

*Status: This is the original version (as it was originally enacted).*

## SCHEDULES

### SCHEDULE 1

Sections 1, 2, 4, 6, 19 and 22.

#### BIRDS WHICH ARE PROTECTED BY SPECIAL PENALTIES

#### PART I

#### AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Avocet	Recurvirostra avosetta
Bee-eater	Merops apiaster
Bittern	Botaurus stellaris
Bittern, Little	Ixobrychus minutus
Bluethroat	Luscinia svecica
Brambling	Fringilla montifringilla
Bunting, Cirl	Emberiza cirlus
Bunting, Lapland	Calcarius lapponicus
Bunting, Snow	Plectrophenax nivalis
Buzzard, Honey	Pernis apivorus
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crake, Spotted	Porzana porzana
Crossbills (all species)	Loxia
Curlew, Stone	Burhinus oediconemus
Divers (all species)	Gavia
Dotterel	Charadrius morinellus
Duck, Long-tailed	Clangula hyemalis
Eagle, Golden	Aquila chrysaetos
Eagle, White-tailed	Haliaeetus albicilla
Falcon, Gyr	Falco rusticolus
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus

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<i>Common name</i>	<i>Scientific name</i>
Garganey	<i>Anas querquedula</i>
Godwit, Black-tailed	<i>Limosa limosa</i>
Goshawk	<i>Accipiter gentilis</i>
Grebe, Black-necked	<i>Podiceps nigricollis</i>
Grebe, Slavonian	<i>Podiceps auritus</i>
Greenshank	<i>Tringa nebularia</i>
Gull, Little	<i>Larus minutus</i>
Gull, Mediterranean	<i>Larus melanocephalus</i>
Harriers (all species)	<i>Circus</i>
Heron, Purple	<i>Ardea purpurea</i>
Hobby	<i>Falco subbuteo</i>
Hoopoe	<i>Upupa epops</i>
Kingfisher	<i>Alcedo atthis</i>
Kite, Red	<i>Milvus milvus</i>
Merlin	<i>Falco columbarius</i>
Oriole, Golden	<i>Oriolus oriolus</i>
Osprey	<i>Pandion haliaetus</i>
Owl, Barn	<i>Tyto alba</i>
Owl, Snowy	<i>Nyctea scandiaca</i>
Peregrine	<i>Falco peregrinus</i>
Petrel, Leach's	<i>Oceanodroma leucorhoa</i>
Phalarope, Red-necked	<i>Phalaropus lobatus</i>
Plover, Kentish	<i>Charadrius alexandrinus</i>
Plover, Little Ringed	<i>Charadrius dubius</i>
Quail, Common	<i>Coturnix coturnix</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redwing	<i>Turdus iliacus</i>
Rosefinch, Scarlet	<i>Carpodacus erythrinus</i>
Ruff	<i>Philomachus pugnax</i>
Sandpiper, Green	<i>Tringa ochropus</i>
Sandpiper, Purple	<i>Calidris maritima</i>
Sandpiper, Wood	<i>Tringa glareola</i>
Scaup	<i>Aythya marila</i>
Scoter, Common	<i>Melanitta nigra</i>

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<i>Common name</i>	<i>Scientific name</i>
Scoter, Velvet	Melanitta fusca
Serín	Serinus serinus
Shorelark	Eremophila alpestris
Shrike, Red-backed	Lanius collurio
Spoonbill	Platalea leucorodia
Stilt, Black-winged	Himantopus himantopus
Stint, Temminck's	Calidris temminckii
Swan, Bewick's	Cygnus bewickii
Swan, Whooper	Cygnus cygnus
Tern, Black	Chlidonias niger
Tern, Little	Sterna albifrons
Tern, Roseate	Sterna dougallii
Tit, Bearded	Panurus biarmicus
Tit, Crested	Parus cristatus
Treecreeper, Short-toed	Certhia brachydactyla
Warbler, Cetti's	Cettia cetti
Warbler, Dartford	Sylvia undata
Warbler, Marsh	Acrocephalus palustris
Warbler, Savi's	Locustella luscinioides
Whimbrel	Numenius phaeopus
Woodlark	Lullula arborea
Wryneck	Jynx torquilla

## PART II

### DURING THE CLOSE SEASON

<i>Common name</i>	<i>Scientific name</i>
Goldeneye	Bucephala clangula
Goose, Greylag (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)	Anser anser
Pintail	Anas acuta

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SCHEDULE 2

Sections 2, 3, and 22.

BIRDS WHICH MAY BE KILLED OR TAKEN

**PART I**

OUTSIDE THE CLOSE SEASON

<i>Common name</i>	<i>Scientific name</i>
Capercaillie	Tetrao urogallus
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Gadwall	Anas strepera
Goldeneye	Bucephala clangula
Goose, Canada	Branta canadensis
Goose, Greylag	Anser anser
Goose, Pink-footed	Anser brachyrhynchus
Goose, White-fronted (in England and Wales only)	Anser albifrons
Mallard	Anas platyrhynchos
Moorhen	Gallinula chloropus
Pintail	Anas acuta
Plover, Golden	Pluvialis apricaria
Pochard	Aythya ferina
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Anas crecca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

**PART II**

BY AUTHORISED PERSONS AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Crow	Corvus corone
Dove, Collared	Streptopelia decaocto
Gull, Great Black-backed	Larus marinus

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<i>Common name</i>	<i>Scientific name</i>
Gull, Lesser Black-backed	Larus fuscus
Gull, Herring	Larus argentatus
Jackdaw	Corvus monedula
Jay	Garrulus glandarius
Magpie	Pica pica
Pigeon, Feral	Columba livia
Rook	Corvus frugilegus
Sparrow, House	Passer domesticus
Starling	Sturnus vulgaris
Woodpigeon	Columba palumbus

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### SCHEDULE 3

Sections 6 and 22

#### BIRDS WHICH MAY BE SOLD

#### PART I

ALIVE AT ALL TIMES IF RINGED AND BRED IN CAPTIVITY

<i>Common name</i>	<i>Scientific name</i>
Blackbird	Turdus merula
Brambling	Fringilla raontifringilla
Bullfinch	Pyrrhula pyrrhula
Bunting, Reed	Emberiza schoeniclus
Chaffinch	Fringilla coelebs
Dunnock	Prunella modularis
Goldfinch	Carduelis carduelis
Greenfinch	Carduelis chloris
Jackdaw	Corvus monedula
Jay	Garrulus glandarius
Linnet	Carduelis cannabina
Magpie	Pica pica

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<i>Common name</i>	<i>Scientific name</i>
Owl, Barn	Tyto alba
Redpoll	Carduelis flammea
Siskin	Carduelis spinus
Starling	Sturnus vulgaris
Thrush, Song	Turdus philomelos
Twite	Carduelis flavirostris
Yellowhammer	Emberiza citrinella

## PART II

DEAD AT ALL TIMES

<i>Common name</i>	<i>Scientific name</i>
Pigeon, Feral	Columba livia
Woodpigeon	Columba palumbus

## PART III

DEAD FROM 1ST SEPTEMBER TO 28TH FEBRUARY

<i>Common name</i>	<i>Scientific name</i>
Capercaillie	Tetrao urogallus
Coot	Fulica atra
Duck, Tufted	Aythya fuligula
Mallard	Anas platyrhynchos
Pintail	Anas acuta
Plover, Golden Pochard	Pluvialis apricaria Aythya ferina
Shoveler	Anas clypeata
Snipe, Common	Gallinago gallinago
Teal	Am :recca
Wigeon	Anas penelope
Woodcock	Scolopax rusticola

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SCHEDULE 4

Sections 7 and 22.

BIRDS WHICH MUST BE REGISTERED AND RINGED IF KEPT IN CAPTIVITY

<i>Common name</i>	<i>Scientific name</i>
Avocet	Recurvirostra avosetta
Bee-eater	Merops apiaster
Bittern	Botaurus stellaris
Bittern, Little	Ixobrychus minutus
Bluethroat	Luscinia svecica
Bunting, CM	Emberiza cirrus
Bunting, Lapland	Calcarius lapponicus
Bunting, Snow	Plectrophenax nivalis
Chough	Pyrrhocorax pyrrhocorax
Corncrake	Crex crex
Crake, Spotted	Porzana porzana
Crossbills (all species)	Loxia
Curlew, Stone	Burhinus oedicephalus
Divers (all species)	Gavia
Dotterel	Charadrius morinellus
Duck, Long-tailed	Clangula hyemalis
Falcons (all species)	Falconidae
Fieldfare	Turdus pilaris
Firecrest	Regulus ignicapillus
Godwit, Black-tailed	Limosa limosa
Grebe, Black-necked	Podiceps nigricollis
Grebe, Slavonian	Podiceps auritus
Greenshank	Tringa nebularia
Hawks, True (except Old world vultures) that is to say, Buzzards, Eagles, Harriers, Hawks and Kites (all species in each case)	Accipitridae (except the genera Aegypius, Gypaetus, Gypohierax, Gyps, Neophron, Sarcogyps and Trigoniceps)
Hoopoe	Upupa epops
Kingfisher	Alcedo atthis
Oriole, Golden	Oriolus oriolus
Osprey	Pandion haliaetus
Petrel, Leach's	Oceanodroma leucorhoa
Phalarope, Red-necked	Phalaropus lobatus

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<i>Common name</i>	<i>Scientific name</i>
Plover, Kentish	<i>Charadrius alexandrinus</i>
Plover, Little ringed	<i>Charadrius dubius</i>
Quail, Common	<i>Coturnix coturnix</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redwing	<i>Turdus iliacus</i>
Rosefinch, Scarlet	<i>Carpodacus erythrinus</i>
Ruff	<i>Philomachus pugnax</i>
Sandpiper, Green	<i>Tringa ochropus</i>
Sandpiper, Purple	<i>Calidris maritima</i>
Sandpiper, Wood	<i>Tringa glareola</i>
Scoter, Common	<i>Melanitta nigra</i>
Scoter, Velvet	<i>Melanitta fusca</i>
Serin	<i>Serinus serinus</i>
Shorelark	<i>Eremophila alpestris</i>
Shrike, Red-backed	<i>Lanius collurio</i>
Spoonbill	<i>Platalea leucorodia</i>
Stilt, Black-winged	<i>Himantopus himantopus</i>
Stint, Temminck's	<i>Calidris temminckii</i>
Tern, Black	<i>Chlidonias niger</i>
Tern, Little	<i>Sterna albifrons</i>
Tern, Roseate	<i>Sterna dougallii</i>
Tit, Bearded	<i>Panurus biarmicus</i>
Tit, Crested	<i>Parus cristatus</i>
Treecreeper, Short-toed	<i>Certhia brachydactyla</i>
Warbler, Cetti's	<i>Cettia cetti</i>
Warbler, Dartford	<i>Sylvia undata</i>
Warbler, Marsh	<i>Acrocephalus palustris</i>
Warbler, Savi's	<i>Locustella luscinioides</i>
Whimbrel	<i>Numenius phaeopus</i>
Woodlark	<i>Lullula arborea</i>
Wryneck	<i>Jynx torquilla</i>

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SCHEDULE 5

Sections 9, 10, 22 and 24.

ANIMALS WHICH ARE PROTECTED

<i>Common name</i>	<i>Scientific name</i>
Adder (in respect of section 9(5) only)	Vipera berus
Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Beetle, Rainbow Leaf	Chrysolina cerealis
Burbot	Lota lota
Butterfly, Chequered Skipper	Carterocephalus palaemon
Butterfly, Heath Fritillary	Mellicta athalia (otherwise known as Melitaea athalia)
Butterfly, Large Blue	Maculinea arion
Butterfly, Swallowtail	Papilio machaon
Cricket, Field	Gryllus campestris
Cricket, Mole	Gryllotalpa gryllotalpa
Dolphin, Bottle-nosed	Tursiops truncatus (otherwise; known as Tursiops tursio),
Dolphin, Common	Delphinus delphis
Dragonfly, Norfolk Aeshna	Aeshna isosceles
Frog, Common (in respect of section 9(5) only)	Rana temporaria
Grasshopper, Wart-biter	Decticus verrucivorus
Lizard, Sand	Lacerta agilis
Lizard, Viviparous (in respect of section 9(5) only)	Lacerta vivipara
Moth, Barberry Carpet	Pareulype berberata
Moth, Black-veined	Siona lineata (otherwise known as Idaea lineata)
Moth, Essex Emerald	Thetidia smaragdaria
Moth, New Forest Burnet	Zygaena viciae
Moth, Reddish Buff	Acosmetia caliginosa
Newt, Great Crested (otherwise known as Warty newt)	Triturus cristatus
Newt, Palmate (in respect of section 9(5) only)	Triturus helveticus
Newt, Smooth (in respect of section 9(5) only)	Triturus vulgaris

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<i>Common name</i>	<i>Scientific name</i>
Otter, Common	Lutra lutra
Porpoise, Harbour (otherwise known as Common porpoise)	Phocaena phocaena
Slow-worm (in respect of section 9(5) only)	Anguis fragilis
Snail, Carthusian	Monacha cartusiana
Snail, Glutinous	Myxas glutinosa
Snail, Sandbowl	Catinella arenaria
Snake, Grass (in respect of section 9(5) only)	Natrix helvetica
Snake, Smooth	Coronella austriaca
Spider, Fen Raft	Dolomedes plantarius
Spider, Ladybird	Eresus niger
Squirrel, Red	Sciurus vulgaris
Toad, Common (in respect of section 9(5) only)	Bufo bufo
Toad, Natterjack	Bufo calamita

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## SCHEDULE 6

Sections 11 and 22.

