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**ENDANGERED SPECIES ACT****Principal Act**

<b>Act. No. 1990-54</b>	<i>Commencement</i>	23.5.1991
	<i>Assent</i>	22.11.1990

Amending enactments	Relevant current provisions	Commencement date
Act. 1991-33	s.2(4)(a)	12.12.1991
LN. 1993/113	Schs. 1, 2 and 4	1.7.1993
Act. 1998-11	Sch. 1	29.1.1998
2007-17	ss. 4(1), 4(3), 5(1), 8	14.6.2007

**EU Legislation/International Agreements involved:**

Regulation (EC) No. 338/97

Regulation (EC) No. 939/97

**English sources:**

None



**ARRANGEMENT OF SECTIONS.**

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AN ACT TO CONTROL THE IMPORT INTO, THE EXPORT FROM AND THE SALE IN GIBRALTAR OF ENDANGERED SPECIES.

**Title and commencement.**

1. This Act may be cited as the Endangered Species Act, 1990, and shall come into force on a date to be appointed by the Governor by notice in the Gazette and different dates may be so appointed for different purposes.

**Restriction on the importation and exportation of certain animals and plants.**

2.(1) Subject to subsection (2) the importation and the exportation of the following things are prohibited—

- (a) any animal or plant, whether alive or dead, of the species listed in the first and second Schedules to this Act, and any part of or products of such animals or plants together with the parts or products listed in the third Schedule;
- (b) any other goods which appear from—
  - (i) an accompanying document;
  - (ii) their packaging;
  - (iii) a mark or label; or
  - (iv) any other circumstances,to be parts or derivatives of animals or plants listed in Schedules 1 or 2.

(2) Subsection (1) shall not apply to the importation or exportation of any thing under and in accordance with the terms of a licence issued by the Collector of Customs.

(3) A licence issued under subsection (2) may be—

- (a) to any degree general or specific;
- (b) expressed to be valid for such period as may be stated in the licence;
- (c) modified or revoked at any time by the Collector of Customs;

(d) subject to such conditions as may be therein specified.

(4) The Collector of Customs shall not issue a licence under subsection (2) unless he is satisfied in relation to the thing in respect of which the application for such licence has been made that—

(a) it is not listed in column 1 of Schedule 1:

Provided that the Collector of Customs may issue a licence under subsection (2) in relation to a thing listed in column 1 of Schedule 1 where—

- (i) he is satisfied that the importation or exportation is for the purpose of scientific study;
  - (ii) the issuing of such licence has been approved by the body established under section 4; and
  - (iii) the licence specifies the precise thing and occasion of importation, and is not a general licence;
- (b) the capture or collection of the specimen in the wild did not or will not have a harmful effect on the conservation of its species or on the extent of the territory occupied by the population of the species to which the thing belongs;
- (c) the competent authorities of the country of origin of the thing have provided documentary evidence that the particular specimen has been obtained in accordance with the legislation there operating on protection of the species in question;
- (d) in the case of the importation of a living animal, the intended recipient possesses adequate facilities suitable for accommodating the specimen and suited to its behaviour and that the animal will be properly cared for;
- (e) there are no other requirements relating to the conservation of the species to which the thing belongs which militate against the issuing of a licence; and

the Collector of Customs shall seek the advice of the body established under section 4 in relation to the matters contained in paragraphs (a) to (e) of this subsection.

(5) A person who, for the purpose of obtaining, whether for himself or another, the issue of a licence under subsection (2)—

- (a) makes a statement which he knows to be false in a material particular:
- (b) furnishes a document or information which he knows to be false in a material particular; or
- (c) recklessly makes a statement which is false in a material particular,

is guilty of an offence and is liable on summary conviction to a fine of £5,000 or on conviction on indictment to imprisonment for two years and to a fine.

(6) Where a licence is issued under subsection (2) and, for the purpose of obtaining its issue, a person commits an offence under subsection (5), the licence shall be void.

(7) Where—

- (a) any live or dead animal or plant;
- (b) any thing specified in Schedule 3; or
- (c) any thing falling within section 2(l)(b),

is being imported or exported or has been imported or brought to any place for the purpose of being exported any officer authorised by the Collector of Customs may require any person possessing or having control of the animal, plant or thing to furnish proof that its importation or exportation is or was not unlawful by virtue of this section and if such proof is not furnished to the satisfaction of the officer, the animal, plant or thing shall be liable to forfeiture under the Imports and Exports Act<sup>1</sup>.

### **Prohibition on sales, etc.**

3.(1) Subject to subsection (2) it shall be an offence to—

- (a) keep for sale;
- (b) display for sale;
- (c) offer for sale;
- (d) sell; or
- (e) transport for sale,

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<sup>1</sup> 1986-21

anything referred to in section 2(1).

(2) Where the Collector of Customs is satisfied, having taken the advice of the scientific authority, that the thing kept displayed or offered for sale, or sold or transported for sale is—

- (a) a specimen bred in captivity or artificially propagated or is a part of an animal or plant so bred or propagated or is derived therefrom; and
- (b) the thing is intended for research, teaching, breeding or propagation purposes,

he may grant a certificate permitting the keeping, displaying or offering for sale, sale or transporting of that thing.

