



Wildlife and Countryside Act 1981

CHAPTER 69

This is an extract from a scanned copy of the Wildlife and Countryside Act 1981, **as at the time when it received Royal Assent**. The Act remains one of the most important pieces of wildlife legislation in Great Britain, but it is important to be aware that **this document does not represent the Act as it currently stands**.

Please Note:

- Since the passing of the Wildlife and Countryside Act 1981 there have been various amendments to the text of the Act, most significantly through the [Countryside and Rights of Way \(CROW\) Act 2000](#) (in England and Wales) and the [Nature Conservation \(Scotland\) Act 2004](#) (in Scotland), but also through other legislation including the Local Government Act 1985, the Water Act 1989, and the Environmental Protection Act 1990 (**PLEASE NOTE:** This is not a complete list of amending legislation).
- There have also been changes to the species listed in the schedules, through Variations to the Schedules Orders. There is a statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the statutory conservation agencies and coordinated through JNCC, but changes to the Schedules can be made by the Secretary of State at any time, if it is considered necessary because of a threat of extinction or in response to international obligations. JNCC maintain a central spreadsheet of [conservation designations for all taxa](#) which includes any changes to the Schedules of the 1981 Wildlife and Countryside Act.
- When citing any legislation, it is important to check whether any parts of it have been amended (or repealed) by later Acts or Statutory Instruments. Most UK legislation introduced since 1988 is available online from the website of the Office of Public Sector Information <http://www.opsi.gov.uk/legislation>. If necessary, a qualified legal adviser should be consulted for definitive guidance over what legislation may be applicable, and its interpretation.

The remaining parts of this original text of the act can be found at www.jncc.gov.uk/page-3614

SCH. 7

(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 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.”

Sections 13, 22
and 24.

SCHEDULE 8

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>

<i>Common name</i>	<i>Scientific name</i>	SCH. 8
Broomrape, Thistle	Orobanche reticulata	
Calamint, Wood	Calamintha sylvatica	
Catchfly, Alpine	Lychnis alpina	
Cinquefoil, Rock	Potentilla rupestris	
Club-rush, Triangular	Scirpus triquetrus	
Cotoneaster, Wild	Cotoneaster integerrimus	
Cow-wheat, Field	Melampyrum arvense	
Cudweed, Jersey	Gnaphalium luteoalbum	
Diapensia	Diapensia lapponica	
Eryngo, Field	Eryngium campestre	
Fern, Dickie's Bladder	Cystopteris dickieana	
Fern, Killarney	Trichomanes speciosum	
Galingale, Brown	Cyperus fuscus	
Gentian, Alpine	Gentiana nivalis	
Gentian, Spring	Gentiana verna	
Germander, Water	Teucrium scordium	
Gladiolus, Wild	Gladiolus illyricus	
Hare's-ear, Sickle-leaved	Bupleurum falcatum	
Hare's-ear, Small	Bupleurum baldense	
Heath, Blue	Phyllodoce caerulea	
Helleborine, Red	Cephalanthera rubra	
Knawel, Perennial	Scleranthus perennis	
Knotgrass, Sea	Polygonum maritimum	
Lady's-slipper	Cypripedium calceolus	
Lavender, Sea	Limonium paradoxum	
Leek, Round-headed	Limonium recurvum	
Lettuce, Least	Allium sphaerocephalon	
Lily, Snowdon	Lactuca saligna	
Marsh-mallow, Rough	Lloydia serotina	
Orchid, Early Spider	Althaea hirsuta	
Orchid, Fen	Ophrys sphegodes	
Orchid, Ghost	Liparis loeselii	
Orchid, Late Spider	Epipogium aphyllum	
Orchid, Lizard	Ophrys fuciflora	
Orchid, Military	Himantoglossum hircinum	
Orchid, Monkey	Orchis militaris	
Pear, Plymouth	Orchis simia	
Pink, Cheddar	Pyrus cordata	
Pink, Childling	Dianthus gratianopolitanus	
Sandwort, Norwegian	Petroraghia nanteuillii	
Sandwort, Teesdale	Arenaria norvegica	
Saxifrage, Drooping	Minuartia stricta	
Saxifrage, Tufted	Saxifraga cernua	
Solomon's-seal, Whorled	Saxifraga cespitosa	
Sow-thistle, Alpine	Polygonatum verticillatum	
Spearwort, Adder's-tongue	Cicerbita alpina	
Speedwell, Spiked	Ranunculus ophioglossifolius	
Spurge, Purple	Veronica spicata	
Starfruit	Euphorbia peplis	
Violet, Fen	Damasonium alisma	
Water-plantain, Ribbon leaved	Viola persicifolia	
Wood-sedge, Starved	Alisma gramineum	
	Carex depauperata	

SCH. 8	<i>Common name</i>	<i>Scientific name</i>
	Woodsia, Alpine	Woodsia alpina
	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.

Sections 14 and
22.

SCHEDULE 9

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 (other- wise known as Common tree frog)	Hyla arborea
Frog, Marsh	Rana ridibunda
Gerbil, Mongolian	Meriones unguiculatus
Goose, Canada	Branta canadensis
Goose, Egyptian	Alopochen aegyptiacus
Heron, Night	Nycticorax nycticorax
Lizard, Common Wall	Podarcis muralis
Marmot, Prairie (otherwise known as Prairie dog)	Cynomys
Mink, American	Mustela vison
Newt, Alpine	Triturus alpestris
Parakeet, Ring-necked	Psittacula krameri
Partridge, Chukar	Alectoris chukar
Partridge, Rock	Alectoris graeca
Pheasant, Golden	Chrysolophus pictus
Pheasant, Lady Amherst's	Chrysolophus amherstiae
Pheasant, Reeves'	Syrnaticus reevesii
Pheasant, Silver	Lophura nychthemera
Porcupine, Crested	Hystrix cristata
Porcupine, Himalayan	Hystrix hodgsonii