

**2008 No. 2356**

**WILDLIFE, ENGLAND**

**The Wildlife and Countryside Act 1981 (Variation of Schedule  
4) (England) Order 2008**

<i>Made</i>	- - - -	<i>1st September 2008</i>
<i>Laid before Parliament</i>		<i>5th September 2008</i>
<i>Coming into force</i>	- -	<i>1st October 2008</i>

For the purposes of section 26(4)(a) of the Wildlife and Countryside Act 1981<sup>(a)</sup> the Secretary of State considers that no local authority is affected by this Order.

The Secretary of State has—

- (a) in accordance with that provision, given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order;
- (b) in accordance with section 26(4)(b) of that Act, consulted with the Joint Nature Conservation Committee, being the advisory body<sup>(b)</sup> which the Secretary of State considers is best able to advise as to whether this Order should be made.

In exercise of the powers conferred by section 22(1)(c) of the Wildlife and Countryside Act 1981, the Secretary of State makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (England) Order 2008, and shall come into force on 1<sup>st</sup> October 2008.

**Extent and application**

**2.** This Order extends to England and Wales only and applies in relation to England only<sup>(d)</sup>.

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(a) 1981 c. 69.

(b) See the definition of “advisory body” in sections 23(3) and 27(1) of the Wildlife and Countryside Act 1981. The Joint Nature Conservation Committee was established under section 128(4) of the Environment Protection Act 1990 (c. 43) and continues in existence (albeit reconstituted) under section 31 of the Natural Environment and Rural Communities Act 2006 (c.16).

(c) Section 22(1) was amended by sections 47(1) and (5) of the Natural Environment and Rural Communities Act 2006.

(d) The powers of the Secretary of State under section 22(1) of the Wildlife and Countryside Act 1981 were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) and, in relation to Wales, are devolved to the Welsh Ministers; see the reference to the Wildlife and Countryside Act 1981 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32).

#### Variation of Schedule 4

3.—(1) Schedule 4(a) to the Wildlife and Countryside Act 1981 (birds which must be registered and ringed if kept in captivity) is amended as follows.

(2) The following birds are omitted-

<i>Common Name</i>	<i>Scientific Name</i>
Bunting, Cirl	<i>Emberiza cirrus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>
Eagle, Adalbert's	<i>Aquila adalberti</i>
Eagle, Great Philippine	<i>Pithecophaga jefferyi</i>
Eagle, Imperial	<i>Aquila heliaca</i>
Eagle, New Guinea	<i>Harpyopsis novaeguineae</i>
Chough	<i>Pyrhocorax pyrrhocorax</i>
Crossbills (all species)	<i>Loxia spp</i>
Falcon, Barbary	<i>Falco pelegrinoides</i>
Falcon, Gyr	<i>Falco rusticolus</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Fish-Eagle, Madagascar	<i>Haliaeetus vociferoides</i>
Forest-Falcon, Plumbeous	<i>Micrastur plumbeus</i>
Harrier, Hen	<i>Circus cyaneus</i>
Hawk, Galapagos	<i>Buteo galapagoensis</i>
Hawk, Grey-backed	<i>Leucopternis occidentalis</i>
Hawk, Hawaiian	<i>Buteo solitarius</i>
Hawk, Ridgway's	<i>Buteo ridgwayi</i>
Hawk, White-necked	<i>Leucopternis lacernulata</i>
Hawk-Eagle, Wallace's	<i>Spizaetus nanus</i>
Hobby	<i>Falco subbuteo</i>
Honey-Buzzard, Black	<i>Henicopernis infuscatus</i>
Kestrel, Lesser	<i>Falco naumanni</i>
Kestrel, Mauritius	<i>Falco punctatus</i>
Kite, Red	<i>Milvus milvus</i>
Oriole, Golden	<i>Oriolus oriolus</i>
Redstart, Black	<i>Phoenicurus ochruros</i>
Redwing	<i>Turdus iliacus</i>
Sea-Eagle, Pallas'	<i>Haliaeetus leucoryphus</i>
Sea-Eagle, Steller's	<i>Haliaeetus pelagicus</i>
Serin	<i>Serinus serinus</i>
Serpent-Eagle, Andaman	<i>Spilornis elgini</i>
Serpent-Eagle, Madagascar	<i>Eutriorchis astur</i>
Serpent-Eagle, Mountain	<i>Spilornis kinabaluensis</i>
Shorelark	<i>Eremophila alpestris</i>
Shrike, Red-Backed	<i>Lanius collurio</i>
Sparrowhawk, Gundlach's	<i>Accipiter gundlachi</i>
Sparrowhawk, Imitator	<i>Accipiter imitator</i>
Sparrowhawk, New Britain	<i>Accipiter brachyurus</i>
Sparrowhawk, Small	<i>Accipiter nanus</i>
Tit, Bearded	<i>Panurus biarmicus</i>
Tit, Crested	<i>Parus cristatus</i>

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(a) Schedule 4 was amended by the Wildlife and Countryside Act 1981(Variation of Schedule 4) Order 1994 (S.I .1994/1151).

Warbler, Cetti's  
Warbler, Dartford  
Warbler, Marsh  
Warbler, Savi's  
Woodlark  
Wryneck

Cettia cetti  
Sylvia undata  
Acrocephalus palustris  
Locustella luscinioides  
Lullula arborea  
Jynx torquilla

(3) The words "Any bird one of whose parents or other lineal ancestor was a bird of a kind specified in the foregoing provisions of this Schedule" are omitted.

**Revocation**

4. Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 is revoked.

1st September 2008

*Jonathan Shaw*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural Affairs

## EXPLANATORY NOTE

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

Section 7 of the Wildlife and Countryside Act 1981 (“the Act”), together with regulations made under that section, provide for the registration and ringing or marking of birds that are kept in captivity and are listed in Schedule 4 to the Act.

Article 3 of this Order removes the birds listed in that Article from Schedule 4 to the Act. It also removes the reference to hybrids so that Schedule 4 no longer includes hybrids of the species of birds in the list.

From the coming into force of this Order, the birds included in Schedule 4 to the Act will be—

<i>Common name</i>	<i>Scientific name</i>
Buzzard, Honey	<i>Pernis apivorus</i>
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Falcon, Peregrine	<i>Falco peregrinus</i>
Goshawk	<i>Accipiter gentilis</i>
Harrier, Marsh	<i>Circus aeruginosus</i>
Harrier, Montagu’s	<i>Circus pygargus</i>
Merlin	<i>Falco columbarius</i>
Osprey	<i>Pandion haliaetus</i>

Article 4 contains a consequential revocation of Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (SI 1994/1151).

A full Impact Assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared in respect of this Order. A copy of the Impact Assessment can be obtained from the Wildlife Species Conservation Division, Zone 11/1, Defra, Temple Quay House, Temple Quay, Bristol, BS1 6EB and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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