(3) Any person convicted of an offence under subsection (1) shall be liable on summary conviction to a fine of £5,000.

#### **Scientific authorities.**

4.(1) The Government may—

- (a) establish any body or bodies, consisting in each case of such members as he may from time to time appoint;
- (b) assign to any other body or bodies the duty referred to in subsection (3).

(2) A reference in this Act to a scientific authority is a reference to a body which is established under subsection (1) or to which the duty there referred to is assigned under that subsection.

(3) It shall be the duty of a scientific authority to carry out any duties assigned to it by this Act to advise the Government on any question which he may refer to it, and on any question on which he considers it should offer its advice—

- (a) in connection with the administration of this Act;
- (b) generally in connection with the importation, exportation and sale of animals and plants of kinds which appear to him, or as the case may be, the authority to be endangered and things derived wholly or partly from animals and plants of those kinds.

#### **Amendment and interpretation of Schedules.**

5.(1) Where, after consulting the scientific authority, the Government decides—

- (a) that the importation, exportation or sale of any animal or plant of a particular kind or of any thing derived wholly or partly from any animal or plant of a particular kind, should be restricted because it appears to him that the kind of animal or plant concerned is endangered or that the danger to the kind concerned has increased; or
- (b) that the importation, exportation or sale of any animal or plant of a particular kind or of any thing derived wholly or partly from any animal or plant of a particular kind, should no longer be restricted because it appears to him that the kind of animal or plant concerned is no longer endangered or that the danger to the kind concerned has decreased,

he may, by Order, make such modification to any Schedule as he considers necessary or desirable to give effect to that decision.

(2) Any Order under this section may be varied or revoked by a subsequent Order thereunder.

(3) Schedules 1 and 2 shall be interpreted in accordance with the provisions of Schedule 4.

### **Restriction of movement of certain live animals after importation.**

6.(1) Where a licence under section 2(2) has been issued or applied for in respect of the importation of a live animal of any of the kinds for the time being specified in the second column of Schedule 1, and after consulting the scientific authority the Collector of Customs considers that it is desirable to give a direction under this section, he may direct that the animal immediately after—

- (a) being imported; or
- (b) undergoing any period of quarantine required by any provision made by or under any legislation,

shall be taken to and subsequently kept at such premises as may be specified in the direction until such time as the Collector of Customs may give permission for the animal to be moved from those premises.

(2) A person who, knowing that a direction under subsection (1) has been given in relation to an animal—

- (a) knowingly takes it, or knowingly permits it to be taken, after it has been imported, to premises other than—
  - (i) the premises specified in the direction;
  - (ii) the premises connected with the importation of the animal; or
  - (iii) the premises where the animal is to undergo any period of quarantine required by any provision made by or under any legislation; or
- (b) knowingly moves it or knowingly permits it to be moved from the premises specified in the direction in the absence of such permission as is mentioned in subsection (1),

is guilty of an offence and is liable on summary conviction to a fine of £5,000.

(3) Proceedings for an offence under subsection (2) may be brought within a period of six months from the date on which evidence that is sufficient in the opinion of the Attorney General to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

- (4) For the purposes of subsection (3)—
  - (a) a certificate signed by or on behalf of the Attorney-General and stating the date on which such evidence came to his knowledge, shall be conclusive evidence of that fact; and
  - (b) a certificate stating that matter and purporting to be so signed, shall be deemed to be so signed unless the contrary is proved.

#### **Offences by corporations.**

7. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of a body corporate, or any person who is purporting to act in any such capacity, he, as well as the body corporate, is guilty of that offence and is liable to be proceeded against and punished accordingly.

#### **Regulations.**

8. The Government may make regulations for the purpose of carrying into effect the provisions of this Act and in particular but without prejudice to the generality of the foregoing for the following purposes—

- (a) prescribing the form of application for a licence and the form of that licence to be issued under section 2(2);
- (b) prescribing the fees payable in connection with the application for a licence and any licence under the Act;
- (c) prescribing the fees payable in connection with the application for the granting of any licence under section 2(2);
- (d) prescribing the form of evidence to be presented in support of any application for a licence under section 2(2);
- (e) providing for such other matters as are reasonably necessary for or incidental to the due administration of this Act.

*Section 9 repeals the Endangered Species (Import and Export) Act.*

## SCHEDULE 1

Sections 2 &amp; 3

**Animals etc., the importation, exportation and sale of which is restricted.****PART 1**

<i>AVES</i> (Birds) <i>Phalacrocoracidae</i>	<i>Phalacrocorax aristotelis desmatestii</i> (Western Mediterranean Shag)
<i>Galliformes</i>	<i>Alectoris barbara</i> (Barbary Partridge) <i>Alectoris rufa</i> Red-legged Partridge
<i>TESTUDINATA</i> (tortoises, etc) <i>Testudinidae</i>	<i>Testudo spp.</i> (Land tortoises) <i>Emys orbicularis</i> (European Pond Terrapin) <i>Mauremys caspica</i> (Stripe-necked Terrapin)
<i>SAURIA</i> (LIZARDS) <i>Gekkonidae</i>	<i>Tarentola Mauritanica</i> (Moorish Gecko) <i>Hemidactylus turcicus</i> (Turkish Gecko)
<i>Lacertidae</i>	<i>Podarcis hispanica</i> (Iberian Wall Lizard) <i>Acanthodactylus erythruos</i> (Spiny-footed Lizard)
<i>Scincidae</i>	<i>Chalcides chalcides</i> (Three-toed Skink) <i>Chalcides bedriagai</i> (Bedriaga's Skink)
<i>SERPENTES</i> (SNAKES) <i>Colubridae</i>	<i>Coluber hippocrepis</i> (Horseshore Whip Snake) <i>Natrix natrix</i> (Grass Snake) <i>Natrix maura</i> (Viperine Snake)
<i>PISCES</i> (FISH)	<i>Hippocampus spp.</i>