### ANIMALS WHICH MAY NOT BE KILLED OR TAKEN BY CERTAIN METHODS

<i>Common name</i>	<i>Scientific name</i>
Badger	Meles meles
Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Cat, Wild	Felis silvestris
Dolphin, Bottle-nosed	Tursiops truncatus (otherwise known as Tursiops tursio)
Dolphin, Common	Delphinus delphis
Dormice (all species)	Gliridae
Hedgehog	Erinaceus europaeus
Marten, Pine	Martes martes
Otter, Common	Lutra lutra
Polecat	Mustela putorius

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<i>Common name</i>	<i>Scientific name</i>
Porpoise, Harbour (otherwise known as Common porpoise)	Phocaena phocaena
Shrews (all species)	Soricidae
Squirrel, Red	Sciurus vulgaris

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## SCHEDULE 7

Section 12.

### PROTECTION OF CERTAIN MAMMALS

#### *The Ground Game Act 1880*

- 1 (1) Notwithstanding the provisions of section 6 of the Ground Game Act 1880, it shall not be unlawful for the occupier of any land himself, or one other person authorised by him under section 1 of that Act, to use firearms for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise if (except where he has the exclusive right) the occupier has the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.
- (2) In this paragraph " ground game " means hares and rabbits.

#### *The Agriculture (Scotland) Act 1948*

- 2 (1) Notwithstanding the provisions of section 50(1)(a) of the Agriculture (Scotland) Act 1948, it shall not be unlawful for the owner of the shooting rights on any land or any person holding those rights from him, or subject to sub-paragraph (2) below the occupier of any land, to use a firearm for the purpose of killing ground game thereon between the expiration of the first hour after sunset and the commencement of the last hour before sunrise.
- (2) The occupier of any land shall not use a firearm as mentioned in sub-paragraph (1) above unless (except where he has the exclusive right) he has first obtained the written authority of the other person or one of the other persons entitled to kill and take the ground game on the land.
- (3) An occupier who is entitled, in terms of this paragraph, to use a firearm for the purpose of killing ground game may, subject to the provisions of section 1 of the Ground Game Act 1880, authorise one other person so to use a firearm.
- (4) In this paragraph " ground game " means hares and rabbits.

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*The Dogs (Protection of Livestock) Act 1953*

- 3 (1) At the end of subsection (2) of section 1 of the Dogs (Protection of Livestock) Act 1953 (penalty where dog worries livestock on agricultural land) there shall be inserted the words “or
- (c) being at large (that is to say not on a lead or otherwise under close control) in a field or enclosure in which there are sheep ”.
- (2) After that subsection there shall be inserted the following subsection—
- “(2A) Subsection (2)(c) of this section shall not apply in relation to—
- (a) a dog owned by, or in the charge of, the occupier of the field or enclosure or the owner of the sheep or a person authorised by either of those persons ; or
- (b) a police dog, a guide dog, a trained sheep dog, a working gun dog or a pack of hounds.”

*The Deer Act 1963*

- 4 For subsection (3) of section 10 of the Deer Act 1963 (general exceptions) there shall be substituted the following subsections—
- “(3) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use of any smooth-bore gun for the purpose of killing any deer if he shows that the deer had been so seriously injured otherwise than by his unlawful act or was in such a condition that to kill it was an act of mercy.
- (4) A person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use as a slaughtering instrument, for the purpose of killing any deer, of a smooth-bore gun which—
- (a) is of not less gauge than 12 bore ;
- (b) has a barrel less than 24 inches (609.6 millimetres) in length ; and
- (c) is loaded with a cartridge purporting to contain shot none of which is less than .203 inches (5.16 millimetres) in diameter (that is to say, size AAA or any larger size).”
- 5 (1) After section 10 of that Act there shall be inserted the following section—

**“10A Exceptions for authorised persons.**

- (1) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 1 of this Act by reason of—
- (a) the taking or killing of any deer by means of shooting ; or
- (b) the injuring of any deer by means of shooting in an attempt to take or kill it,
- on any cultivated land, pasture or enclosed woodland.
- (2) Subject to subsection (3) of this section an authorised person shall not be guilty of an offence under section 3(1)(c)(i) of this Act by reason of the use, for the purpose of taking or killing any deer on any land, of any smoothbore gun of not less gauge than 12 bore which is loaded with—
- (a) a cartridge containing a single non-spherical projectile weighing not less than 350 grains (22.68 grammes); or

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- (b) a cartridge purporting to contain shot each of which is .203 inches (516 millimetres) in diameter (that is to say, size AAA).
- (3) An authorised person shall not be entitled to rely on the defence provided by subsection (1) or (2) of this section as respects anything done in relation to any deer on any land unless he shows that—
  - (a) he had reasonable grounds for believing that deer of the same species were causing, or had caused, damage to crops, vegetables, fruit, growing timber or any other form of property on the land ;
  - (b) it was likely that further damage would be so caused and any such damage was likely to be serious ; and
  - (c) his action was necessary for the purpose of preventing any such damage.
- (4) The Secretary of State and the agriculture Minister acting jointly may by order, either generally or in relation to any area or any species and description of deer specified in the order, repeal subsection (2) of this section or amend it by adding any firearm or ammunition or by altering the description of, or deleting, any firearm or ammunition mentioned in it, or by adding any further conditions which must be satisfied.
- (5) Before making an order under subsection (4) of this section, the Secretary of State and the agriculture Minister shall consult organisations that appear to them to represent persons likely to be interested in or affected by the order.
- (6) In this section—
  - ' agriculture Minister ' means the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State for Wales in relation to Wales ;
  - ' authorised person ' means—
    - (a) the occupier of the land on which the action is taken;
    - (b) any member of the occupier's household normally resident on the occupier's land, acting with the written authority of the occupier ;
    - (c) any person in the ordinary service of the occupier on the occupier's land, acting with the written authority of the occupier ; or
    - (d) any person having the right to take or kill deer on the land on which the action is taken or any person acting with the written authority of a person having that right."
- (2) In sections 1(1) and 3(1) of that Act for the words " sections 10 and 11 " there shall be substituted the words " sections 10, 10A and 11 ".
- (3) For subsection (1) of section 12 of that Act (orders) there shall be substituted the following subsections—
  - “(1) Any power to make orders under this Act shall be exercisable by statutory instrument.
- (1A) A statutory instrument containing an order under section 1(2) or 3(4) of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(1B) No order under section 10A(4) of this Act shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.”

- 6 (1) In paragraph 1 of Schedule 2 to that Act (prohibited firearms and ammunition) the words " of less gauge than 12 bore " shall be omitted.
- (2) In paragraph 4 of that Schedule the words from " other than " onwards shall be omitted.

*The Conservation of Seals Act 1970*

- 7 (1) In subsection (1)(c) of section 10 of the Conservation of Seals Act 1970 (power to grant licences), the word " or " immediately following sub-paragraph (ii) shall be omitted and after sub-paragraph (iii) there shall be inserted the words “or  
 (iv) the protection of flora or fauna in an area to which subsection (4) of this section applies,”.
- (2) In subsection (3)(b) of that section for the words from " a nature reserve " onwards there shall be substituted the words " an area to which subsection (4) of this section applies ".
- (3) After subsection (3) of that section there shall be inserted the following subsection—
- “(4) This subsection applies to any area which—
- (a) is a nature reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949 ;
  - (b) has been notified under section 28(1) of the Wildlife and Countryside Act 1981 (areas of special scientific interest) ;
  - (c) is an area to which section 29(3) of that Act (special protection for certain areas of special scientific interest) applies ; or
  - (d) has been designated as a marine nature reserve under section 36 of that Act.”

*The Badgers Act 1973*

- 8 For subsections (2) and (3) of section 1 of the Badgers Act 1973 (possession of recently killed badgers etc.) there shall be substituted the following subsections—
- “(2) If, save as permitted by or under this Act, any person has in his possession or under his control any dead badger or any part of, or anything derived from, a dead badger, he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) above if he shows that—
- (a) the badger had not been killed, or had been killed other wise than in contravention of the provisions of this Act; or
  - (b) the badger or other thing in his possession or control had been sold (whether to him or any other person) and, at the time of the purchase, the purchaser had had no reason to believe that the badger had been killed in contravention of those provisions.”
- 9 (1) Section 7 of that Act (exceptions for authorised persons) shall be omitted.

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- (2) In section 2(c) of that Act for the words " subject to section 7(3) of this Act" there shall be substituted the words " save as permitted by or under this Act ".
- (3) Section 6 of that Act (areas within which section 7(1) does not apply) shall be omitted.
- (4) In subsection (2) of section 8 of that Act (general exceptions) paragraph (c) (live badger taken in circumstances in which, by virtue of section 7(1) or (2), the taking did not constitute an offence) shall be omitted.
- (5) In section 11 of that Act (interpretation) the definitions of " area of special protection " and " authorised person " shall be omitted.
- 10 (1) In section 8 of that Act (general exceptions), after subsection (1) there shall be inserted the following subsections—
- “(1A) A person shall not be guilty of an offence under section 1(1) of this Act by reason of—
- (a) the killing or taking or the attempted killing or taking of any badger, or
- (b) the injuring of any badger in the course of taking it or attempting to kill or take it,
- if he shows that his action was necessary for the purpose of preventing serious damage to land, crops, poultry or any other form of property.
- (1B) The defence provided by subsection (1A) above shall not apply in relation to any action taken at any time if it had become apparent, before that time, that that action would prove necessary for the purpose mentioned in that subsection and either—
- (a) a licence under section 9 of this Act authorising that action had not been applied for as soon as reasonably practicable after that fact had become apparent; or
- (b) an application for such a licence had been determined”.
- (2) In section 9 of that Act (licences) at the end of subsection (1) there shall be inserted the following paragraph—
- “(e) for the purpose of preventing serious damage to land, crops, poultry or any other form of property, to kill or take badgers within an area specified in the licence by any means so specified.”
- (3) In subsection (2)(b) of that section after the words " paragraph (d) " there shall be inserted the words " or (e) ".
- (4) After subsection (3) of that section there shall be inserted the following subsection—
- “(4) The Minister of Agriculture, Fisheries and Food and the Secretary of State shall from time to time consult with the Nature Conservancy Council as to the exercise of their functions under subsection (1)(e) above ; and neither of them shall grant a licence of any description unless he has been advised by the Council as to the circumstances in which, in the Council's opinion, licences of that description should be granted.”
- 11 (1) In subsection (1)(c) of section 10 of that Act (enforcement, penalties etc.) for the words from " any badger " onwards there shall be substituted the words " anything

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

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which may be evidence of the commission of the offence or may be liable to be forfeited under subsection (3) below ".

- (2) In subsection (2) of that section for " £20 " there shall be substituted " £200 " and for " £100 " there shall be substituted " £1,000 ".
- 12 In section 11 of that Act (interpretation) for the definition of " local authority " there shall be substituted the following definition—  
“ sale' includes hire, barter and exchange and cognate expressions shall be construed accordingly.”

## SCHEDULE 8

Section 13, 22 and 24.

