STATUTORY INSTRUMENTS

# 1978 No. 1939

# ANIMALS

## The Endangered Species (Import and Export) Act 1976 (Modification) (No. 2) Order 1978

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| *Made - - - -* | *22nd December* 1978 |
| *Laid before Parliament* | *29th December* 1978 |
| *Coming into Operation* | *19th January* 1979 |

The Secretary of State, in exercise of the powers conferred by sections 3 and 11 of the Endangered Species (Import and Export) Act 1976(**a**) and of all other powers enabling him in that behalf, after consulting a scientific authority, hereby makes the following order:—

*Citation and commencement*

**1.** This order may be cited as the Endangered Species (Import and Export) Act 1976 (Modification) (No. 2) Order 1978 and shall come into operation on 19th January 1979.

*Interpretation*

**2.**—(1) The Interpretation Act 1978(**b**) shall apply to this order as it applies to subordinate legislation made after the commencement of that Act.

(2) In this order "the Act" means the Endangered Species (Import and Export) Act 1976, and "the Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed at Washington on 3rd March 1973, which came into force in the United Kingdom on 31st October 1976.

*Revocation*

**3.** The Endangered Species (Import and Export) Act 1976 (Modification) Order 1977(**c**) and the Endangered Species (Import and Export) Act 1976 (Modification) Order 1978(**d**) are hereby revoked.

*Modification of the Schedules to the Act*

**4.** For the purposes of giving effect to amendments to the Convention made in pursuance of its provisions and promoting the conservation of animals of a kind which appears to the Secretary of State to be endangered as a result of international trade, the Schedules to the Act shall be modified in accordance with the following provisions of this order.

(**a**) 1976 c. 72. (**b**) 1978 c. 30. (**c**) S.I. 1977/153. (**d**) S.I. 1978/1280.

5. In Schedule 1 to the Act—

(*a*) in Part I the following words shall be deleted

"Primates

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|---|---|
| Macaca rhesus | Rhesus monkey |
| Macaca nemestrina | Pig-tailed monkey", |

(*b*) in Part II

(i) after the words

"Perch

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|---|---|
| Stizostedion vitreum glaucum | Blue walleye" |

there shall be inserted the words

"Drumfish

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|---|---|
| Cynoscion macdonaldi"; | |

(ii) after the word "Butterflies" there shall be inserted the words—

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|---|---|
| "Ornithoptera<br>Trogonoptera<br>Troides | Birdwing butterflies |

(iii) for the words "Parnassius apollo apollo" there shall be substituted the words "Parnassius apollo".

6. In Schedule 2 to the Act—

(*a*) after the words

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| "Dicksoniaceae | Dicksoniaceae" |

there shall be inserted the words

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|---|---|
| "Didiereaceae | Didiereaceae"; and |

(*b*) after the words

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|---|---|
| "Palmae | Areca ipot" |

there shall be inserted in the second column of the Schedule the words

"Chrysalidocarpus decipiens
Chrysalidocarpus lutescens
Neodypsis decaryi".

7. In Schedule 3 to the Act—

for paragraphs 5 to 22 there shall be substituted the following paragraphs

"5. The whole or any part, or anything made wholly or partly therefrom, of any tusk of any of the following animals, namely

(*a*) any animal of the family Elephantidae (elephants)

(*b*) any animal of the family Suidae (pigs)

(*c*) any animal of the species Monodon monoceros (narwhal)

(*d*) any animal of the species Odobenus rosmarus (walrus)

and powder and waste of any tusk of any of the animals referred to in sub-paragraphs (*a*) to (*d*) of this paragraph.

6. The whole or any part, or anything made wholly or partly therefrom, of any tooth of any mammal and powder and waste of any tooth of any mammal.

7.—(1) The whole or any part of the horns of any mammal to which Schedule 1 to this Act applies.

(2) Anything made wholly or partly from the whole or any part of the horn or waste of the horn of any animal of the family Rhinocerotidae.

8. The stuffed head or the skull, together with the skin covering it, of any mammal or reptile to which Schedule 1 to this Act applies.

9.—(1) Any furskin, skin or hide of a defined animal, if raw, tanned or dressed.

(2) Any piece or cutting (including the head, tail and any paw) of any furskin, skin or hide of a defined animal.

(3) Tanned or dressed furskin of a defined animal or defined animals which are assembled in plates, rectangles, crosses, trapeziums or otherwise.

(4) Any rug coverlet coat, jacket, cape or stole or any other item of clothing made wholly or partly of any furskin of a defined animal (except where the furskin is trimming only).

(5) In this paragraph a defined animal means

(*a*) any animal of the following families, namely
Felidae (cats) (except Felis catus (domestic cat))
Ursidae (bears);

(*b*) any animal of the following sub-families, namely
Hemigalinae (civets and palm civets)
Lutrinae (otters)
Paradoxurinae (palm civets)
Viverrinae (linsangs, civets and genets);

(*c*) any animal of the genus Arctocephalus (fur seals);

(*d*) any animal of the following species, namely
Canis lupus (wolf)
Colobus angolensis (Angolan colobus)
Colobus guereza (guereza)
Colobus polykomos (western black and white colobus, otherwise known as ursine colobus)
Crocuta crocuta (spotted hyaena)

Equus burchelli (Common or Burchell's zebra)
Equus grevyi (Grevy's zebra)
Equus zebra (mountain zebra)
Hyaena brunnea (brown hyaena)
Lama guanacoe (Guanaco)
Mungos mungo (banded mongoose)
Vicugna vicugna (vicuna).

