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## Biology Curators Group Newsletter

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Author(s): Flood, S.

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## THE CONSERVATION OF WILD CREATURES AND WILD PLANTS ACT 1975

Stephen Flood, Keeper of Natural History, City Museum, St. Albans

The main purpose of this Act is to give special protection to six species of rare wild animals and twenty-one rare plants. It also restricts the uprooting of all wild plants.

### Restrictions on Killing or Possessing Protected Species

Under Section 1 of the Act it is an offence to kill, injure or capture, without reasonable excuse, Greater Horseshoe Bats, Mouse-Eared Bats, Sand Lizards, Smooth Snakes, Natterjack Toads and Large Blue Butterflies. Section 1(b) also makes it an offence to possess 'any protected wild creature which is not shown . . . . . to have been killed or taken otherwise than in contravention of this Act.' The purpose of this is to put the onus of proof of legality on the person possessing the protected animal (as opposed to a special provision in the Badger Act (1973) which requires the prosecuting authority to prove contravention of the law). However it may mean, in theory, that all museums with any of the protected species in their collections are technically guilty of an offence under the 1975 Act.

This matter has been taken up by the Museums Association with the Nature Conservancy Council and when the position has been clarified a note will be published in the 'Museums Bulletin'. In the meantime it would be worthwhile for curators to check that they have full data on all protected species in their collections. It may also be useful for the Curators Group to draw up a central register of these collections.

### Restrictions on Sale and Exchange

The Act forbids dealing in protected creatures, live or dead. Section 2 (2) goes on to say 'any reference to sale shall be construed as including a reference to barter and exchange, and any reference to dead creatures shall be construed as including the skins or skeletons of such creatures'. Thus any curator purchasing protected species should ensure that the dealer is in possession of a valid licence whatever the age of the specimen. Any museum exchanging or selling these species should, similarly hold a licence (see below).

### Restrictions on Marking or Ringing

Some curators may undertake marking procedures as part of research projects. They should be aware that licences are required for tagging any of the protected species, and all Bats.

### Protection for Plants

It is an offence to pick, uproot or destroy any of the scheduled twenty-one plants or parts thereof (see Appendix 1) unless under licence. It is less known that the Act also makes it an offence to uproot any plant without authorisation. There are obviously exceptions for good agricultural reasons, and it may prove in practice that the owners of land may be 'authorised persons' under the Act, This, however is still to be tested in the Courts, and care should be taken in publicising this provision, for obvious reasons. (Picture some landowners you know 'selling off' their orchids! )

### Licensing

Specific licences are available to allow taking or dealing in protected species,

and uprooting plants, for scientific, educational or conservation purposes. Unless for the purpose of preventing the spread of disease, these can be obtained from the licensing Section of the Nature Conservancy Council, 12 Hope Terrace, Edinburgh EH9 2AS (031-447-4784).

### Publicity

Circular 86/75 from the Department of the Environment (155/75 from the Welsh Office), as well as summarising the main provisions of the Act, points out that the Act is primarily educative - a prosecution can obviously do nothing to restore an animal or plant which has been destroyed. The fines (up to £100) will 'discourage the small minority of over-enthusiastic naturalists and collectors who take a particular interest in rarities and constitute a threat to our native flora and fauna' (N.C.C. circular) but museums, especially those run by local authorities, have a very important role to play in preventing offences against the Act through ignorance of the law, and ignorance of the importance of rare species.

After indicating (inevitably) that 'any expenditure incurred under this Act should be accommodated within existing budgets' the D. o. E. circular goes on to suggest a variety of means of publicising the provisions of the Act. A number of bodies have produced posters etc., and these are listed in Appendix 2.

But probably most important is contact with local County Naturalist Trust, and the regional officer(s) of the Nature Conservancy Council who can indicate whether any of the protected species are in fact found in the region. The museum can then notify their local authority of the rare species, and indicate their own interest in the Act. It should be noted that all local authorities, including parish and community councils as well as national park committees, are authorised to institute proceedings under the Act. Curators may also wish to contact local schools or societies and to offer advice or talks.

### Further Notes

1. Section 15(2) reads 'Any fungus or alga shall not be treated as a plant for the purposes of this Act unless it is a composite of fungus and alga in the form of a lichen'. There is no further indication as to how it is possible to 'uproot' lichens !
2. The Act does not apply to Northern Ireland.
3. The Nature Conservancy Council are obliged to review the Schedules of protected species in the Act every five years, and at any time may add any species which 'has become so rare that its status as a British Wild Creature or Plant is being endangered by any action designated as an offence under this Act'.

### Appendix 1

#### Species of Protected Plant

##### Common name

Alpine Gentian  
Alpine Sow-thistle  
Alpine Woodsia  
Blue Heath  
Cheddar Pink  
Diapensia

##### Scientific name

*Gentiana nivalis*  
*Cicerbita alpina*  
*Woodsia alpina*  
*Phylodoce caerulea*  
*Dianthus gratianopolitanus*  
*Diapensia lapponica*

Appendix 1 (continued)Species of Protected Plant

<u>Common name</u>	<u>Scientific name</u>
Drooping Saxifrage	<i>Saxifraga cernua</i>
Ghost Orchid	<i>Epipogium aphyllum</i>
Killarney Fern	<i>Trichomanes speciosum</i>
Lady's-slipper	<i>Cypripedium calceolus</i>
Mezereon	<i>Daphne mezereum</i>
Military Orchid	<i>Orchis militaris</i>
Monkey Orchid	<i>Orchis simia</i>
Oblong Woodsia	<i>Woodsia ilvensis</i>
Red Helleborine	<i>Cephalanthera rubra</i>
Snowdon Lily	<i>Lloydia serotina</i>
Spiked Speedwell	<i>Veronica spicata</i>
Spring Gentian	<i>Gentiana verna</i>
Teesdale Sandwort	<i>Minuartia stricta</i>
Tufte saxifrage	<i>Saxifraga cespitosa</i>
Wild Gladiolus	<i>Gladiolus illyricus</i>

Appendix 2Relevant Literature

The Act itself is published by HMSO, price £0.20p. ISBN 0 10 544875 3

The COUNCIL FOR NATURE are to publish a short leaflet describing the Act together with a longer pamphlet on wild plants and the law. Details of publication dates etc., are not yet known but information on these can be obtained from the Council at Zoological Gardens, Regent's Park, London NW1 4RY (Tel 01-722-7111).

The FRIENDS OF THE EARTH have produced a poster

'Hands off these animals : Britain's rarest animals'  
(60 x 43 cms 24" x 16")

which illustrates the six creatures protected under the Act. This is available, price £0.50p (plus £0.13p postage), from 9 Poland Street, London W1V 3DG (Tel 01-437-6121).

The BOTANICAL SOCIETY OF THE BRITISH ISLES have produced a poster

'These endangered plants are protected by law'  
(60 x 40 cms 24" x 14")

which illustrates the twenty-one species of plants protected under the Act. This is available, price £0.35p (including postage), from Oundle Lodge, Oundle, Peterborough (Special discount on orders over 100).

Codes of Conduct

There are a number of 'Codes of Conduct' relevant to nature conservation which are available from the following addresses :-

- 'Coastal Code'  
Natural Environment Research Council, Alhambra House, 27-33,  
Charing Cross Road, London WC2H 0AX.
- 'Code for Insect Collecting'  
Joint Committee for the Conservation of British Insects, c/o Royal  
Entomological Society of London, 41 Queen's Gate, London SW7 5HU.

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