## PLANTS WHICH ARE PROTECTED

<i>Common name</i>	<i>Scientific name</i>
Alison, Small	<i>Alyssum alyssoides</i>
Broomrape, Bedstraw	<i>Orobanche caryophyllacea</i>
Broomrape, Oxtongue	<i>Orobanche loricata</i>
Broomrape, Thistle	<i>Orobanche reticulata</i>
Calamint, Wood	<i>Calamintha sylvatica</i>
Catchfly, Alpine	<i>Lychnis alpina</i>
Cinquefoil, Rock	<i>Potentilla rupestris</i>
Club-rush, Triangular	<i>Scirpus triquetrus</i>
Cotoneaster, Wild	<i>Cotoneaster integerrimus</i>
Cow-wheat, Field	<i>Melampyrum arvense</i>
Cudweed, Jersey	<i>Gnaphalium luteoalbum</i>
Diapensia	<i>Diapensia lapponica</i>
Eryngo, Field	<i>Eryngium campestre</i>
Fern, Dickie's Bladder	<i>Cystopteris dickieana</i>
Fern, Killarney	<i>Trichomanes speciosum</i>
Galingale, Brown	<i>Cyperus fuscus</i>
Gentian, Alpine	<i>Gentiana nivalis</i>
Gentian, Spring	<i>Gentiana verna</i>
Germander, Water	<i>Teucrium scordium</i>
Gladiolus, Wild	<i>Gladiolus illyricus</i>
Hare's-ear, Sickle-leaved	<i>Bupleurum falcatum</i>
Hare's-ear, Small	<i>Bupleurum baldense</i>
Heath, Blue	<i>Phyllodoce caerulea</i>



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

<i>Common name</i>	<i>Scientific name</i>
Helleborine, Red	<i>Cephalanthera rubra</i>
Knawel, Perennial	<i>Scleranthus perennis</i>
Knotgrass, Sea	<i>Polygonum maritimum</i>
Lady's-slipper	<i>Cypripedium calceolus</i>
Lavender, Sea	<i>Limonium paradoxum</i>
	<i>Limonium recurvum</i>
Leek, Round-headed	<i>Allium sphaerocephalon</i>
Lettuce, Least	<i>Lactuca saligna</i>
Lily, Snowdon	<i>Lloydia serotina</i>
Marsh-mallow, Rough	<i>Althaea hirsuta</i>
Orchid, Early Spider	<i>Ophrys sphegodes</i>
Orchid, Fen	<i>Liparis loeselii</i>
Orchid, Ghost	<i>Epipogium aphyllum</i>
Orchid, Late Spider	<i>Ophrys fuciflora</i>
Orchid, Lizard	<i>Himantoglossum hircinum</i>
Orchid, Military	<i>Orchis militaris</i>
Orchid, Monkey	<i>Orchis simia</i>
Pear, Plymouth	<i>Pyrus cordata</i>
Pink, Cheddar	<i>Dianthus gratianopolitanus</i>
Pink, Childling	<i>Petroraghia nanteuilii</i>
Sandwort, Norwegian	<i>Arenaria norvegica</i>
Sandwort, Teesdale	<i>Minuartia stricta</i>
Saxifrage, Drooping	<i>Saxifraga cernua</i>
Saxifrage, Tufted	<i>Saxifraga cespitosa</i>
Solomon's-seal, Whorled	<i>Polygonatum verticillatum</i>
Sow-thistle, Alpine	<i>Cicerbita alpina</i>
Spearwort, Adder's-tongue	<i>Ranunculus ophioglossifolius</i>
Speedwell, Spiked	<i>Veronica spicata</i>
Spurge, Purple	<i>Euphorbia peplis</i>
Starfruit	<i>Damasonium alisma</i>
Violet, Fen	<i>Viola persicifolia</i>
Water-plantain, Ribbon leaved	<i>Alisma gramineum</i>
Wood-sedge, Starved	<i>Carex depauperata</i>
Woodsia, Alpine	<i>Woodsia alpina</i>

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

<i>Common name</i>	<i>Scientific name</i>
Woodsia, Oblong	Woodsia ilvensis
Wormwood, Field	Artemisia campestris
Woundwort, Downy	Stachys germanica
Woundwort, Limestone	Stachys alpina
Yellow-rattle, Greater	Rhinanthus serotinus

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only ; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

## SCHEDULE 9

Section 14 and 22.

### ANIMALS AND PLANTS TO WHICH SECTION 14 APPLIES

#### PART I

##### ANIMALS WHICH ARE ESTABLISHED IN THE WILD

<i>Common name</i>	<i>Scientific name</i>
Bass, Large-mouthed Black	Micropterus salmoides
Bass, Rock	Ambloplites rupestris
Bitterling	Rhodeus sericeus
Budgerigar	Melopsittacus undulatus
Capercaillie	Tetrao urogallus
Coypu	Myocastor coypus
Dormouse, Fat	Glis glis
Duck, Carolina Wood	Aix sponsa
Duck, Mandarin	Aix galericulata
Duck, Ruddy	Oxyura jamaicensis
Eagle, White-tailed	Haliaeetus albicilla
Frog, Edible	Rana esculenta
Frog, European Tree (otherwise known as Common tree frog)	Hyla arborea
Frog, Marsh	Rana ridibunda
Gerbil, Mongolian	Meriones unguiculatus
Goose, Canada	Branta canadensis
Goose, Egyptian	Alopochen aegyptiacus

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

<i>Common name</i>	<i>Scientific name</i>
Heron, Night	<i>Nycticorax nycticorax</i>
Lizard, Common Wall	<i>Podarcis muralis</i>
Marmot, Prairie (otherwise known as Prairie dog)	<i>Cynomys</i>
Mink, American	<i>Mustela vison</i>
Newt, Alpine	<i>Triturus alpestris</i>
Parakeet, Ring-necked	<i>Psittacula krameri</i>
Partridge, Chukar	<i>Alectoris chukar</i>
Partridge, Rock	<i>Alectoris graeca</i>
Pheasant, Golden	<i>Chrysolophus pictus</i>
Pheasant, Lady Amherst's	<i>Chrysolophus amherstiae</i>
Pheasant, Reeves'	<i>Syrnaticus reevesii</i>
Pheasant, Silver	<i>Lophura nycthemera</i>
Porcupine, Crested	<i>Hystrix cristata</i>
Porcupine, Himalayan	<i>Hystrix hodgsonii</i>
Pumpkinseed (otherwise known as Sun-fish or Pond-perch)	<i>Lepomis gibbosus</i>
Quail, Bobwhite	<i>Colinus virginianus</i>
Rat, Black	<i>Rattus rattus</i>
Squirrel, Grey	<i>Sciurus carolinensis</i>
Terrapin, European Pond	<i>Emys orbicularis</i>
Toad, African Clawed	<i>Xenopus laevis</i>
Toad, Midwife	<i>Alytes obstetricans</i>
Toad, Yellow-bellied	<i>Bombina variegata</i>
Wallaby, Red-necked	<i>Macropus rufogriseus</i>
Wels (otherwise known as European catfish)	<i>Silurus glanis</i>
Zander	<i>Stizostedion lucioperca</i>

## PART II

### PLANTS

<i>Common name</i>	<i>Scientific name</i>
Hogweed, Giant	<i>Heracleum mantegazzianum</i>
Kelp, Giant	<i>Macrocystis pyrifera</i>
Knotweed, Japanese	<i>Polygonum cuspidatum</i>

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

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<i>Common name</i>	<i>Scientific name</i>
Seaweed, Japanese	Sargassum muticum

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only ; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

## SCHEDULE 10

Section 15.

### 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 ".

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

*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—

“(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—

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

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“(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) ".

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

## PART II

### SCHEDULE INSERTED AS SCHEDULE 4

#### “SCHEDULE 4

#### ANIMALS THE SALE ETC. OF WHICH IS RESTRICTED

This Schedule applies to the following kinds of animal, namely—

#### MAMMALS

1 The kinds of mammal specified in the first column below—

#### Marsupials

<i>Kind</i>	<i>Common name</i>
Bettongia	Rat kangaroo
Caloprymnus campestris	Desert rat-kangaroo
Lagorchestes hirsutus	Western hare-wallaby
Lagostrophus fasciatus	Banded hare-wallaby
Onychogalea fraenata	Bridle nail-tailed wallaby
Onychogalea lunata	Crescent nail-tailed wallaby
Lasiorhinus krefftii	Queensland hairy-nosed wombat
Chaeropus ecaudatus	Pig-footed bandicoot
Macrotis lagotis	Rabbit-bandicoot
Macrotis leucura	Lesser rabbit-bandicoot
Perameles bougainville	Western barred bandicoot
Sminthopsis longicaudata	Long-tailed dunnart
Sminthopsis psammophila	Sandhill dunnart
Thylacinus cynocephalus	Tasmanian wolf

#### Primates

Allocebus	Hairy-eared dwarf lemur
Cheirogaleus	Dwarf lemurs
Hapalemur	Gentle lemurs
Lemur	Lemurs
Lepilemur	Sportive and weasel lemurs
Microcebus	Mouse lemurs
Phaner	Fork-marked mouse lemurs
Avahi	Avahis (otherwise known as-Woolly indris)
Indri	Indris

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

Propithecus	Sifakas
Daubentonia madagascariensis	Aye-aye
Callimico goeldii	Goeldi's marmoset (otherwise known as Goeldi's tamarin)
Callithrix aurita	White eared marmoset
Callithrix flaviceps	Buff-headed marmoset
Leontopithecus	Maned tamarin (otherwise known as Golden tamarin)
Saguinus bicolor	Pied tamarin
Saguinus geoffroyi	Geoffroy's tamarin
Saguinus leucopus	White-footed tamarin
Saguinus oedipus	Cotton-headed tamarin
Alouatta palliata (otherwise known as Alouatta villosa)	Mantled howler
Ateles geoffroyi frontatus	Black-browed spider monkey
Ateles geoffroyi panamensis	Red spider monkey
Brachyteles arachnoides	Woolly spider monkey
Cacajao	Uakaris
Chiropotes albinasus	White-nosed saki
Saimiri oerstedii	Red-backed squirrel monkey
Cercocebus galeritus galeritus	Tana River mangabey
Cercopithecus diana	Diana monkey
Colobus badius kirkii	Kirk's red colobus (otherwise known as Zanzibar red colobus)
Colobus badius rufomitratu	Tana River red colobus
Macaca silenus	Lion-tailed macaque
Nasalis larvatus	Proboscis monkey
Papio leucophaeus (otherwise known as Mandrillus leucophaeus)	Drill
Papio sphinx (otherwise known as Mandrillus sphinx)	Mandrill
Presbytis entellus	Langur (otherwise known as Entellus langur or True langur)
Presbytis geei	Golden langur
Presbytis pileatus	Caped langur
Presbytis potenziani	Mentawi leaf monkey
Pygathrix nemaeus	Douc langur



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

Rhinopithecus roxellanae	Snub-nosed langur
Simias concolor	Mentawi snub-nosed langur
Hylobates	Gibbons
Symphalangus syndactylus	Siamang
Pongidae	Great apes
<b>Edentates</b>	
Priodontes giganteus (otherwise known as Priodontes maximus)	Giant armadillo
<b>Pangolins</b>	
Manis temmincki	South African pangolin
<b>Rabbits and hares</b>	
Caprolagus hispidus	Assam rabbit (otherwise known as Hispid hare)
Romerolagus diazi	Volcano rabbit
<b>Rodents</b>	
Cynomys mexicanus	Mexican prairie marmot
Leporillus conditor	Australian sticknest rat
Pseudomys fumeus	Smoky mouse
Pseudomys praeconis	Shark Bay mouse
Xeromys myoides	False water rat
Zyzomys pendunculatus	Central thick-tailed rat
Chinchilla (except any domestic form of Chinchilla laniger)	Chinchilla
<b>Cetaceans</b>	
Lipotes vexillifer	Chinese river dolphin
Physeter catodon (otherwise known as Physeter mac-rocephalus)	Sperm whale
Platanista gangetica	Ganges dolphin
Platanista minor	Indus river dolphin
Sotalia	Humpbacked dolphins
Sousa	Humpbacked dolphins
Neophocaena phocaenoides	Finless porpoise
Phocoena sinus	Cochito
Balaena mysticetus	Greenland right whale (otherwise known as Bowhead whale)
Balaenoptera borealis	Sei whale
Balaenoptera musculus	Blue whale

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

Balaenoptera physalus	Common rorqual
Eschrichtius	Grey whales
Eubalaena	Right whales
Megaptera novaeangliae	Humpback whale
<b>Carnivores</b>	
Speothos venaticus	Bush dog
Vulpes velox hebes	Northern kit fox
Helarctos malayanus	Sun bear
Selenarctos thibetanus	Asiatic black bear
Tremarctos ornatus	Spectacled bear
Ursus arctos isabellinus	Brown bear
Ursus arctos nelsoni	Mexican brown bear
Ursus arctos pruinosus	Tibetan brown bear
Aonyx microdon	Cameroon clawless otter
Enhydra lutris nereis	Southern sea otter
Lutra felina	Marine otter
Lutra longicaudis	South American otter
Lutra lutra	Eurasian otter
Lutra provocax	Southern river otter
Mustela nigripes	Black-footed ferret
Pteronura brasiliensis	Giant otter
Prionodon pardicolor	Spotted linsang
Hyaena brunnea	Brown hyaena
Acinonyx jubatus	Cheetah
Felis bengalensis bengalensis	Leopard cat
Felis concolor coryi	Florida puma
Felis concolor costaricensis	Costa Rica puma
Felis concolor cougar	Eastern puma
Felis jacobita	Andean cat
Felis rufa escuinapae	Mexican bobcat
Felis marmorata	Marbled cat
Felis nigripes	Black-footed cat
Felis pardalis mearnsi	Costa Rica ocelot
Felis pardalis mitis	Brazilian ocelot
Felis planiceps	Rat-headed cat

