

## Principal statutes and statutory instruments

<b>Wildlife and Countryside Act 1981</b>	<p><b>Birds</b> - s.1 makes it an offence to intentionally kill, injure or take any wild bird its nest or its eggs or damage or destroy the nest of wild bird whilst it is in use except for listed birds in their open season for hunting in an attempt to kill it. Authorised persons are exempted from some of the provisions of s.1. Authorised persons are those listed in s.4 (various statutory bodies acting within specified powers) or are authorised by a licence granted under s.16. s.3 empowers the SoS to make orders establishing Special Protection Areas (SPAs) where additional protection is given to birds. These are other provisions regulating methods of killing birds, sale of birds, registration and protection of captive birds.</p> <p><b>Wild Animals</b> – s.9 makes it an offence to kill, injure or take an listed wild animal or damage, destroy or obstruct access to any structure or place which listed wild animals use for protection or shelter or disturbs an animal while occupying such a place unless they are authorised by licence granted under s.16 or acting under statutory powers. There are also provisions regulating the methods of killing or taking wild animals. There are similar provisions in the Conservation (Natural Habitats &amp;c) Regulations 1994 which give extra protection to species of animal listed under the EC Habitats Directive. Badgers are given specific protection under the Badgers Act 1973 which makes it an offence to kill or injure badgers or interfere with a badger’s sett.</p> <p><b>Wild Plants</b> – s.13 makes it an offence to intentionally pick, uproot or destroy wild plants unless authorised by a licence granted under s.16. There are similar provisions in the Conservation (Natural Habitats &amp;c) Regulations 1994 which give extra protection to species of plant listed under the EC Habitats Directive.</p> <p><b>New Species</b> – s.14 makes it an offence to introduce or allows the escape of non-native animals into the wild or listed species of plant into the wild.</p> <p><b>Sites of Special Scientific Interest</b> – s.28 establishes the duty for the Nature Conservancy Council to notify land which is of special interest by reason of any of its flora, fauna or geological or physiographical features. Notification may specify operations which would be damaging. An owner may not undertake such operations unless they have notified the Council and obtained their written consent. The Council has the power to enter into management agreements and specify management schemes with owners of such land. They also have powers to serve management notices requiring the owner to carry out specified works on the land. If the owner does not do the specified things, the Council can enter the land and do such things and recover expenses incurred in doing the work.</p>
Conservation of Habitats and Species Regulations 2010	<p>Reg.10 places duty on the appropriate authority to identify and list sites where either habitats or species of European importance are found to be included as part of a European Union-wide network of nature conservation sites to be established under the Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) -'The EC Habitats Directive'. This network is termed Natura 2000 and will comprise Special Areas of Conservation (SACs) designated under that Directive and Special Protection Areas (SPAs) classified under the Council Directive on the conservation of wild birds (79/409/EEC) -'The EC Wild Birds Directive'. After consultation with the relevant nature conservation body, the appropriate authority may make, in respect of any land within a European site (SPA and/or SAC), a special nature conservation order (SNCO) under Reg.25, specifying operations which appear likely to damage or destroy the special interest of such a site, in order to protect that interest. No person shall carry out any of the operations listed in the Order unless written notice is received by the relevant body specifying the nature of the operation and the land on which it is proposed to be carried out and one of the following conditions is fulfilled: it is undertaken with the written consent of the relevant body, or it is undertaken in accordance with the terms of a management agreement under Reg.16. The Regulations also set out the additional controls and criminal penalties that apply to European Protected Species</p>
<b>Endangered Species (Import and Export) Act 1976</b>	<p>Restricts the import and export of certain animals, plants and related items and restricts certain transactions in respect of them and their derivatives.</p>
Salmon and Freshwater Fisheries Act 1975	<p>s.4 makes it an offence for any person to cause or knowingly permit any liquid or solid matter into waters containing fish to such an extent to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish.</p>
<b>Protection of Badgers Act 1992</b>	<p>Makes it an offence to take, kill or injure a badger or interfere with a badger sett. There are limited exemptions for: taking or attempting to take a badger which has been disabled otherwise than by his act and is taken or to be taken solely for the purpose of tending it; killing or attempting to kill a badger which appears to be so seriously injured or in such a condition that to kill it would be an act of mercy; unavoidably killing or injuring a badger as an incidental result of a lawful action; or doing anything which is authorised under the [1986 c. 14.] Animals (Scientific Procedures) Act 1986.</p>

