
STATUTORY INSTRUMENTS

1996 No. 2684

ANIMALS

**The Endangered Species (Import and Export)
Act 1976 (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>19th October 1996</i>
<i>Laid before Parliament</i>		<i>25th October 1996</i>
<i>Coming into force</i>		
<i>Regulations 1 to 6</i>		<i>16th November 1996</i>
<i>Regulation 7</i>		<i>17th November 1996</i>

The Secretary of State, in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972(1), being the Minister designated(2) for the purposes of that subsection in relation to the regulation and control, in the interests of conservation, of the import, export, landing, keeping, transportation and commercial display of, and trade in and disposal of, fauna and flora (including their parts and derivatives), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Endangered Species (Import and Export) Act 1976 (Amendment) Regulations 1996 and shall, except for regulation 7, come into force on 16th November 1996 immediately after the coming into force of articles 1 to 4 of the Endangered Species (Import and Export) Act 1976 (Amendment) Order 1996(3).

(2) Regulation 7 shall come into force on 17th November 1996, immediately after the coming into force of article 5 of the Endangered Species (Import and Export) Act 1976 (Amendment) Order 1996.

(3) In these Regulations “the Act” means the Endangered Species (Import and Export) Act 1976(4).

(1) 1972 c. 68.
(2) S.I.1985/956.
(3) 1996/2677.
(4) 1976 c. 72.

Amendment of Schedule 1 to the Act

2. In Schedule 1 to the Act (Animals the importation and exportation of which are restricted)(5) for all the words from “This Schedule applies” onwards there shall be substituted “This Schedule does not apply to any kind of animal.”.

Amendment of Schedule 2 to the Act

3. In Schedule 2 to the Act (Plants the importation and exportation of which are restricted)(6) for all the words from “This Schedule applies” onwards there shall be substituted “This Schedule does not apply to any kind of plant.”.

Amendment of Schedule 3 to the Act

4. In Schedule 3 to the Act (Items the importation and exportation of which are restricted)(7) for all the words from “This Schedule applies” onwards there shall be substituted “This Schedule does not apply to any item.”.

Amendment of Schedule 4 to the Act

5. For Schedule 4 to the Act (Animals the sale etc. of which is restricted)(8) there shall be substituted the Schedule set out in Schedule 1 to these Regulations.

Amendment of Schedule 5 to the Act

6. For Schedule 5 to the Act (Plants the sale etc. of which is restricted)(9) there shall be substituted the Schedule set out in Schedule 2 to these Regulations.

Revocation

7. The Endangered Species (Import and Export) Act 1976 (Amendment) Order 1996 is hereby revoked.

Signed by the authority of the Secretary of State

19th October 1996

James Clappison
Parliamentary Secretary of State
Department of the Environment

(5) Schedule 1 was substituted by S.I. [1982/1230](#) and amended by S.I. [1996/2677](#).

(6) Schedule 2 was substituted by S.I. [1982/1230](#) and amended by S.I. [1996/2677](#).

(7) Schedule 3 was substituted by S.I. [1982/1230](#) (relevant amending instruments to which are S.I. [1983/1609](#), [1985/1502](#)) and amended by S.I. [1996/2677](#).

(8) Schedule 4 was added by the Wildlife and Countryside Act 1981 (c. 69), section 15(1) and Schedule 10 and amended by S.I. [1996/2677](#).

(9) Schedule 5 was added by the Wildlife and Countryside Act 1981, section 15(1) and Schedule 10.

SCHEDULE 1

Regulation 5

SCHEDULE SUBSTITUTED FOR SCHEDULE 4 TO THE
ENDANGERED SPECIES (IMPORT AND EXPORT) ACT 1976

“SCHEDULE 4

Section 4

ANIMALS THE SALE ETC OF WHICH IS RESTRICTED

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

MAMMALS

1. Subject to paragraph 2, the kinds of mammals specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
<i>Carnivora</i>	
Vulpes velox hebes	Northern kit fox
Aonyx microdon	Cameroon clawless otter
Felis bengalensis bengalensis	Bengal tiger cat
Felis rubiginosa	Rusty-spotted cat
Felis rufa escuinapae	Mexican bobcat
<i>Artiodactyla</i>	
Vicugna vicugna	Vicuna
Moschus moschiferus moschiferus	Himalayan musk deer
Antilocapra americana sonoriensis	Sonoran pronghorn
<i>Rodentia</i>	
Pseudomys fumous	Smoky mouse

2. The species *Aonyx microdon*, *Felis bengalensis bengalensis*, *Felis rubiginosa*, *Antilocapra americana sonoriensis*, *Moschus moschiferus moschiferus* and *Vicugna vicugna* are specified in this Schedule only in relation to populations excluded from Appendix I of Annex A to Council Regulation (EEC) No. 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of wild fauna and flora, as amended by Commission Regulation (EEC) No. 558/95.