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

<i>Felis rubiginosa</i>	Rusty spotted cat
<i>Felis temmincki</i>	Asiatic golden cat
<i>Felis tigrina oncolla</i>	Little spotted cat
<i>Felis wiedii nicaraguae</i>	Nicaraguan margay
<i>Felis wiedii salvinia</i>	Guatemalan margay
<i>Felis yagouaroundi cacomitli</i>	Jaguarundi
<i>Felis yagouaroundi fossata</i>	Jaguarundi
<i>Felis yagouaroundi pana-mensis</i>	Jaguarundi
<i>Felis yagouaroundi tolteca</i>	Jaguarundi
<i>Neofelis nebulosa</i>	Clouded leopard
<i>Panthera leo persica</i>	Asiatic lion
<i>Panthera onca</i>	Jaguar
<i>Panthera pardus</i>	Leopard
<i>Panthera tigris</i>	Tiger
<i>Panthera uncia</i>	Snow leopard
<b>Seals</b>	
<i>Arctocephalus townsendi</i>	Guadelupe fur sea!
<i>Monachus</i>	Monk seals
<b>Elephants</b>	
<i>Elephas maximus</i>	Asian elephant
<b>Sea-cows</b>	
<i>Dugong dugon</i>	Dugong (otherwise known as Sea-cow)
<i>Trichechus inunguis</i>	Amazonian manatee
<i>Trichechus manatus</i>	West Indian manatee
<b>Odd-toed ungulates</b>	
<i>Equus grevyi</i>	Grevy's zebra
<i>Equus hemionus hemionus</i>	Mongolian wild ass
<i>Equus hemionus khur</i>	Indian wild ass
<i>Equus przewalskii</i>	Przewalski's horse
<i>Equus zebra zebra</i>	Cape mountain zebra
<i>Tapirus bairdii</i>	Central American tapir
<i>Tapirus indicus</i>	Malayan tapir (otherwise known as Indian tapir)
<i>Tapirus pinchaque</i>	Mountain tapir (otherwise-known as Woolly tapir)
Rhinocerotidae	Rhinoceroses

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

**Even-toed ungulates**

Babyrousa babyrussa	Babirusa
Sus salvanius	Pygmy hog
Vicugna vicugna	Vicugna
Axis calamianensis	Calamian deer
Axis kuhli	Bawean deer
Axis porcinus annamiticus	Thai hog deer
Blastocerus dichotomus	Marsh deer
Cervus duvauceli	Swamp deer
Cervus elaphus hanglu	Kashmir stag (otherwise known as Hanglu)
Cervus eldi	Brow-antlered deer
Dama mesopotamica	Persian fallow deer
Hippocamelus antisiansis	Peruvian huemal
Hippocamelus bisulcus	Chilean huemal
Moschus moschiferus mos-chiferus	Himalayan musk deer
Ozotoceros bezoarticus	Pampas deer
Pudu pudu	Chilean pudu
Antilocapra americana pen-insularis	Lower California pronghorn
Antilocapra americana son-oriensis	Sonoran pronghorn
Bison bison athabasca	Wood bison
Bos gaurus	Gaur
Bos mutus	Wild yak
Bubalus depressicornis	Lowland anoa
Bubalus mindorensis	Tamaraw
Bubalus quarlesi	Mountain anoa
Capra falconeri chiltanensis	Markhor
Capra falconeri jerdoni	Markhor
Capra falconeri megaceros	Markhor
Capricornis sumatraensis	Serow
Hippotragus niger variani	Giant sable antelope
Nemorhaedus goral	Goral
Novibos sauveli	Koupray
Oryx leucoryx	Arabian oryx
Ovis ammon hodgsoni	Great Tibetan sheep

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

Ovis orientalis ophion	Cyprian mouflon
Ovis vignei	Urial
Pantholops hodgsoni	Tibetan antelope
Rupicapra rupicapra ornata	Abruzzi chamois

*BIRDS*

2 The kinds of bird specified in the first column below—

**Rheas**

Pterocnemia pennata	Lesser rhea
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**Tinamous**

Tinamus solitarius	Solitary tinamou
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**Penguins**

Spheniscus humboldti	Humboldt penguin
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**Grebes**

Podilymbus gigas	Atitlan grebe
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**Albatrosses**

Diomedea albatrus	Short-tailed albatross
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**Pelican-like birds**

Sula abbotti	Abbot's booby
Fregata andrewsi	Christmas Island frigatebird

**Storks**

Ciconia ciconia boyciana	Japanese white stork
Geronticus eremita	Bald ibis
Nipponia nippon	Japanese crested ibis

**Waterfowl**

Anas aucklandica nesiotis	Campbell Island Flightless teal
Anas laysanensis	Laysan duck
Anas oustaleti	Marianas Island duck (otherwise known as Marianas Mallard)
Branta canadensis leuco-pareia	Aleutian Canada goose
Branta sandvicensis	Hawaiian goose (otherwise known as Nene)
Cairina scutulata	White-winged wood duck
Rhodonessa caryophyllacea	Pink-headed duck

**Diurnal Birds of Prey**

Cathartidae	New world vultures
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*Status: This is the original version (as it was originally enacted).*

Pandion haliaetus	Osprey
Accipitridae	True hawks
Sagittarius serpentarius	Secretary bird
Falconidae	Falcons
<b>Gamebirds</b>	
Aburria jacutinga	Black-fronted curassow (otherwise known as Black-fronted guan)
Aburria pipile	White-headed curassow (otherwise known as Piping guan)
Catreus wallichii	Cheer pheasant
Colinus virginianus ridgwayi	Masked bobwhite
Crax blumenbachii	Red-billed curassow
Crax mitu	Razor-billed curassow
Crossoptilon crossoptilon	White Eared-pheasant
Crossoptilon mantchuricum	Brown Eared-pheasant
Lophophorus impejanus	Himalayan monal
Lophophorus lhuysii	Chinese monal
Lophophorus sclateri	Sclater's monal
Lophura edwardsi	Edward's pheasant
Lophura imperialis	Imperial pheasant
Lophura swinhoei	Swinhoe's pheasant
Macrocephalon maleo	Maleo Fowl
Oreophasis derbianus	Horned guan
Penelope albipennis	White-winged guan
Polyplectron emphanum	Palawan peacock pheasant
Syrmaticus ellioti	Elliot's pheasant
Syrmaticus humiae	Hume's pheasant (otherwise known as Bar-tailed pheasant)
Syrmaticus mikado	Mikado pheasant
Tetraogallus caspius	Caspian snowcock
Tetraogallus tibetanus	Tibetan snowcock
Tragopan blythii	Blyth's tragopan
Tragopan caboti	Cabot's tragopan
Tragopan melanocephalus	Western tragopan
Tympanuchus cupido attwateri	Attwater's prairie chicken

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

### **Cranes and rails**

Grus americana	Whooping crane
Grus canadensis nesiotetes	Cuban sandhill crane
Grus canadensis pulla	Mississippi sandhill crane
Grus japonensis	Manchurian crane (otherwise known as Japanese crane)
Grus leucogeranus	Siberian White crane
Grus monacha	Hooded crane
Grus nigricollis	Black-necked crane
Grus vipio	White-necked crane (otherwise known as White-naped crane)
Tricholimnas sylvestris	Lord Howe wood-rail
Rhynochetos jubatus	Kagu
Chlamydotis undulata	Houbara bustard
Choriotis nigriceps (otherwise known as Ardeotis nigriceps)	Great Indian bustard
Eupodotis bengalensis	Bengal florican

### **Waders and Gulls**

Numenius borealis	Eskimo curlew
Tringa guttifer	Spotted greenshank (otherwise known as Nordmann's greenshank)
Larus relictus	Relict gull

### **Pigeons and doves**

Caloenas nicobarica	Nicobar pigeon
Ducula mindorensis	Mindoro imperial pigeon

### **Parrots**

Amazona arausiaca	Red-necked parrot (otherwise known as Red-necked amazon)
Amazona barbadensis	Yellow-shouldered parrot (otherwise known as Yellow-shouldered amazon)
Amazona brasiliensis	Red-tailed parrot (otherwise known as Red-tailed amazon)
Amazona guildingii	St. Vincent parrot (otherwise known as St. Vincent amazon)
Amazona imperialis	Imperial parrot (otherwise known as Imperial amazon)
Amazona leucocephala	Cuban parrot (otherwise known as Cuban amazon)

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

Amazona pretrei	Red-spectacled parrot (otherwise known as Red-spectacled amazon)
Amazona rhodocorytha (otherwise known as Amazona dufresniana rhodocorytha)	Red-crowned parrot (otherwise known as Red-crowned amazon)
Amazona versicolor	St Lucia parrot (otherwise known as St Lucia amazon)
Amazona vinacea	Vinaceous parrot (otherwise known as Vinaceous amazon)
Amazona vittata	Puerto Rico parrot (otherwise known as Puerto Rican amazon)
Anodorhynchus glaucus	Glaucous macaw
Anodorhynchus leari	Lear's macaw
Aratinga guaruba	Golden parakeet (otherwise known as Golden conure)
Cyanopsitta spixii	Spix's macaw
Cyanoramphus auriceps forbesi	Forbes' parakeet
Cyanoramphus novaezelandiae	Red-fronted parakeet
Cyclopsitta diophthalma coxeni (otherwise known as Oropsitta diophthalma coxeni)	Coxen's fig parrot
Geopsittacus occidentalis	Australian night parrot
Neophema chrysogaster	Orange-bellied parakeet (otherwise known as Orange-bellied parrot)
Pezoporus wallicus	Ground parrot
Pionopsitta pileata	Red-capped parrot (otherwise known as Pileated parrot)
Psephotus chrysopterygius	Golden-shouldered parakeet (otherwise known as Golden-shouldered parrot or Hooded parakeet)
Psephotus pulcherrimus	Paradise parrot
Psittacula echo (otherwise known as Psittacula krameri echo)	Mauritius parakeet (otherwise known as Mauritius ring-necked parakeet)
Psittacus erithacus princeps	Fernando Po grey parrot
Pyrrhura cruentata	Blue-throated conure
Rhynchopsitta pachyrhyncha	Thick-billed parrot
Rhynchopsitta terrisi	Maroon-fronted parrot
Strigops habroptilus	Kakapo (otherwise known as Owl parrot)



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

### Hummingbirds

Ramphodon dohrnii | Hook-billed hermit

### Trogons

Pharomachus mocinno costaricensis | Costa Rican quetzal (otherwise known as Resplendent quetzal)

Pharomachus mocinno mocinno | Magnificent quetzal (otherwise known as Resplendent quetzal)

### Owls

Tytonidae | Barn owls

Strigidae | Typical owls

### Hornbills

Buceros bicornis (otherwise known as Buceros homrai) | Great pied hornbill

Rhinoplax vigil | Helmeted hornbill

### Woodpeckers

Campephilus imperialis | Imperial woodpecker

Dryocopus javensis richardsi | Tristram's woodpecker (otherwise known as White-bellied black woodpecker)

### Songbirds

Cotinga maculata | Banded cotinga

Xipholena atropurpurea | White-winged cotinga

Pitta kochi | Koch's pitta

Atrichornis clamosa | Noisy scrub-bird

Leucopsar rothschildi | Rothschild's mynah

Dasyornis brachypterus longirostris | Western bristlebird

Dasyornis broadbenti littoralis | Western rufous bristlebird

Picathartes gymnocephalus | White-necked rockfowl (otherwise known as Yellow-headed rockfowl or Guinea bear-headed rockfowl)

Picathartes oreas | Grey-necked rockfowl (otherwise known as Cameroon bare-headed rockfowl or Red-headed rockfowl)

Zosterops albogularis | White-breasted silver-eye

Meliphaga cassidix | Helmeted honeyeater

Spinus cucullatus (otherwise known as Carduelis cucullatus) | Red siskin

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

### REPTILES

3 The kinds of reptile specified in the first column below—

#### **Crocodylians**

Alligator sinensis	Chinese alligator
Caiman crocodilus apaporiensis	Rio Apaporis caiman (otherwise known as Spectacled caiman)
Caiman latirostris	Broad-nosed caiman
Melanosuchus niger	Black caiman
Crocodylus acutus	American crocodile
Crocodylus cataphractus	African slender-snouted crocodile (otherwise known as African sharp-nosed crocodile)
Crocodylus intermedius	Orinoco crocodile
Crocodylus moreletii	Morelet's crocodile
Crocodylus niloticus	Nile crocodile
Crocodylus novaeguineae mindorensis	Philippine crocodile
Crocodylus palustris	Mugger (otherwise known as Marsh crocodile or Broad-snouted crocodile)
Crocodylus porosus	Estuarine crocodile (otherwise known as Salt-water crocodile)
Crocodylus rhombifer	Cuban crocodile
Crocodylus siamensis	Siamese crocodile
Osteolaemus tetraspis	West African dwarf crocodile
Tomistoma schlegelii	False gharial (otherwise known as False gavial)
Gavialis gangeticus	Indian gharial (otherwise known as Indian gavial)

