STATUTORY INSTRUMENTS

2016 No. 127

WILDLIFE, ENGLAND AND WALES

The Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016

Made - - - -	*3rd February 2016*
Laid before Parliament	*5th February 2016*
Laid before the National Assembly for Wales - -	*5th February 2016*
Coming into force - -	*6th April 2016*

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) in relation to the environment(**2**), and the Welsh Ministers are designated for those purposes in relation to the conservation of natural habitats and of wild fauna and flora(**3**).

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2016.

(2) These Regulations come into force on 6th April 2016 and extend to England and Wales.

Amendment of the Wildlife and Countryside Act 1981

2.—(1) The Wildlife and Countryside Act 1981(**4**) is amended as follows.

(2) In section 1 (protection of wild birds, their nests and eggs), after subsection (3) insert the following subsection—

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
(**2**) S.I. 2008/301.
(**3**) S.I. 2002/248, amended by S.I. 2006/3329, 2011/1043. The designation is subject to the exceptions set out in Schedule 2 to that Order. The functions conferred on the National Assembly for Wales by means of that Order are now exercisable by the Welsh Ministers, the functions having been transferred by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Following the repeal of section 29 of the Government of Wales Act 1998 (c. 38), S.I. 2002/248 has effect as if made under section 59(1) of the Government of Wales Act 2006, by virtue of section 162 of, and paragraph 28(1) of Schedule 11, to that Act.
(**4**) 1981 c. 69.

"(3ZA) A person shall not be guilty of an offence under subsection (2)(b) if the person shows that the egg, or the part of the egg, was in any person's possession or control before 28th September 1982.".

(3) In section 27 (interpretation of Part 1)(**5**), in subsection (1), in the definition of "the Wild Birds Directive" for "Council Directive 79/409/EEC on the conservation of wild birds" substitute "Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds".

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
3rd February 2016

Carl Sargeant
Minister for Natural Resources
One of the Welsh Ministers
2nd February 2016

(**5**) Section 27(1) was amended by S.I. 2007/1843.