



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART I

WILDLIFE

Protection of other animals ^[F1] and prevention of poaching]

9 Protection of certain wild animals. **E+W**

- (1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
 - (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or
 - (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions and in this subsection "the relevant provisions" means the provisions of this Part and of the Conservation of Wild Creatures and Wild Plants Act 1975
- ^[F2](4) Subject to the provisions of this Part, a person is guilty of an offence if intentionally or recklessly—
 - (a) he damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
 - (b) he disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or
 - (c) he obstructs access to any structure or place which any such animal uses for shelter or protection.]

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Wildlife and Countryside Act 1981, Section 9 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F3}(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—
- (a) a dolphin or whale (cetacea), or
 - (b) a basking shark (cetorhinus maximus),
- he shall be guilty of an offence.]
- (5) Subject to the provisions of this Part, if any person—
- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.
- (6) In any proceedings for an offence under subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Extent Information

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

Textual Amendments

- F2** S. 9(4) substituted (E.W.) (21.8.2007) by [The Conservation \(Natural Habitats, & c.\) \(Amendment\) Regulations 2007 \(S.I. 2007/1843\)](#) {reg. 7(4)}
- F3** S. 9(4A) inserted (E.W.) (30.1.2001) by [2000 c. 37](#), ss. 81(1), 103(2), [Sch. 12 para. 5\(b\)](#)

9 Protection of certain wild animals. **S**

- (1) Subject to the provisions of this Part, if any person intentionally [^{F4}or recklessly] kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
 - (a) the animal had not been killed or taken, or had been killed or taken [^{F5}at or from a place in Scotland] otherwise than in contravention of the relevant provisions; [^{F6} . . .
 - (b) the animal or other thing in his possession or control had been sold [^{F7}at a place in Scotland] (whether to him or any other person) otherwise than in contravention of those provisions [^{F8}; or
 - (c) that the animal or other thing in his possession or control had been killed at, taken from or sold at a place outwith Scotland and—
 - (i) that the act of killing, taking or sale would not, if it had been committed in Scotland, have been in contravention of the relevant provisions; or

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- (ii) that the animal or other thing had been brought from the place where it was killed, taken or sold in accordance with the relevant regulations.]

F9 . . .

[^{F10}(3A) In subsection (3)—

“the relevant provisions” means such of the provisions of the Conservation of Wild Creatures and Wild Plants Act 1975 (c. 48) and this Part as were in force at the time when the animal was killed or taken or, as the case may be, the animal or other thing was sold, and

“the relevant regulations” means—

- (a) Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade, and
- (b) Commission Regulation 1808/2001/EC on the implementation of that Council Regulation,

as amended from time to time (or any Community instrument replacing either of them).]

- (4) Subject to the provisions of this Part, if any person intentionally [^{F11}or recklessly]—
- (a) damages or destroys, or obstructs access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose,
- he shall be guilty of an offence.

[^{F12}(4A) Subject to the provisions of this Part, any person who, intentionally or recklessly, disturbs or harasses any wild animal included in Schedule 5 as a—

- (a) dolphin, whale or porpoise (cetacea); or
- (b) basking shark (cetorhinus maximus),

shall be guilty of an offence.]

- (5) Subject to the provisions of this Part, if any person—
- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
 - (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things,
- he shall be guilty of an offence.

[^{F13}(5A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section (other than subsection (5)(b)) shall be guilty of an offence.]

- (6) In any proceedings for an offence under subsection (1), (2) or (5)(a) [^{F14}or for an offence under subsection (5A) relating to an act which is mentioned in subsection (1), (2) or (5)(a)], the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Extent Information

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

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Textual Amendments

- F4** Word in s. 9(1) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(2)**; S.S.I. 2004/407, **art. 2**
- F5** Words in s. 9(3)(a) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(3)(a)**; S.S.I. 2004/407, **art. 2**
- F6** Word in s. 9(3) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(3)(b)**; S.S.I. 2004/407, **art. 2**
- F7** Words in s. 9(3)(b) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(3)(c)**; S.S.I. 2004/407, **art. 2**
- F8** S. 9(3)(c) and preceding word inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(3)(d)**; S.S.I. 2004/407, **art. 2**
- F9** Words in s. 9(3) repealed (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(3)(e)**; S.S.I. 2004/407, **art. 2**
- F10** S. 9(3A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(4)**; S.S.I. 2004/407, **art. 2**
- F11** Words in s. 9(4) inserted (30.1.2001 for E.W. and 1.10.2004 for S.) by 2000 c. 37, ss. 81(1), 103(2), Sch. 12 para. 5(a) and by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(5)**; S.S.I. 2004/407, **art. 2**
- F12** S. 9(4A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(6)**; S.S.I. 2004/407, **art. 2**
- F13** S. 9(5A) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(7)**; S.S.I. 2004/407, **art. 2**
- F14** Words in s. 9(6) inserted (S.) (1.10.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), ss. 50, 59, **Sch. 6 para. 8(8)**; S.S.I. 2004/407, **art. 2**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)