#### **Iguanas**

Brachylophus	Fijian iguanas
Cyclura	Caribbean rock iguanas
Sauromalus varius	San Esteban Island chuck-walla

#### **Lizards**

Varanus bengalensis	Bengal monitor (otherwise known as Indian monitor or Common monitor)
Varanus flavescens	Yellow monitor
Varanus griseus	Desert monitor (otherwise known as Agra monitor or Grey monitor)
Varanus komodoensis	Komodo dragon

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

### Snakes

Acrantophis	Madagascar boas
Bolyeria	Round island boas
Casarea	Round island boas
Epicrates inornatus	Yellow tree boa
Epicrates subflavus	Jamaican boa
Python molurus molurus	Indian python (otherwise known as Indian rock python)
Sanzinia madagascariensis	Madagascar boa

### Tuatara

Sphenodon punctatus	Tuatara
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### Chelonians

Batagur baska	River terrapin (otherwise known as Tuntong)
Geoclemys hamiltonii (otherwise known as Dameronia hamiltonii)	Black pond turtle (otherwise known as Spotted pond turtle)
Melanochelys tricarinata (otherwise known as Geoemyda tricarinata or Nicoria tricarinata)	Three-keeled turtle (otherwise known as Three-keeled land tortoise)
Kachuga tecta tecta	Indian tent turtle (otherwise known as Indian sawback turtle or Roofed turtle or Dura turtle)
Morenia ocellata	Burmese swamp turtle
Terrapene coahuila	Aquatic box turtle (otherwise known as Water box turtle)
Geochelone elephantopus (otherwise known as Testudo elephantopus)	Galapagos giant tortoise
Geochelone radiata (otherwise known as Testudo radiata)	Radiated tortoise (otherwise known as Rayed tortoise)
Geochelone yniphora (otherwise known as Testudo yniphora)	Madagascar tortoise (otherwise known as Rayed tortoise or Angonoka)
Gopherus flavomarginatus (otherwise known as Crophemus polyphemus flavomarginatus)	Mexican gopher tortoise
Psammobates geometricus (otherwise known as Testudo geometricus)	Geometric tortoise
Cheloniidae	Sea turtles
Dermodochelys coriacea	Leatherback turtle (otherwise known as Leathery turtle or Luth)
Lissemys punctata punctata	Indian flap-shelled turtle

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

Trionyx ater	Cuatro Cienegas soft-shell turtle (otherwise known as Black soft-shelled turtle)
Trionyx gangeticus	Ganges soft-shelled turtle (otherwise known as Indian soft-shelled turtle)
Trionyx hurum	Peacock-marked soft-shelled turtle
Trionyx nigricans	Dark-coloured soft-shelled turtle
Pseudemydura umbrina	Short-necked turtle (otherwise known as Western swamp turtle)

#### *AMPHIBIANS*

4 The kinds of amphibian specified in the first column below—

Andrias davidianus (otherwise known as Megalo-batrachus davidianus)	Chinese giant salamander
Andrias japonicus (otherwise known as Megalo-batrachus japonicus)	Japanese giant salamander
Atelopus varius zeteki	Golden frog (otherwise known as Zetek's frog)
Bufo periglenes	Golden toad (otherwise known as Orange toad)
Bufo superciliaris	Cameroon toad
Nectophrynoides	Viviparous toads

#### *FISH*

5 The kinds of fish specified in the first column below—

<i>Kind</i>	<i>Common name</i>
Acipenser brevirostrum	Shortnose sturgeon
Scleropages formosus	Asiatic bonytongue
Coregonus alpenae	Longjaw Cisco
Chasmistes cujus	Cui-ui
Probarbus jullieni	Ikan temolek
Pangasianodon gigas	Giant catfish
Stizostedion vitreum glaucum	Blue walleye
Cynoscion macdonaldi	Drum fish

#### *MOLLUSCS*

6 The kinds of mollusc specified below—  
 Conradilla caelata

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

Dromus dramas  
Epioblasma florentina curtisi (otherwise known as Dysnomia florentina curtisi)  
Epioblasma florentina florentina (otherwise known as Dysnomia florentina florentina)  
Epioblasma sampseni (otherwise known as Dysnomia sampsoni)  
Epioblasma sulcata perobliqua (otherwise known as Dysnomia sulcata perobliqua)  
Epioblasma torulosa gubernaculum (otherwise known as Dysnomia torulosa gubernaculum)  
Epioblasma torulosa torulosa (otherwise known as Dysnomia torulosa torulosa)  
Epioblasma turgidula (otherwise known as Dysnomia turgidula)  
Epioblasma walkeri (otherwise known as Dysnomia walkeri)  
Fusconaia cuneolus  
Fusconaia edgariana  
Lampsilis higginsii  
Lampsilis orbiculata orbiculata  
Lampsilis satura  
Lampsilis verescens  
Plethobasus cicatricosus  
Plethobasus cooperianus  
Pleurobema plenum  
Potamilus capax (otherwise known as Proptera capax)  
Quadrula intermedia  
Quadrula sparsa  
Toxolasma cylindrella (otherwise known as Carunculina cylindrella)  
Unio nickliniana (otherwise known as Megaloniaias nickliniana)  
Unio tampicoensis tecomatensis (otherwise known as Lampsilis tampicoensis tecomatensis)  
Villosa trabalis (otherwise known as Micromya trabalis)

NOTE. The second column of this Schedule gives a common name or names, where available, and is included by way of guidance only ; in the event of any dispute or proceedings, only the first column is to be taken into account.”

### PART III

#### SCHEDULE INSERTED AS SCHEDULE 5

#### “SCHEDULE 5

#### PLANTS THE SALE ETC. OF WHICH IS RESTRICTED

This Schedule applies to the kinds of plant specified in the second column below—

<i>Family</i>	<i>Kind</i>
Apocynaceae	Pachypodium namaquanum
Araceae	Alocasia sanderana

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

<i>Family</i>	<i>Kind</i>
Cactaceae	Ariocarpus agavoides
	Ariocarpus scapharostrus
	Aztekium ritteri
	Echinocereus lindsayi
	Obregonia denegrii
	Pelecyphora aselliformis
	Pelecyphora strobiliformis
Caryocaraceae	Caryocar costaricense
Caryophyllaceae	Gymnocarpus przewalskii
	Melandrium mongolicus
	Silene mongolica
	Stellaria pulvinata
	Fitzroya cupressoides
Cupressaceae	Pilgerodendron uviferum
Cycadaceae	Mirocycas calocoma
Gentianaceae	Prepusa hookeriana
Humiriaceae	Vantanea barbourii
Juglandaceae	Engelhardtia pterocarpa
Leguminosae	Ammopiptanthus mongo-licum
	Cynometra hemitomophylla
	Platymiscium pleiostachyum
	Tachigalia versicolor
Liliaceae	Aloe albida
	Aloe pillansii
	Aloe polyphylla
	Aloe thorncroftii
	Aloe vossii
Melastomataceae	Lavoisiera itambana
Meliaceae	Guarea longipetiola
Moraceae	Batocarpus costaricensis
Nepenthaceae	Nepenthes rajah
Orchidaceae	Cattleya skinneri
	Cattleya trianae
	Didicicia cunnamhamii

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

<i>Family</i>	<i>Kind</i>
	Laelia jongheana
	Laelia lobata
	Lycaste virginalis var alba
	Peristeria elata
	Renanthera imschootiana
	Vanda coerulea
Pinaceae	Abies guatemalensis
	Abies nebrodensis
Podocarpaceae	Podocarpus costalis
	Podocarpus parlatoresi
Proteaceae	Orothamnus zeyheri
	Protea odorata
Rubiaceae	Balmea stormae
Sarraceniaceae	Sarracenia alabamensis alabamensis
	Sarracenia jonesii
	Sarracenia oreophila
Saxifragaceae (otherwise known as Grossulariaceae)	Ribes sardoum
Stangeriaceae	Stangeria eriopus
Ulmaceae	Celtis aetnensis
Welwitschiaceae	Welwitschia bainesii
Zamiaceae	Encephalartos
Zingiberaceae	Hedychium philippinense <sup>7</sup>

SCHEDULE 11

Sections 29 and 34.

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART II

*Coming into operation*

- (1) An original order or a restrictive amending order shall take effect on its being made.
- (2) It shall be the duty of the Secretary of State to consider every original order or restrictive amending order made by him or a relevant authority, and any such order shall cease to have effect nine months after it is made unless the Secretary of State has previously given notice under paragraph 6 that he has considered it and does not propose to amend or revoke it or he has amended or revoked it or, in the case of an order made by such an authority, the authority has revoked it.

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

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- (3) An amending or revoking order, other than a restrictive amending order, made by a relevant authority shall be submitted by the authority to the Secretary of State for confirmation and shall not take effect until confirmed by him.
- (4) Subject to paragraphs 3(1) and 4(4), an amending or revoking order, other than a restrictive amending order, made by the Secretary of State shall not take effect until confirmed by him.
- (5) An amending or revoking order requiring confirmation shall, by virtue of this sub-paragraph, stand revoked if the Secretary of State gives notice under paragraph 6 that the order is not to be confirmed.

*Publicity for orders*

- 2 (1) Where an order takes effect immediately, the authority making the order (whether the relevant authority or the Secretary of State) shall give notice—
  - (a) setting out the order or describing its general effect and in either case stating that it has taken effect;
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours ; and
  - (c) specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Where an order requires confirmation, the authority making the order shall give notice—
  - (a) setting out the order or describing its general effect and in either case stating that it has been made and requires confirmation ; and
  - (b) stating in relation to it the matters specified in sub-paragraph (1)(b) and (c).
- (3) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) or (2) shall be given—
  - (a) by publication in the Gazette and also at least one local newspaper circulating in the area in which the land to which the order relates is situated ;
  - (b) by serving a like notice on every owner and occupier of any of that land ; and
  - (c) in the case of a notice given by the Secretary of State, by serving a like notice on the relevant authority in whose area the land to which the order relates is situated.
- (4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (3)(b); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to " The owners and any occupiers " of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.

*Unopposed orders*

- 3 (1) Where an order made by a relevant authority takes effect immediately and no representations or objections are duly made in respect of it or any so made are withdrawn.—



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

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- (a) the Secretary of State shall as soon as practicable after considering it decide either to take no action on the order or to make an order amending or revoking it (subject, however, to paragraph 5); and
  - (b) the amending or revoking order shall take effect immediately, but it shall not require confirmation and no representation or objection with respect to it shall be entertained.
- (2) Where an order requiring confirmation is made and no representations or objections are duly made in respect of it or any so made are withdrawn, the Secretary of State may confirm the order (with or without modifications).

#### *Opposed orders*

- 4 (1) If any representation or objection duly made with respect to an order is not withdrawn, then, as soon as practicable in the case of an order having immediate effect and before confirming an order requiring confirmation, the Secretary of State shall either—
- (a) cause a local inquiry to be held ; or
  - (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.
- (2) On considering any representations or objections duly made and the report of any person appointed to hold the inquiry or to hear representations or objections, the Secretary of State—
- (a) shall, if the order has already taken effect, decide either to take no action on the order or to make an order (subject, however, to paragraph 5) amending or revoking the order as the Secretary of State thinks appropriate in the light of the report, representations or objections, without consulting the relevant authority where that authority made the order; or
  - (b) if the order requires confirmation, may confirm it (with or without modifications).
- (3) The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 or subsections (4) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under this paragraph as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.
- (4) An amending or revoking order made by virtue of this paragraph shall take effect immediately, but it shall not require confirmation and no representation or objection with respect to it shall be entertained.

#### *Restriction on power to amend orders or confirm them with modifications*

- 5 The Secretary of State shall not by virtue of paragraph 3(1) or 4(2) amend an order which has taken effect, or confirm any other order with modifications, so as to extend the area to which an original order applies.

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

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*Notice of final decision on orders*

- 6 (1) The Secretary of State shall as soon as practicable after making an order by virtue of paragraph 3(1) or 4(2) give notice—
- (a) setting out the order or describing its general effect and in either case stating that it has taken effect; and
  - (b) stating the name of the place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours.
- (2) The Secretary of State shall give notice of any of the following decisions of his as soon as practicable after making the decision—
- (a) a decision under paragraph 3(1) or 4(2) to take no action on an order which has already taken effect;
  - (b) a decision to confirm or not to confirm an order requiring confirmation under this Schedule.
- (3) A notice under this paragraph of a decision to confirm an order shall—
- (a) set out the order as confirmed or describe its general effect, and in either case state the day on which the order took effect;
  - (b) state the name of the place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge at all reasonable hours.
- (4) A notice under this paragraph shall be given by publishing it in accordance with paragraph 2(3) and serving a copy of it on any person on whom a notice was required to be served under paragraph 2(3) or (4).

