



Mark Carwardine's **AT A GLANCE...**

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THE WILDLIFE AND COUNTRYSIDE ACT

WHAT IS THE WILDLIFE AND COUNTRYSIDE ACT?

The Wildlife and Countryside Act 1981 is the primary legislation protecting animals, plants and certain habitats in England, Scotland and Wales (it does not extend to Northern Ireland, the Channel Islands or the Isle of Man). It was implemented to update various existing and outdated legislation (particularly the Protection of Birds Acts of 1954, 1964 and 1967 and the Conservation of Wild Creatures and Wild Plants Act 1975) and is the means by which various European directives and conventions are implemented in the UK.

HOW DOES IT WORK?

It is a huge and complicated Act, filling 128 printed pages and laying down rules on everything from the tethering of bulls and public rights of way to the close season for hunting snipe and the poaching of wild hares. It is divided into four parts: wildlife, the countryside and protected areas, public rights of way, and various other issues. There are also 17 Schedules, which are mainly lists of species given special protection. Penalties include fines of up to £5,000 or £20,000 for each animal or site involved and/or up to six months' imprisonment.

WHICH SPECIES ARE GIVEN SPECIAL PROTECTION?

There are too many to list here. All wild birds, their eggs and nests are protected and some are listed on Schedule 1 for extra protection by

special penalties – avocets, corncrakes, ospreys, barn owls and kingfishers, for example. Schedule 5 lists protected animals (other than birds) such as adders, purple emperor butterflies, great crested newts, all species of bat and many more. Then Schedule 8 lists protected plants, from bluebells to rock cinquefoil. The act also contains measures for preventing the establishment of non-native species that may be detrimental to native wildlife and details the law regarding Sites of Special Scientific Interest.

SO WHY ARE SOME PEOPLE ALLOWED TO KILL PROTECTED SPECIES?

Under licence, an authorised person can kill certain species to protect livestock, crops, fisheries and airports, for example. Other licences are required for scientific or conservation purposes, and even to photograph Schedule 1 birds at or near their nests. Other exceptions include putting an injured animal out of its misery and otherwise illegal acts that were accidents.

HAS THE ACT BEEN UPDATED SINCE 1981?

There have been various amendments and additions over the years and one of the act's strengths is a statutory five-yearly review of the schedules of protected wild animals and plants. The Secretary of State can also make changes, as necessary, at any time. Because of



Barn owls are given special protection by The Wildlife and Countryside Act.

devolution, there are now some significant differences in the details of the law between the constituent countries of the UK.

IS IT THE ONLY LAW PROTECTING OUR WILDLIFE?

No. Other relevant legislation includes the Conservation of Seals Act 1970, the Deer Act 1991, the Protection of Badgers Act 1992, the Wild Mammals (Protection) Act 1996, the Hunting Act 2004 and The Conservation of Habitats and Species Regulations 2010. And, of course, there are international treaties such as the Convention on International Trade in Endangered Species (CITES).

IS IT ENOUGH?

While the Wildlife and Countryside Act has been successful in many ways – despite its inevitable limitations and problems – there has been little progress in actively reversing recent severe declines in wildlife and wild places. In the run-up to the 2015 General Election, the RSPB and The Wildlife Trusts proposed a new Nature and Wellbeing Act, to make the point that current legislation is inadequate and that we need specific targets for the recovery of species and habitats and even a new government agency to ensure that all departments help to defend wildlife. 🐾

ONE OF THE ACT'S STRENGTHS IS A STATUTORY FIVE-YEARLY REVIEW OF THE SCHEDULES OF PROTECTED WILD ANIMALS AND PLANTS.

MARK CARWARDINE is a frustrated and frank conservationist.

Every month he demystifies some of the most important issues affecting the world's wildlife and assesses the organisations that protect it.

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