



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART II

#### NATURE CONSERVATION, COUNTRYSIDE AND NATIONAL PARKS

#### *<sup>x1</sup>[<sup>F1</sup> Sites of special scientific interest and limestone pavements ]*

#### **[<sup>F1</sup>28P Offences.**

- (1) A person who, without reasonable excuse, contravenes section 28E(1) is guilty of an offence and is liable [<sup>F2</sup>on summary conviction, or on conviction on indictment, to a fine].
- (2) A section 28G authority which, in the exercise of its functions, carries out an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—
  - (a) without first complying with section 28H(1), or
  - (b) (if it has complied with section 28H(1)) without first complying with section 28H(4)(a),is, unless there was a reasonable excuse for carrying out the operation without complying, guilty of an offence and is liable [<sup>F3</sup>on summary conviction, or on conviction on indictment, to a fine].
- (3) A section 28G authority acting in the exercise of its functions which, having complied with section 28H(1), fails without reasonable excuse to comply with section 28H(4) (b) is guilty of an offence and is liable [<sup>F4</sup>on summary conviction, or on conviction on indictment, to a fine].
- (4) For the purposes of subsections (1), (2) and (3), it is a reasonable excuse in any event for a person to carry out an operation (or to fail to comply with a requirement to send a notice about it) if—
  - (a) subject to subsection (5), the operation in question was authorised by a planning permission granted on an application under Part III of the <sup>M1</sup> Town

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- and Country Planning Act 1990 or permitted by a section 28G authority which has acted in accordance with section 28I; or
- (b) the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to [<sup>F5</sup>Natural England] as soon as practicable after the commencement of the operation.
- (5) If an operation needs both a planning permission and the permission of a section 28G authority, subsection (4)(a) does not provide reasonable excuse unless both have been obtained.
- [ A section 28G authority which, in the exercise of its functions, permits the carrying out
- <sup>F6</sup>(5A) of an operation which damages any of the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest—
- (a) without first complying with section 28I(2), or
- (b) where relevant, without first complying with section 28I(4) or (6),
- is, unless there was a reasonable excuse for permitting the carrying out of the operation without complying, guilty of an offence and is liable [<sup>F7</sup>on summary conviction, or on conviction on indictment, to a fine].
- (5B) For the purposes of subsection (5A), it is a reasonable excuse in any event for a section 28G authority to permit the carrying out of an operation without first complying with section 28I(2), (4) or (6) if the operation in question was an emergency operation particulars of which (including details of the emergency) were notified to Natural England as soon as practicable after the permission was given.]
- (6) A person (other than a section 28G authority acting in the exercise of its functions) who without reasonable excuse—
- (a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which land is of special interest, or intentionally or recklessly disturbs any of those fauna, and
- (b) knew that what he destroyed, damaged or disturbed was within a site of special scientific interest,
- is guilty of an offence and is liable [<sup>F8</sup>on summary conviction, or on conviction on indictment, to a fine].
- [ A person (other than a section 28G authority acting in the exercise of its functions)
- <sup>F9</sup>(6A) who without reasonable excuse—
- (a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features by reason of which a site of special scientific interest is of special interest, or
- (b) intentionally or recklessly disturbs any of those fauna,
- is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.]
- (7) It is a reasonable excuse in any event for a person to do what is mentioned in subsection (6) [<sup>F10</sup>or (6A)] if—
- (a) paragraph (a) or (b) of subsection (4) is satisfied in relation to what was done (reading references there to an operation as references to the destruction, damage or disturbance referred to in subsection (6) [<sup>F11</sup>or (6A)]), and
- (b) where appropriate, subsection (5) is also satisfied, reading the reference there to an operation in the same way.

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- (8) A person who without reasonable excuse fails to comply with a requirement of a management notice is guilty of an offence and is liable on summary conviction to a fine not exceeding the statutory maximum or on conviction on indictment to a fine.
- (9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.
- (10) Proceedings in England and Wales for an offence under this section shall not, without the consent of the Director of Public Prosecutions, be taken by a person other than [F5Natural England].
- (11) In this section, “a section 28G authority” means an authority to which section 28G applies.]