*Proceedings for questioning validity of orders*

- 7 (1) This paragraph applies to any order which has taken effect and as to which the Secretary of State has given notice under paragraph 6 of a decision of his to take no action or to amend the order in accordance with paragraph 3 or 4; and in this paragraph " the relevant notice " means any such notice.
- (2) If any person is aggrieved by an order to which this paragraph applies and desires to question its validity on the ground that it is not within the powers of section 29 or 34, as the case may be, or that any of the requirements of this Schedule have not been complied with in relation to it, he may within six weeks from the date of the relevant notice make an application to the Court under this paragraph.
- (3) On any such application the Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of those requirements—
- (a) in England and Wales, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant; or
  - (b) in Scotland, make such declarator as seems to the Court to be appropriate.
- (4) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.
- (5) In this paragraph " the Court " means the High Court in relation to England and Wales and the Court of Session in relation to Scotland.

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

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### *Interpretation*

- 8 In this Schedule—
- "amending order" and "revoking order" mean an order which amends or, as the case may be, revokes a previous order;
  - " the Gazette " means—
    - (a) if the order relates in whole or in part to England and Wales, the London Gazette ;
    - (b) if the order relates in whole or in part to Scotland, the Edinburgh Gazette ;
  - " order " means an order under section 29 or 34 ; " original order " means an order other than an amending or revoking order ;
  - "the relevant authority" has the same meaning as in section 34;
  - " restrictive amending order " means an amending order which extends the area to which a previous order applies.

## SCHEDULE 12

Section 36.

### PROCEDURE IN CONNECTION WITH ORDERS UNDER SECTION 36

#### *Consultation*

- 1 Before making an order, the Secretary of State shall consult with such persons as he may consider appropriate.

#### *Publicity for draft orders*

- 2 (1) Before making an order, the Secretary of State shall prepare a draft of the order and give notice—
- (a) stating that he proposes to make the order and the general effect of it;
  - (b) naming a place in the area in which the land to which the draft order relates is situated where a copy of the draft order, and of any byelaws made or proposed to be made by a relevant authority for the protection of the area specified in the draft order, may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours; and
  - (c) specifying the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the draft order may be made.
- (2) Subject to sub-paragraph (3), the notice to be given under sub-paragraph (1) shall be given—
- (a) by publication in the Gazette and also at least one local newspaper circulating in the area in which the land to which the draft order relates is situated ;
  - (b) by serving a like notice on—
    - (i) every person in whom is vested an interest in or right over any of that land ;
    - (ii) every relevant authority whose area includes any of that land ; and
    - (iii) such other bodies as may be prescribed or as the Secretary of State may consider appropriate ; and

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- (c) by causing a copy of the notice to be displayed in a prominent position—
  - (i) at council offices in the locality of the land to which the draft order relates ; and
  - (ii) at such other places as the Secretary of State may consider appropriate.
- (3) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(i).
- (4) Subject to sub-paragraph (3), sub-paragraph (2)(b) and (c) shall be complied with not less than 28 days before the expiration of the time specified in the notice.

*Unopposed orders*

- 3 If no representations or objections are duly made, or if any so made are withdrawn, the Secretary of State may make the order with or without modifications.

*Opposed orders*

- 4 (1) If any representation or objection duly made is not withdrawn the Secretary of State shall, before making the order, either—
- (a) cause a local inquiry to be held ; or
  - (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose.
- (2) On considering any representations or objections duly made and the report of the person appointed to hold the inquiry or hear representations or objections, the Secretary of State may make the order with or without modifications.

*Restriction on power to make orders with modifications*

- 5 (1) The Secretary of State shall not make an order with modifications so as—
- (a) to affect land not affected by the draft order ; or
  - (b) to authorise the making of any byelaw not authorised by the draft order, except after complying with the requirements of sub-paragraph (2).
- (2) The said requirements are that the Secretary of State shall—
- (a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;
  - (b) hold a local inquiry or afford any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose ; and
  - (c) consider the report of the person appointed to hold the inquiry or to hear representations or objections.

*Local inquiries*

- 6 (1) The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 or subsections (4) to (8) of section 210 of the Local Government (Scotland)

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Act 1973 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under paragraph 4 or 5 as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

- (2) A local inquiry caused to be held under paragraph 4 or 5 before the making of an order may be held concurrently with any local inquiry caused to be held before the confirmation of byelaws made by a relevant authority for the protection of the area specified in the order.

*Notice of making of orders*

- 7 (1) As soon as practicable after an order is made, the Secretary of State shall give notice—
- (a) describing the general effect of the order as made and stating the date on which it took effect; and
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order as made may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours.
- (2) A notice under sub-paragraph (1) shall be given—
- (a) by publication in the manner required by paragraph 2(2)(a);
  - (b) by serving a like notice on any persons on whom notices were required to be served under paragraph 2(2)(b) ; and
  - (c) by causing like notices to be displayed in the like manner as the notices required to be displayed under paragraph 2(2)(c).

*Proceedings for questioning validity of orders*

- 8 (1) If any person is aggrieved by an order which has taken effect and desires to question its validity on the ground that it is not within the powers of section 36 or that any of the requirements of this Schedule have not been complied with in relation to it, he may within 42 days from the date of publication of the notice under paragraph 7 make an application to the Court under this paragraph.
- (2) On any such application the Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements—
- (a) in England and Wales, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant; or
  - (b) in Scotland, make such declarator as seems to the Court to be appropriate.
- (3) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatever.
- (4) In this paragraph " the Court" means the High Court in relation to England and Wales and the Court of Session in relation to Scotland.

*Supplemental*

- 9 (1) In this Schedule—
- " area " includes district;

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" council offices " means offices or buildings acquired or provided by a local authority ;

" the Gazette " means—

(a) if the order relates in whole or in part to England and Wales, the London Gazette ;

(b) if the order relates in whole or in part to Scotland, the Edinburgh Gazette ;

" order " means an order under section 36 ;

" prescribed " means prescribed by regulations made by the Secretary of State ;

and expressions to which a meaning is assigned by section 36 have the same meanings in this Schedule as in that section.

- (2) References in this Schedule to land include references to any waters covering it; and for the purposes of this Schedule any area in Great Britain which is bounded by tidal waters or parts of the sea shall be taken to include—
- (a) the waters adjacent to that area up to the seaward limits of territorial waters ;  
and
- (b) the land covered by the said adjacent waters.
- (3) Regulations under this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## SCHEDULE 13

Section 47.

### PROVISIONS WITH RESPECT TO THE COUNTRYSIDE COMMISSION

#### *Status*

- 1 The Commission shall be a body corporate.
- 2 The Commission shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown ; and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

#### *Members*

- 3 (1) The Commission shall consist of a chairman and such number of other members as the Secretary of State may determine, of whom one may be appointed to be deputy chairman.
- (2) The members of the Commission shall be appointed by the Secretary of State and shall hold and vacate office in accordance with such terms as may be prescribed by or under regulations made by the Secretary of State and, on vacating office, shall be eligible for re-appointment.
- (3) Regulations under sub-paragraph (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (4) A member may at any time by notice in writing to the Secretary of State resign his office.
- 4 (1) The Commission—
- (a) shall pay to their members such remuneration and allowances (if any) as the Secretary of State may, with the approval of the Minister, determine ; and
  - (b) as regards any member in whose case the Secretary of State may, with the approval of the Minister, so determine, shall pay such pension to or in respect of him, or make such payments towards the provision of such pension as the Secretary of State may, with the Minister's approval, determine.
- (2) If a person ceases to be a member of the Commission, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may, with the approval of the Minister, require the Commission to pay to that person a sum of such amount as the Secretary of State may, with the Minister's approval, determine.

#### *Committee for Wales*

- 5 (1) The Commission shall, after consultation with the Secretary of State, appoint a Committee for Wales.
- (2) The membership of the Committee for Wales shall consist partly of persons who are members of the Commission, one of whom shall be the chairman of the Committee, and partly of persons, not exceeding such number as the Secretary of State may for the time being approve, who are not members of the Commission.
- (3) The Commission may, after consulting the Secretary of State and subject to such conditions as they think appropriate, delegate any of their functions in Wales to the Committee for Wales, including (for Wales) their advisory functions under section 2 of the 1968 Act, and their duty of making recommendations under that section in respect of local authorities' applications for Exchequer grants.
- (4) The Commission may, in the case of such members of the Committee for Wales as are not members of the Commission, pay to them such reasonable allowances in respect of—
- (a) expenses properly incurred in the performance of their duties ;
  - (b) loss of remunerative time ; or
  - (c) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would not otherwise have been subject,
- as the Secretary of State may, with the approval of the Minister, determine.

#### *Procedure*

- 6 The procedure (including the quorum) of the Commission shall be such as they may determine.
- 7 The validity of any proceeding of the Commission shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

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

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### *Staff*

- 8 (1) The Commission shall appoint—
- (a) with the approval of the Secretary of State, a chief officer and
  - (b) such number of other employees as they may with the approval of the Secretary of State and the Minister determine.
- (2) The Commission shall pay to their employees such remuneration and allowances as they may with the approval of the Secretary of State and the Minister determine.
- (3) In the case of any person to be employed by them on and after the appointed day who immediately before that day was a civil servant, the Commission shall ensure that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the coming into force of this Schedule, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.
- (4) In relation to any person who—
- (a) is a civil servant before the appointed day ; and
  - (b) is as from that day employed by the Commission,
- Schedule 13 to the Employment Protection (Consolidation) Act 1978 (ascertainment, for the purposes of that Act and section 119 of the Employment Protection Act 1975, of the length of an employee's period of employment and whether that employment has been continuous) shall have effect as if his service as a civil servant had been employment under the Commission.
- 9 (1) The Commission shall in the case of such of their employees as they may with the approval of the Secretary of State and the Minister determine.—
- (a) pay such pension to or in respect of them ;
  - (b) make such payments towards the provision of such pensions ; or
  - (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions,
- as they may with the approval of the Secretary of State and the Minister determine.
- (2) In this paragraph any reference to the payment of pensions to or in respect of the Commission's employees includes a reference to the payment of pensions by way of compensation to or in respect of any of the Commission's employees who suffer loss of office or employment or loss or diminution of emoluments.
- 10 (1) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) the words " Countryside Commission " shall be inserted after the words " Monopolies Commission ".
- (2) The Commission shall pay to the Minister at such times in each financial year as may be determined by the Minister, subject to any directions of the Treasury, sums of such amounts as he may so determine for the purposes of this paragraph as being equivalent to the increase during the year of such liabilities of his under the Principal Civil Service Pension Scheme as are attributable to the provision of pensions to or in respect of persons who are, or have been, in the service of the Commission in so far as that increase results from the service of those persons during that financial year and to the expense to be incurred in administering those pensions.



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

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### *Accounts and report*

- 11 (1) The Commission shall keep proper accounts and other records, and shall prepare for each financial year a statement of account in such form as the Secretary of State with the approval of the Treasury may direct and submit those statements of account to the Secretary of State at such time as he may with the approval of the Treasury direct.
- (2) The Secretary of State shall, as respects each financial year, send the Commission's statement of accounts to the Comptroller and Auditor General not later than the end of November following the year.
- (3) The Comptroller and Auditor General shall examine, certify and report on the statement of accounts and lay copies of it, together with his report, before each House of Parliament.
- 12 The Commission shall furnish the Secretary of State with such returns, accounts and other information with respect to their property and activities or proposed activities as he may from time to time require, and shall afford to the Secretary of State facilities for the verification of information so furnished and for that purpose permit any person authorised in that behalf by the Secretary of State to inspect and make copies of the Commission's accounts, books, documents or papers and give that person such explanation of them as he may reasonably require.
- 13 (1) The Commission shall, as soon as possible after the end of each financial year, make to the Secretary of State a report on the discharge by them of their functions under the 1949 Act, the 1968 Act and this Act during that year.
- (2) Without prejudice to the generality of sub-paragraph (1), but subject to the provisions of sub-paragraph (3), the report of the Commission for any year shall include—
- (a) a statement of the action taken by the Commission to promote the enjoyment of the countryside by members of the public who are disabled ; and
- (b) a record of all questions with which the Commission have been concerned during that year and which appear to the Commission to be of general public interest, indicating the purport of any representations or recommendations made by the Commission with respect thereto, and the conclusions (if any) reached thereon.
- (3) The report of the Commission for any year shall set out any direction given by the Secretary of State during that year under section 3 of the 1949 Act unless the Secretary of State has notified to the Commission his opinion that it is against the interests of national security so to do.
- (4) The Secretary of State shall lay a copy of every report of the Commission under this paragraph before each House of Parliament.

### *Land*

- 14 The Commission, for the purpose of providing themselves with office or other accommodation in connection with the exercise of any of their functions, may, with the approval of the Secretary of State, acquire land, erect and maintain buildings or other structures thereon, and, when the land is no longer required for such purpose, dispose of it.
- 15 Any land occupied by the Commission shall, for the purpose of any rate on property, be treated as if it were property occupied by or on behalf of the Crown for public purposes.