## Criminal penalties and remedies

<b>Wildlife and Countryside Act 1981</b>	<p>Persons committing offences under s.1, s.9 and s.13 shall be liable on summary conviction to a fine not exceeding £5,000 and/or imprisonment for up to six months for each separate bird, nest, egg, animal or plant. In addition similar fines are attracted for offences under the Conservation of Habitats and Species Regulations 2010 where</p>
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	offences involve European protected species but such offences may also attract a prison sentence of up to 6 months.. An owner or occupier who carries out damaging works on an area of land notified as a SSSI or any person who intentionally or recklessly destroys or damages any flora, fauna or other features of land he knows to be a SSSI shall be liable on summary conviction to a fine not exceeding £20,000 or after conviction on indictment to an unlimited fine. Persons convicted of such offences may also be required to restore the area by court order.
Salmon and Freshwater Fisheries Act 1975	Persons committing offences under s.4 are liable on summary conviction to a fine not exceeding £5,000 or to conviction upon indictment to an unlimited fine and/or two years imprisonment.
<b>Protection of Badgers Act 1992</b>	A person guilty of killing, injuring or taking a badger or intending to do so or disturbing a badger sett is liable on summary conviction to imprisonment for a term not exceeding six months and/or a fine not exceeding £5,000 on the standard scale; and a person guilty of selling or attempting to sell a badger, tagging a badger without a licence, failing to comply with a licence has custody of dog used for badger baiting is liable on summary conviction to a fine not exceeding £5,000.

### What species are protected by law? (listed species having either full or partial protection)

Plants			
All wild plants and fungi have protection and may not be picked, uprooted or destroyed intentionally. These are limited rights to gather certain plants and their fruit at certain time of year under common law, such as blackberries, sloes, fungi or mistletoe.			
Birds		Animals	
Avocet	Osprey	Adder	Lizard, viviparous or common
Bee-eater	Owl, barn	Anemone, Ivell's sea	Marine hydroid
Bittern	Owl, snowy	Anemone, Startlet Sea	Pine Marten
Bittern, little	Peregrine	Apus	Trembling Sea Mat
Bluethroat	Petrel, Leach's	Badger	Moth, Barberry Carpet
Brambling	Phalarope, red-necked	Basking shark	Moth, Black-veined
Bunting, ciril	Plover, Kentish	Bats, Horseshoe (all species)	Moth, Essex Emerald
Bunting, Lapland	Plover, little ringed	Bats, typical (all species)	Moth, New Forest Burnet
Bunting, snow	Quail, common	Beetle <i>Graphoderus zonatus</i>	Moth, Reddish Buff
Buzzard, honey	Redstart, black	Beetle <i>Hyperbaeus haripes</i>	Moth, Sussex Emerald
Chough	Redwing	Beetle <i>Paracymus aeneus</i>	Moth, Vipers' Bugloss
Corncrake	Rosefinch, scarlet	Beetle, lesser silver water	Newt, great crested
Crake, spotted	Ruff	Beetle, Mire Pill	Newt, all other species
Crossbill (all species)	Sandpiper, green	Beetle, rainbow leaf	Common Otter
Curlew, stone	Sandpiper, purple	Beetle, violet click	Porpoise, all species
Diver (all species)	Sandpiper, wood	Burbot	Sandworm, lagoon
Dotterel	Scaup	Butterfly, heath fritillary	Sea Fan, Pink
Duck, long-tailed	Scoter, common	Butterfly, high brown fritillary	Sea Slug, Lagoon
Eagle, golden	Scoter, velvet	Butterfly, large blue	Shark, Basking
Eagle, white-tailed	Serin	Butterfly, swallowtail	Shrimp, Fairy
Falcon, gyr	Shorelark	Cat, wild	Shrimp, Lagoon Sand
Fieldfare	Shrike, red-backed	Cicada, New Forest	Slow Worm
Firecrest	Spoonbill	Crayfish, Atlantic Stream	Snail, Glutinous
Garganey	Stilt, black-winged	Cricket, field	Snail, Sandbowl
Godwit, black-tailed	Stint, Temminck's	Cricket, mole	Snake, Grass
Goshawk	Swan, Bewick's	Dolphin, all species	Snake, Smooth
Grebe, black-necked	Swan, whooper	Dormouse	Spider, Fen Raft (Dolomedes)
Grebe, Slavonian	Tern, black	Dragonfly, Norfolk Aeshna	Spider, Ladybird ( <i>Eresus niger</i> )
Greenshank	Tern, little	Fan mussel	Squirrel, Red
Gull, little	Tern, roseate	Fiery clearwing moth	Stag beetle
Gull, Mediterranean	Tit, bearded	Fisher's estuarine moth	Sturgeon
Harriers (all species)	Tit, crested	Frog, common	Southern damselfly
Heron, purple	Treecreeper, short-toed	Giant goby	Toad, Common
Hobby	Warbler, Cetti's	Couch's goby	Toad, Natterjack
Hoopoe	Warbler, Dartford	Hatchet Shell, Northern	Turtles, Marine (all species)
Kingfisher	Warbler, marsh	Grasshopper, wartbiter	Twaite shad
Kite, red	Warbler, Savi's	Lagoon Snail	Vendace
Merlin	Whimbrel	Lagoon Snail, De Folins	Walrus
Oriole, golden	Woodlark	Lagoon Worm, tentacled	Water vole
	Wryneck	Leech, medicinal	Whale (all species)
		Lizard, sand	Whitefish