b) in relation to a specimen which is a part of, or is derived from, a bird, other animal or plant, references to determining its origin, identity or ancestry are to determining the origin, identity or ancestry of the bird, other animal or plant.

[ "tissue" means any type of biological material other than blood.]]  
 F71(c)

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### Textual Amendments

- F58** Ss. 19ZC, 19ZD inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 17](#); S.S.I. 2004/407, [art. 2](#)
- F68** Words in s. 19ZD(3)(4) substituted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(5\)\(a\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)
- F69** Word in s. 19ZD(3) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(6\)\(a\)](#)
- F70** Word in s. 19ZD(4) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), [2\(6\)\(b\)](#)
- F71** S. 19ZD(10)(c) inserted (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(5\)\(b\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(d\)](#)

### Modifications etc. (not altering text)

- C9** S. 19ZD applied (with modifications) (S.) (29.11.2004) by [S.I. 2004/2716](#), [reg. 101A\(3\)](#) (as substituted by [The Conservation \(Natural Habitats, & c.\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#), [reg. 18](#))

## [<sup>F73</sup>19A Evidence in Scotland [<sup>F72</sup>in certain proceedings].

In any proceedings in Scotland for [<sup>F74</sup>any of the following offences], the accused may be convicted on the evidence of one witness [<sup>F75</sup>—

- (a) an offence under section 1(1)(a) in relation to a grouse, partridge, pheasant or ptarmigan included in Part I of Schedule 2;
- (b) an offence under section 1(1)(c);
- (c) an offence under section 6(1) in relation to a grouse, partridge or pheasant included in Part IA of Schedule 3;
- (d) an offence under section 6(2) in relation to a grouse, partridge, pheasant or ptarmigan included in Part IIA of that Schedule;
- (e) an offence under section 10A(1), 11G(1) or 11I(1)].]

### Textual Amendments

- F72** Words in s. 19A substituted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 12\(a\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(i\)](#); S.S.I. 2011/433, [art. 2\(1\)\(b\)](#)
- F73** S. 19A inserted (18.9.1993) (S.) by [1993 c. 9](#), [s.36](#) (with s. 47(2), [Sch. 6 paras. 1, 2](#)); S.I. 1993/2050, [art. 3\(3\)](#), [Sch.2](#).
- F74** Words in s. 19A substituted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 12\(b\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(i\)](#); S.S.I. 2011/433, [art. 2\(1\)\(b\)](#)
- F75** S. 19A(a)(e) inserted (29.6.2011 for specified purposes, 1.1.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 12\(c\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(i\)](#); S.S.I. 2011/433, [art. 2\(1\)\(b\)](#)

## 20 [<sup>F76</sup>Proceedings for summary offences]. E+W

<sup>F77</sup>(1) . . . . .

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- (2) [<sup>F78</sup>Proceedings for a summary offence under this Part] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than two years after the commission of the offence.
- (3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

#### Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F76** S. 20 heading substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 53, 107, Sch. 6 para. 3\(3\); S.I. 2006/1382, art. 2](#)
- F77** S. 20(1) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), Sch. 12 para. 9(1)(a), [Sch. 16 Pt. IV](#) (with [Sch. 12 para. 9\(2\)](#))
- F78** Words in s. 20(2) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 53, 107, Sch. 6 para. 3\(2\); S.I. 2006/1382, art. 2](#)

## 20 [<sup>F191</sup>Proceedings for summary offences] **S**

- (1) <sup>F192</sup> .....
- (2) [<sup>F193</sup>Proceedings for an offence under this Part which is triable only summarily] may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than [<sup>F194</sup>three] years after the commission of the offence [<sup>F195</sup>or, in the case of a continuous contravention, after the last date on which the offence was committed].
- (3) For the purpose of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

#### Extent Information

- E15** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F191** S. 20 title substituted (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\), ss. 7\(5\), 22\(2\); S.S.I. 2020/379, reg. 2\(1\), sch. \(with reg. 3\)](#)
- F192** S. 20(1) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 77, 89\(2\)\(b\), Sch. 3 para. 5\(a\)](#)
- F193** Words in s. 20(2) substituted (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\), ss. 7\(4\), 22\(2\); S.S.I. 2020/379, reg. 2\(1\), sch. \(with reg. 3\)](#)

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**F194** Word in s. 20(2) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 18\(a\)](#); [S.S.I. 2004/407](#), [art. 2](#)

**F195** Word in s. 20(2) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 18\(b\)](#); [S.S.I. 2004/407](#), [art. 2](#)

## 21 Penalties, forfeitures etc. **E+W**

[<sup>F79</sup>(1) Subject to subsection (5), a person guilty of an offence under any of sections 1 to 13 or section 17 shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.]

(4) A person guilty of an offence under section 14 [<sup>F80</sup>or 14ZA] shall be liable—

- (a) on summary conviction, [<sup>F81</sup>to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both];
- (b) on conviction on indictment, [<sup>F81</sup>to imprisonment for a term not exceeding two years or to a fine, or to both].

[<sup>F82</sup>(4A) <sup>F83</sup> .....

[ Except in a case falling within subsection (4B) a person guilty of an offence under <sup>F84</sup>(4AA) section 19XB(1), (2) or (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

(4B) A person guilty of an offence under [<sup>F85</sup>section 19XB(1)(a) or (2)(a)] in relation to a wildlife inspector [<sup>F86</sup>entering premises to ascertain whether an offence under section 14 or 14ZA is being or has been committed] shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(4C) A person guilty of an offence under section [<sup>F87</sup>19XB(4)] shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4D) <sup>F88</sup> ..... ]

(5) Where an offence to which subsection (1) <sup>F89</sup> . . . applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under that subsection shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(6) The court by which any person is convicted of an offence under this Part—

- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14 [<sup>F90</sup>or 14ZA], any animal or plant which is of the same kind as that in respect of which the offence was committed and was found in his possession.



