

# **FIFTH QUINQUENNIAL REVIEW OF SCHEDULES 5 AND 8 OF THE WILDLIFE AND COUNTRYSIDE ACT, 1981**

## **Introduction**

Every five years, the statutory nature conservation agencies (Natural England, Countryside Council for Wales and Scottish Natural Heritage), working jointly through the Joint Nature Conservation Committee (JNCC), are required to review Schedules 5 and 8 of the Wildlife and Countryside Act 1981, and to make recommendations to the Secretary of State for the Environment, Food and Rural Affairs and to Ministers for the Environment in the Scottish Government and Welsh Assembly Government for changes to these schedules. Schedule 5 lists animals (other than birds) which are specially protected, and Schedule 8 lists plants which are specially protected.

The purposes for which the Secretary of State may make changes to the Schedules are set out in the 1981 Act. Under Section 22 of the Act the Secretary of State for the Environment (or Ministers for the Environment in Scotland and Wales) may, by order, add any animal (other than a bird) to Schedule 5 or any plant to Schedule 8 when one or both of the following circumstances apply:

- in his opinion, the animal or plant is in danger of extinction in Great Britain or likely to become so endangered unless conservation measures are taken;
- for the purpose of complying with an international obligation.

Conversely, the Secretary of State (or Ministers) may remove any animal from Schedule 5 or any plant from Schedule 8, if, in his opinion, it is no longer endangered or likely to become so.

The protection afforded by the Act to animals and plants listed on Schedules 5 and 8 extends throughout Great Britain unless otherwise specified, and to adjacent territorial waters, which currently extend 12 miles out to sea. The Secretary of State may apply all or only some of the relevant provisions of the Act to animals and plants listed on the Schedules and may limit the protection afforded to certain times of the year or to particular areas of Great Britain.

The attached Consultation Paper summarises in ANNEX 1 the criteria used to select species for inclusion on Schedules 5 & 8. ANNEX 2 includes the list of species proposed for addition to Schedules 5 & 8. Other species proposed for protection by the UK BAP process are given in ANNEX 3, together with the initial JNCC summary reasons for not including them as additions. A list of species recommended by JNCC for removal from Schedules 5 & 8 is given at ANNEX 4. The species currently included on Schedules 5 & 8 are listed in ANNEX 5. A proforma for submitting proposals in response to this consultation is at ANNEX 6.

As a result of previous Quinquennial Reviews, the number of protected species has increased considerably since 1981 with the result that there is now more limited scope for adding further species that will benefit from legal protection. Also, other measures are now available to improve the survival prospects of endangered species. These include species recovery plans, Species Action Plans developed under the auspices of the UK Biodiversity

Action Plan (UKBAP), and the new legal measure for England and Wales (Section 74 of the Countryside and Rights of Way Act 2000), which promotes the conservation of species of principal importance listed under UKBAP. Nature Conservation (Scotland) Act 2004 contains a duty to further the conservation of biodiversity (Part 1, Section 1). Therefore it is anticipated that the Fifth Quinquennial Review will result in fewer changes to the Schedules than with previous Quinquennial Reviews.

The Fifth Quinquennial Review round is now underway and it is planned to submit recommendations to the Secretary of State later in 2008. Consultees in many non-governmental conservation organisations, biological organisations and countryside bodies, as well as staff in the statutory conservation agencies, are being approached for their suggestions. After the consultation responses have been received and evaluated, the Joint Nature Conservation Committee will finalise its recommendations for submission to the Secretary of State and Ministers. The Departments will then consult interested parties before making their decisions on what changes should be made to the Schedules. Finally, any changes approved by Secretary of State and Ministers will be implemented by Statutory Instruments.

### **How you can respond to the Fifth Quinquennial Review consultation**

The JNCC is seeking responses from a wide range of organisations who can contribute to the Fifth Quinquennial Review. If you think that you can help with this process, these notes and the Consultation Paper should help you.

In order to identify species which are good candidates for legal protection, and taking account of the new conservation measures now available, criteria have been developed by the Joint Nature Conservation Committee, and these are given in the Consultation Paper. If you wish to respond to this consultation by making one or more proposals to add (or remove) species from the Schedules, or to change the level of their protection, please read the introductory sections of the Consultation Paper, and the criteria set out there, before filling in the appropriate proforma. Please use a separate form for each species and note that a change can be either a new species added to a schedule, or a species removed, or a change in the degree of protection afforded to a species. **Please remember that an animal or plant should only be nominated if there is clear benefit to be gained from placing it on a Schedule.**

If you wish to co-ordinate your response with other organisations, Annex 7 lists the organisations that have been included on the consultation list. The Consultation Paper will also be available for viewing or downloading from the JNCC website in due course ([www.jncc.gov.uk](http://www.jncc.gov.uk)). **Please ensure that you submit your proposal(s) by 4 June 2008 direct to Dr Chris Cheffings by post or E-mail to the address below.**

*Dr Chris Cheffings  
Joint Nature Conservation Committee  
Monkstone House  
City Road  
Peterborough PE1 1JY*

*E-mail: [chris.cheffings@jncc.gov.uk](mailto:chris.cheffings@jncc.gov.uk)*