

APPENDIX 5.1 - LEGAL PROTECTION OF BATS IN THE UK

This is a summary only. The original legislation should be consulted and utilised for any formal purposes.

All eighteen species of bat resident in the UK (and their roosts - a place used by bats for shelter or protection) receive full legal protection under the terms of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) (W&CA 1981); and under Schedule 2 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended). Protection was extended by the Countryside and Rights of Way Act 2000. The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") consolidates and updates the Conservation (Natural Habitats & c.) Regulations 1994, though the level of protection afforded to bats remains the same. Taken together it is an offence, to recklessly, intentionally or deliberately:

- kill, injure or take bat/s
- damage or destroy roosts, or obstruct access to bat roost/s
- disturb bat/s whilst it is occupying a structure or place which it uses for the purposes of shelter or protection.

Four of the eighteen species of British bats (Greater Horseshoe *Rhinolophus ferrumequinum*, Lesser Horseshoe *Rhinolophus hipposideros*, Barbastelle *Barbastella barbastellus* and Bechstein's *Myotis bechsteinii*) are given further protection through the designation of SACs (Special Areas of Conservation) due to their inclusion on Annex II of the Habitats Directive.

Any activity that would result in a contravention of the legislation relating to bats would require a licence from Natural England to avoid committing an offence. Such licences are only issued where a number of conditions have been set (usually relating to detailed mitigation measures).

Until June 2007, six species of bat – Greater horseshoe, Lesser horseshoe, Barbastelle, Bechstein's, Common Pipistrelle *Pipistrellus pipistrellus* and Soprano Pipistrelle *Pipistrellus pygmaeus*, were listed as priority species on the UK Biodiversity Action Plan (BAP). In June 2007 a review of the priority species was presented as a UK BAP website report. The Governments of all four UK administrations have now adopted the recommendations and published the updated UK list of priority species. The priority actions relating to such species underwent consultation extending until February 2008.

As part of the updated priority species list, Common Pipistrelle has been removed, whilst Noctule *Nyctalus Noctula* and Brown Long-eared bat *Plecotus auritus* have been added. The method of implementation of these actions was discussed at the UK BAP research workshop in December 2008. This resulted in a summary of one-off survey actions that could be implemented immediately and actions for which further work is required