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*Interpretation*

- 16 In this Schedule—
- " appointed day " means the day appointed for the coming into force of this Schedule ;
  - " the Commission " means the Countryside Commission ;
  - " financial year " means the period commencing with the appointed day and ending with 31st March following that day, and each successive period of twelve months ;
  - " the Minister " means the Minister for the Civil Service ;
  - " pension " includes allowance or gratuity.

SCHEDULE 14

Section 53.

APPLICATIONS FOR CERTAIN ORDERS UNDER PART III

*Form of applications*

- 1 An application shall be made in the prescribed form and shall be accompanied by—
- (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates; and
  - (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application.

*Notice of applications*

- 2 (1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates.
- (2) If, after reasonable inquiry has been made, the authority are satisfied that it is not practicable to ascertain the name or address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description " owner " or " occupier " of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
- (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
- (4) Every notice or certificate under this paragraph shall be in the prescribed form.

*Determination by authority*

- 3 (1) As soon as reasonably practicable after receiving a certificate under paragraph 2(3), the authority shall—
- (a) investigate the matters stated in the application ; and
  - (b) after consulting with every local authority whose area includes the land to which the application relates, decide whether to make or not to make the order to which the application relates.

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- (2) If the authority have not determined the application within twelve months of their receiving a certificate under paragraph 2(3), then, on the applicant making representations to the Secretary of State, the Secretary of State may, after consulting with the authority, direct the authority to determine the application before the expiration of such period as may be specified in the direction.
- (3) As soon as practicable after determining the application, the authority shall give notice of their decision by serving a copy of it on the applicant and any person on whom notice of the application was required to be served under paragraph 2(1).

*Appeal against a decision not to make an order*

- 4 (1) Where the authority decide not to make an order, the applicant may, at any time within 28 days after service on him of notice of the decision, serve notice of appeal against that decision on the Secretary of State and the authority.
- (2) If on considering the appeal the Secretary of State considers that an order should be made, he shall give to the authority such directions as appear to him necessary for the purpose.

*Interpretation*

- 5 (1) In this Schedule—
- " application " means an application under section 53(5) ;
  - " local authority " means a district council, the Greater London Council, a parish or community council or the parish meeting of a parish not having a separate parish council;
  - " prescribed " means prescribed by regulations made by the Secretary of State.
- (2) Regulations under this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 15

Sections 53 and 54.

PROCEDURE IN CONNECTION WITH CERTAIN ORDERS UNDER PART III

*Consultation*

- 1 Before making an order, the authority shall consult with every local authority whose area includes the land to which the order relates.

*Coming into operation*

- 2 An order shall not take effect until confirmed either by the authority or the Secretary of State under paragraph 6 or by the Secretary of State under paragraph 7.

*Publicity for orders*

- 3 (1) On making an order, the authority shall give notice in the prescribed form—

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- (a) describing the general effect of the order and stating that it has been made and requires confirmation ;
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours ; and
  - (c) specifying the time (not being less than 42 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (2) Subject to sub-paragraph (4), the notice to be given under sub-paragraph (1) shall be given—
- (a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;
  - (b) by serving a like notice on—
    - (i) every owner and occupier of any of that land ;
    - (ii) every local authority whose area includes any of that land;
    - (iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3); and
    - (iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate ; and
  - (c) by causing a copy of the notice to be displayed in a prominent position—
    - (i) at the ends of so much of any way as is affected by the order;
    - (ii) at council offices in the locality of the land to which the order relates ; and
    - (iii) at such other places as the authority may consider appropriate.
- (3) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area ; and in this sub-paragraph " specified " means specified in the requirement.
- (4) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (2)(b)(Q); but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to " The owners and any occupiers " of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.
- (5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) shall be complied with not less than 42 days before the expiration of the time specified in the notice.
- (6) A notice required to be served by sub-paragraph (2)(a) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as relates to that land or, as the case may be, the area of that authority ; and a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order.

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- (7) A notice required to be displayed by sub-paragraph (2)(c) at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.
- (8) At any time after the publication of a notice under this paragraph and before the expiration of the period specified in the notice for the making of representations and objections, any person may require the authority to inform him what documents (if any) were taken into account in preparing the order and—
- (a) as respects any such documents in the possession of the authority, to permit him to inspect them and take copies; and
  - (b) as respects any such documents not in their possession, to give him any information the authority have as to where the documents can be inspected ;
- and on any requirement being made under this sub-paragraph the authority shall comply therewith within 14 days of the making of the requirement.
- (9) Nothing in sub-paragraph (8) shall be construed as limiting the documentary or other evidence which may be adduced at any local inquiry or hearing held under paragraph 7 or 8.

*Representations or objections made with respect to abandoned surveys or reviews*

- 4 (1) This paragraph applies where a survey begun under sections 27 to 32 of the 1949 Act, or a review begun under section 33 of that Act, is abandoned after a draft map and statement have been prepared.
- (2) If an order modifies the definitive map and statement so as—
- (a) to show any particulars shown in the draft map and statement but not in the definitive map and statement; or
  - (b) to omit any particulars shown in the definitive map and statement but not in the draft map and statement,
- any representation or objection duly made with respect to the showing in or omission from the draft map and statement of those particulars shall be treated for the purposes of paragraphs 6 and 1 as a representation or objection duly made with respect to the corresponding modifications made by the order.

*Severance of orders*

- 5 (1) Where at any time representations or objections duly made and not withdrawn relate to some but not all of the modifications made by an order, the authority may, by notice given to the Secretary of State, elect that, for the purposes of the following provisions of this Schedule, the order shall have effect as two separate orders—
- (a) the one comprising the modifications to which the representations or objections relate ; and
  - (b) the other comprising the remaining modifications.
- (2) Any reference in sub-paragraph (1) to an order includes a reference to any part of an order which, by virtue of one or more previous elections under that sub-paragraph, has effect as a separate order.

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*Unopposed orders*

- 6 (1) If no representations or objections are duly made, or if any so made are withdrawn, the authority may—
- (a) confirm the order without modification ; or
  - (b) if they require any modification to be made, submit the order to the Secretary of State for confirmation by him.
- (2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State may confirm the order with or without modifications.

*Opposed orders*

- 7 (1) If any representation or objection duly made is not withdrawn the authority shall submit the order to the Secretary of State for confirmation by him.
- (2) Where an order is submitted to the Secretary of State under sub-paragraph (1), the Secretary of State shall either—
- (a) cause a local inquiry to be held ; or
  - (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose,
- (3) On considering any representations or objections duly made and the report of the person appointed to hold the inquiry or hear representations or objections, the Secretary of State may confirm the order with or without modifications.

*Restriction on power to confirm orders with modifications*

- 8 (1) The Secretary of State shall not confirm an order with modifications so as—
- (a) to affect land not affected by the order;
  - (b) not to show any way shown in the order or to show any way not so shown ; or
  - (c) to show as a highway of one description a way which is shown in the order as a highway of another description,
- except after complying with the requirements of sub-paragraph (2).
- (2) The said requirements are that the Secretary of State shall—
- (a) give such notice as appears to him requisite of his proposal so to modify the order, specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the proposal may be made;
  - (b) hold a local inquiry or afford any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose ; and
  - (c) consider the report of the person appointed to hold the inquiry or to hear representations or objections.

*Local inquiries*

- 9 —The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply in relation to any inquiry held under paragraph 7 or 8 as

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they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

*Appointment of inspectors etc.*

- 10 (1) A decision of the Secretary of State under paragraph 6, 7 or 8 shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.
- (2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.
- (3) Where the Secretary of State has appointed a person to make a decision under paragraph 6, 7 or 8 the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it
- (4) Where by virtue of sub-paragraph (2) or (3) a particular decision fails to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.
- (5) Regulations under this paragraph may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.

*Notice of final decisions on orders*

- 11 (1) As soon as practicable after a decision to confirm an order is made or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice—
- (a) describing the general effect of the order as confirmed and stating that it has been confirmed (with or without modification) and the date on which it took effect; and
  - (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge, and copies thereof may be obtained at a reasonable charge, at all reasonable hours
- (2) A notice under sub-paragraph (1) shall be given—
- (a) by publication in the manner required by paragraph 3(2)(a);
  - (b) by serving a like notice on any persons on whom notices were required to be served under paragraph 3(2)(b) or (4); and
  - (c) by causing like notices to be displayed in the like manner as the notices required to be displayed under paragraph 3(2)(c).
- (3) A notice required to be served by sub-paragraph (2)(b) on the owner or occupier of any land, or on a local authority, shall be accompanied by a copy of so much of the order as confirmed as relate to that land or, as the case may be, the area of that

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authority ; and, in the case of an order which has been confirmed with modifications, a notice required to be served by that sub-paragraph on such other persons as may be prescribed or as the authority may consider appropriate shall be accompanied by a copy of the order as confirmed.

- (4) As soon as practicable after a decision not to confirm an order or, in the case of a decision by the Secretary of State, as soon as practicable after receiving notice of his decision, the authority shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 3(2)(b) or (4).

*Proceedings for questioning validity of orders*

- 12 (1) If any person is aggrieved by an order which has taken effect and desires to question its validity on the ground that it is not within the powers of section 53 or 54 or that any of the requirements of this Schedule have not been complied with in relation to it, he may within 42 days from the date of publication of the notice under paragraph 11 make an application to the High Court under this paragraph.
- (2) On any such application the High Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant.
- (3) Except as provided by this paragraph, the validity of an order shall not be questioned in any legal proceedings whatsoever.

*Supplemental*

- 13 (1) The Secretary of State may, subject to the provisions of this Schedule, by regulations make such provision as to the procedure on the making, submission and confirmation of orders as appears to him to be expedient.
- (2) In this Schedule—
- " council offices " means offices or buildings acquired or provided by the authority or by a local authority ;
- " local authority " means a district council, the Greater London Council, a parish or community council or the parish meeting of a parish not having a separate parish council;
- " order " means an order to which the provisions of this Schedule apply;
- "prescribed" means prescribed by regulations made by the Secretary of State.
- (3) Regulations under this Schedule shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.



## SCHEDULE 16

Section 63.

## ORDERS CREATING, EXTINGUISHING OR DIVERTING FOOTPATHS OR BRIDLEWAYS

*The Town and Country Planning Act 1971*

- 1 (1) In sub-paragraph (1)(b) of paragraph 1 of Schedule 20 to the Town and Country Planning Act 1971 (procedure in connection with orders relating to footpaths and bridleways) after the word " charge" there shall be inserted the words " and copies thereof may be obtained at a reasonable charge ".
- (2) In sub-paragraph (2) of that paragraph—
- (a) in head (a) the words " in the London Gazette and " shall be omitted;
  - (b) at the end of head (b) there shall be inserted the words—
    - “(iv) every person on whom notice is required to be served in pursuance of sub-paragraph (2A) of this paragraph ; and
    - (v) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority may consider appropriate ; and”;
  - (c) for head (c) there shall be substituted the following head—
    - “(c) by causing a copy of the notice to be displayed in a prominent position—
      - (i) at the ends of so much of any footpath or bridle way as is to be stopped up, diverted or extinguished by the order;
      - (ii) at council offices in the locality of the land to which the order relates ; and
      - (iii) at such other places as the authority may consider appropriate”.
- (3) After that sub-paragraph there shall be inserted the following sub-paragraph—
- “(2A) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such orders under section 210 or 214(1)(b) of this Act as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area ; and in this sub-paragraph ' specified ' means specified in the requirement.”
- (4) At the end of sub-paragraph (3) of that paragraph there shall be inserted the words " and ' council offices' means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council ".
- (5) After sub-paragraph (4) of that paragraph there shall be inserted the following sub-paragraphs—
- “(5) Sub-paragraph (2)(b) and (c) and, where applicable, sub-paragraph (4) of this paragraph shall be complied with not less than 28 days before the expiration of the time specified in the notice.
- (6) A notice required to be served by sub-paragraph (2)(a)(i), (ii), (iii) or (v) of this paragraph shall be accompanied by a copy of the order.

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

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(7) A notice required to be displayed by sub-paragraph (2)(c)(i) of this paragraph at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.”

2 After paragraph 3 of that Schedule there shall be inserted the following paragraph—

“3A (1) A decision of the Secretary of State under paragraph 3 of this Schedule shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) of this paragraph and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State ; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

(3) Where the Secretary of State has appointed a person to make a decision under paragraph 3 of this Schedule the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(4) Where by virtue of sub-paragraph (2) or (3) of this paragraph a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(5) Regulations under this Act may provide for the giving of publicity to any directions given by the Secretary of State under this paragraph.”

3 (1) In paragraph 6 of that Schedule—

(a) for the words " a copy thereof" there shall be substituted the words " a copy of the order ";

(b) after the words " free of charge " there shall be inserted the words " and copies thereof may be obtained at a reasonable charge ";

(c) for heads (a) and (b) there shall be substituted the following heads—

“(a) serve a like notice on any persons on whom notices were required to be served under paragraph 1(2)(b) or (4) of this Schedule ; and

(b) cause like notices to be displayed in the like manner as the notices required to be displayed under paragraph 1(2)(c) of this Schedule.”.