	(Seahorses)
	<i>Syngnathus spp.</i>
	(Pipefish)
	<i>Thalassoma spp.</i>
	(Turkish Wrasse)
	<i>Blennius spp.</i>
	(Blennies)
	<i>Gobius spp.</i>
	(Gobies)
	<i>Chromogobius spp.</i>
	(Gobies)
	<i>Thorogobius spp.</i> (Gobies)
<i>ARACHNIDA</i> (SPIDERS)	<i>Macrothele calpeiana</i>
<i>Dipluridae</i>	(Gibraltar Funnel-web Spider)
<i>CRUSTACEA</i> (CRUSTACEANS)	<i>Lepas anatifera</i>
	(Goose Barnacle)
	<i>Maja spp.</i>
	(Spider Crabs)
<i>MOLLUSCA</i> (MOLLUSCS)	<i>Atrina pectinata</i>
	(Brittle Pen Shell)
<i>Gastropoda</i>	<i>Pinna nobilis</i>
	(Noble Pen Shell)
	<i>Pinna rudis</i>
	(Rough Pen Shell)
	<i>Patella ferruginea</i>
	(Ribbed Mediterranean Limpet)
	<i>Acicula norrisi</i>
	<i>Thais haemastoma</i>
	(Rock Shell)
	<i>Lithophaga lithophaga</i>
	(Date mussel)
	<i>Charonia spp.</i>
	(tritons)
	<i>Epitonium spp.</i>
	(wentletraps)
	<i>Trivia spp.</i>
	(cowries)
	<i>Cypraea spp.</i>
	(cowries)
	<i>Mitra zonata</i>
	(Zoned Mitre Shell)
	<i>Cymbium olla</i>
	<i>Bolinus brandaris</i>
	(Purple Dye Murex)
	<i>Hexaplex trunculus</i>

	(Banded Murex) <i>Osteophora calpeana</i> <i>Cecilioides spp.</i>
<i>Opithobranchia</i> (sea slugs, etc.)	All species
<i>Cephalopoda</i>	<i>Argonauta argo</i> (Paper Nautilus) <i>Eledone spp.</i> (Lesser Octopus)
<i>ANTHOZOA</i> (ANEMONES, CORALS, Etc.) <i>Madreporaria</i>	<i>Balanophyllia regia</i> (Regal Coral) <i>Cladocora cespitosa</i> (Carpet Coral) <i>Dendrophyllia ramea</i> (Yellow Coral) <i>Lophelia pertusa</i> (coral) <i>Leptosammia pruroti</i> (Yellow Cup Coral) <i>Astroides calyculari</i> (Star Coral)
<i>Alcyonacea</i>	<i>Alcyonium palmatum</i> (Deadman's Fingers) <i>Parerythropodium coralloides</i> (soft coral)
<i>Gorgonacea</i>	<i>Eunicella cavolinii</i> (Yellow Gorgonian) <i>Eunicella clavata</i> (Violet Sea Whip) <i>Eunicella singularis</i> (gorgonian) <i>Eunicella verrucosa</i> (White Gorgonian) <i>Corallium rubrum</i> (Red Coral)

**PART 2****Plants, the importation and exportation of which is restricted.**

<i>CARYOPHYLLACEAE</i>	<i>Silene tomentosa</i> (Gibraltar Champion)
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SCHEDULE 2

Section 2(1)

**Plants, the importation, exportation and sale of which are restricted.**

FLORA

AGAVACEAE	<i>Agave arizonica</i> <i>Agave parviflora</i>	<i>Agave victoriae-reginae</i> ≠ 1
	<i>Nolina interrata</i>	
AMARYLLIDACEAE		<i>Galanthas spp.</i> ≠ 1 <i>Sternbergia spp.</i> ≠ 1
APOCYNACEAE		<i>Pachypodium spp.</i> ≠ 1
	<i>Pachypodium baronii</i> <i>Pachypodium brevicaulis</i> <i>Pachypodium decaryi</i> <i>Pachypodium namaquanum</i>	
		<i>Rauvolfia serpentina</i> ≠ 2
ARACEAE		<i>Alocasia sanderiana</i>
ARALIACEAE		<i>Panax quinquefolius</i>
ARAUCARIACEAE	<i>Araucaria araucana</i> + 216	<i>Araucaria araucana</i> – 117 ≠ 1
ASCLEPIADACEAE		<i>Ceropegia spp.</i> ≠ 1 <i>Frerea indica</i> ≠ 1
BERBERIDACEAE		<i>Podophyllum hexandrum</i> = 363 ≠ 2
BROMELIACEAE		<i>Tillandsia harissi</i> <i>Tillandsia kammii</i> <i>Tillandsia kautskyi</i> <i>Tillandsia mauryana</i> <i>Tillandsia sprengeliana</i> <i>Tillandsia sucrei</i> <i>Tillandsia xerographica</i>
BYBLIDACEAE		<i>Byblis spp.</i> ≠ 1
CACTACEAE		CACTACEAE spp ≠ 4

