

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Hedgerows Regulations 1997*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

PROSPECTIVE

SCHEDULE 1

ADDITIONAL CRITERIA FOR DETERMINING “IMPORTANT” HEDGEROWS

PART II CRITERIA

Wildlife and landscape

- 6.—(1) The hedgerow—
- (a) contains species listed or categorised as mentioned in sub-paragraph (3); or
 - (b) is referred to in a record held immediately before the relevant date by a biological record centre maintained by, or on behalf of, a local authority within the meaning of the Local Government Act 1972(1), and in a form recognised by the Nature Conservancy Council for England, the Countryside Council for Wales(2) or the Joint Nature Conservation Committee(3), as having contained any such species—
 - (i) in the case of animals and birds, subject to sub-paragraph (2), within the period of five years immediately before the relevant date.
 - (ii) in the case of plants, subject to sub-paragraph (2), within the period of ten years immediately before the relevant date;
- (2) Where more than one record referable to the period of five or, as the case may be, ten years before the relevant date is held by a particular biological record centre, and the more (or most) recent record does not satisfy the criterion specified in sub-paragraph (1)(b), the criterion is not satisfied (notwithstanding that an earlier record satisfies it).
- (3) The species referred to in sub-paragraph (1) are those—
- (a) listed in Part I (protection at all times) of Schedule 1 (birds which are protected by special penalties), Schedule 5 (animals which are protected) or Schedule 8 (plants which are protected) to the Wildlife and Countryside Act 1981(4);
 - (b) categorised as a declining breeder (category 3) in “Red Data Birds in Britain” Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.), published in 1990 for the Nature Conservancy Council and the Royal Society for the Protection of Birds (ISBN 0 85661 056 9); or
 - (c) categorised as “endangered”, “extinct”, “rare” or “vulnerable” in Britain in a document mentioned in sub-paragraph (4).
- (4) The documents referred to in sub-paragraph (3)(c) are—
- (a) of the books known as the British Red Data Books:

(1) See the definition of “local authority” in section 270(1), as amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Local Government (Wales) Act 1994, Schedule 1, paragraphs 1 and 57.

(2) See section 128(1) of the Environmental Protection Act 1990 (c. 43); subsection (1) of section 128 was amended by the National Heritage (Scotland) Act 1991 (c. 28).

(3) See section 128(4) of the Environmental Protection Act 1990.

(4) 1981 c. 69. Schedule 5 is amended by S.I.1988/288, 1989/906, 1991/367 and 1992/2350.

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- (1) “Vascular Plants” Perring FH and Farrell L, 2nd Edition, published in 1983 for the Royal Society for Nature Conservation (ISBN 0 902484 04 4);
 - (2) “Insects” Shirt DB (Ed.), published in 1987 for the Nature Conservancy Council (ISBN 0 86139 380 5); and
 - (3) “Invertebrates other than insects” Bratton JH (Ed.), published in 1991 for the Joint Nature Conservation Committee (ISBN 1 873701 00 4); and
- (b) of the books known as the Red Data Books of Britain and Ireland:
- “Stoneworts” Stewart NF and Church JM, published in 1992 for the Joint Nature Conservation Committee (ISBN 1 873701 24 1).

Commencement Information

- II** Sch. 1 para. 6 in force at 1.6.1997, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Sch. 1 para. 6 coming into force by [S.I. 1997/1160 reg. 1](#)
- Sch. 1 para. 6(1)(b) words substituted by [S.I. 2013/755 Sch. 4 para. 66\(2\)](#)
- Regulations excluded by [S.I. 2016/818 art. 31\(4\)\(5\)](#)
- Regulations excluded by [S.I. 2017/330 art. 22\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(4) inserted by [S.I. 2015/377 Sch. para. 35\(3\)](#)