10.—(1) The whole or any part of any raw hide or skin if fresh salted, dried, pickled or limed and whether or not split and the leathe of any animal of the families Elephantidae (elephants) anc Macropodinae (wallabies and kangaroos).

(2) Any clothing (including footwear, watch straps and belts) anc any wallet, purse, handbag, travelling bag, brief case, toilet case suitcase or any other similar container made wholly or partly of the hide, skin or leather of any animal of the families Elephantidae (elephants) and Macropodinae (wallabies and kangaroos).

11. The skin and scales of any animal of the family Manidae (pangolins).

12. Hair, whether or not carded or combed, of any animal of the species Vicugna vicugna (vicuna).

13. Yarn made wholly or partly of hair of any animal of the species Vicugna vicugna (vicuna).

14. Fabric made wholly or partly of hair of any animal of the species Vicugna vicugna (vicuna) and any coat or jacket made wholly or partly of any such fabric.

15. Musk derived from any animal of the species Moschus moschiferus (musk deer).

16.—(1) The whole or any part of any raw hide or skin, if fresh salted, dried, pickled or limed and whether or not split, and the leather of any animal of the class Reptilia (reptiles).

(2) Any clothing (including footwear, watch straps and belts) anc any wallet, purse, handbag, travelling bag, brief case, toilet case suitcase or any other similar container made wholly or partly of the hide, skin or leather of any animal of the class Reptilia.

17.—(1) The whole or any part of the bony shell and its covering scales, if unworked, simply prepared or polished, of any of the order Testudinata (turtles, tortoises and terrapins).

(2) Anything made wholly or partly from the bony shell, its covering scales and the claws, of any member of the family Cheloniidae (sea turtles).

18. The meat and cartilage, including callipee and callipash, of any animal of the family Cheloniidae (sea turtles).

19. The whole shell of any animal of the species Papustyla pulcherrima, otherwise known as Papuina pulcherrima (green tree snail).

20. The casque (whether or not attached to the upper part of the bill) of any bird of the species Rhinoplax vigil (helmeted hornbill), or anything made wholly or partly therefrom.

21.—(1) Plumage, that is to say, any feather or feathers, or any skin or any other part with any feathers on it, of any bird or birds, other than excepted plumage.

(2) In sub-paragraph (1) above, excepted plumage means

(*a*) plumage which is that only of a bird of any of the following species, namely

Chrysolophus pictus (golden pheasant)

Gallus gallus (red junglefowl and domestic fowl)

Phasianus colchicus (common pheasant, otherwise known as ring-necked pheasant)

Struthio camelus (ostrich)

Sturnus vulgaris (starling);

(*b*) plumage which is that only of a bird of any domestic form of any of the following species, namely

Anas platyrhynchos (domestic duck)

Anser anser (domestic goose)

Anser cygnoides (Chinese goose)

Cairina moschata (Muscovy duck)

Columba livia (domestic pigeon)

Meleagris gallopavo (turkey)

Numida meleagris (Guineafowl);

(*c*) plumage which consists only of the down feathers of any adult female bird of the species Somateria mollissima (eider duck);

(*d*) plumage which consists only of the train feathers of any adult male bird of the species Pavo cristatus (Indian peacock);

(*e*) plumage none of which falls outside paragraphs (*a*) to (*d*) above.

22. Anything made wholly or partly of plumage (within the meaning of paragraph 22 above and subject to the exception there stated).

23. Any egg, whether whole or blown, of any bird other than

(*a*) a bird of any of the following species, namely

Alectoris chukar (chukar)

Alectoris rufa (red-legged partridge)

Coturnix japonica (Japanese quail)
Gallus gallus (red junglefowl and domestic fowl)
Perdix perdix (common partridge);

(*b*) a bird of any domestic form of any of the following species, namely

Anas platyrhynchos (domestic duck)
Anser anser (domestic goose)
Anser cygnoides (Chinese goose)
Cairina moschata (Muscovy duck)
Meleagris gallopavo (turkey)
Numida meliagris (Guineafowl).

24. The whole or any part of the wings or anything made wholly or partly therefrom of any member of the following genera, namely

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|---|---|
| Ornithoptera<br>Trogonoptera<br>Troides | Birdwing butterflies. |

25. The stem of any plant of any of the families Cyatheaceae and Dicksoniaceae (tree ferns).

NOTE: In this Schedule, any common name which appears in brackets after a scientific name is included by way of guidance only; in the event of any dispute or proceedings, only the scientific name concerned is to be taken into account.

*Peter Shore,*
Secretary of State for the Environment.

22nd December 1978.

## EXPLANATORY NOTE

*(This Note does not form part of the Order.)*

This Order modifies the Schedules to the Endangered Species (Import and Export) Act 1976 which gives effect in the United Kingdom to the controls on international trade required under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention is generally known as "the Washington Convention" or "CITES"). It replaces, in an amended form, the modifications effected by previous modification orders, and adds further items to the Schedules.

The additions have the effect of bringing under control international trade in certain parts and products of species which appear to be endangered by that trade, or which are similar in appearance to such species.

The new items include the furskins, skins and hides of all wild members of the cat and bear family not already protected and of certain other animals, together with certain articles made from them or from reptile skins. The stuffed heads of all protected species of mammal and reptile are also covered. In addition, control is extended to items made from the tusks of certain animals, and from the teeth of any protected animal, together with items made from the helmeted hornbill, tortoiseshell and certain butterflies.

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