*Ancistrocactus*  
  *tobuschii* = 364  
*Ariocarpus* spp.  
*Astrophytum asterias* =  
  365  
*Aztekium ritteri*  
*Backebergia militaris*  
  = 366  
*Coryphantha minima* =  
  367  
*Coryphantha sneedii* =  
  367  
*Coryphantha*  
  *werdetmannii*  
*Discocactus* spp.  
*Echinocereus*  
  *ferreirianus* var.  
  *lindsayi* = 368  
*Echinocereus schmollii*  
  = 369  
*Echinomastus*  
  *erectocentrus* = 370  
*Echinomastus*  
  *mariposensis* = 370  
*Leuchtenbergia*  
  *principis*  
*Mammillaria*  
  *pectinifera* = 371  
*Mammillaria plumosa*  
*Mammillaria*  
  *solisioides*  
*Melocactus conoidas*  
*Melocactus*  
  *deinacanthus*  
*Melocactus*  
  *glaucescens*  
*Melocactus*  
  *pausispinus*  
*Nopalxochia*  
  *macdougallii* = 372  
*Obregonia denegrii*  
*Pediocactus bradyi*  
*Pediocactus despainii*  
*Pediocactus knowltonii*  
*Pediocactus*  
  *papyracanthus* = 364  
*Pediocactus paradinei*  
*Pediocactus*

	<i>peeblesianus</i>	
	<i>Pediocactus sileri</i>	
	<i>Pediocactus winkleri</i>	
	<i>Pelecyphora</i> spp.	
	<i>Sclerocactus glaucus</i>	
	<i>Sclerocactus mesae-</i> <i>verdae</i>	
	<i>Sclerocactus</i> <i>pubispinus</i>	
	<i>Sclerocactus wrightiae</i>	
	<i>Strombocactus</i> <i>disciformis</i>	
	<i>Turbiniacarpus</i> spp. = 373	
	<i>Turbiniacarpus</i> <i>valdezianus</i> = 373	
	<i>Uebelmannia</i> spp.	
CARYOCARACEAE		<i>Caryocar costaricense</i> ≠ 1
CEPHALOTACEAE		<i>Cephalotus follicularis</i> ≠ 1
COMPOSITAE (ASTERACEAE)	<i>Saussurea costus</i> = 374	
CRASSULACEAE	<i>Dudleya stolonifera</i> <i>Dudleya traskiae</i>	
CUPRESSACEAE	<i>Fitz-Roya cupressoides</i> <i>Pilgerodendron</i> <i>uviferum</i>	
CYATHEACEAE		CYATHEACEAE spp. ≠ 1
CYCADACEAE		CYCADACEAE spp. ≠ 1
	<i>Cycas beddomei</i>	
DIAPENSIACEAE		<i>Shortia galacifolia</i> ≠ 1
DICKSONIAECEAE		DICKSONIAECEAE spp. ≠ 1
DIDIEREACEAE		DIDIEREACEAE spp. ≠ 1
DIOSCOREACEAE		<i>Dioscorea deltoidea</i> ≠ 1
DROSERACEAE		<i>Dionenia muscipula</i>
ERICACEAE		<i>Kalmia cuneata</i> ≠
EUPHORBIACEAE		<i>Euphorbia</i> spp. – 118 ≠ 1
	<i>Euphorbia</i> <i>ambovombensis</i> <i>Euphorbia cylindrifolia</i> <i>Euphorbia decaryi</i>	

	<i>Euphorbia francoisii</i>	
	<i>Euphorbia moratii</i>	
	<i>Euphorbia</i>	
	<i>parvicyathophora</i>	
	<i>Euphorbia primulifolia</i>	
	<i>Euphorbia</i>	
	<i>quartziticola</i>	
	<i>Euphorbia tulearensis</i>	
FAGACEAE		
FOUQUIERIACEAE		<i>Fouquieria columnarsi</i> ≠ 1
	<i>Fouquieria fasciculata</i>	
	<i>Fouquieria purpusii</i>	
GNETACEAE		<i>Gnetum montanum</i> (Nepal) ≠ 1
JUGLANDACEAE		<i>Oreomunnea</i> <i>pterocarpa</i> = 375
LEGUMINOSAE (FABACEAE)	<i>Delbergia nigra</i>	<i>Pericopsia elata</i> <i>Platymiscium</i> <i>pleiostachyum</i> ≠ 1
LILIACEAE		<i>Aloe</i> spp. ≠ 5
	<i>Aloe albida</i>	
	<i>Aloe pillansii</i>	
	<i>Aloe polyphylla</i>	
	<i>Aloe thorncroftii</i>	
	<i>Aloe vossii</i>	
MAGNOLIACEAE		<i>Talauma hodgsonii</i> (Nepal)
MELIACEAE		<i>Swietenia humilis</i> ≠ 1 <i>Swietenia mahagoni</i> ≠ 1
MORACEAE		<i>Batocarpus</i> <i>costaricensis</i> ≠ 1
NEPENTHACEAE		<i>Nepenthes</i> spp. ≠ 1
	<i>Nepenthes khasiana</i>	
	<i>Nepenthes rajah</i>	
ORCHIDACEAE		ORCHIDACEAE spp. = 376 ≠ 6
	<i>Cattleya skinneri</i>	
	<i>Cattleya trianae</i>	
	<i>Didiciea cinninghamii</i>	
	<i>Laelia jongheana</i>	
	<i>Laelia lobata</i>	
	<i>Lycaste skinneri</i> var <i>alba</i> = 377	
	<i>Paphiopedilum</i> spp.	
	<i>Peristeria elata</i>	