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- (7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

#### Extent Information

- E6** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F79** S. 21(1) substituted for s. 21(1)-(3) (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 12 para. 10(2)(6)**
- F80** Words in s. 21(4)(6)(b) inserted (E.W.) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 73(1)**; S.I. 2006/2541, **art. 2**
- F81** Words in s. 21(4)(a)(b) substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 9 para. 10(3)(a)(b)(6)**
- F82** S. 21(4A)-(4D) inserted (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 103(2), **Sch. 12 para. 10(4)(6)**
- F83** S. 21(4A)(4D) omitted (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(2)**; S.I. 2006/1382, **art. 2**
- F84** S. 21(4AA) inserted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(3)**; S.I. 2006/1382, **art. 2**
- F85** Words in s. 21(4B) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(4)(a)**; S.I. 2006/1382, **art. 2**
- F86** Words in s. 21(4B) substituted (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(4)(b)**; S.I. 2006/1382, **art. 2**
- F87** Words in s. 21(4C) substituted (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(5)**; S.I. 2006/1382, **art. 2**
- F88** S. 21(4A)(4D) omitted (31.5.2006) by virtue of Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 5(2)**; S.I. 2006/1382, **art. 2**
- F89** Words in s. 21(5) repealed (E.W.) (30.1.2001) by 2000 c. 37, ss. 81(1), 102, 103(2), Sch. 9 para. 10(5)(6), **Sch. 16 Pt. IV**
- F90** Words in s. 21(4)(6)(b) inserted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 105(1), 107, **Sch. 11 para. 73(1)**; S.I. 2006/2541, **art. 2**

#### Modifications etc. (not altering text)

- C10** S. 21(4AA)-(4C) applied (with modifications) (E.W.) (31.5.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), ss. 52, 107, **Sch. 5 para. 7-11**; S.I. 2006/1382, **art. 2**

## 21 Penalties, forfeitures etc. **S**

[<sup>F196</sup>(1) Subject to subsection (5), a person guilty of an offence under a provision mentioned in subsection (1A) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

(1A) The provisions referred to in subsection (1) are—

- (a) section 5(1)(e) and (f) (in relation to an act made unlawful by section 5(1)(e)),
- (b) section 6(2) and (2A) (in relation to an act made unlawful by section 6(2)(a)),
- (c) section 7 (other than section 7(1) and (5A) (in relation to an act made unlawful by section 7(1))),
- (d) section 9(5)(b),
- (e) section 11A,



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- (f) section 11C,
- (g) section 11E,
- (h) section 13,
- (i) section 14B,
- (j) section 17,
- (k) section 19ZC (other than an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by section 19ZC(3)(d)),
- (l) section 19ZD.

(1B) Subject to subsection (5), a person guilty of an offence under a provision mentioned in subsection (1C) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).

(1C) The provisions referred to in subsection (1B) are—

- (a) section 6(3),
- (b) section 7(1) and (5A) (in relation to an act made unlawful by section 7(1)),
- (c) section 8,
- (d) section 9(2), (4A), (5)(a) and (5A) (in relation to an act made unlawful by section 9(2), (4A) or (5)(a)),
- (e) section 11B,
- (f) section 11G,
- (g) section 11I.]

(2) <sup>F197</sup> .....

(3) <sup>F197</sup> .....

<sup>F198</sup>(4) .....

<sup>F199</sup>(4ZZA) .....

<sup>F200</sup>(4ZA) .....

[<sup>F201</sup>(4A) A person guilty of an offence under section 19ZC(7) in relation to a wildlife inspector acting in exercise of the power conferred by subsection (3)(d) of that section shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.]

[<sup>F202</sup>(4B) A person guilty of an offence under a provision mentioned in subsection (4C) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

(4C) The provisions referred to in subsection (4B) are—

- (a) section 14ZC,
- (b) section 14A,
- (c) section 14AA,

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(d) section 14K.

- <sup>F203</sup> [ A person guilty of an offence under section 14AB is liable—
- (4CA) (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).]

(4D) A person guilty of an offence under a provision mentioned in subsection (4E) is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(4E) The provisions referred to in subsection (4D) are—

- (a) section 1,
- (b) section 5(1)(a) to (d) and (f) (in relation to an act made unlawful by section 5(1)(a) to (d)),
- (c) section 6(1) and (2A) (in relation to an act made unlawful by section 6(1)(a)),
- (d) section 9(1), (4) and (5A) (in relation to an act made unlawful by section 9(1) or (4)),
- (e) section 10A,
- (f) section 11,
- (g) section 14,
- (h) section 15A.]

(5) Where an offence to which subsection (1), [<sup>F204</sup> or (1B)]<sup>F205</sup> . . . applies was committed in respect of more than one bird, nest, egg, other animal, plant or other thing, the maximum fine which may be imposed under [<sup>F206</sup> the subsection in question] shall be determined as if the person convicted had been convicted of a separate offence in respect of each bird, nest, egg, animal, plant or thing.

(6) The court by which any person is convicted of an offence under this Part—

- (a) shall order the forfeiture of any bird, nest, egg, other animal, plant or other thing in respect of which the offence was committed; and
- (b) may order the forfeiture of any vehicle, animal, weapon or other thing which was used to commit the offence and, in the case of an offence under section 14 [<sup>F207</sup>, 14ZC, 14A, [<sup>F208</sup> 14AA,] [<sup>F209</sup> 14AB,] 14B or 14K], any animal [<sup>F210</sup>, plant or other thing] which is of the same kind as that in respect of which the offence was committed and was found in his possession.

(7) Any offence under this Part shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender is found or to which he is first brought after the commission of the offence.

#### Extent Information

**E16** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

**Changes to legislation:** Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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

### Textual Amendments

- F196** S. 21(1)-(1C) substituted for s. 21(1)-(1B) (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(a\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F197** S. 21(2)(3) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003](#) (asp 7), ss. 77, 89(2)(b), [Sch. 3 para. 6\(b\)](#)
- F198** S. 21(4) repealed (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(b\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F199** S. 21(4ZZA) repealed (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(b\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F200** S. 21(4ZA) repealed (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(b\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F201** S. 21(4A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004](#) (asp 6), ss. 50, 59, [Sch. 6 para. 19\(c\)](#); S.S.I. 2004/407, [art. 2](#)
- F202** S. 21(4B)-(4E) inserted (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(c\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F203** S. 21(4CA) inserted (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020](#) (S.S.I. 2020/473), regs. 1(1), [10\(4\)\(a\)](#)
- F204** Words in s. 21(5) inserted (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(d\)\(i\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F205** Words in s. 21(5) repealed (S.) (26.3.2003) by [Criminal Justice \(Scotland\) Act 2003](#) (asp 7), ss. 77, 89(2)(b), [Sch. 3 para. 6\(d\)](#)
- F206** Words in s. 21(5) substituted (S.) (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#) (asp 14), [ss. 7\(6\)\(d\)\(ii\)](#), 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F207** Words in s. 21(6)(b) substituted (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011](#) (asp 6), [ss. 17\(3\)\(d\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)
- F208** Word in s. 21(6)(b) inserted (S.) (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. 1(2), [2\(7\)\(d\)\(i\)](#)
- F209** Word in s. 21(6)(b) inserted (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020](#) (S.S.I. 2020/473), regs. 1(1), [10\(4\)\(b\)](#)
- F210** Words in s. 21(6)(b) substituted (S.) (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. 1(2), [2\(7\)\(d\)\(ii\)](#)

