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STATUTORY INSTRUMENTS

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**1998 No. 878**

**WILDLIFE**

**The Wildlife and Countryside Act 1981  
(Variation of Schedules 5 and 8) Order 1998**

<i>Made</i>	- - - -	<i>20th March 1998</i>
<i>Laid before Parliament</i>		<i>26th March 1998</i>
<i>Coming into force</i>		
<i>For the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (Margaritifera margaritifera)</i>		<i>27th March 1998</i>
<i>For all other purposes</i>		<i>16th April 1998</i>

The Secretary of State—

having received a representation made jointly to him by the Nature Conservancy Councils<sup>(1)</sup>;  
having given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order;

being of the opinion that the animals and plants referred to in articles 2(1) and (2) and 3 of this Order are in danger of extinction in Great Britain or likely to become so endangered unless conservation measures are taken, and that the animal referred to in article 2(3) of this Order is no longer so endangered or likely to become so endangered;

in exercise of the powers conferred on him by section 22(3) of the Wildlife and Countryside Act 1981 and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) Order 1998.

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(1) The functions of the Nature Conservancy Councils under section 22(3) of the Wildlife and Countryside Act 1981 (c. 69) as amended by paragraph 11(5) of Schedule 9 to the Environmental Protection Act 1990 (c. 43) may, by virtue of section 22(3) of the 1981 Act and section 133 of the 1990 Act, be discharged only through the Joint Nature Conservation Committee.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(2) This Order shall come into force for the purposes of article 2(2) as respects the entry relating to the Mussel, Freshwater Pearl (*Margaritifera margaritifera*) on 27th March 1998 and for all other purposes on 16th April 1998.

(3) In this Order “the Act” means the Wildlife and Countryside Act 1981.

### Variation of Schedule 5

2.—(1) The following animals are hereby added to Schedule 5 to the Act(2):

<i>Common Name</i>	<i>Scientific Name</i>
Beetle, Stag (in respect of section 9(5) only)	<i>Lucanus cervus</i>
Damselfly, Southern	<i>Coenagrion mercuriale</i>
Goby, Couch's	<i>Gobius couchii</i>
Goby, Giant	<i>Gobius cobitis</i>
Hydroid, Marine	<i>Clavopsella navis</i>
Moth, Fiery Clearwing	<i>Bembecia chrysidiformis</i>
Moth, Fisher’s Estuarine	<i>Gortyna borelii</i>
Mussel, Fan (in respect of section 9(1), (2) and (5) only)	<i>Atrina fragilis</i>
Shad, Twaite (in respect of section 9(4)(a) only)	<i>Alosa fallax</i>
Shark, Basking	<i>Cetorhinus maximus</i>
Vole, Water (in respect of section 9(4) only)	<i>Arvicola terrestris</i>

(2) The following entries are hereby added to Schedule 5 to the Act in substitution for the existing entries relating to Allis Shad (*Alosa alosa*)(3); Butterfly, Large Copper (*Lycaena dispar*); Butterfly, Marsh Fritillary (*Eurodryas aurinia*)(4); Mussel, Freshwater Pearl (*Margaritifera margaritifera*)(5):

<i>Common Name</i>	<i>Scientific Name</i>
Allis Shad (in respect of section 9(1) and (4)(a) only)	<i>Alosa alosa</i>
Butterfly, Large Copper	<i>Lycaena dispar</i>
Butterfly, Marsh Fritillary	<i>Eurodryas aurinia</i>
Mussel, Freshwater Pearl	<i>Margaritifera margaritifera</i>

(3) The Moth, Vipers Bugloss (*Hadena irregularis*)(6) is hereby removed from Schedule 5 to the Act.

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(2) Schedule 5 was varied by S.I. 1988/288, 1989/906, 1991/367, 1992/2350.

(3) Allis Shad was added to Schedule 5, in respect of section 9(1) only, by S.I. 1991/367.

(4) Butterfly, Large Copper and Butterfly, Marsh Fritillary were added to Schedule 5, in respect of section 9(5) only, by S.I. 1989/906.

(5) Mussel, Freshwater Pearl was added to Schedule 5, in respect of section 9(1) so far as it relates to killing and injuring, by S.I. 1991/367.

(6) Moth, Vipers Bugloss was added to Schedule 5 by S.I. 1988/288.

### Variation of Schedule 8

3. The following plants are hereby added to Schedule 8 to the Act(7):

<i>Common Name</i>	<i>Scientific Name</i>
Anomodon, Long-leaved	Anomodon longifolius
Beech-lichen, New Forest	Enterographa elaborata
Bluebell (in respect of section 13(2) only)	Hyacinthoides non-scripta
Bolete, Royal	Boletus regius
Cladonia, Convoluted	Cladonia convoluta
Cut-grass	Leersia oryzoides
Deptford Pink (in respect of England and Wales only)	Dianthus armeria
Feather-moss, Polar	Hygrohypnum polare
Stack Fleawort, South	Tephrosia integrifolia (ssp maritima)
Fungus, Hedgehog	Herichium erinaceum
Goblin Lights	Catolechia wahlenbergii
Spike-rush, Dwarf	Eleocharis parvula
Moss, Flamingo	Desmatodon cernuus
Polypore, Oak	Buglossoporus pulvinus
Puffball, Sandy Stilt	Battarraea phalloides
Sulphur-tresses, Alpine	Alectoria ochroleuca
Threadmoss, Long-leaved	Bryum neodamense

Signed by authority of the Secretary of State

20th March 1998

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

(7) Schedule 8 was varied by S.I. [1988/288](#), [1992/2350](#).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which applies throughout Great Britain (except as respects the Deptford Pink plant), varies Schedules 5 and 8 to the Wildlife and Countryside Act 1981, which list animals and plants protected under that Act.

Article 2 adds seven animals generally to Schedule 5, confers limited protection on four animals and extends the protection afforded to four animals. Article 2 also removes one animal from protection.

Article 3 adds seventeen plants to Schedule 8.

As respects the Mussel, Freshwater Pearl (*Margaritifera margaritifera*) this Order comes into force on 27th March 1998. The remainder of this Order comes into force on 16th April 1998.

Copies of Schedule 5 (the list of animals which are protected) and Schedule 8 (the list of plants which are protected) may be obtained, free of charge, from the Department for the Environment, Transport and the Regions, Room 902 Tollgate House, Houlton Street, Bristol BS2 9DJ.