

SCHEDULES

SCHEDULE 10

AMENDMENTS OF THE ENDANGERED SPECIES (IMPORT AND EXPORT) ACT 1976

PART I

THE AMENDMENTS

Licences

- 1 (1) After subsection (3) of section 1 of the 1976 Act (restriction on importation and exportation of certain animals and plants) there shall be inserted the following subsections—
- “(3A) Subsection (3) above shall not apply in relation to an application of any description if the scientific authority concerned has advised the Secretary of State as to whether licences should be issued in pursuance of applications of that description and, if so, their terms.
- (3B) Where the Secretary of State is satisfied that the issue of a licence authorising the importation or exportation of any item which—
- (a) is part of or derives from or is made wholly or partly from an animal of any of the kinds to which Schedule 1 or a plant of any of the kinds to which Schedule 2 to this Act for the time being applies ; but
- (b) is not an item to which Schedule 3 to this Act for the time being applies,
- would facilitate the importation or exportation of that item, he may, if he considers it expedient to do so, issue such a licence.”
- (2) In subsections (4), (5), (6) and (7) of that section after the words " subsection (2) " there shall be inserted the words " or (3B) ".
- (3) In subsection (4) of that section after paragraph (a) there shall be inserted the following paragraphs—
- “(aa) may be issued either to all persons, to persons of a class or to a particular person ;
- (ab) may be subject to compliance with any specified conditions;”;
- and in paragraph (c) of that subsection for the words from " a period " to " shorter " there shall be substituted the word " such ".

Expenses of returning animals and plants to the wild

- 2 After subsection (8) of section 1 of the 1976 Act there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

“(9) Where, in the case of a live animal or plant of any kind which is condemned or deemed to be condemned as forfeited, the Commissioners of Customs and Excise incur any expenses in connection with, or with a view to—

- (a) its return to the wild ; or
- (b) its being kept at premises (whether within or outside the United Kingdom) which are suitable for the keeping of animals or plants of that kind,

those expenses may be recovered, as a debt due to the Crown, from the importer or intending exporter of the animal or plant or any person possessing or having control of it at the time of its seizure. In this subsection expressions which are also used in the Customs and Excise Management Act 1979 have the same meanings as in that Act.”

Powers of entry

3 After the subsection inserted by paragraph 2 as subsection (9) of section 1 of the 1976 Act there shall be inserted the following subsections—

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

(11) Any person who wilfully obstructs a person acting under subsection (10) above shall be liable on summary conviction to a fine not exceeding £200.”

Power to modify Schedules

4 (1) In paragraph (c) of section 3 of the 1976 Act (power to modify Schedules) after the word "conservation" there shall be inserted the words " in any area " and after the word " endangered " there shall be inserted the word " there ".

(2) After paragraph (d) of that section there shall be inserted the following paragraph—

“(dd) to restrict the importation of animals or plants of any kind which appear to the Secretary of State to be unlikely to survive for any appreciable time if they are kept in the United Kingdom;”.

Sale of certain animals or plants or their derivatives

5 (1) In subsection (1) of section 4 of the 1976 Act (offences to sell etc. things imported contrary to section 1 or their derivatives) for the words " Subject to subsection (2)" there shall be substituted the words " Subject to subsections (1B) and (2) ", after the words " has in his possession" there shall be inserted the words " or transports " and the words " and in the following provisions " onwards shall be omitted.

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

“(1A) Subject to subsections (1B) and (2) below, a person who sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale—

- (a) a live or dead animal of any of the kinds to which Schedule 4 to this Act for the time being applies or an egg or other immature stage of such an animal ;
- (b) a live or dead plant of any of the kinds to which Schedule 5 to this Act for the time being applies ; or
- (c) any part of or anything which derives from or is made wholly or partly from anything referred to in paragraph (a) or (b) above,
- shall be guilty of an offence ; but nothing in this subsection shall apply in relation to anything falling within subsection (1) above or anything which has been imported, or is a part of or derives from or is made wholly or partly from anything which has been imported, before the passing of the Wildlife and Countryside Act 1981.
- (1B) Subsections (1) and (1A) above do not apply to anything done under and in accordance with the terms of a licence issued by the Secretary of State ; and subsections (4) to (7) of section 1 above shall apply in relation to a licence issued under this subsection as they apply in relation to a licence issued under subsection (2) of that section.
- (1C) In the following provisions of this section "restricted article" means anything falling within subsection (1) or (1A) above."
- (3) In subsection (2) of that section after the words " subsection (1) " there shall be inserted the words " or (1A) ".
- (4) In subsection (5) of that section after the words "subsection (1) " there shall be inserted the words " , (1A) ".
- (5) In subsection (6) of that section after the words "references to " there shall be inserted the word " hire ".
- (6) After Schedule 3 to the 1976 Act there shall be inserted as Schedule 4 the Schedule set out in Part II of this Schedule.
- (7) After the Schedule inserted in the 1976 Act by sub-paragraph (6) there shall be inserted as Schedule 5 the Schedule set out in Part III of this Schedule.

Supplemental

- 6 In section 13(2) of the 1976 Act (substitution in Northern Ireland of references to the Department of Agriculture for Northern Ireland for references to the Secretary of State in specified provisions) for the words " 1(2), (3) and (4), 2(4) " there shall be substituted the words " 1(2) to (4) and (10), 2(4), 4(1B) ".