BIRDS

3. The kinds of birds specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
<i>Falconiformes</i>	
Cathartidae (except <i>Gymnogyps californianus</i> and <i>Vultur gryphus</i>)	New World vultures

REPTILES

4. Subject to paragraph 5, the kinds of reptiles specified in the first column below—

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<i>Restricted kind</i>	<i>Common name</i>
<i>Crocodylia</i>	
Crocodylus niloticus	Nile crocodile
Crocodylus porosus	Salt-water crocodile
<i>Serpentes</i>	
Bolyeria spp (except B. multocarinata)	Round Island boas
Casarea spp (except C. dussumeri)	Keel-scaled boas

5. *Crocodylus niloticus* and *Crocodylus porosus* are specified in this Schedule only in relation to populations excluded from Appendix I of Annex A to Council Regulation (EEC) No. 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of wild fauna and flora, as amended by Commission Regulation (EEC) No. 558/95.

FISH

6. The kinds of fish specified in the first column below—

<i>Restricted kind</i>	<i>Common name</i>
Coregonus alpenae	Longjaw cisco
Stizostedion vitreum glaucum	Blue walleye

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.”

SCHEDULE 2

Regulation 6

SCHEDULE SUBSTITUTED FOR SCHEDULE 5 TO THE ENDANGERED SPECIES (IMPORT AND EXPORT) ACT 1976

“SCHEDULE 5

Section 4

PLANTS THE SALE ETC. OF WHICH IS RESTRICTED

<i>Family</i>	<i>Kind</i>
Araceae	Alocasia sanderana
Caryocaraceae	Caryocar costaricense
Caryophyllaceae	Gymnocarpus przewalskii Melandrium mongolicus Silene mongolica Stellaria palvinata
Gentianaceae	Prepusa hookeriana
Humiriaceae	Vantanea barbourii
Juglandaceae	Engelhardtia pterocarpa

<i>Family</i>	<i>Kind</i>
Leguminosae	Ammopiptanthus mongolicum Cynometra hemitomophylla Platymiscium pleiostachyum Tachilgalia versicolor
Melastomataceae	Lavoisiera itambana
Meliaceae	Guarea longipetiola
Moraceae	Batocarpus costaricensis
Pinaceae	Abies nebrodensis
Podocarpaceae	Podocarpus costalis
Saxifragaceae (otherwise known as Grossulariaceae)	Ribes sardoum
Ulmaceae	Celtis aetnensis
Welwitschiaceae	Welwitschia bainesii
Zingiberaceae	Hedychium philippinense

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of Council Regulation 3626/82 on the implementation in the Community of the Convention on International Trade in Endangered Species of wild fauna and flora (OJ No. L 384, 31.12.1982, p.1; relevant amending instruments are OJ No. L 87, 31.3.88, p.67, OJ No. L 57, 15.3.95, p.1, OJ No. L 284, 28.11.95, p.3.) (“the EC CITES Regulation”). Their effect is to disapply the Endangered Species (Import and Export) Act 1976 (“the Act”) insofar as it has been superseded by the EC CITES Regulation.

Regulations 2 and 3 provide that Schedules 1 and 2 to the Act shall not apply to any kinds of animal or plant. Regulation 4 provides that Schedule 3 to the Act shall not apply to any item. The effect of these provisions is to disapply national import and export restrictions which duplicated restrictions made by the EC CITES Regulation.

Regulation 5, by substituting a new Schedule 4 to the Act (Schedule 4 to the Act specifies the kinds of animals the sale etc. of which is restricted), deletes from that Schedule a number of kinds of animal previously listed. The deletion disapplies national sales restrictions which duplicated restrictions made by the EC CITES Regulation. The new Schedule 4 lists those kinds of animal which were previously listed in that Schedule and on which national controls do not duplicate the EC CITES Regulation.

Regulation 6 deletes from Schedule 5 to the Act (which specifies the kinds of plant the sale etc. of which is restricted) the kinds of plant the sale of which is restricted under Article 6 of the EC CITES Regulation.

Regulation 7 revokes the Endangered Species (Import and Export) Act 1976 (Amendment) Order 1996 which is spent as a consequence of these Regulations.

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