	<i>Phargmipedium</i> spp.	
	<i>Renanthera</i>	
	<i>imschootiana</i>	
	<i>Vanda coerulea</i>	
PALMAE (ARECACEAE)		<i>Chrysalidocaropus</i> <i>decipiens</i> ≠ 1
		<i>Neodypsis decaryi</i> ≠ 1
PAPAVERACEAE		<i>Meconopsis regla</i> (Nepal) ≠ 1
PINACEAE	<i>Abtes guatemalensis</i>	
PODOCARPACEAE	<i>Podocarpus parlatoresi</i>	<i>Podocarous neriifolius</i> (Nepal) ≠ 1
PORTULACAEAE		<i>Anacampseros</i> spp. ≠ 1
		<i>Lewisia cotyledon</i> ≠ 1
		<i>Lewisia maguirei</i> ≠ 1
		<i>Lewisia serrata</i> ≠ 1
		<i>Lewisia tweedyi</i> ≠ 1
PRIMULACEAE		<i>Cyclamen</i> spp. ≠ 1
PROTEACEAE	<i>Orothamnus zeyheri</i>	
	<i>Protea odorata</i>	
RUBIACEAE	<i>Balmea stormiae</i>	
SARRACENIACEAE		<i>Darlington californica</i> ≠ 1
		<i>Sarracenia</i> spp. ≠ 1
	<i>Sarracenia</i>	
	<i>alabamensis</i>	
	<i>alabamensis</i> = 378	
	<i>Sarracenia jonesii</i> = 379	
	<i>Sarracenia oreophila</i>	
STANGERIACEAE	<i>Stangeria eriopus</i> = 380	
TETRACENTRACEAE		<i>Tetracentron sinense</i> (Nepal) ≠ 1
THEACEAE		<i>Camellia chrysantha</i> ≠ 1
WELWITSCHIAEAE		<i>Welwitschia mirabilis</i> = 381 ≠ 1
ZAMIACEAE		ZAMIACEAE spp. ≠ 1
	<i>Ceratozamia</i> spp.	
	<i>Chigua</i> spp.	
	<i>Encephalartos</i> spp.	
	<i>Microcycas calocoma</i>	
ZINGIBERACEAE		<i>Hedychium philippinense</i>
ZYGOPHYLLACEAE		<i>Guaiacum sanctum</i> 1

## SCHEDULE 3

Section 2(1)

**Items the importation and exportation of which are restricted.**

1. Whale meat and whale offals.
2. Whalebone, if unworked or simply prepared, and hair and waste of whalebone.
3. Whale fat and whale oil (other than sperm oil), whether or not refined or modified.
4. Whalemeat extracts and whalemeat juices.
5. Any bracelet made wholly or partly of the hair of any animal of the family Elephantidae.
6. Any tusk of any of the following animals, namely—
  - (a) any animal of the family Elephantidae;
  - (b) any animal of the family Suidae;
  - (c) any animal of the species *Monodon monoceros*;
  - (d) any animal of the species *Odobenus rosmarus*;and any part of any such tusk and powder and waste of any tusk of any of the animals referred to in sub-paragraphs (a) to (d) of this paragraph.
7. The horn of any animal of the family Rhinocerotidae, if unworked or simply prepared, any part of any such horn and powder and waste of any horn of any such animal.
8. Any tooth of any animal, if unworked or simply prepared, any part of any such tooth and powder and waste of any tooth of any animal.
9. The stuffed head, or the skull together with the skin covering it, of any animal of any of the families Elephantidae and Rhinocerotidae.
10. (1) Any furskin of a defined animal, if raw, tanned or dressed.

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

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

(4) Any rug, coverlet, coat, jacket, cape or stole made wholly or partly of any furskin of a defined animal.

(5) In this paragraph a defined animal means an animal in the First Schedule.

11. Hair, whether or not carded or combed, of any animal of the species *Vicugna vicugna*.

12. Musk derived from any animal of the sub-species *Moschus moschiferus moschiferus*.

13. The raw hide or skin, if fresh, salted, dried, pickled or limed and whether or not split, and the leather of any animal of any of the orders Crocodylia, Lacertilia and Serpentes.

14. The dried body of any animal of any of the families Alligatoridae and Crocodylidae.

15. The shell and scales, if unworked or simply prepared the waste of the shell and scales, and the claws, of any animal of the family Cheloniidae.

