

The Wildlife and Countryside Act 1981



What is the act and what is it's purpose?

- ▶ In short, the Act is a government document that outlines and overarches all legislative protection of wildlife and habitats in England, Wales and Scotland. It is the instrument by which said protective legislation is implemented.
- ▶ The Act is a continuation of evolving environmental legislation in the U.K.. It's a recognition of multiple European environmental policy ratifications, such as the Bern Convention on the Conservation of European Wildlife, European Union Directives on the Conservation of Wild Birds (79/409/EEC), Natural Habitats and Wild Fauna and Flora (92/43/FFC) and Natural Habitats and the Convention on the Conservation of Migratory Species of Wild Animals (1979).
- ▶ The Wildlife and Countryside Act is the U.K governments mechanism of matching the standards set out in the multiple European bills for the protection of wildlife.
- ▶ It is split into 74 sections in 4 different categories, all with proportionate penalties for breaching the environmental restrictions.

The Acts structure

The act is split in to four distinct sections:

1) WILDLIFE:

Protection of birds

- ▶ Protection of wild birds, their nests and eggs.
- ▶ Areas of special protection.
- ▶ Prohibition of certain methods of killing or taking wild birds.
- ▶ Sale/distribution of live or dead birds or eggs.
- ▶ Registration etc. of certain captive wild birds.
- ▶ Protection of captive birds.

Protection of other animals.

- ▶ Protection of certain wild animals (e.g. Red Kite)
- ▶ Prohibition of certain methods of killing or taking wild animals.
- ▶ Protection of certain mammals.

Protection of plants

- Protection of wild plants.

Miscellaneous

- Introduction of new species etc.

Supplementary

- Power to grant licences
- False statements made for obtaining registration or licence etc.
- Attempts to commit offences.

The Acts Structure continued

2) NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS:

Nature conservation

- ▶ Areas of special scientific interest.
- ▶ Special protection for certain areas of special scientific interest.
- ▶ Duties of agriculture Ministers with respect to areas of special scientific interest.
- ▶ Limestone pavement orders.
- ▶ National nature reserves.
- ▶ Marine nature reserves.
- ▶ Byelaws for protection of marine nature reserves.
- ▶ Grants and loans by Nature Conservancy Council.

Countryside

- ▶ Management agreements with owners and occupiers of land.
- ▶ Duties of agriculture Ministers with respect to the countryside

National Parks

- ▶ Notification of agricultural operations on moor and heath in National Parks.
- ▶ Maps of National Parks showing certain areas of moor or heath.
- ▶ Grants and loans for purposes of National Parks.
- ▶ Power to vary order designating National Park.
- ▶ Membership of National Park authorities.

Miscellaneous and supplementary

- ▶ Duties of water authorities etc. with respect to nature conservation and the countryside.
- ▶ Extension of power to appoint wardens.
- ▶ Payments under certain agreements offered by authorities.

The Acts Structure continued

3) Public Rights of Way:

Ascertainment of public rights of way

- ▶ Duty to keep definitive map and statement under continuous review.
- ▶ Duty to reclassify roads used as public paths.
- ▶ Effect of definitive map and statement.
- ▶ Supplementary provisions as to definitive maps and statement

Miscellaneous and supplementary

- ▶ Prohibition on keeping bulls on land crossed by public rights of way.
- ▶ Regulation of traffic on public rights of way.
- ▶ Ploughing of public rights of way.
- ▶ Appointment of wardens for public rights of way.
- ▶ Orders creating, extinguishing or diverting footpaths.
- ▶ Signposting of byways open to all traffic

4) Miscellaneous and General:

- Application to Crown.
- Application to the Isles of Scilly.
- Financial provisions.
- General interpretation.
- Minor amendments.
- Repeals and savings.

The Acts Effectiveness

- ▶ The Acts effectiveness is difficult to gauge as it essentially means assessing the whole U.K's environmental policy, which has had varied results.
- ▶ The environmental policy of the U.K has been heavily regulated and enforced by governmental bodies like Natural England, whose influence includes: spreading information, taking civil action, being legally responsible for the SSSI's. Other bodies that govern the Act's legislation include the Police, the Environment Agency, Natural Resources Wales and Scottish Natural Heritage, all of which govern and enforce the .
- ▶ The Red Kite is one of the greater success stories for the Act, it is the longest running conservation effort in the U.K. A successful reintroduction programme brought the species back from just 20 breeding pairs to thousands, so much so that in some urban areas they have seen to become a pest.

The Acts Effectiveness Continued

- ▶ The act itself has been successful in establishing a framework for environmental protection in the U.K and also instilling a mind-set of environmental care in the populace, as it is such a large overarching act its policies stretch right down to council level.
- ▶ However this hasn't stopped the Act's frameworks being called in to question, in 2011 the then Conservative government sought to overhaul the environmental policy in the U.K, however mass resistance from the population and groups like the RSPB lead to a petition with over 20,000 signatures ensuring that the planned overhaul didn't go ahead
- ▶ Generally though, the Act is seen as an overall success, by the public and by the groups who govern it, shown by the strong opposition to its potential dissolution. But most importantly the legislation has been successful in keeping with the various EU standards on conservation, despite recent concerns over the U.K's lack of public support over EU conservation laws. The country and Act has honoured most if not all of its EU agreements.

Sources:

- ▶ <http://jncc.defra.gov.uk/page-3614>
- ▶ <http://naturenet.net/law/wcagen.html>
- ▶ <http://www.legislation.gov.uk/ukpga/1981/69>
- ▶ <http://birdsofbritain.co.uk/features/conservation.asp>
- ▶ <http://www.rspb.org.uk/discoverandenjoynature/discoverandlearn/birdguide/name/r/redkite/conservation.aspx>
- ▶ <http://jncc.defra.gov.uk/page-1377>
- ▶ http://www.oxfordmail.co.uk/news/9506531.Once_rare_red_kites_are_becoming_a_pest/
- ▶ <http://www.theguardian.com/environment/2015/oct/28/uk-criticised-for-failure-to-defend-european-nature-protection-laws>