## 22 Power to vary Schedules. **E+W**

- (1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year, add any bird to, or remove any bird from, any of or any Part of [<sup>F91</sup>Schedules ZA1 to 4].
- (2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.
- (3) The Secretary of State may, on a representation made [<sup>F92</sup>to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act], by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year—

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- (a) add to Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is in danger of extinction in Great Britain or is likely to become so endangered unless conservation measures are taken; and
- (b) remove from Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is no longer so endangered or likely to become so endangered

F93

[<sup>F94</sup>(3A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.]

- (4) The Secretary of State may, for the purpose of complying with an international obligation, by order, either generally or with respect to particular provisions of this Part or particular times of the year—

- (a) add any animals to, or remove any animals from, Schedule 5 or Schedule 6; and
- (b) add any plants to, or remove any plants from, Schedule 8.

- (5) The Secretary of State may by order, either generally or with respect to particular areas of Great Britain—

- (a) add any animals to, or remove any animals from, Part I [<sup>F95</sup>, IA or IB] of Schedule 9; and
- (b) add any plants to, or remove any plants from, Part II of that Schedule.

[<sup>F96</sup>(6) The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.

- (7) In subsection (6), “the international trapping standards agreement” has the meaning given by section 16(3ZK).]

#### Extent Information

- E7 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F91 Words in s. 22(1) substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 47\(5\)](#), 107; S.I. 2006/1382, [art. 2](#)
- F92 Words in s. 22(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 105\(1\)](#), 107, [Sch. 11 para. 74\(2\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F93 Words in s. 22(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 105\(1\)\(2\)](#), 107, [Sch. 11 para. 74\(2\)\(b\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F94 S. 22(3A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 105\(1\)](#), 107, [Sch. 11 para. 74\(3\)](#); S. I. 2006/2541, [art. 2](#)
- F95 Words in s. 22(5)(a) inserted (5.3.2015 for E., 12.4.2015 for W.) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 25\(5\)](#), 57(4); S.I. 2015/481, [reg. 2\(c\)](#); S.I. 2015/990, [reg. 2](#)
- F96 S. 22(6)(7) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), [regs. 1\(1\)](#), 5

## 22 Power to vary Schedules. **S**

- (1) The Secretary of State may by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year

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- [<sup>F211</sup>(a)] add any bird to, or remove any bird from, any of or any Part of Schedules [<sup>F212</sup>A1] to 4.
- [<sup>F213</sup>(b)] add any animal to, or remove any animal from, Schedule 5 [<sup>F214</sup>, 5A, 6 or 6A]<sup>F215</sup>....;
- (c) add any plant to, or remove any plant from, Schedule 8 <sup>F216</sup>....]
- (2) An order under subsection (1) adding any bird to Part II of Schedule 1 or Part I of Schedule 2 may prescribe a close season in the case of that bird for the purposes of sections 1 and 2; and any close season so prescribed shall commence on a date not later than 21st February and end on a date not earlier than 31st August.
- [<sup>F217</sup>(2ZA)] An order under subsection (1) adding any animal to Schedule 5A may prescribe a close season in the case of that animal for the purposes of section 10A.]
- [<sup>F218</sup>(2A)] Before making an order under subsection (1) the Scottish Ministers shall consult Scottish Natural Heritage.]
- (3) The Secretary of State may, on a representation made [<sup>F219</sup>to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act], by order, either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year—
- (a) add to Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is in danger of extinction in Great Britain or is likely to become so endangered unless conservation measures are taken; and
- (b) remove from Schedule 5 or Schedule 8 any animal or plant which, in his opinion, is no longer so endangered or likely to become so endangered
- <sup>F220</sup> .....
- [<sup>F221</sup>(3A)] The 2006 Act means the Natural Environment and Rural Communities Act 2006.]
- (4) <sup>F222</sup> .....
- (5) <sup>F222</sup> .....
- [<sup>F96</sup>(6)] The Secretary of State may, for the purpose of complying with the international trapping standards agreement, by order add any animal to, or remove any animal from, Schedule 6ZA.
- (7) In subsection (6), “the international trapping standards agreement” has the meaning given by section 16(3ZK).]

#### Extent Information

- E17** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F96** S. 22(6)(7) inserted (28.3.2019) by [The Humane Trapping Standards Regulations 2019 \(S.I. 2019/22\)](#), regs. 1(1), 5
- F211** Words in s. 22(1) renumbered (S.) (1.10.2004) as s. 22(1)(a) by virtue of [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 20\(a\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F212** Word in s. 22(1) substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 20\(a\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)

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- F213** S. 22(1)(b)(c) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 20\(a\)\(iii\)](#); S.S.I. 2004/407, [art. 2](#)
- F214** Words in s. 22(1)(b) substituted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 10\(a\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(h\)](#)
- F215** Words in s. 22(1)(b) repealed (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 17\(4\)\(a\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(c\)](#)
- F216** Words in s. 22(1)(c) repealed (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 17\(4\)\(b\)](#), 43(1) (with s. 41(1)); S.S.I. 2012/175, [art. 2\(1\)\(c\)](#)
- F217** S. 22(2ZA) inserted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 10\(b\)](#), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(h\)](#)
- F218** S. 22(2A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 20\(b\)](#); S.S.I. 2004/407, [art. 2](#)
- F219** Words in s. 22(3) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 74\(2\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F220** Words in s. 22(3) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1)(2), 107, [Sch. 11 para. 74\(2\)\(b\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F221** S. 22(3A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 74\(3\)](#); S. I. 2006/2541, [art. 2](#)
- F222** S. 22(4)(5) repealed (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 20\(c\)](#); S.S.I. 2004/407, [art. 2](#)