16. The preserved body of any animal of the sub-species *Atelopus varius zeteki*.

17. The whole shell of any animal of the species *Papustyla pulcherrima* (otherwise known as *Papuina pulcherrima*).

18. Plumage, that is to say, any feather or feathers, or any skin or any other part with any feather or feathers on it, of any bird or birds, except where the plumage is that only of—

a bird ordinarily used in Gibraltar as part of the human diet.

19. Anything made wholly or partly of plumage (within the meaning of paragraph 18 above and subject to the exception there stated).

20. The stem of any plant of the family Cyatheaceae.

21. Derivates of any of the animals or plants specified in Schedules 1 or 2.

**SCHEDULE 4.**

Section 5(3)

INTERPRETATION OF SCHEDULES 1 AND 2

1. Species included in Schedules 1 and 2 are referred to:
  - (a) by the name of the species; or
  - (b) as being all of the species included in a higher taxon or designated part thereof
2. The abbreviation “spp.” is used to denote all species of a higher taxon.
3. Other references to a taxon higher than species are for the purposes of information or classification only.
4. The abbreviation “p.e.” is used to denote species that are possibly extinct.
5. The symbol (–) followed by a number placed against the name of a species or higher taxon denotes that designated geographically separate populations, species, groups of species or families of that species or taxon are excluded from the appendix concerned, as follows:–
  - 101 Population of West Greenland
  - 102 Population of Bhutan, India, Nepal and Pakistan
  - 104 Population of China
  - 105 Population of Australia
  - 106 Population of United States of America
  - 107–*Chile*: part of the population of Parinacota Province, Ia. Region of Tarapacá
    - Peru*: populations of Pampa Galeras National Reserve and Nuclear Zone, Pedregal, Osconta and Sawacocha (Province of Lucanas), Sais Picotani (Province of Azangaro), Sais Tupac Amaru (province of Janin), and of Salinas Aguada Blanca National Reserve (Provinces of Arequipa and Cailloma)
  - 108 Population of Afghanistan, Bhutan, Burma, India, Nepal and Pakistan
  - 109 Cathartidae
  - 110 Population of United States of America
  - 111 *Melopsittacus undulatus*, *Nymphicus hollandicus* and *Psittacula krameri*
  - 112 Population of the Congo and subject to an annual export quota of 600 (in 1990, 1991 and 1992)

– 113 Population of Botswana, Malawi, Mozambique, Zambia and Zimbabwe and populations of the following countries subject to the specified annual export quotas:

	<b>1990</b>	<b>1991</b>	<b>1992</b>	
Kenya	5,000	6,000	8,000	(skins and derivatives only)
Madagascar	0	2,000	3,100	(ranchd specimens only)
Somalia	500	500	500	
South Africa			1,000	
Sudan	5,040	0	0	
Uganda			2,500	
United Republic of Tanzania	1,100	5,100	6,100	
(ranchd specimens: wild-taken specimens hunting trophies: Total	0	4,000	6,000	
	1,000	1,000	0	
	100	100	100)	
	5,000	6,000	7,500	
Ranchd specimens Wild skins with belly width of 10- 18"	2,000	3,000	5,000	
	3,000	3,000	2,500	

– 114 Population of Indonesia subject to the following quotas:  
(1992: 9,700; 1993;8,500; 1994; 8,500)

– 116 Population of Indonesia subject to specified annual export quotas  
(1990: 1,250; 1991: 1,500; 1992: 2.500 including 50% ranchd specimens)

– 117 Population of Chile

– 118 All species that are not succulent

6. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in the appendix concerned as follows:

+201 Population of South America (populations outside South America are not included in the appendices)

+202 Populations of Bhutan, India, Nepal and Pakistan

+203 Population of Mexico

+204 Populations of Cameroon and Nigeria

+205 Population of Asia

+206 Population of India

+207 Populations of Central and North America

+208 Population of Australia

- +209 –*Chile*: part of the population of Parinacota Province, Ia. Region of Tarapacá  
 –*Peru*: populations of Pampa Galeras National Reserve and Nuclear Zone, Pedregal, Osconta and Sawacocha (Province of Lucanas), Sais Picotani (Province of Azangaro), Sais Tupac Amaru (Province of Janin), and of Salinas Aguada Blanca National Reserve (Provinces of Arequipa and Cailloma)
- +210 Populations of Afghanistan, Bhutan, Burma, India, Nepal and Pakistan
- +211 Population of Mexico
- +212 Populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan
- +213 Population of Europe, except the Union of Soviet Socialist Republics
- +214 Population of Indonesia subject to specified annual export quotas (1992: 2,500; 1993: 3,000; 1994: 4,000 all bred in captivity)
- +215 All species of New Zealand
- +216 Population of Chile

7. The symbol (=) followed by a number placed against the name of a species or higher taxon denotes that the name of that species or taxon shall be interpreted as follows:

- = 301 Includes family Tupaiidae
- = 302 Includes generic synonym *Leontideus*
- = 303 Includes synonym *Saguinus geoffroyi*
- = 304 Includes synonym *Cercopithecus roloway*
- = 305 Includes synonym *Colobus badius kirki*
- = 306 Includes synonym *Colobus badius rufomitratu*
- = 307 Includes generic synonym *Simias*
- = 308 Includes generic synonym *Mandrillus*
- = 309 Includes generic synonym *Rhinopithecus*
- = 310 Includes synonyms *Bradypus boliviensis* and *Bradypus griseus*
- = 311 Includes synonym *Priodontes giganteus*
- = 312 Includes synonym *Physeter catodon*
- = 313 Includes synonym *Eschrichtus glaucus*
- = 314 Includes generic synonym *Eubalaena*
- = 315 Includes synonym *Dusicyon fulvipes*
- = 316 Includes generic synonym *Fennecus*
- = 317 Also referenced as *Ursus thibetanus*
- = 318 Includes generic synonym *Thalarctos*
- = 319 Also referenced as *Aonyx microdon* or as *Paraonyx microdon*
- = 320 Includes synonyms *Lutra annectens*, *Lutra enudris*, *Lutra incarum* and *Lutra platensis*
- = 321 Includes synonym *Eupleres major*
- = 322 Also referenced as *Lynx caracal* includes generic synonym *Caracal*
- = 323 Also referenced as *Lynx pardinus* or *Felis lynx pardina*

- = 324 Also referenced as *Lynx rufus escuinapae*
- = 325 Includes synonyms *Equus kiang* and *Equus onager*
- = 326 Includes generic synonym *Dama*
- = 327 Includes generic synonyms *Axis* and *Hyelaphus*
- = 328 Includes synonym *Bos frontalis*
- = 329 Includes synonym *Bos grunniens*
- = 330 Includes generic synonym *Novibos*
- = 331 Includes generic synonym *Anoa*
- = 332 Includes synonym *Oryx tao*
- = 333 Includes synonym *Ovis aries ophion*
- = 334 Also referenced as *Anas platyrhynchos laysanensis*
- = 336 Includes synonym *Falco pelegrinoides* and *Falco babylonicus*
- = 337 Includes generic synonym *Pipile*
- = 338 Includes generic synonym *Mitu*
- = 339 Includes synonym *Rheinartia nigerscens*
- = 340 Also referenced as *Eupodotis bengalensis*
- = 341 Often traded under the incorrect designation *Ara caninde*
- = 342 Includes generic synonym *Cyclopsitta*
- = 343 Formerly included in genus *Gallirex*
- = 344 Also referenced as *Mimizuku gurneyi*
- = 345 Formerly included in genus *Ramphodon*
- = 346 Also referenced as *Muscicapa ruecki*
- = 346a Also referenced as *Xauthospar flavus*
- = 346b Also referenced as *Serinus gularis* (in part)
- = 347 Formerly included in genus *Spinus*
- = 348 Includes generic synonyms *Nicoria* and *Geoemyda* (part)
- = 349 Also referenced in genus *Testudo*
- = 350 Formerly included in *Podocnemis* spp.
- = 351 Includes Alligatoridae, Crocodylidae and Gavialidae
- = 352 Formerly included in *Chamaeleo* spp.
- = 353 Also referenced as *Constrictor constrictor occidentalis*
- = 354 Includes synonym *Pseudoboa cloelia*
- = 355 Also referenced as *Hydrodynastes gigas*
- = 356 Includes generic synonym *Megalobatrachus*
- = 357 *Sensu* D'Abbrera
- = 358 Also referenced in genus *Dysnomia*
- = 359 Includes generic synonym *Proptera*
- = 360 Also referenced in genus *Carunculina*
- = 361 Includes generic synonym *Micromya*
- = 362 Includes generic synonym *Papuina*
- = 363 Also referenced as *Podophyllum emodi*
- = 364 Also referenced in genus *Sclerocactus*
- = 365 Also referenced in genus *Echinocactus*
- = 366 Also referenced in genus *Pachycereus*
- = 367 Also referenced in genus *Escobaria*
- = 368 Also referenced as *Echinocereus lindsayi*
- = 369 Also referenced as *Wilcoxia schmollii*
- = 370 Also referenced in genus *Neolloydia* or in genus *Sclerocactus*

