

2008 No. 431

WILDLIFE, ENGLAND

**The Wildlife and Countryside Act 1981 (Variation of Schedule
5) (England) Order 2008**

<i>Made</i>	- - - -	<i>21st February 2008</i>
<i>Laid before Parliament</i>		<i>26th February 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State—

- (a) has received a representation made to him by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the Natural Environment and Rural Communities Act 2006(a);
- (b) in accordance with section 26(4)(a) of the Wildlife and Countryside Act 1981(b), has given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order; and
- (c) is of the opinion that the animals listed in the Schedule to this Order are in danger of extinction in Great Britain or likely to become so endangered unless conservation measures are taken.

In exercise of the powers conferred by section 22(3) of the Wildlife and Countryside Act 1981(c), the Secretary of State makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 5) (England) Order 2008.

(2) This Order shall come into force on 6th April 2008.

(3) This Order extends to England and Wales only(d).

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- (a) 2006 c.16. For the definition of “the GB Conservation bodies” see section 27(3A) of the Wildlife and Countryside Act 1981 (c.69), inserted by section 105(1) of, and paragraph 76(4) of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c.16).
 - (b) 1981 c.69.
 - (c) Section 22(3) was amended by sections 132 and 133 of, and paragraph 11(1) and (5) of Schedule 9 to, the Environmental Protection Act 1990 (c.43) and has been subsequently amended by section 105(1) of, and paragraphs 74(1) and (2) of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c.16).
 - (d) By virtue of section 27(5) of the Wildlife and Countryside Act 1981 (c.69), “England” includes the territorial waters adjacent to England. The amendments made by this Order relate substantively only to England, as so defined. The powers of the Secretary of State under section 22(3) of the Wildlife and Countryside Act 1981 were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) and, in relation to Wales, are devolved to the Welsh Ministers; see the reference to the Wildlife and Countryside Act 1981 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Variation of Schedule 5

2. In Schedule 5 to the Wildlife and Countryside Act 1981(a) (animals which are protected)—
- (a) insert the entries listed in the Schedule;
 - (b) in the entry relating to “Vole, Water”, before “in respect of section 9(4) only”, insert “in so far as this entry has effect with respect to Wales,”; and
 - (c) at the end of the Schedule, insert the following note—

“NOTE 2. In this Schedule “excluded waters” means the part of the territorial waters adjacent to England which is more than 6 nautical miles from the baselines from which the breadth of those waters are measured; and for these purposes “nautical miles” means international nautical miles of 1,852 metres.”.

21st February 2008

Joan Ruddock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) Schedule 5 has been varied (in relation to England and Wales) by S.I. 1988/288, 1989/906, 1991/367, 1992/2350, 1998/878 and 2007/1843.

SCHEDULE

Article 2

<i>Common Name</i>	<i>Scientific Name</i>
Seahorse, Short Snouted (with respect to England only)	Hippocampus hippocampus
Seahorse, Spiny (with respect to England only)	Hippocampus guttulatus
Shark, Angel (in respect of section 9(1) only and with respect to England, other than the excluded waters, only)	Squatina squatina
Snail, Roman (in respect of section 9(1), (2) and (5) only and with respect to England only)	Helix pomatia

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies substantively in relation to England only, varies Schedule 5 to the Wildlife and Countryside Act 1981, which lists animals protected under section 9 of that Act.

Article 2(a) adds four animals to Schedule 5. Two seahorse species (short snouted seahorse and spiny seahorse) are given general protection under section 9. The angel shark and the roman snail are given limited protection. The protection afforded to angel shark does not apply to those territorial waters between 6 and 12 nautical miles from baselines. Article 2(b) replaces the limited protection previously afforded to water vole by general protection.

A full impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Copies of Schedule 5 may be obtained, free of charge, from the Wildlife Species Conservation Division, Defra, 2 The Square, Temple Quay, Bristol, BS1 6PN.

£3.00

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