## 23 Advisory bodies and their functions.

- (1) The Secretary of State may—
  - (a) establish any body or bodies, consisting in each case of such members as he may from time to time appoint;
  - (b) assign to any body or bodies the duty referred to in subsection (4).
- (2) Without prejudice to his power under subsection (1), the Secretary of State shall, as soon as practicable after the commencement date,—
  - (a) establish at least one body under paragraph (a) of subsection (1); or
  - (b) assign to at least one body, under paragraph (b) of that subsection, the duty referred to in subsection (4).
- (3) A reference in this Part to an advisory body is a reference to a body which is established under subsection (1) or to which the duty there referred to is assigned under that subsection.
- (4) It shall be the duty of an advisory body to advise the Secretary of State on any question which he may refer to it or on which it considers it should offer its advice—
  - (a) in connection with the administration of this Part; or
  - (b) otherwise in connection with the protection of birds or other animals or plants.
- (5) In so far as it does not have power to do so apart from this subsection, an advisory body may publish reports relating to the performance by it of its duty under subsection (4).
- (6) Before appointing a person to be a member of an advisory body established under subsection (1)(a), the Secretary of State shall consult such persons or bodies as he thinks fit.
- (7) The Secretary of State may, out of moneys provided by Parliament and to such an extent as may be approved by the Treasury, defray or contribute towards the expenses of an advisory body established under subsection (1)(a).

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## 24 <sup>F97</sup>Functions of GB conservation bodies] **E+W**

- (1) The <sup>F98</sup>GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act] may at any time and shall five years after <sup>F99</sup>30th October 1991] and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—
- (a) any animal should be added to, or removed from, Schedule 5;
  - (b) any plant should be added to, or removed from, Schedule 8

<sup>F100</sup> .....

<sup>F101</sup>(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.]

- (2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led <sup>F102</sup>to that advice being given.]

<sup>F103</sup>(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.]

- (4) The functions of the <sup>F104</sup>GB conservation bodies] shall include power to advise or assist—

- (a) any constable;
- (b) any proper officer of a local authority; or

<sup>F105</sup>(c) any wildlife inspector,]

in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

### Extent Information

- E8** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

### Textual Amendments

- F97** S. 24 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 75\(5\); S.I. 2006/2541, art. 2](#)
- F98** Words in s. 24(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 75\(2\)\(a\); S.I. 2006/2541, art. 2](#)
- F99** Words in s. 24(1) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132, Sch. 9 para. 11\(6\)\(a\); S.I.1991/685, art.3.](#)
- F100** Words in s. 24(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\)\(2\), 107, Sch. 11 para. 75\(2\)\(b\), Sch. 12; S.I. 2006/2541, art. 2](#)
- F101** S. 24(1A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 75\(3\); S.I. 2006/2541, art. 2](#)
- F102** Words in s. 24(2) substituted ( *1.4.1991*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(6\)\(b\); 1991/685, art.3.](#)
- F103** S. 24(3) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\), s. 132\(1\)\(a\), Sch. 9 para. 11\(6\)\(c\); S.I. 1991/685, art. 3.](#)
- F104** Words in s. 24(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 75\(4\); S.I. 2006/2541, art. 2](#)
- F105** S. 24(4)(c) substituted (E.W.) (30.1.2001) by [2000 c. 37, ss. 81\(1\), 103\(2\), Sch. 12 para. 11](#)



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## 24 <sup>[F223]</sup> Functions of GB conservation bodies] **S**

- (1) The <sup>[F224]</sup>GB conservation bodies, acting through the Joint Nature Conservation Committee in accordance with Part 2 of the 2006 Act] may at any time and shall five years after <sup>[F225]</sup>30th October 1991] and every five years thereafter, review Schedules 5 and 8 and advise the Secretary of State whether, in their opinion,—
- (a) any animal should be added to, or removed from, Schedule 5;
  - (b) any plant should be added to, or removed from, Schedule 8

<sup>F226</sup> .....

<sup>[F227]</sup>(1A) The 2006 Act means the Natural Environment and Rural Communities Act 2006.]

- (2) Advice may be given under subsection (1) either generally or with respect to particular provisions of this Part, particular areas of Great Britain or particular times of the year; and any advice so given shall be accompanied by a statement of the reasons which led <sup>[F228]</sup>to that advice being given.]

<sup>[F229]</sup>(3) The Secretary of State shall lay before each House of Parliament a copy of any advice so given and the statements accompanying it.]

- (4) The functions of the <sup>[F230]</sup>GB conservation bodies] shall include power to advise or assist—

- (a) any constable; <sup>[F231]</sup>or]
- (b) any proper officer of a local authority; <sup>F232</sup>...
- <sup>F233</sup>(c) .....

in, or in connection with, the enforcement of the provisions of this Part or any order or regulations made under it.

<sup>[F234]</sup>(4A) The functions of Scottish Natural Heritage include the power to advise or assist—

- (a) another relevant body exercising functions under section 14L(2)(a); and
- (b) a person authorised to enter premises under section 14M exercising functions under that section.]

### Extent Information

**E18** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F223** S. 24 heading substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1), 107, [Sch. 11 para. 75\(5\)](#); S.I. 2006/2541, [art. 2](#)
- F224** Words in s. 24(1) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1), 107, [Sch. 11 para. 75\(2\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F225** Words in s. 24(1) substituted ( *1.4.1991.*) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 132, [Sch. 9 para. 11\(6\)\(a\)](#); S.I.1991/685, [art.3.](#)
- F226** Words in s. 24(1) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1)(2), 107, [Sch. 11 para. 75\(2\)\(b\)](#), [Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F227** S. 24(1A) inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), ss. 105(1), 107, [Sch. 11 para. 75\(3\)](#); S.I. 2006/2541, [art. 2](#)
- F228** Words in s. 24(2) substituted ( *1.4.1991*) by [Environmental Protection Act 1990](#) (c. 43, SIF 46:4), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(b\)](#); 1991/685, [art.3.](#)



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- F229** S. 24 (3) substituted ( 1.4.1991.) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 132(1)(a), [Sch. 9 para. 11\(6\)\(c\)](#); [S.I. 1991/685](#), [art.3](#).
- F230** Words in s. 24(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 75\(4\)](#); [S.I. 2006/2541](#), [art. 2](#)
- F231** Word in s. 24(4) inserted (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(6\)\(a\)](#), 43(1) (with s. 41(1)); [S.S.I. 2012/175](#), [art. 2\(1\)\(d\)](#)
- F232** Word in s. 24(4) repealed (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(6\)\(b\)](#), 43(1) (with s. 41(1)); [S.S.I. 2012/175](#), [art. 2\(1\)\(d\)](#)
- F233** S. 24(4)(c) repealed (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 22\(6\)\(c\)](#), 43(1) (with s. 41(1)); [S.S.I. 2012/175](#), [art. 2\(1\)\(d\)](#)
- F234** S. 24(4A) inserted (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), [ss. 17\(5\)](#), 43(1) (with s. 41(1)); [S.S.I. 2012/175](#), [art. 2\(1\)\(c\)](#)

## 25 Functions of local authorities.

- (1) Every local authority shall take such steps as they consider expedient for bringing to the attention of the public and of schoolchildren in particular the effect of—
- (a) the provisions of this Part; and
  - (b) any order made under this Part affecting the whole or any part of their area.
- (2) A local authority in England and Wales may institute proceedings for any offence under this Part or any order made under it which is committed within their area.
- [<sup>F106</sup>(3) Nothing in this section applies in relation to Schedule 9A or orders or offences under it.]

