



Parliamentary briefing: legislative changes needed to protect seals, dolphins, whales and porpoises

13 January 2025

This briefing on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)) sets out the urgent amendments to the existing legislative framework for England and Wales needed to effectively protect marine mammals.

Why we need to protect marine mammals

Whales, dolphins, porpoises (cetaceans) and seals (pinnipeds) are among the most loved British species. They are also keystone marine species and provide important ecosystem services including the cycling of nutrients through the ocean,¹ and carbon storage.² Protecting them is also essential to achieve Good Environmental Status, as required in law under The Marine Strategy Regulations 2010. These animals face cumulative and increasingly severe threats from human activity affecting their survival, including:

- Serious disturbance at pinniped ‘haul-out’ sites from increasing coastal activity causes animals to flee pupping and resting sites, wasting energy, and often leads to stampedes which cause injury, especially to young animals. Disturbance comes from commercial/recreational use of the marine environment and the expansion of offshore industries and associated vessel traffic. These factors also disturb cetaceans which are highly sensitive to increased marine noise from these activities.
- Reduced food availability for marine mammals due to prey depletion resulting from fishing activities, particularly on overfished stocks.
- Entanglement in fishing gear (“bycatch”) causes injury and death to thousands of marine mammals in UK waters every year, resulting in declines in some species’ populations.³
- Pollution of the ocean by toxic chemicals, plastics and fishing gear causes illness, injury, and death of marine mammals,⁴ due to entanglement in or consumption of plastic,⁵ and through build-up of toxins in animals’ bodies.⁶

¹ <https://wwfint.awsassets.panda.org/downloads/naturestechnicians.pdf>

² <https://www.sciencedirect.com/science/article/pii/S0169534722002798>

³ <https://randd.defra.gov.uk/ProjectDetails?ProjectId=19943>

⁴ <https://www.sciencedirect.com/science/article/abs/pii/B978012812144300005X?via%3Dihub>

⁵ https://wwfint.awsassets.panda.org/downloads/wwf_impacts_of_plastic_pollution_on_biodiversity.pdf

⁶ <https://pubs.acs.org/doi/10.1021/acs.est.3c01881>



- Hunting by neighbouring countries, such as Norway, Iceland and the Faroe Islands can affect highly mobile populations in UK waters.
- Climate change is adversely affecting the habitats and prey of marine mammals and leading to changes in their distributions. Increased stormy weather is impacting seals, potentially making it harder for them to find food, increasing disturbance when they are resting on the shore and separating vulnerable pups from their mothers.⁷

Inadequate monitoring means we do not adequately understand how most marine mammal species' populations are faring, and of those we do know about, UK populations are showing evidence of decline.⁸ We need to ensure these important species are more effectively protected in law to give them the best chance to survive the multiple threats they face and reverse species and biodiversity decline. The 2023 EFRA Committee report 'Protecting Marine Mammals in the UK and Abroad', found that the legal framework to protect marine mammals is 'incoherent and not sufficient to effectively preserve these precious species'.⁹ The below recommendations are the first step in correcting this. We will also need new legislation which makes the protections for marine mammals in law clear and effective.

Urgent amendments needed to protect pinnipeds in law

Proposed amendment – *all pinniped species to be included in Schedule 5 of the Wildlife and Countryside Act 1981 (WCA 1981) and all offences under section 9 to be applicable to all pinniped species.*

WCA 1981 is the primary mechanism for wildlife protection in UK Law. Schedule 5 lists animals protected by the Act, including from the section 9(4A) offence of intentionally or recklessly disturbing an animal.

Currently the only pinniped species listed in Schedule 5 WCA 1981 is the walrus, a vagrant species to the UK. It is currently not an offence to intentionally or recklessly disturb, resident pinniped species (the grey seal and common seal). Pinnipeds are protected from disturbance at a few sites where they are a monitored feature of a Site of Special Scientific Interest (SSSI). This framework is not effective for this highly mobile group of species.

The Seal Research Trust's monitoring in Cornwall and Devon recorded disturbance of 2250 seals in 2023, and monitoring by the Yorkshire Seal Group recorded 926 seal disturbance incidents in 2023.¹⁰ These numbers are likely to be the tip of the iceberg, as citizen scientists

⁷ Townhill et al, 2021. Investigating Climate Change Resilience of Vulnerable Marine Species around the UK [InCResiVul], CEFAS

⁸ <https://moat.cefas.co.uk/biodiversity-food-webs-and-marine-protected-areas/cetaceans/abundance-and-distribution-of-cetaceans-other-than-coastal-bottlenose-dolphins/>

⁹ <https://committees.parliament.uk/work/6670/marine-mammals/publications/>

¹⁰ https://wcl.org.uk/docs/2024/WCL_Wildlife_Crime_2023_Final.pdf



can only cover a small proportion of sites. In Cornwall seal disturbance mirrors mortality, showing disturbance may cause seal deaths.

Urgent amendments needed to protect cetaceans in law

Proposed amendment – *all section 9 WCA 1981 offences to apply to all cetacean species.*

All cetaceans are listed in Schedule 5 WCA 1981 in England and Wales. However, not all section 9 WCA 1981 offences apply to them. Currently, only sections 9(4A) and (5) apply to cetaceans, with section 9(4A) only applying to whale and dolphin species (meaning this does not apply to the harbour porpoise – the UK’s most common coastal cetacean species). The section 9(1) offence of intentionally killing, injuring, taking an animal does not apply to cetaceans and therefore it is not an offence to intentionally kill, injure or take a cetacean under WCA 1981.

Laws protecting cetaceans instead sit under retained EU law. The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017, make it an offence to deliberately capture, injure or kill any cetacean.

The proposed amendments would ensure that marine mammals are fully protected by UK law rather than by assimilated EU law, which could be eroded or repealed, for example, as a result of the powers set out in the Retained EU Law (Revocation and Reform) Act 2023. It would also rectify the incoherence in current law evidenced by the dispersed legislation and the incomprehensible wording of WCA 1981. These amendments could be achieved quickly and easily. Schedule 5 is regularly updated as part of a process known as the Quinquennial Review of Schedules 5 and 8. The Government response to this Review is currently overdue, with it having been submitted to the Government in April 2022. Section 9 has frequently been amended, such as in 2007 as part of changes to species protections under EU law.

What you can do in parliament

Please ask Defra the following as either written or oral parliamentary questions:

To ask the Secretary of State for Environment, Food and Rural Affairs, if he will bring forward legislative proposals to add all resident pinniped species to Schedule 5 of the Wildlife and Countryside Act 1981, and protect all pinniped and cetacean species from all offences under Section 9 of the Wildlife and Countryside Act 1981.

To ask the Secretary of State for Environment, Food and Rural Affairs, if he will publish his response to the recommendations of 7th Quinquennial Review of Schedules 5 and 8 of the Wildlife and Countryside Act 1981 with respect to marine mammals, and whether this will be considered as part of the review of the Environmental Improvement Plan.



For background detailed information, see Link’s longer briefing on this topic: [Protecting Marine Mammals in the UK: Amendments to the Legislative Framework](#)

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 86 organisations to use their joint voice for the protection of the natural world and animals.

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The following organisations support this briefing:

Seal Research Trust

The Wildlife Trusts

WWF-UK

Environmental Investigation Agency (EIA)

International Fund for Animal Welfare (IFAW)

Humane Society International

ORCA

Whale and Dolphin Conservation (WDC)