

2010 No. 609

WILDLIFE, ENGLAND AND WALES

**The Wildlife and Countryside Act 1981 (Variation of Schedule
9) (England and Wales) Order 2010**

<i>Made</i> - - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>	<i>9th March 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>9th March 2010</i>
<i>Coming into force</i> - -	<i>6th April 2010</i>

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Order in exercise of the powers conferred on them by section 22(5) of the Wildlife and Countryside Act 1981(a).

In accordance with the requirements of section 26(4)(b) of that Act, the Secretary of State and the Welsh Ministers—

(a) have 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; and

(b) have consulted with the Joint Nature Conservation Committee, being the advisory body they considered was best able to advise them as to whether this Order should be made.

Title, commencement and extent

1. This Order—

- (a) may be cited as the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010;
- (b) comes into force on 6th April 2010; and
- (c) extends to England and Wales only.

(a) 1981 c. 69. The functions of the Secretary of State under section 22, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(b) The functions of the Secretary of State under section 26(4), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006. For the definition of “advisory body” see section 23 of the Wildlife and Countryside Act 1981.

Variation of Schedule 9

2.—(1) Schedule 9 (animals and plants to which section 14 applies)(a) to the Wildlife and Countryside Act 1981 is varied as follows.

(2) Add the following animals to Part 1 (animals which are established in the wild) —

Common name	Scientific name
Boar, Wild	<i>Sus scrofa</i>
Chough	<i>Pyrrhocorax pyrrhocorax</i>
Corncrake	<i>Crex crex</i>
Crab, Chinese Mitten	<i>Eriocheir sinensis</i>
Crane, Common	<i>Grus grus</i>
Crayfish, Red Swamp	<i>Procambarus clarkii</i>
Crayfish, Spiny-cheek	<i>Orconectes limosus</i>
Deer, Chinese Water	<i>Hydropotes inermis</i>
Flatworm	<i>Kontikia andersoni</i>
Flatworm	<i>Kontikia ventrolineata</i>
Flatworm, Australian	<i>Australoplana sanguinea</i>
Goose, Bar-headed	<i>Anser indicus</i>
Goose, Barnacle	<i>Branta leucopsis</i>
Goose, Emperor	<i>Anser canagicus</i>
Goose, Snow	<i>Anser caerulescens</i>
Goshawk	<i>Accipiter gentilis</i>
Kite, Red	<i>Milvus milvus</i>
Limpet, Slipper	<i>Crepidula fornicata</i>
Owl, Eagle	<i>Bubo bubo</i>
Oyster Drill, American	<i>Urosalpinx cinerea</i>
Parakeet, Monk	<i>Myiopsitta monachus</i>
Pochard, Red-crested	<i>Netta rufina</i>
Shelduck, Ruddy	<i>Tadorna ferruginea</i>
Swan, Black	<i>Cygnus atratus</i> .

(3) Remove the following animals from Part 1 —

Common name	Scientific name
Budgerigar	<i>Melopsittacus undulatus</i>
Coypu	<i>Myocastor coypus</i>
With respect to the Outer Hebrides and the islands of Arran, Islay, Jura and Rum —	
(a) Deer, <i>Cervus</i> (all species)	<i>Cervus</i>
(b) Deer, any hybrid one of whose parents or other lineal ancestor was a species of <i>Cervus</i> Deer	Any hybrid of the genus <i>Cervus</i>
Gerbil, Mongolian	<i>Meriones unguiculatus</i>
Porcupine, Crested	<i>Hystrix cristata</i>
Porcupine, Himalayan	<i>Hystrix hodgsonii</i>
Quail, Bobwhite	<i>Colinus virginianus</i> .

(a) As previously varied by S.I. 1992/320, 2674, 1997/226, 1999/1002.