### Textual Amendments

- F106** S. 25(3) inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 23\(5\)](#), 57(4); [S.I. 2015/481](#), [reg. 3\(a\)](#); [S.I. 2015/990](#), [reg. 2](#)

## 26 Regulations, orders, notices etc. **E+W**

- (1) Any power to make regulations or orders under this Part shall be exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than sections 2(6), 3, 5 and 11, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order under section 5 or 11 shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) Before making any order under this Part, the Secretary of State—
- <sup>F107</sup>(a) except in the case of an order under section 2(6), shall give to any local authority affected and, except in the case of an order under section 3, any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order;
  - <sup>F108</sup>(b) except in the case of an order under section 22(3), shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and

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- (c) may, if he thinks fit, cause a public inquiry to be held.
- (5) Notice of the making of an order under this Part shall be published by the Secretary of State—
- (a) if the order relates in whole or in part to England and Wales, in the London Gazette; and
  - (b) if the order relates in whole or in part to Scotland, in the Edinburgh Gazette.
- (6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.
- [<sup>F109</sup>(7) In this section references to orders do not include species control orders under Schedule 9A.]

#### Extent Information

**E9** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F107** Words in s. 26(4)(a) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 17(6)(b)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(i); S.S.I. 2012/175, art. 2(1)(c)
- F108** Words in s. 26(4)(b) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 17(6)(b)(iii)**, 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(i); S.S.I. 2012/175, art. 2(1)(c)
- F109** S. 26(7) inserted (E.W.) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 23(6)**, 57(4); S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2; S.I. 2015/481, reg. 3(a); S.I. 2015/990, reg. 2

## 26 Regulations, orders, notices etc. S

- (1) Any power to make regulations or orders under [<sup>F235</sup>a provision of this Part other than section 14D] shall be exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Part, or an order under a provision of this Part other than [<sup>F236</sup>—
- (a) an order under any of] sections 2(6), <sup>F237</sup>... 5 [<sup>F238</sup>, 10A(4)] [<sup>F239</sup>or] [<sup>F240</sup>11(4)] [<sup>F241</sup>; and
  - (b) an order under section 22(1)(a) which removes from Part I of Schedule 2 black grouse, common pheasant, grey partridge, ptarmigan, red grouse or red-legged partridge,]
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No [<sup>F242</sup>—
- (a)] order under section 5 or [<sup>F240</sup>11(4)] [<sup>F243</sup>; or
  - (b) order under section 22(1)(a) which removes from Part I of Schedule 2 any bird referred to in paragraph (b) of subsection (2),]
- shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.

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- (4) Before making any order under [F244 a provision of this Part other than section 14D], the Secretary of State—
- (a) except in the case of an order under section 2(6) [F107 14, 14ZC, 14A or 14B], shall give to any local authority affected and F245 ... any other person affected, by such means as he may think appropriate, an opportunity to submit objections or representations with respect to the subject matter of the order;
  - [F246 (aa) in the case of an order under section 16A(5)(b), shall consult Scottish Natural Heritage;]
  - (b) except in the case of an order under section [F108 14, 14ZC, 14A, 14B,][F247 16A(5)(b) or][F248 22], shall consult with whichever one of the advisory bodies he considers is best able to advise him as to whether the order should be made; and
  - (c) may [F249 except in the case of an order under section 16A(5)(b),], if he thinks fit, cause a public inquiry to be held.
- [F250 (4A) The Scottish Ministers may make an order under section 14, 14ZC or 14A only where they have consulted—
- (a) Scottish Natural Heritage; and
  - (b) any other person appearing to them to have an interest in the making of the order.
- (4B) Subsection (4A) does not apply where the Scottish Ministers consider it necessary to make the order urgently and without consultation.]
- (5) Notice of the making of an order under this Part [F251 other than an order under section 16A(5)(b),] shall be published by the Secretary of State—
- (a) if the order relates in whole or in part to England and Wales, in the London Gazette; and
  - (b) if the order relates in whole or in part to Scotland, in the Edinburgh Gazette.
- (6) The Secretary of State shall give consideration to any proposals for the making by him of an order under this Part with respect to any area which may be submitted to him by a local authority whose area includes that area.

#### Extent Information

- E19** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F107** Words in s. 26(4)(a) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 17(6)(b)(ii)**, 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(i); S.S.I. 2012/175, art. 2(1)(c)
- F108** Words in s. 26(4)(b) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 17(6)(b)(iii)**, 43(1) (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(i); S.S.I. 2012/175, art. 2(1)(c)
- F235** Words in s. 26(1) substituted (S.) (2.7.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 17(6)(a)**, 43(1) (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)
- F236** S. 26(2)(a) and word inserted (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 3(6)(a)(i)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
- F237** Word in s. 26(2) repealed (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 4(5)(a)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)

