

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England and Wales, amend the Wildlife and Countryside Act 1981(c. 69) (“the 1981 Act”). They relate to [Directive 2009/147/EC](#) of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ No. L 20, 26.1.2010, p. 7).

The effect of the amendments made by these Regulations is to revert to the position (“the pre-2004 position”) that existed before amendments made to the 1981 Act in 2004 came into force (14th July 2004 in relation to England by [S.I. 2004/1487](#), and 2nd August 2004 in relation to Wales by [S.I. 2004/1733](#)). The amendments made in 2004 made it an offence under section 1(2)(b) of the 1981 Act to be in possession or control of the egg of a wild bird, or any part of such an egg, if it was taken from the wild in contravention of (amongst other things) the Protection of Birds Acts 1954 – 1967.

By virtue of these Regulations, the pre-2004 position is restored so that it is no longer an offence under section 1(2)(b) of the 1981 Act to be in possession or control of an egg, or part of an egg, of a wild bird if the person charged can show it was in the possession or control of any person, before the date on which Part 1 of the 1981 Act came into force (28th September 1982 - see [S.I. 1982/1217](#)).

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016.