

Code of Conduct for picking, collecting, photographing and enjoying wild plants

A new Code of Conduct was produced by the Botanical Society of Britain and Ireland (BSBI) with support from the BPS and is available on the BSBI website. The main points relating to pteridophytes are outlined here. Members are urged to follow these guidelines. Although the information provided here relates only to the British Isles, similar legislation exists abroad. Members are urged to follow the same standards abroad as they do at home and always to act within local legislation.

Legal protection

All wild plants are protected by law in the United Kingdom. Under the Wildlife and Countryside Act 1981, it is illegal to uproot any plant without permission from the landowner or occupier. Similar protection is given to plants in Northern Ireland under the Wildlife and Natural Environment Act (Northern Ireland) 2011. Furthermore, many nature reserves, including National Trust land, have bylaws in force making it illegal to pick, uproot or remove plants. Several of our rarest plants are specifically protected under Schedule 8 of the Wildlife and Countryside Act against intentional picking, uprooting and destruction, unless damage is a result of a lawful activity and could not reasonably have been avoided.

The pteridophytes listed on Schedule 8 are *Cystopteris dickieana*, *Equisetum ramosissimum*, *Ophioglossum lusitanicum*, *Trichomanes speciosum* (including its gametophytic form), *Woodsia alpina* and *W. ilvensis*. In Northern Ireland *Diphasiastrum alpinum*, *Gymnocarpium dryopteris*, *Lycopodiella inundata*, *Lycopodium clavatum* and *Polystichum lonchitis* are similarly protected. In the Republic of Ireland the following pteridophytes are specifically listed: *Asplenium obovatum*, *A. septentrionale*, *Cryptogramma crispa*, *Equisetum × moorei*, *Gymnocarpium robertianum*, *Lycopodiella inundata*, *Pilularia globulifera* and *Trichomanes speciosum*.

Responsible conduct

Collecting small amounts of plant material for private study, research or as voucher specimens is usually acceptable, except in the case of protected and rare species. Local laws should of course always be adhered to. In any circumstance, no collecting of any plant material should be undertaken on a nature reserve or protected site without first obtaining permission.

When meetings are held in countries outside the UK it is important to note that local laws and regulations on picking and collecting can be very different. The BPS abides by the provisions of the Convention of Biological Diversity (CBD). Therefore plant material can only be collected and imported with the correct permissions and authorisations from both the visited country and the UK. This includes any relevant phytosanitary certification. **It is your responsibility to ensure you are acting in accordance with relevant laws.** It is important to note that 'plant material' includes spores and that 'wild' and 'cultivated' plants are **not** differentiated under the CBD, and the same provisions apply.

The Nagoya Protocol (NP) is a related component of the CBD that ensures the benefit sharing with the country of origin of any developmental improvements or profits obtained from plants. Genetic material collected from the wild since October 12th 2014 is covered by the Nagoya Protocol, which is legally binding in the UK. For material from signatory countries, unless there is written consent from the country of origin, 'utilization' is not permitted. This includes the selection and development of new named cultivars and hybrids as well as production of new drugs and other products. Cultivation, privately or commercially, is permitted.

Habitat conservation

Rare plants are often rare because they require specific conditions, and unintentional damage to their habitats can easily occur. A particular threat is soil compaction. Should you visit a rare plant then please avoid doing anything which will alter the site conditions, such as disturbing the surrounding vegetation for photographic purposes, or excessive trampling of surrounding vegetation.

Introducing plants to the wild

Non-native plants should never be introduced into the wild and it is an offence to introduce certain plant species into the wild, these are listed under Schedule 9 of the Wildlife and Countryside Act, 1981 and Wildlife (Northern Ireland) 1985 orders as amended. Two are ferns: *Azolla filiculoides* and *Salvinia molesta*. Caution should be exercised and clothing checked where there is the possibility of transfer of material of these, or related non-native species.