(2) That paragraph as so amended shall be renumbered as paragraph 6(1) of that Schedule and after that provision as so renumbered there shall be inserted the following sub-paragraphs—

“(2) A notice required to be served by sub-paragraph (1)(a) of this paragraph on—

- (a) a person on whom notice was required to be served by paragraph 1(2)(b)(i), (ii) or (iii) of this Schedule ; or
- (b) in the case of an order which has been confirmed with modifications, a person on whom notice was required to be served by paragraph 1(2)(b)(v) of this Schedule,

shall be accompanied by a copy of the order as confirmed.

(3) As soon as may be after a decision not to confirm an order under the said section 210 or 214(1)(b), the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(2)(b) or (4) of this Schedule.”

4 After that paragraph there shall be inserted the following paragraph—

“7 As soon as may be after an order under section 210 or 214(1)(b) of this Act has come into operation otherwise than—

- (a) on the date on which it was confirmed by the Secretary of State or confirmed as an unopposed order; or
- (b) at the expiration of a specified period beginning with that date,

the authority by whom the order was made shall give notice of its coming into operation by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.”

#### *The Highways Act 1980*

5 (1) In subsection (1) of section 119 of the Highways Act 1980 (diversion of footpaths and bridleways) for the words from the beginning to " or on to land " there shall be substituted the words " Where it appears to a council as respects a footpath or bridleway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or ".

(2) In subsection (5) of that section for the words " the council may require the owner, lessee or occupier on whose representations they are acting " there shall be substituted the words " on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him ".

6 (1) In sub-paragraphs (1)(b) and 2(b) of paragraph 1 of Schedule 6 to that Act (procedure as to certain orders relating to footpaths and bridleways) after the words " free of charge " there shall be inserted the words " and copies thereof may be obtained at a reasonable charge ".

(2) For sub-paragraph (3) of that paragraph there shall be substituted the following sub-paragraph—

“(3) The notices to be given under sub-paragraph (1) or (2) above shall be given—

- (a) by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated;

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- (b) by serving a like notice on—
  - (i) every owner, occupier and lessee (except tenants for a month or any period less than a month and statutory tenants within the meaning of the Rent (Agriculture) Act 1976 or the Rent Act 1977) of any of that land;
  - (ii) every council, the council of every parish or community and the parish meeting of every parish not having a separate parish council, being a council, parish or community whose area includes any of that land ;
  - (iii) every person on whom notice is required to be served in pursuance of sub-paragraph (3A) or (3B) below; and
  - (iv) such other persons as may be prescribed in relation to the area in which that land is situated or as the authority or, as the case may be, the Secretary of State may consider appropriate; and
- (c) by causing a copy of the notice to be displayed in a prominent position—
  - (i) at the ends of so much of any footpath or bridleway as is created, stopped up or diverted by the order;
  - (ii) at such other places as the authority or, as which the order relates; and
  - (iii) at such other places as the authority or, as the case may be, the Secretary of State may consider appropriate.”

(3) After that sub-paragraph there shall be inserted the following sub-paragraphs—

“(3A) Any person may, on payment of such reasonable charge as the authority may consider appropriate, require an authority to give him notice of all such public path creation orders, public path extinguishment orders and public path diversion orders as are made by the authority during a specified period, are of a specified description and relate to land comprised in a specified area ; and in this sub-paragraph " specified " means specified in the requirement.

(3B) Any person may, on payment of such reasonable charge as the Secretary of State may consider appropriate, require the Secretary of State to give him notice of all such draft public path creation orders, draft public path extinguishment orders and draft public path diversion orders as are prepared by the Secretary of State during a specified period, are of a specified description and relate to land comprised in a specified area ; and in this sub-paragraph " specified " means specified in the requirement.

(3C) The Secretary of State may, in any particular case, direct that it shall not be necessary to comply with sub-paragraph (3)(b)(i) above; but if he so directs in the case of any land, then in addition to publication the notice shall be addressed to ' The owners and any occupiers' of the land (describing it) and a copy or copies of the notice shall be affixed to some conspicuous object or objects on the land.”

(4) After sub-paragraph (4) of that paragraph there shall be inserted the following sub-paragraphs—

“(4A) Sub-paragraph (3)(&) and (c) and, where applicable, sub-paragraphs (3Q and (4) above shall be complied with not less than 28 days before the expiration of the time specified in the notice.

(4B) A notice required to be served by sub-paragraph (3)(b)(i), (ii) or (iv) above shall be accompanied by a copy of the order.

(4C) A notice required to be displayed by sub-paragraph (3) (c)(i) above at the ends of so much of any way as is affected by the order shall be accompanied by a plan showing the general effect of the order so far as it relates to that way.

(4D) In sub-paragraph (3)(c)(ii) above ' council offices' means offices or buildings acquired or provided by a council or by the council of a parish or community or the parish meeting of a parish not having a separate parish council.”

7 After paragraph 2 of that Schedule there shall be inserted the following paragraph—

“2A (1) A decision of the Secretary of State under paragraph 2 above as respects an order made by an authority other than the Secretary of State shall, except in such classes of case as may for the time being be prescribed or as may be specified in directions given by the Secretary of State, be made by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State ; and a decision made by a person so appointed shall be treated as a decision of the Secretary of State.

(2) The Secretary of State may, if he thinks fit, direct that a decision which, by virtue of sub-paragraph (1) above and apart from this sub-paragraph, falls to be made by a person appointed by the Secretary of State shall instead be made by the Secretary of State; and a direction under this sub-paragraph shall state the reasons for which it is given and shall be served on the person, if any, so appointed, the authority and any person by whom a representation or objection has been duly made and not withdrawn.

(3) Where the Secretary of State has appointed a person to make a decision under paragraph 2 above the Secretary of State may, at any time before the making of the decision, appoint another person to make it instead of the person first appointed to make it.

(4) Where by virtue of sub-paragraph (2) or (3) above a particular decision falls to be made by the Secretary of State or any other person instead of the person first appointed to make it, anything done by or in relation to the latter shall be treated as having been done by or in relation to the former.

(5) Provision may be made by regulations of the Secretary of State for the giving of publicity to any directions given by the Secretary of State under this paragraph.”

8 (1) In paragraph 4 of that Schedule after the words " free of charge " there shall be inserted the words " and copies thereof may be obtained at a reasonable charge " and for heads (a) and (b) there shall be substituted the following heads—

“(a) serve a like notice on any persons on whom notices were required to be served under paragraph 1(3)(b), (3C) or (4) above ; and

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- (b) cause like notices to be displayed in the like manner as the notices caused to be displayed under paragraph 1(3)(c) above;”.
- (2) That paragraph as so amended shall be renumbered as paragraph 4(1) of that Schedule and after that provision as so renumbered there shall be inserted the following sub-paragraphs—
- “(2) A notice required to be served by sub-paragraph (1)(a) above, on—
- (a) a person on whom notice was required to be served by paragraph 1(3)(b)(i) or (ii) above ; or
- (b) in the case of an order which has been confirmed or made with modifications, a person on whom notice was required to be served by paragraph 1(3)(b)(iv) above,
- shall be accompanied by a copy of the order as confirmed or made.
- (3) As soon as may be after a decision not to confirm an order to which this Schedule applies, the authority by whom the order was made shall give notice of the decision by serving a copy of it on any persons on whom notices were required to be served under paragraph 1(3)(b), (3Q or (4) above.”.
- 9 After that paragraph there shall be inserted the following paragraph—
- “4A As soon as may be after an order to which this Schedule applies has come into operation otherwise than—
- (a) on the date on which it was confirmed or made by the Secretary of State or confirmed as an unopposed order ; or
- (b) at the expiration of a specified period beginning with that date, the authority by whom the order was made or, in the case of an order made by the Secretary of State, the Secretary of State shall give notice of its coming into operation by publication in at least one local newspaper circulating in the area in which the land to which the order relates is situated.”

*Supplemental*

- 10 (1) The amendments made by the foregoing provisions of this Schedule shall not apply in relation to any order if it was made or a draft thereof was prepared, or a notice relating to it was given under paragraph 1 of the relevant Schedule, before the commencement date.
- (2) Any reference in this paragraph to Schedule 6 to the Highways Act 1980 includes a reference to that Schedule as applied by paragraph 3 of the provisions of Part I of Schedule 3 to the 1968 Act which relate to the Acquisition of Land (Authorisation Procedure) Act 1946.

SCHEDULE 17

Section 73.

ENACTMENTS REPEALED

**PART I**

ENACTMENTS REPEALED ONE MONTH AFTER THE PASSING OF THIS ACT

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act 1949.	Section 23.
1968 c. 41.	The Countryside Act 1968.	Section 14. In section 15(1) the words "which is not for the time being managed as a nature reserve but".
1973 c. 37.	The Water Act 1973.	In section 22(3) the words "not being land for the time being managed as a nature reserve".
1973 c. 54.	The Nature Conservancy Council Act 1973.	Section 3.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 27, in Part II, paragraph 101.
1980 c. 66.	The Highways Act 1980.	In section 134, subsection (3) and in subsection (5) the words " (3) or ". In section 135(1), the words " 6 or " and " 6 weeks or ".

**PART II**

ENACTMENTS REPEALED ON A DAY TO BE APPOINTED

Chapter	Short title	Extent of repeal
2 & 3 Geo. 5 c. 14.	The Protection of Animals (Scotland) Act 1912.	In section 9 the words " or any snare " and " or snare ".
12, 13 & 14 Geo. 6. c.97.	The National Parks and Access to the Countryside Act 1949.	Sections 2 and 4. Sections 27 to 35. Section 38. Section 95.

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Chapter	Short title	Extent of repeal
2 & 3 Eliz. 2. c. 30.	The Protection of Birds Act 1954.	The whole Act.
1963 c. 33.	The London Government Act 1963.	In section 60, subsections (1) to (4).
1963 c. 36.	The Deer Act 1963.	In Schedule 2, in paragraph 1 the words " of less gauge than 12 bore " and in paragraph 4 the words, from " other than " onwards.
1964 c. 59.	The Protection of Birds Act 1954 (Amendment) Act 1964.	The whole Act.
1967 c. 46.	The Protection of Birds Act 1967.	The whole Act.
1968 c. 41.	The Countryside Act 1968.	In section 1, subsection (4) and, in subsection (5), the words "and 2(1)" and the words " and in section 4(1) " onwards. Section 3. In Schedule 3, in Part I, the entry relating to the National Parks and Access to the Countryside Act 1949, and Parts II, III and IV.
1970 c. 30.	The Conservation of Seals Act 1970.	In section 10(1)(c), the word " or " immediately following sub-paragraph (ii).
1971 c. 23.	The Courts Act 1971.	In Schedule 8, paragraph 31. In Schedule 9, in Part II, the entry relating to section 31 of the National Parks and Access to the Countryside Act 1949.
1971 c. 78.	The Town and Country Planning Act 1971.	In Schedule 20, in paragraph 1(2)(a), the words " in the London Gazette and ".
1972 c. 70.	The Local Government Act 1972.	In Schedule 17, paragraphs 22 to 33. In Schedule 29, paragraph 37.
1973 c. 37.	The Water Act 1973.	In Schedule 8, paragraph 67.



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

Chapter	Short title	Extent of repeal
1973 c. 54.	The Nature Conservancy Council Act 1973.	In section 5(3) the words from the beginning to " save as aforesaid " . In Schedule 1, paragraphs 3, 5, 7 and 12(a) and (c).
1973 c. 57.	The Badgers Act 1973.	Sections 6 and 7. Section 8(2)(c). In section 11, the definitions of " area of special protection " and " authorised person " .
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 27, in Part II, paragraphs 115 and 168.
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7C, the entries relating to the Protection of Birds Act 1954 and the Conservation of Wild Creatures and Wild Plants Act 1975.
1975 c. 48.	The Conservation of Wild Creatures and Wild Plants Act 1975.	The whole Act,
1976 c. 16.	The Statute Law (Repeals) Act 1976.	In Schedule 2, in Part II, the entry relating to the Protection of Birds Act 1967.
1976 c. 72.	The Endangered Species (Import and Export) Act 1976.	Section 13(6).
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6, the entries relating to the Protection of Birds Act 1954 and the Conservation of Wild Creatures and Wild Plants Act 1975.
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in paragraph 12, in the Table the entry relating to the Protection of Birds Act 1954.
1980 c. 66.	The Highways Act 1980.	In section 31(10) the words " or of that subsection " onwards. Section 340(2)(d).
1981 c. 22.	The Animal Health Act 1981.	In Schedule 5, paragraph 1
1981 c. 37.	The Zoo Licensing Act 1981.	In section 4(5), the entries relating to the Protection of

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

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Chapter	Short title	Extent of repeal
		Birds Acts 1954 to 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975.