

## Nature Conservation in Europe: Approaches and Lessons

### Annex UK.3. The Principal Species Protection Provisions in UK Nature Legislation

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Under the amended Wildlife and Countryside Act (WCA) (and amending legislation in Scotland) and similar legislation in Northern Ireland, in accordance with the Birds Directive, and with some exceptions, all wild birds are protected. Since 1954 it has been an offence to intentionally kill, injure, or take any wild bird, or take or destroy its eggs or nest. Species listed on the WCA's Schedule 1 are also given special protection from disturbance when nesting. The Act also prohibits certain methods of killing or taking birds. The exceptions are for species that may be hunted (listed under Schedule 2) or sold or kept in captivity (listed on Schedule 3). In addition, under a number of so-called General Licences, a number of native and non-native species can be killed or otherwise controlled where this is necessary for various purposes, including nature conservation, air-safety, protecting human health, crops and fisheries and preventing the spread of diseases. Following a legal challenge by NGO Wild Justice<sup>1</sup> in England in 2019, General Licensing has been revised, such that users now need to give greater consideration to finding alternative solutions to lethal control. Some species have also been removed from the list. The General Licences in Wales and Scotland were also reviewed to address the issues raised by Wild Justice's legal challenge. Further legal challenges by Wild Justice in Wales and Northern Ireland, in 2020 and 2021 respectively, resulted in public consultations on the licences, narrowing of the circumstances under which they could be relied upon and further removal of species from the lists (in 2022 and 2023).

Certain animal species other than birds are protected through their listing on Schedule 5 of the WCA. These include Habitats Directive (HD) Annex IVa species (referred to in the UK as European Protected Species). Depending on which provisions apply to each species listed in Schedule 5, the Act makes it an offence (subject to exceptions) to intentionally kill, injure, take, possess, disturb, sell or advertise to buy or sell the species, or damage or obstruct access to its place of shelter. For example, HD Annex IV species are protected from most of these actions, whereas some butterflies are only protected from being sold. Certain methods of killing or taking animals are prohibited (e.g. snares or poisoning), except under licence for particular reasons (e.g. public health, agriculture, forestry, fisheries or nature conservation).

With some exceptions, it is an offence under the WCA to intentionally pick, uproot or destroy any wild plant (and, in Scotland, their attached seeds or spores, under the Nature Conservation (Scotland) Act 2004), listed in Schedule 8 (which includes HD Annex IVb species), and to sell, offer for sale or possess them for the purposes of trade. In addition, the uprooting of any other wild plant is also prohibited, unless carried out by an authorised person, although there is no protection for the immediate locality where the plant is growing (i.e. an equivalent to the protection of an animal's place of shelter).

#### **Recommended citation**

Tucker, G., Jones, W., Davies, S. & Edwards, J. (2023) The Principal Species Protection Provisions in UK Nature Legislation. In *Nature Conservation in Europe: Approaches and Lessons*, ed. G. Tucker, online Annex UK.3. Cambridge, UK / New York: Cambridge University Press. [www.cambridge.org/natureconservation](https://www.cambridge.org/natureconservation)

<sup>1</sup> <https://wildjustice.org.uk/category/general-licences/>