



Policy on collecting, breeding and photography

First Principles

Butterfly Conservation's prime purpose is the conservation of wild populations of butterflies and moths and their habitats in the United Kingdom. This entails encouraging people to observe, appreciate and understand the needs of living insects. The issue of collecting butterflies and moths is controversial and it is unlikely that any code will be completely acceptable to everybody. This policy is based on the principle that no Lepidoptera should be killed or collected casually, unthinkingly and without good reason, and that collecting, breeding or photography should never be carried out in a way that would endanger, or have any long-term adverse effect on any population of non-pest Lepidoptera.

Collecting: codes and legislation

The main threats affecting Lepidoptera populations relate to habitat loss or inappropriate management. Many species, however, are becoming so rare or localised that uncontrolled collecting, particularly if targeted at vulnerable sites and species, might adversely affect populations and lead to local extinctions. In these circumstances, Butterfly Conservation believes that care, consideration and restraint need to be exercised at all times, even when collecting is carried out for legitimate and acceptable purposes such as scientific research or the identification of difficult species. In some situations specific byelaws prohibit the removal of specimens of flora and fauna from sites (eg. on National Trust and Forestry Commission land), while many nature reserves, including those managed by Butterfly Conservation, have a no collecting policy without prior permission. Legislation is also in place, which prohibits the collection of certain species (see Appendix). Members of the public are encouraged to report any obvious transgressions relating to unauthorised or illegal collecting to the appropriate authorities.

Private and public collections

Unrestrained collecting of Lepidoptera from the wild for recreational purposes, for example to assemble a comprehensive personal collection, is strongly discouraged. With the advent of macro and digital photography, good identification guides and the accessibility of extensive museum collections for study and research, the need to collect butterflies and many moths is difficult to justify other than for bona fide scientific purposes. However, for some moth families and critical species, along with many other insect groups, responsible collecting is still an important way of gaining taxonomic expertise and increasing vital scientific knowledge of conservation value.

Commercial collecting and trade

Collecting for commercial purposes is not in the best interests of Lepidoptera conservation in the United Kingdom and Butterfly Conservation supports all measures to regulate trading of butterflies and moths. In the absence of comprehensive regulation, Butterfly Conservation expects those engaged in the trade in butterflies and moths to observe the law and encourages them to observe the principles set out in this policy. Members of the public should be aware of the legislation covering the sale of particular species (see Appendix) and be prepared to assist the authorities in monitoring and upholding the law. Members of the public are strongly urged not to support the trade in protected species through the purchase of stock from commercial breeders.

Species identification

Collecting for identification purposes cannot be justified in the case of the UK's butterflies, which can all (with the exception of the two Wood White species) be readily identified in the field without recourse to killing. In the case of moths, identification is not always straightforward and where the exact identification of a particular species is required for a legitimate purpose, then the taking of a minimal number of voucher specimens or the rearing through of a small number of eggs or larvae for subsequent identification is acceptable, provided that any subsequent release is on the original site with the landowners permission. Full use should always be made of photography and of existing Lepidoptera collections.

Care should also be taken when releasing moths from unattended light traps after their identification as birds may quickly learn where they can take advantage of an easy meal. If possible, moths should be released at dusk and not released in the same locations each time. You should also ensure that the trap is covered during the day, for example by a sheet, and kept out of direct sunlight and away from areas that get hot. If moths have to be released during the day, captured moths should be released into an area with considerable vegetation cover to give them somewhere to hide.

Collecting for research

Practical conservation requires a considerable depth of understanding that can usually be obtained only from painstaking, long-term scientific research, which may entail collecting or sampling. Such work should be carried out only after prior consultation and agreement with landowners and the relevant conservation bodies. Additionally, Butterfly Conservation recognises that scientific research can have legitimate reasons for collecting and killing insects, for example in developing environmentally-friendly methods of controlling agricultural pests or vectors of disease, and in taxonomic studies. However, we expect all such work to be carried out responsibly and with due regard to conservation considerations. Simple collection of genetic and morphological variations cannot be regarded as a valid scientific justification in itself. Again, wherever possible, existing collections should be accessed for source material.

