

2021 No. 548

WILDLIFE, ENGLAND

**The Wildlife and Countryside Act 1981 (Variation of Schedule
9) (England) (No. 2) Order 2021**

Made - - - - at 10.50 a.m. on 5th May 2021

Laid before Parliament at 2.45 p.m. on 5th May 2021

Coming into force - - 31st May 2021

The Secretary of State, in exercise of the powers conferred by section 22(5)(a) of the Wildlife and Countryside Act 1981(a), makes the following Order.

The Secretary of State has, in accordance with the requirements of section 26(4)(a) that Act, given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order. The Secretary of State has also, in accordance with section 26(4)(b) of the Act, consulted with Natural England, being the advisory body he considered was best able to advise him as to whether this Order should be made.

Citation, commencement and extent

1.—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England) (No. 2) Order 2021 and comes into force on 31st May 2021.

(2) This Order extends to England and Wales.

Variation of Schedule 9

2.—(1) Schedule 9 (animals and plants to which section 14 applies)(b) to the Wildlife and Countryside Act 1981 is varied as follows.

(2) In Part 1 (non-native animals which are established in the wild), after the entry for “Zander” insert—

(a) 1981 c.69; section 22(5)(a) was amended by Infrastructure Act 2015 c. 7, section 25(5).

(b) Schedule 9 was amended by section 24 of the Infrastructure Act 2015 and by S.I. 1992/320, 2674, 1997/226, 1999/1002, 2010/609, 2019/527, 2021/236.

“With respect to any area in England which on 31st May 2021—

- (a) is a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2017(a)(b), or
- (b) is within 500 metres of the boundary of a site described in paragraph (a)—
 - (i) Partridge, Red-legged
 - (ii) Pheasant, Common

- (i) *Alectoris rufa*
- (ii) *Phasianus colchicus*”.

Review

3.—(1) Before 30th May 2024, the Secretary of State must—

- (a) carry out a review of the effectiveness of the variation of Schedule 9 made by this Order;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by this Order;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

Expiry

4. This Order expires on 30th May 2025.

At 10.50 a.m. on 5th May 2021

Rebecca Pow
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in England, varies Part 1 of Schedule 9 to the Wildlife and Countryside Act 1981 (c. 69) (“the Act”), which lists non-native animals which are established in the wild which may not be released or allowed to escape into the wild unless authorised by a licence. Article 2 adds common pheasant and red legged partridge to Part 1 of Schedule 9 to the Act, but only in relation to areas of England that are European sites or are within 500 metres of the boundary of these sites.

(a) S.I. 2017/1012; regulation 8 was amended by S.I. 2019/579.

(b) These sites are listed on the on the document “A copy of the Register of European sites, which is maintained by the Secretary State in relation to European sites in England by virtue of regulation 17(1)(a) of the Conservation of Habitats and Species Regulations 2017, as at 31st May 2021”, accessible at <https://www.gov.uk/government/publications/copy-of-register-of-european-sites-in-england-as-at-31-may-2021>. Printed copies of this document can be requested from the offices of the Department for Environment, Food and Rural Affairs at 2 Marsham Street, London, SW1P 4DF.

Article 3 requires the Secretary of State to review the operation and effectiveness of the variation to Schedule 9 to the Act made by this Order and publish a report before 30th May 2024. Following the review it will fall to the Secretary of State to consider whether the Order should be allowed to expire as Article 4 provides, be revoked early, or continue in force with or without amendment. A further instrument would be needed to continue the Order in force with or without amendments or to revoke it early.

An impact assessment has been prepared in relation to this Order and is being validated by the Regulatory Policy Committee. It will be placed in the library of each House of Parliament and on the gov.uk website.

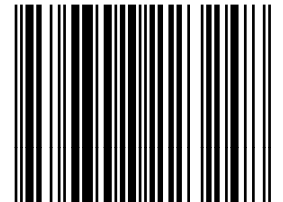
© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2021/548>

ISBN 978-0-34-822324-8



9 780348 223248