#### Textual Amendments

- F1** Ss. 28-28R substituted for s. 28 (E.W.) (30.1.2001) by 2000 c. 37, ss. 75(1), 103(2), **Sch. 9 para. 1** (with **Sch. 11 paras. 1-17, 20**)
- F2** Words in s. 28P(1) substituted (12.3.2015) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)**, reg. 1(1), **Sch. 4 para. 10(2)(a)** (with reg. 5(1))
- F3** Words in s. 28P(2) substituted (12.3.2015) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)**, reg. 1(1), **Sch. 4 para. 10(2)(b)** (with reg. 5(1))
- F4** Words in s. 28P(3) substituted (12.3.2015) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)**, reg. 1(1), **Sch. 4 para. 10(2)(c)** (with reg. 5(1))
- F5** Words in s. 28P substituted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, ss. 105(1), 107, **Sch. 11 para. 79**; S.I. 2006/2541, **art. 2**
- F6** S. 28P(5A)(5B) inserted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, **ss. 55(2)**, 107; S.I. 2006/2541, **art. 2**
- F7** Words in s. 28P(5A) substituted (12.3.2015) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)**, reg. 1(1), **Sch. 4 para. 10(2)(d)** (with reg. 5(1))
- F8** Words in s. 28P(6) substituted (12.3.2015) by **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)**, reg. 1(1), **Sch. 4 para. 10(2)(e)** (with reg. 5(1))
- F9** S. 28P(6A) inserted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, **ss. 55(3)**, 107; S.I. 2006/2541, **art. 2**
- F10** Words in s. 28P(7) inserted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, **ss. 55(4)**, 107; S.I. 2006/2541, **art. 2**
- F11** Words in s. 28P(7) inserted (1.10.2006) by **Natural Environment and Rural Communities Act 2006 (c. 16)**, **ss. 55(4)**, 107; S.I. 2006/2541, **art. 2**

#### Marginal Citations

- M1** 1990 c. 8.

**Changes to legislation:**

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

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

- s. 2(1A)-(1D) substituted for s. 2(1A) by 2024 asp 4 s. 9(2)(a)
- s. 2(3A)(a)(ii) word repealed by 2024 asp 4 s. 9(2)(b)(i)
- s. 2(3C)(c) and word inserted by 2024 asp 4 s. 9(2)(b)(ii)
- s. 11(1)(ab)-(ad) substituted for s. 11(1)(a)(aa) by 2024 asp 4 s. 6(2)(a)
- s. 11(2)(aa)(ab) inserted by 2024 asp 4 s. 6(2)(c)(ii)
- s. 11(2A) inserted by 2024 asp 4 s. 1(6)(b)
- s. 11(3CA) inserted by 2024 asp 4 s. 6(2)(e)
- s. 12A-12G and cross-heading inserted by 2024 asp 4 s. 7(2)
- s. 16(1A)(c)(d) inserted by 2024 asp 4 s. 6(4)(a)(ii)
- s. 16A(ab) inserted by 2024 asp 4 s. 7(4)(b)
- s. 16A(1A) inserted by 2024 asp 4 s. 7(4)(a)
- s. 16A(1B) inserted by 2024 asp 4 s. 10(3)(a)
- s. 16A(5)(aa) inserted by 2024 asp 4 s. 10(3)(c)
- s. 16A(5A) inserted by 2024 asp 4 s. 10(3)(d)
- s. 16A(5B) inserted by 2024 asp 4 s. 7(4)(c)
- s. 16AA-16AF inserted by 2024 asp 4 s. 10(2)
- s. 21(ga)(gb) inserted by 2024 asp 4 s. 7(6)
- s. 26(2)(c) inserted by 2024 asp 4 s. 7(7)(a)(ii)
- s. 26(2)(d) inserted by 2024 asp 4 s. 9(3)(a)
- s. 26(2)(d)(e) inserted by 2024 asp 4 s. 10(5)(a)
- s. 26(2)(f) and word inserted by 2024 asp 4 s. 6(7)(a)
- s. 26(3)(c) inserted by 2024 asp 4 s. 7(7)(b)(ii)
- s. 26(3)(d) inserted by 2024 asp 4 s. 9(3)(b)
- s. 26(3)(d)(e) inserted by 2024 asp 4 s. 10(5)(b)
- s. 26(3)(f) and word inserted by 2024 asp 4 s. 6(7)(b)
- s. 53(3)(c)(ia) inserted by 2015 c. 20 Sch. 7 para. 2(b)
- s. 53B(4A)(4B) inserted by 2015 c. 20 Sch. 7 para. 4
- s. 53ZA inserted by 2015 c. 20 Sch. 7 para. 3
- s. 54B54C inserted by 2015 c. 20 Sch. 7 para. 5
- Sch. 2 Pt. 1B inserted by 2024 asp 4 s. 9(5)
- Sch. 13A inserted by 2015 c. 20 Sch. 7 para. 6
- Sch. 14A inserted by 2015 c. 20 Sch. 7 para. 7