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- F238** Word in s. 26(2) inserted (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 6(3), 43(1)** (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(b)
- F239** Word in s. 26(2) substituted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 3(6)(a)(ii), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
- F240** Word in s. 26(2)(3) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 21(a)**; S.S.I. 2004/407, **art. 2**
- F241** S. 26(2)(b) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 3(6)(a)(iii), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
- F242** Para reference (a) in s. 26(3) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 3(6)(b)(i), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
- F243** S. 26(3)(b) and word inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 3(6)(b)(ii), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(b)
- F244** Words in s. 26(4) substituted (S.) (2.7.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 17(6)(b)(i), 43(1)** (with s. 41(1)); S.S.I. 2012/175, art. 2(1)(c)
- F245** Words in s. 26(4)(a) repealed (S.) (1.1.2012) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 4(5)(b), 43(1)** (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(a)
- F246** S. 26(4)(aa) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(4)(a)(i), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F247** Words in s. 26(4)(b) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(4)(a)(ii), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F248** Word in s. 26(4)(b) substituted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 21(b)**; S.S.I. 2004/407, **art. 2**
- F249** Words in s. 26(4)(c) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(4)(a)(iii), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)
- F250** S. 26(4A)(4B) inserted (S.) (1.5.2012 for specified purposes, 2.7.2012 in so far as not already in force) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 17(6)(c), 43(1)** (with s. 41(1)); S.S.I. 2012/116, art. 2(b)(ii); S.S.I. 2012/175, art. 2(1)(c)
- F251** Words in s. 26(5) inserted (S.) (29.6.2011) by Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), **ss. 18(4)(b), 43(1)** (with s. 41(1)); S.S.I. 2011/279, art. 2(1)(j)

## [<sup>F110</sup>26A Enforcement of wildlife legislation

Regulations under section 2(2) of the European Communities Act 1972 (c. 68) for the purpose of implementing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora [<sup>F111</sup> (that is, the Directive as amended from time to time by any other [<sup>F112</sup>EU] instrument or otherwise)] may, despite paragraph 1(1)(d) of Schedule 2 to that Act, create offences punishable on summary conviction with imprisonment for a term not exceeding six months.]

### Textual Amendments

- F110** S. 26A inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 22**; S.S.I. 2004/407, **art. 2**
- F111** Words in s. 26A substituted (23.4.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 44(2), 84**; S.S.I. 2007/250, **art. 3** (subject to art. 4)
- F112** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))

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## [<sup>F113</sup>26B Annual report on wildlife crime

- (1) The Scottish Ministers must, after the end of each calendar year, lay before the Scottish Parliament a report on offences relating to wildlife.
- (2) The report may, in particular, include—
  - (a) information on the incidence and prosecution of such offences during the year to which the report relates;
  - (b) information on research and advice relating to wildlife which the Scottish Ministers consider relevant to such offences.
- (3) The report need only include information in relation to such offences relating to wildlife as the Scottish Ministers consider appropriate.
- (4) For the purposes of this section, an offence relating to wildlife is an offence—
  - (a) under Part 1 of this Act; or
  - (b) under any other enactment which the Scottish Ministers consider may have an impact on wildlife.]

### Textual Amendments

**F113** S. 26B inserted (S.) (2.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. 20, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(2)

## 27 Interpretation of Part I. **E+W**

- (1) In this Part, unless the context otherwise requires—
  - “advertisement” includes a catalogue, a circular and a price list;
  - “advisory body” has the meaning given by section 23;
  - “agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;
  - “authorised person” means—
    - (a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
    - (b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
    - (c) as respects anything done in relation to wild birds, any person authorised in writing [<sup>F114</sup> by—
      - (i) the Welsh Ministers, in relation to things done for purposes relating to fishing or fisheries in the Welsh inshore region (within the meaning of the Marine and Coastal Access Act 2009);
      - (ii) any] of the following bodies, that is to say, [<sup>F115</sup>any of the [<sup>F116</sup>GB conservation bodies]], <sup>F117</sup>. . . a district board for a fishery district within the meaning of the <sup>M3</sup>Salmon Fisheries (Scotland) Act 1862 [<sup>F118</sup>or an inshore fisheries and conservation authority]<sup>F119</sup>...;
    - (d) [<sup>F120</sup>any person authorised in writing by—
      - (i) the Environment Agency, in relation to anything done in England;

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(ii) the Natural Resources Body for Wales, in relation to anything done in Wales; or

(iii) a water undertaker or a sewerage undertaker,]

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;

“aviculture” means the breeding and rearing of birds in captivity;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“domestic duck” means any domestic form of duck;

“domestic goose” means any domestic form of goose;

“firearm” has the same meaning as in the <sup>M4</sup>Firearms Act 1968;

“game bird” means any pheasant, partridge, grouse (or moor game), black (or heath) game or ptarmigan;

[<sup>F121</sup> “inland waters” means—

(a) inland waters within the meaning of the Water Resources Act 1991; <sup>M5</sup>

(b) any waters not falling within paragraph (a) above which are within the seaward limits of the territorial sea;

(c) controlled waters within the meaning of Part II of the Control of Pollution Act 1974 <sup>M6</sup> other than ground waters as defined in section 30A(1)(d) of that Act.]

[<sup>F122</sup> “inshore fisheries and conservation authority” means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;]

“livestock” includes any animal which is kept—

(a) for the provision of food, wool, skins or fur;

(b) for the purpose of its use in the carrying on of any agricultural activity; or

(c) for the provision or improvement of shooting or fishing;

“local authority” means—

(a) in relation to England <sup>F123</sup>. . . , a county, district or London borough council <sup>F124</sup>. . . ;

(aa) [<sup>F125</sup> in relation to Wales, a county council or county borough council;]

(b) in relation to Scotland, a [<sup>F126</sup> council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“occupier”, in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means domestic fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

[<sup>F127</sup> “premises” includes land (including buildings), movable structures, vehicles, vessels, aircraft and other means of transport;]

“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;



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“vehicle” includes aircraft, hovercraft and boat;

<sup>F128</sup>  
.....

“wild animal” means any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means any bird of a [<sup>F129</sup>species] which is ordinarily resident in or is a visitor to [<sup>F130</sup>the United Kingdom or][<sup>F131</sup>the European territory of any member State] in a wild state but does not include poultry or, except in sections 5 and 16, any game bird;

[<sup>F132</sup> “the Wild Birds Directive” means [<sup>F133</sup>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds];]

“wild plant” means any plant which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Great Britain in a wild state.

[<sup>F134</sup> “wildlife inspector” has the meaning given by [<sup>F135</sup> section 18A(1)].]

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.

(3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.

[<sup>F136</sup>(3A) In this Part “the GB conservation bodies” means—

- (a) Natural England,
- (b) [<sup>F137</sup>the Natural Resources Body for Wales], and
- (c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly.]

(4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.

(5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

#### Extent Information

**E10** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F114** S. 27(1): words in para. (c) of definition of “authorised person” substituted (E.W.) (12.1.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 193(4), 324(2)(c)**

**F115** Words in s. 27(1) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 132(1)(a)**, Sch. 9 para. 11(7)(a); [S.I. 1991/685](#), **art. 3**.