- = 371 Also referenced as *Solisia pectinata*
- = 372 Also referenced as *Lobeira macdougallii*
- = 373 Also referenced as genus *Neolloydia*
- = 374 Also referenced as *Saussurea lappa*
- = 375 Also referenced as *Engelhardia ptercarpa*
- = 376 includes families Apostasiaceae and Cyprapediaceae as subfamilies Apostasioideae and Cyprapedioideae
- = 377 Also referenced as *Lycaste virginialis* var. *alba*
- = 378 Also referenced as *Sarracenia rubra alabamensis*
- = 379 Also referenced as *Sarracenia rubra jonesii*
- = 380 Includes synonym *Stangeria paradoxa*
- = 381 Includes synonym *Welwitschia bainesii*
- = 382 Includes synonym *Tamandua mexicana*
- = 383 Includes synonym *Cabassous gymnurus*
- = 384 Includes synonym *Manis longicaudata*
- = 385 Includes generic synonym *Coendou*
- = 386 Includes generic synonym *Cuniculus*
- = 387 Includes synonym *Vulpes vulpes leucopus*
- = 388 Includes synonym *Nasua narica*
- = 389 Includes synonym *Galictis allamandi*
- = 390 Includes synonym *Martes gwatkinsi*
- = 391 Includes generic synonym *Viverra*
- = 392 Also referenced as *Tragelaphus eurycerus*; includes generic synonym *Taurotragus*
- = 393 Formerly included as *Bubalus bubalis* (domesticated form)
- = 394 Also referenced as *Ardeola ibis*
- = 395 Also referenced as *Egretta alba*
- = 396 Also referenced as *Spatula clypeata*
- = 397 Also referenced as *Nyroca nyroca*
- = 398 Includes synonym *Dendrocygna fulva*
- = 399 Also referenced as *Cairina hartlaubii*
- = 400 Also referenced as *Crax pauxi*
- = 401 Includes synonym *Arborophila orientalis*
- = 402 Also referenced as *Turturoena iriditorques* or *Columba malherbii* (in part)
- = 403 Also referenced as *Columba mayeri*
- = 404 Also referenced as *Treron australis* (in part)
- = 405 Also referenced as *Calopelia brehmeri*; includes synonym *Calopelia puella*
- = 406 Also referenced as *Tympanistria tympanistria*
- = 407 Also referenced as *Terpsiphone bourbonensis*
- = 408 Also referenced as *Estrilda subflava* or *Sporaeginthus subflavus*
- = 409 Also referenced as *Lagono-Sticta Binacea*
- = 410 Includes generic synonym *Spermestes*
- = 411 Also referenced as *Euodice cantans* includes synonym *lonchura malabarica*
- = 412 Also referenced as *Hypargos nitidulus*

- = 413 Includes synonym *Parmoptila rubrifrons*
- = 414 Includes synonyms *Pyrenestes frommi* and *Pyrenestes rothschildi*
- = 415 Also referenced as *Estrilda bengala*
- = 416 Includes synonym *Bubalornis niger*
- = 417 Also referenced as *Euplectes afra*
- = 418 Also referenced as *Coliuspasser ardens*
- = 419 Also referenced as *Coliuspasser macrourus*
- = 420 Includes synonym *Euplectes orix*
- = 421 Also referenced as *Malimbus rubricops* or *Anaplectes melanotis*
- = 422 Includes synonyms *Passer diffusus*, *Passer gongonensis*, *Passer suahelicus* and *Passer swainsonii*
- = 423 Includes synonym *Ploceus nigriceps*
- = 424 Includes synonym *Ploceus atrogularis*
- = 425 Also referenced as *Sitagra luteola*
- = 426 Also referenced as *Sitagra melanocephala*
- = 427 Includes synonyms *Ploceus katangue*, *Ploceus reichardi*, *Ploceus ruweti* and *Ploceus vitellinus*
- = 428 Also referenced as *Hypochera chalybeata*; includes synonyms *Vidua amauropteryx*, *Vidua centralis*, *Vidua neumanni*, *Vidua okavangoensis* and *Vidua ultramarina*
- = 429 Includes synonym *Vidua orientalis*
- = 430 Also referenced as *Pelusios subniger*
- = 431 Formerly included in genus *Natrix*

8. The symbol (°) followed by a number placed against the name of a species or higher taxon shall be interpreted as follows—

°501 For the exclusive purpose of allowing international trade in cloth made from wool sheared from live vicunas of the populations referred to in +209. and of items made thereof. The reverse side of the cloth must bear the logotype adopted by the range states of the species, which are signatories to the Convenio para la Conservacion y Manejo de la Vicuna, and the selvages either the words VICU ANDES-CHILE or the words VICU ANDES-PERU. depending on the country of origin.

°502 Fossils are not subject to CITES provisions.

9. The symbol (≠) followed by a number placed against the name of a species or higher taxon included in the Schedules designates parts or derivatives which are specified in relation thereto for the purposes of the Act as follows:—

≠ 1 Designates all parts and derivatives, except:—

- (a) seeds, spores and pollen (including pollinia): and
- (b) tissue cultures and flaked seedlings cultures.

≠ 2 Designates all parts and derivatives, except:

- (a) seeds and pollen;
- (b) tissue cultures and flasks seedling cultures; and
- (c) chemical derivatives.

≠ 3 Designates roots and readily recognizable parts thereof.

≠ 4 Designates all parts and derivatives, except:

- (a) seeds and pollen;
- (b) tissue cultures and flasks seedling cultures;
- (c) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and
- (d) separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated *Opuntia* subgenus *Opuntia* spp.

≠ 5 Designates all parts and derivatives, except:

- (a) seeds and pollen;
- (b) tissue cultures and flasks seedling cultures; and
- (c) separate leaves and parts and derivatives thereof of naturalized or artificially propagated *Aloe vera*.

≠ 6 Designates all parts and derivatives, except:

- (a) seeds and pollen (including pollinia);
- (b) tissue cultures and flasks seedling cultures;
- (c) cut flowers of artificially propagated plants; and
- (d) fruits and parts and derivatives thereof of artificially propagated *Vanilla* spp.

10. As one of the species or higher taxa of FLORA included in the Second Schedule are annotated, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation.

11. Where the name of a country is given in brackets the restriction applies only to the taxon originating in that country.