

Welsh Statutory Instrument 2004 No. 1733 (W.176)

The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004

© Crown Copyright 2004

Statutory Instruments printed from this website are printed under the superintendence and authority of the Controller of HMSO being the Queen's Printer of Acts of Parliament.

The legislation contained on this web site is subject to Crown Copyright protection. It may be reproduced free of charge provided that it is reproduced accurately and that the source and copyright status of the material is made evident to users.

It should be noted that the right to reproduce the text of Statutory Instruments does not extend to the Queen's Printer imprints which should be removed from any copies of the Statutory Instrument which are issued or made available to the public. This includes reproduction of the Statutory Instrument on the Internet and on intranet sites. The Royal Badge of Wales may be reproduced only where it is an integral part of the original document.

The text of this Internet version of the Statutory Instrument has been prepared to reflect the text as it was Made. A print version is also available and is published by The Stationery Office Limited as the **The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004**, ISBN 0110909674. The print version may be purchased by clicking [here](#). Braille copies of this Statutory Instrument can also be purchased at the same price as the print edition by contacting TSO Customer Services on 0870 600 5522 or e-mail: customer.services@tso.co.uk.

Further information about the publication of legislation on this website can be found by referring to the [Frequently Asked Questions](#).

To ensure fast access over slow connections, large documents have been segmented into "chunks". Where you see a "continue" button at the bottom of the page of text, this indicates that there is another chunk of text available.

STATUTORY INSTRUMENTS

2004 No. 1733 (W.176)

WILDLIFE, WALES

**The Wildlife and Countryside Act 1981 (Amendment) (Wales)
Regulations 2004**

Made

6 July 2004

Coming into force

2 August 2004

The National Assembly for Wales, being designated^[1] for the purposes of

section 2(2) of the European Communities Act 1972[2] in relation to the conservation of natural habitats and of wild fauna and flora, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Citation, commencement, extent and application

1. - (1) These Regulations may be cited as the Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004 and come into force on 2 August 2004.

(2) These Regulations extend to England and Wales and apply in relation to Wales.

Interpretation

2. In these Regulations -

"the Act" ("*y Ddeddf*") means the Wildlife and Countryside Act 1981[3];

"the 2004 Regulations" ("*Rheoliadau 2004*") means the Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004[4].

Application of the Wildlife and Countryside Act 1981: Wales

3. - (1) Section 27ZA of the Act (inserted by the 2004 Regulations) ceases to have effect, so that the amendments to Part 1 of the Act which were made by regulations 3 and 4 of the 2004 Regulations and which are contained in the Schedule to these Regulations apply also in relation to Wales.

(2) The reference in Schedule 1 to the National Assembly (Transfer of Functions) Order 1999[5] to the Act is to be treated as referring to the Act as amended by the 2004 Regulations and these Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[6]

D. Elis-Thomas

The Presiding Officer of the National Assembly

6 July 2004

SCHEDULE

Regulation 3(1)

AMENDMENTS TO THE WILDLIFE AND COUNTRYSIDE ACT 1981

1. In section 1 (protection of wild birds, their nests and eggs) -

(a) in subsection (3)(a) -

(i) before "killed", the second time it occurs, insert "lawfully", and

(ii) omit "otherwise than in contravention of the relevant provisions";

(b) in subsection (3)(b) -

(i) before "sold" insert "lawfully", and

(ii) omit "otherwise than in contravention of the relevant provisions";

(c) in subsection (3) omit the words from "and", where first occurring, to the end of the subsection; and

(d) after subsection (3) insert the following subsection -

" (3A) In subsection (3) "lawfully" means without any contravention of -

(a) this Part and orders made under it;

(b) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts;

(c) any other legislation which implements Council Directive 79/409/EEC on the conservation of wild birds and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976; and

(d) the provisions of the law of any member State (other than the United Kingdom) implementing the Council Directive referred to in paragraph (c)."

2. In the definition of "wild bird" in subsection (1) of section 27 (interpretation of Part 1) -

(a) for "kind" substitute "species", and

(b) for "Great Britain" substitute "the European territory of any member State".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, amend Part 1 of the Wildlife and

Countryside Act 1981 ("the Act"), which transposes in part Council Directive 79/409/EEC on the conservation of wild birds (O.J. No. L103, 25.04.1979, p.1).

The Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004 ("the 2004 Regulations") inserted a new section 27ZA in the Act with the effect that the other amendments made by those Regulations applied in relation to England only. By virtue of these Regulations, section 27ZA of the Act ceases to have effect, thereby applying in relation to Wales the amendments made by the 2004 Regulations.

Those amendments, which are set out in the Schedule to these Regulations, include a restriction on the scope of the defences under section 1(3) of the Act, and an extension to the definition of "wild bird" in section 27 of the Act.

Notes:

[1] S.I. 2002/248, article 3 and Schedule 2.[back](#)

[2] 1972 c.68.[back](#)

[3] 1981 c.69.[back](#)

[4] S.I. 2004/1487.[back](#)

[5] S.I. 1999/672.[back](#)

[6] 1998 c.38.[back](#)

[Cymraeg \(Welsh\)](#)

ISBN 0 11090967 4

[Other UK SIs](#) | [Home](#) | [National Assembly for Wales Statutory Instruments](#) | [Scottish Statutory Instruments](#) | [Statutory Rules of Northern Ireland](#) | [Her Majesty's Stationery Office](#)