**F116** S. 27(1): words in definition of “authorised person” substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), **ss. 105(1), 107, Sch. 11 para. 76(2)**; [S.I. 2006/2541](#), **art. 2**

**F117** Words in s. 27(1) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), **ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1)**, Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

**F118** Words in s. 27(1) inserted (1.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **s. 324(3)**, **Sch. 14 para. 11(a)**; [S.I. 2011/556](#), **art. 2(2)(k)**



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- F119** Words in s. 27(1) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 22 Pt. 4; S.I. 2010/630, art. 3\(b\) \(with arts. 8, 12\); S.I. 2011/556, art. 2\(2\)\(o\) \(with art. 2\(3\)\)](#)
- F120** Words in s. 27(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 171\(2\) \(with Sch. 7\)](#)
- F121** Definition in s. 27(1) inserted (30.11.1995) by [S.I. 1995/2825, reg. 4](#)
- F122** Definition "inshore fisheries and conservation authority" in s. 27(1) inserted (1.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 14 para. 11\(b\); S.I. 2011/556, art. 2\(2\)\(k\)](#)
- F123** Words in s. 27(1) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\), Sch. 16 para. 65\(2\), Sch. 18 \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1996/396, art. 4, Sch. 2](#)
- F124** Words in s. 27(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 17](#)
- F125** S. 27(1): para. (aa) in the definition of "local authority" inserted (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16 para. 65\(2\) \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1996/396, art. 4, Sch. 2](#)
- F126** Words in s. 27(1) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 125\(2\); S.I. 1996/323, art. 4\(1\)\(b\)\(c\)](#)
- F127** S. 27(1): definition of "premises" inserted (E.W.) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(2\), 107, Sch. 11 para. 76\(3\)\(5\); S.I. 2006/2541, art. 2](#)
- F128** S. 27(1): definition of "water authority" repealed (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71, Sch. 7 para. 11\(2\); S.S.I. 2002/118, art. 2\(3\)](#)
- F129** S. 27(1): word in definition of "wild bird" substituted (E.W.) (14.7.2004) by [The Wildlife and Countryside Act 1981\(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1487\), {reg. 4\(a\)} and also expressed to be substituted \(W.\) \(2.8.2004\) by \[S.I. 2004/1733, reg. 3\\(1\\), Sch. para. 2\\(a\\)\]\(#\)](#)
- F130** Words in s. 27 inserted (E.W.) (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\), regs. 1, 2; 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F131** S. 27(1): words in definition of "wild bird" substituted (E.W.) (14.7.2004) by [The Wildlife and Countryside Act 1981\(England and Wales\) \(Amendment\) Regulations 2004 \(S.I. 2004/1487\), {reg. 4\(b\)} and also expressed to be substituted \(W.\) \(2.8.2004\) by \[S.I. 2004/1733, reg. 3\\(1\\), Sch. para. 2\\(b\\)\]\(#\)](#)
- F132** S. 27: definition of "the Wild Birds Directive" inserted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\), reg. 7\(6\)](#)
- F133** Words in s. 27(1) substituted (E.W.) (6.4.2016) by [The Wildlife and Countryside Act 1981 \(England and Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/127\), regs. 1\(2\), 2\(3\)](#)
- F134** S. 27(1): definition of "wildlife inspector" inserted (E.W.) (30.1.2001) by [2000 c. 37, ss. 81\(1\), 103\(2\), Sch. 12 para. 12](#)
- F135** S. 27(1): words in definition of "wildlife inspector" substituted (E.W.) (31.5.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 52, 107, Sch. 5 para. 6; S.I. 2006/1382, art. 2](#)
- F136** S. 27(3A) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(2\), 107, Sch. 11 para. 76\(4\); S.I. 2006/2541, art. 2](#)
- F137** Words in s. 27(3A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 171\(3\) \(with Sch. 7\)](#)

#### Marginal Citations

- M3** 1862 c. 97.  
**M4** 1968 c. 27.  
**M5** 1991 c.57.  
**M6** 1974 c.40.

## 27 Interpretation of Part I. **S**

- (1) In this Part, unless the context otherwise requires—  
 “advertisement” includes a catalogue, a circular and a price list;  
 “advisory body” has the meaning given by section 23;

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“agriculture Minister” means the Minister of Agriculture, Fisheries and Food or the Secretary of State;

“authorised person” means—

- (a) the owner or occupier, or any person authorised by the owner or occupier, of the land on which the action authorised is taken;
- (b) any person authorised in writing by the local authority for the area within which the action authorised is taken;
- (c) as respects anything done in relation to wild birds, any person authorised in writing by any of the following bodies, that is to say, [<sup>F115</sup>any of the [<sup>F252</sup>GB conservation bodies]], <sup>F117</sup>. . . a district board for a fishery district within the meaning of the <sup>M3</sup>Salmon Fisheries (Scotland) Act 1862 <sup>F119</sup> . . . <sup>M9F119</sup> . . .;

so, however, that the authorisation of any person for the purposes of this definition shall not confer any right of entry upon any land;

“automatic weapon” and “semi-automatic weapon” do not include any weapon the magazine of which is incapable of holding more than two rounds;

“aviculture” means the breeding and rearing of birds in captivity;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” shall be construed accordingly;

“domestic duck” means any domestic form of duck;

“domestic goose” means any domestic form of goose;

“firearm” has the same meaning as in the <sup>M4</sup>Firearms Act 1968;

<sup>F253</sup> . . .

[<sup>F121</sup> “inland waters” means—

- (a) inland waters within the meaning of the Water Resources Act 1991; <sup>M5</sup>
- (b) any waters not falling within paragraph (a) above which are within the seaward limits of the territorial sea;
- (c) controlled waters within the meaning of Part II of the Control of Pollution Act 1974 <sup>M6</sup> other than ground waters as defined in section 30A(1)(d) of that Act.]

“livestock” includes any animal which is kept—

- (a) for the provision of food, wool, skins or fur;
- (b) for the purpose of its use in the carrying on of any agricultural activity; or
- (c) for the provision or improvement of shooting or fishing;

“local authority” means—

- (a) in relation to England <sup>F123</sup> . . . , a county, district or London borough council <sup>F124</sup> . . . ;
- (aa) [<sup>F125</sup>in relation to Wales, a county council or county borough council;]
- (b) in relation to Scotland, a [<sup>F126</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“occupier”, in relation to any land other than the foreshore, includes any person having any right of hunting, shooting, fishing or taking game or fish;

“pick”, in relation to a plant, means gather or pluck any part of the plant without uprooting it;

“poultry” means [<sup>F254</sup>the domestic forms of the following, that is to say] fowls, geese, ducks, guinea-fowls, pigeons and quails, and turkeys;

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“sale” includes hire, barter and exchange and cognate expressions shall be construed accordingly;

“uproot”, in relation to a plant, means dig up or otherwise remove the plant from the land on which it is growing;

“vehicle” includes aircraft, hovercraft and boat;

<sup>F128</sup> ...