(4) Add the following plants to Part 2 (plants) —

Common name	Scientific name
Alexanders, Perfoliate	<i>Smyrniium perfoliatum</i>
Algae, Red	<i>Grateloupia luxurians</i>
Archangel, Variegated Yellow	<i>Lamiastrum galeobdolon</i> subsp. <i>argentatum</i>
Azalea, Yellow	<i>Rhododendron luteum</i>
Balsam, Himalayan	<i>Impatiens glandulifera</i>
Cotoneaster	<i>Cotoneaster horizontalis</i>
Cotoneaster, Entire-leaved	<i>Cotoneaster integrifolius</i>
Cotoneaster, Himalayan	<i>Cotoneaster simonsii</i>
Cotoneaster, Hollyberry	<i>Cotoneaster bullatus</i>
Cotoneaster, Small-leaved	<i>Cotoneaster microphyllus</i>
Creeper, False Virginia	<i>Parthenocissus inserta</i>
Creeper, Virginia	<i>Parthenocissus quinquefolia</i>
Dewplant, Purple	<i>Disphyma crassifolium</i>
Fanwort (otherwise known as Carolina Water-Shield)	<i>Cabomba caroliniana</i>
Fern, Water	<i>Azolla filiculoides</i>
Fig, Hottentot	<i>Carpobrotus edulis</i>
Garlic, Three-cornered	<i>Allium triquetrum</i>
Hyacinth, Water	<i>Eichhornia crassipes</i>
Knotweed, Giant	<i>Fallopia sachalinensis</i>
Knotweed, Hybrid	<i>Fallopia japonica</i> x <i>Fallopia sachalinensis</i>
Knotweed, Japanese	<i>Fallopia japonica</i>
Leek, Few-flowered	<i>Allium paradoxum</i>
Lettuce, Water	<i>Pistia stratiotes</i>
Montbretia	<i>Crocoshmia</i> x <i>crocoshmiiflora</i>
Parrot's Feather	<i>Myriophyllum aquaticum</i>
Pennywort, Floating	<i>Hydrocotyle ranunculoides</i>
Potato, Duck	<i>Sagittaria latifolia</i>
Primrose, Floating Water	<i>Ludwigia peploides</i>
Primrose, Water	<i>Ludwigia grandiflora</i>
Primrose, Water	<i>Ludwigia uruguayensis</i>
Rhododendron	<i>Rhododendron ponticum</i>
Rhododendron	<i>Rhododendron ponticum</i> x <i>Rhododendron maximum</i>
Rhubarb, Giant	<i>Gunnera tinctoria</i>
Rose, Japanese	<i>Rosa rugosa</i>
Salvinia, Giant	<i>Salvinia molesta</i>
Seafingers, Green	<i>Codium fragile</i>
Stonecrop, Australian Swamp (otherwise known as New Zealand Pygmyweed)	<i>Crassula helmsii</i>
Waterweed, Curly	<i>Lagarosiphon major</i>
Waterweeds	All species of the genus <i>Elodea</i> .

(5) Remove the following plants from Part 2 —

Common name	Scientific name
Knotweed, Japanese	<i>Polygonum cuspidatum</i>
Seafingers, Green	<i>Codium fragile tomentosoides</i> .

26th February 2010

Huw Irranca-Davies
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

3rd March 2010

Jane Davidson
Minister for Environment, Sustainability and Housing
One of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to England and Wales, varies Schedule 9 to the Wildlife and Countryside Act 1981 (c. 69), which lists animals which may not be released or allowed to escape into the wild and plants which may not be planted or otherwise caused to grow in the wild.

Article 2(2) adds twenty-four new entries to Part 1 (animals which are established in the wild) of Schedule 9, and article 2(3) removes eight existing entries from that Part.

Article 2(4) adds thirty-nine new entries to Part 2 (plants) of Schedule 9. Amongst these, the new entry for Japanese Knotweed under the scientific name “*Fallopia japonica*” replaces the former entry for it which used the scientific name “*Polygonum cuspidatum*” (and which is now removed by article 2(5)); and the new entry for Green Seafingers under the scientific name “*Codium fragile*” replaces that (again removed by article 2(5)) for only its sub-species “*Codium fragile tomentosoides*”.

A full impact assessment of the effect this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.