



Wildlife and Countryside Act 1981

1981 CHAPTER 69

PART I

WILDLIFE

Protection of other animals

9 Protection of certain wild animals.

- (1) Subject to the provisions of this Part, if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.
- (2) Subject to the provisions of this Part, if any person has in his possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal, he shall be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (2) if he shows that—
 - (a) the animal had not been killed or taken, or had been killed or taken otherwise than in contravention of the relevant provisions; or
 - (b) the animal or other thing in his possession or control had been sold (whether to him or any other person) otherwise than in contravention of those provisions;and in this subsection “the relevant provisions” means the provisions of this Part and of the ^{M1}Conservation of Wild Creatures and Wild Plants Act 1975.
- (4) Subject to the provisions of this Part, if any person intentionally [^{F1}or recklessly]—
 - (a) damages or destroys, or obstructs access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - (b) disturbs any such animal while it is occupying a structure or place which it uses for that purpose,he shall be guilty of an offence.

- [^{F2}(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—
- (a) a dolphin or whale (cetacea), or

Status: Point in time view as at 30/01/2001. This version of this provision has been superseded.

Changes to legislation: Wildlife and Countryside Act 1981, Section 9 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a basking shark (*cetorhinus maximus*),
he shall be guilty of an offence.]
- (5) Subject to the provisions of this Part, if any person—
- (a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
- (b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things, he shall be guilty of an offence.
- (6) In any proceedings for an offence under subsection (1), (2) or (5)(a), the animal in question shall be presumed to have been a wild animal unless the contrary is shown.

Textual Amendments

- F1** Words in s. 9(4) inserted (30.1.2001 for E.W. and 1.10.2004 for S.) by [2000 c. 37, ss. 81\(1\), 103\(2\), Sch. 12 para. 5\(a\)](#) and by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\), ss. 50, 59, Sch. 6 para. 8\(5\); S.S.I. 2004/407, art. 2](#)
- F2** S. 9(4A) inserted (E.W.) (30.1.2001) by [2000 c. 37, ss. 81\(1\), 103\(2\), Sch. 12 para. 5\(b\)](#)
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Marginal Citations

- M1** [1975 c. 48.](#)

Status:

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