Taking for rearing and release

Taking a limited number of specimens (up to 5 eggs or caterpillars) of only the most common and widespread native species¹ to be bred in captivity for educational purposes is legitimate, and can be a useful way of understanding some of the details of the life history of butterflies and moths. However, there can be no conservation justification for rearing and releasing large numbers of common and widespread species. Furthermore, scarce species should not be taken at all, unless as an integral part of a conservation programme approved by Butterfly Conservation or other leading conservation bodies. For such purposes it is preferable to take the earlier life cycle stages of a species rather than the adult form and to take from the healthiest populations. Taking any species, whatever life stage, from a Site of Special Scientific Interest (SSSI) without relevant consents can be an offence. Taking without consent from other sites such as Open Access land or land covered by by-laws (National Trust, Forestry Commission) could also result in enforcement action. Any releases should be onto the sites from which they were originally taken. Releases onto other sites should be reported to the appropriate local conservation bodies or Lepidoptera recorders where it involves uncommon species, or species at all outside of their normal, known range.

The deliberate release of butterflies and moths from captive breeding as a means of reinforcing existing populations should not normally be undertaken, as it is difficult to ensure it does not have a negative effect on the receptor population. A Butterfly Conservation Policy covering

¹ Defined for the purposes of this policy as Painted Lady, Peacock, Comma and Red Admiral. Common and widespread moth species which would fall into this category include Pale Tussock, Knot Grass and Elephant Hawkmoth, all of which are easy to rear.

Lepidoptera Introductions and Re-introductions is available from BC's website. Releases of non-native Lepidoptera are likely to be illegal under the Wildlife and Countryside Act

Photography

Taking photographs or film rather than specimens can be a captivating hobby but the priority must always be the welfare of insect populations and their habitat. Photographers should take care to minimise disturbance or damage to habitats. The removal of insects from the wild for photographic purposes should be avoided but, if essential, the subsequent release in the place of capture should occur promptly. In the case of the various species given full legal protection in each part of the United Kingdom, activities such as netting, handling, temporary boxing or other forms of taking from the wild, even for photography and subsequent release, are illegal unless a licence has been obtained from the appropriate Government Agency (see Appendix).

Appendix 1

Lepidoptera species protected by law in the UK

Great Britain

The **WILDLIFE and COUNTRYSIDE ACT 1981 (as amended)** protects a number of Lepidoptera species in England, Wales and Scotland, but does not apply in the Channel Islands, the Isle of Man or Northern Ireland (separate legislation see below).

Protection is afforded at different levels under Section 9 of the Act, the species concerned being listed on **SCHEDULE 5**. Schedule 5 can be varied by the Secretary of State and since the Act came into force many butterfly and moth species have been added to it.

FULLY PROTECTED SPECIES:

Large Blue	<i>Maculinea arion</i>	Barberry Carpet	<i>Pareulype berberata</i>
Large Copper	<i>Lycaena dispar</i>	Black-Veined	<i>Siona lineata</i>
Heath Fritillary	<i>Melitaea athalia</i>	Essex Emerald	<i>Thetidia smaragdaria</i>
High Brown Fritillary	<i>Argynnis adippe</i>	Fiery Clearwing	<i>Pyropteron chrysidiformis</i>
Swallowtail	<i>Papilio machaon</i>	Fisher's Estuarine	<i>Gortyna borelii</i>
Marsh Fritillary	<i>Euphydryas aurinia</i>	New Forest Burnet	<i>Zygaena viciae</i>
		Reddish Buff	<i>Acosmetia caliginosa</i>
		Sussex Emerald	<i>Thalera fimbrialis</i>

These species are afforded full protection at all stages of their life cycle (egg, caterpillar, pupa and adult) and it is a criminal offence to do the following without a licence:

- intentionally kill, injure or take them from the wild*;
- possess any live or dead wild* specimen, or any part of, or anything derived from them, or to be in 'control' of such specimens, parts or derivatives;
- sell, offer or expose for sale, or possess or transport for the purposes of sale, whether alive or dead any wild* specimen and parts or derivatives of them; or for anyone to publish or cause to be published any advertisement indicating or suggesting that they buy or sell such things.