“wild animal” means any animal (other than a bird) which is or (before it was killed or taken) was living wild;

“wild bird” means any bird of a [<sup>F255</sup>species] which is ordinarily resident in or is a visitor to [<sup>F256</sup>the United Kingdom or][<sup>F257</sup>any member State or the European territory of any member State] in a wild state but does not include poultry <sup>F258</sup> ...;

“wild plant” means any plant [<sup>F259</sup>(including fungi)] which is or (before it was picked, uprooted or destroyed) was growing wild and is of a kind which ordinarily grows in Great Britain in a wild state.

(2) A bird shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully in captivity when the egg was laid.

[<sup>F260</sup>(2A) An animal shall not be treated as bred in captivity for the purposes of this Part unless its parents were lawfully held in captivity—

- (a) where the animal is of a viviparous species, when it was born,
- (b) where the animal is of an oviparous species, when the egg was laid.]

(3) Any reference in this Part to an animal of any kind includes, unless the context otherwise requires, a reference to an egg, larva, pupa, or other immature stage of an animal of that kind.

[<sup>F261</sup>(3ZA) Any reference in this Part to a plant which is growing—

- (a) includes a reference to a bulb, corm or rhizome;
- (b) does not include a reference to a seed or spore.]

[<sup>F262</sup>(3A) In this Part “the GB conservation bodies” means—

- (a) Natural England,
- (b) [<sup>F137</sup>the Natural Resources Body for Wales], and
- (c) Scottish Natural Heritage,

and references to a conservation body are to be read accordingly.]

(4) This Part shall apply to the Isles of Scilly as if the Isles were a county and as if the Council of the Isles were a county council.

(5) This Part extends to the territorial waters adjacent to Great Britain, and for the purposes of this Part any part of Great Britain which is bounded by territorial waters shall be taken to include the territorial waters adjacent to that part.

#### Extent Information

**E20** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

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## Textual Amendments

- F115** Words in s. 27(1) substituted (1.4.1991) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. [132\(1\)\(a\)](#), Sch. 9 para. 11(7)(a); S.I. 1991/685, [art. 3](#).
- F117** Words in s. 27(1) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)
- F119** Words in s. 27(1) repealed (E.W.) (1.4.2010 for W., 1.4.2011 for E.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), [Sch. 22 Pt. 4](#); S.I. 2010/630, [art. 3\(b\)](#) (with arts. 8, 12); S.I. 2011/556, [art. 2\(2\)\(o\)](#) (with [art. 2\(3\)](#))
- F121** Definition in s. 27(1) inserted (30.11.1995) by S.I. 1995/2825, [reg. 4](#)
- F123** Words in s. 27(1) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 65(2), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, [art. 4](#), [Sch. 2](#)
- F124** Words in s. 27(1) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F125** S. 27(1): para. (aa) in the definition of “local authority” inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 65\(2\)](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, [art. 4](#), [Sch. 2](#)
- F126** Words in s. 27(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 125\(2\)](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F128** S. 27(1): definition of “water authority” repealed (S.) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71, [Sch. 7 para. 11\(2\)](#); S.S.I. 2002/118, [art. 2\(3\)](#)
- F137** Words in s. 27(3A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), [art. 1\(2\)](#), [Sch. 2 para. 171\(3\)](#) (with Sch. 7)
- F252** S. 27(1): words in definition of “authorised person” substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(1), 107, [Sch. 11 para. 76\(2\)](#); S.I. 2006/2541, [art. 2](#)
- F253** Definition “game bird” in s. 27(1) repealed (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. 2(a), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(a\)](#)
- F254** S. 27(1): words in the definition of “poultry” substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(a\)](#); S.S.I. 2004/407, [art. 2](#)
- F255** S. 27(1): word in the definition of “wild bird” substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(b\)\(i\)](#); S.S.I. 2004/407, [art. 2](#)
- F256** Words in s. 27(1) inserted (S.) (31.12.2020) by [The Wildlife and Countryside Act 1981 \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/84\)](#), regs. 1, 2; 2020 c. 1, Sch. 5 para. 1(1)
- F257** S. 27(1): words in the definition of “wild bird” substituted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(b\)\(ii\)](#); S.S.I. 2004/407, [art. 2](#)
- F258** Words in s. 27(1) repealed (S.) (29.6.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), ss. 2(b), 43(1) (with s. 41(1)); S.S.I. 2011/279, [art. 2\(1\)\(a\)](#)
- F259** S. 27(1): words in definition of “wild plant” inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(2\)\(c\)](#); S.S.I. 2004/407, [art. 2](#)
- F260** S. 27(2A) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(3\)](#); S.S.I. 2004/407, [art. 2](#)
- F261** S. 23(3ZA) inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, [Sch. 6 para. 23\(4\)](#); S.S.I. 2004/407, [art. 2](#)
- F262** S. 27(3A) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), ss. 105(2), 107, [Sch. 11 para. 76\(4\)](#); S.I. 2006/2541, [art. 2](#)

## Marginal Citations

- M3** 1862 c. 97.  
**M4** 1968 c. 27.  
**M5** 1991 c.57.  
**M6** 1974 c.40.  
**M9** 1966 c. 38.

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F139[F138  
27ZA

Application of Part 1 to England and Wales  
.....]

- Textual Amendments
- F138

S. 27ZA inserted (E.W.) (14.7.2004) by The Wildlife and Countryside Act 1981(England and Wales) (Amendment) Regulations 2004 ([S.I. 2004/1487](#)), {reg. 5}
- F139

S. 27ZA ceases to have effect (W.) (2.8.2004) by virtue of [The Wildlife and Countryside Act 1981 \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/1733\)](#), **reg. 3(1)**

**Changes to legislation:**

Wildlife and Countryside Act 1981, Cross Heading: Supplemental is up to date with all changes known to be in force on or before 18 December 2023. 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.

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**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](#)