Exceptions in the Act to the first two types of prohibition cover:

- i) the humane destruction of injured animals or taking them to tend injuries with the purpose of releasing back into the wild (and those injuries were not caused unlawfully)
- ii) actions that are the incidental result of an otherwise lawful activity and could not have reasonably been avoided.
- iii) actions carried out in accordance with specific licences or requirements under agricultural and animal health legislation or by authorised persons to protect certain things including crops, fruit, vegetables or foodstuffs under 'emergency' circumstances.

PARTIALLY PROTECTED SPECIES (covering sale only)

Northern Brown Argus	<i>Aricia artaxerxes</i>	Duke of Burgundy	<i>Hamearis lucina</i>
Adonis Blue	<i>Lysandra bellargus</i>	Glanville Fritillary	<i>Melitaea cinxia</i>
Chalkhill Blue	<i>Lysandra coridon</i>	Pearl-Bordered Fritillary	<i>Boloria euphrosyne</i>
Silver-studded Blue	<i>Plebejus argus</i>	Black Hairstreak	<i>Strymonidia pruni</i>
Small Blue	<i>Cupido minimus</i>	Brown Hairstreak	<i>Thecla betulae</i>
White-letter Hairstreak	<i>Strymonidia w-album</i>	Wood White	<i>Leptidea sinapis</i>
Purple Emperor	<i>Apatura iris</i>	Chequered Skipper	<i>Carterocephalus palaemon</i>
Large Heath	<i>Coenonympha tullia</i>	Lulworth Skipper	<i>Thymelicus acteon</i>
Mountain Ringlet	<i>Erebia epiphron</i>	Silver-spotted Skipper	<i>Hesperia comma</i>
Large Tortoiseshell	<i>Nymphalis polychloros</i>		

In respect of these species it is a criminal offence to do the following without a licence:

- sell, offer or expose for sale, or possess or transport for the purposes of sale, whether alive or dead, any wild* specimen and parts or derivatives of them; or for anyone to publish or cause to be published any advertisement indicating or suggesting that they buy or sell such things.

**As far as the law is concerned any specimen of these protected animals is considered to be a wild one unless the contrary can be shown by the person in control or possession of it.*

LICENCES

Licensing and enforcement regarding sale, trade and transport of all protected species is regulated by the Department for Environment Food and Rural Affairs. Appropriate licences relating to all other types of activity affecting the fully protected species are issued by Isle of Man Department of Environment, Food and Agriculture, Natural England, Natural Resources Wales, Northern Ireland Environment Agency or Scottish Natural Heritage. Individuals who are concerned that the legislation is being breached should in the first instance contact these licensing authorities.

Northern Ireland and the Isle of Man

The **Wildlife (Northern Ireland) Order 1985** affords similar protection to the full provisions of Section 9 of the Wildlife and Countryside Act 1981 (ie. taking, killing, possession, selling and advertising) for the following species:

Brimstone	<i>Gonepteryx rhamni</i>	Dingy Skipper	<i>Erynnis tages</i>
Large Heath	<i>Coenonympha tullia</i>	Marsh Fritillary	<i>Eurodryas aurinia</i>
Small Blue	<i>Cupido minimus</i>	Purple Hairstreak	<i>Quercusia quercus</i>
Holly Blue	<i>Celastrina argiolus</i>		

The **Wildlife (Isle of Man) Act 1990** also affords full protection from taking, killing, possession, selling and advertising for sale, for the following species:

The Grey	<i>Hadena caesia mananii</i>	The Pod Lover	<i>Hadena perplexa capsophila</i>
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THE CONSERVATION (NATURAL HABITATS &c) REGULATIONS 1994

These Regulations implement the requirements of the Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC) in Britain. This European Directive, known as the 'Habitats and Species Directive', lists species considered to be of 'Community Interest' for nature conservation. Annex IV of the Directive identifies those species in need of strict protection and Large Blue *Maculinea arion* is the only species of Lepidoptera native to the UK listed.

Further to the protection of the Wildlife and Countryside Act 1981 the Regulations make it a separate and additional offence to take, injure, or kill this species, as well as making it an offence to deliberately disturb the butterfly or damage or disturb its breeding sites or resting places.

[NOTE: This summary can only act as a guide to the law and should not be taken as a complete and precise representation.]