### SCOTTISH STATUTORY INSTRUMENTS

### 2012 No. 205

### WILDLIFE

# The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Amendment Order 2012

Made 21st June 2012
Laid before the Scottish Parliament 25th June 2012
Coming into force - - 2nd July 2012

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 14(2B) and (2D)(a) and (e) of the Wildlife and Countryside Act 1981(a), and all other powers enabling them to do so.

In accordance with section 26(4A)(b) of that Act, they have consulted Scottish Natural Heritage and any other person appearing to them to have an interest in the making of the Order.

### Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Amendment Order 2012, and comes into force on 2nd July 2012.
  - (2) In this Order, "the 1981 Act" means the Wildlife and Countryside Act 1981.

# Amendment of the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012

- **2.**—(1) The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012(**c**) is amended in accordance with the following paragraphs.
- (2) At the end of article 2(1), insert "(type of animal to which subsection (1)(a)(i) does not apply)".
  - (3) In article 2(2), for "Latin" substitute "Scientific".

<sup>(</sup>a) 1981 c.69. Section 14(2B) and (2D) were inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) ("the 2011 Act"), section 14(2).

<sup>(</sup>b) Section 26(4A) was inserted by section 17(6)(c) of the 2011 Act.

<sup>(</sup>c) S.S.I. 2012/173.

(4) For Part 2 of the Schedule, substitute Part 2 set out in the Schedule to this Order.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House, Edinburgh 21st June 2012

"PART 2

Types of plants specified for the purposes of section 14(2B)(b) of the 1981 Act (types of plants to which section 14(2) does not apply)

Common name	Scientific name	Extent	
Column (1)	Column (2)	Column (3)	
Alder	Alnus glutinosa	All Scotland	
Ash	Fraxinus excelsior	All Scotland	
Atlas cedar	Cedrus atlantica	All Scotland	
Austrian pine	Pinus nigra subsp. nigra	All Scotland	
Bay willow	Salix pentandra	All Scotland	
Beech	Fagus sylvatica	All Scotland	
Birch, specific	$Betula\ pendula\ x\ pubescens = B.$	All Scotland	
hybrid	x aurata		
Bird cherry	Prunus padus	All Scotland	
Bishop pine	Pinus muricata	All Scotland	
Black currant	Ribes nigrum	All Scotland	
Black poplar	Populus nigra all subsp.	All Scotland	
Blackthorn	Prunus spinosa	All Scotland	
Bugloss	Anchusa arvensis	All Scotland	
Cedar-of-Lebanon	Cedrus libani	All Scotland	
Charlock	Sinapis arvensis	All Scotland	
Coastal redwood	Sequoia sempervirens	All Scotland	
Common fumitory	Fumaria officinalis	All Scotland	
Common poppy	Papaver rhoeas	All Scotland	
Corn marigold	Glebionis segetum	All Scotland	
Corn spurrey	Spergula arvensis	All Scotland	
Cornflower	Centaurea cyanus	Mainland, Orkney and Shetland	
Corsican pine	Pinus nigra subsp. laricio	All Scotland	
Crab apple	Malus sylvestris	All Scotland	
Crack willow	Salix fragilis	All Scotland	
Cut-leaved crane's-bill	Geranium dissectum	All Scotland	
Dark leaved willow	Salix myrsinifolia	All Scotland	
Deodar	Cedrus deodara	All Scotland	
Dog rose	Rosa canina	All Scotland	
Douglas fir	Pseudotsuga menziesii	All Scotland	
Dwarf birch	Betula nana	All Scotland	
Eastern hemlock	Tsuga canadensis	All Scotland	
Elder	Sambucus nigra	All Scotland	
European larch	Larix decidua	All Scotland	
European silver fir	Abies alba	All Scotland	
Field forget-me-not	Myosotis arvensis	All Scotland	
Field maple	Acer campestre	Mainland only	
Field pansy	Viola arvensis	All Scotland	

Common name	Scientific name	Extent	
Column (1)	Column (2)	Column (3)	
Field woundwort	Stachys arvensis	Mainland, Orkney and	
Ticia wouldwort	Stacity's ai vensis	Hebrides	
Gean	Prunus avium	All Scotland	
Glaucous dog rose	Rosa caesia subsp. vosagiaca	All Scotland	
Goat willow	Salix caprea	All Scotland	
Gooseberry	Ribes uva-crispa	All Scotland	
Grand fir	Abies grandis	All Scotland	
Grey alder	Alnus incana	All Scotland	
Grey poplar	$\begin{array}{ccc} Populus \ alba \ x \ tremula = P. \ x \\ canescens \end{array} \qquad \begin{array}{ccc} All \ Scotland \\ \end{array}$		
Guelder rose	Viburnum opulus All Scotland		
Hairy dog rose	Rosa caesia subsp. caesia	All Scotland	
Hawthorn	Crataegus monogyna	All Scotland	
Hedge mustard	Sisymbrium officinale	All Scotland	
Holly	Ilex aquifolium	All Scotland	
Hornbeam	Carpinus betulus	Mainland only	
Horse chestnut	Aesculus hippocastanum	All Scotland	
Hybrid aspen	Populus tremula x tremuloides	All Scotland	
Hybrid black poplar	$Populus\ nigra\ x\ deltoides = P.\ x$	All Scotland	
	canadensis		
Hybrid larch	Larix decidua x kaempferi = L. x marschlinsii	All Scotland	
Japanese larch	Larix kaempferi	All Scotland	
Japanese red cedar	Cryptomeria japonica	All Scotland	
Large-flowered	Galeopsis speciosa	All Scotland	
hemp-nettle			
Large-leaved lime	Tilia platyphyllos	All Scotland	
Lawson's cypress	Chamaecyparis lawsoniana	All Scotland	
Leyland cypress	Cupressus macrocarpa x Xanthocyparis nootkatensis = X Cuprocyparis leylandii	All Scotland	
Lime	Tilia platyphyllos x cordata = T. x europaea	All Scotland	
Lodgepole pine	Pinus contorta var. latifolia	All Scotland	
Long-headed poppy	Papaver dubium	All Scotland	
Macedonian pine	Pinus peuce	All Scotland	
Mountain pine	Pinus mugo	All Scotland	
Noble fir	Abies procera	All Scotland	
Nootka cypress	Xanthocyparis nootkatensis	All Scotland	
Norway maple	Acer platanoides	All Scotland	
Norway spruce	Picea abies	All Scotland	
Oak, specific hybrid	Quercus petraea x robur = Q. x rosacea	All Scotland	
Osier willow	Salix viminalis	All Scotland	
Pacific silver fir	Abies amabilis	All Scotland	
Pedunculate oak	Quercus robur	All Scotland	
Petty spurge	Euphorbia peplus	All Scotland	
Purple willow	Salix purpurea	All Scotland	
Rauli beech	Nothofagus alpina	All Scotland	
Red alder	Alnus rubra	All Scotland	

Common name	Scientific name	Extent	
Column (1)	Column (2)	Column (3)	
Red oak	Quercus rubra	All Scotland	
Roble beech	Nothofagus obliqua	All Scotland	
Scentless mayweed	Tripleurospermum inodorum All Scotland		
Scots pine	Pinus sylvestris All Scotland		
Serbian spruce	Picea omorika	All Scotland	
Sessile oak	Quercus petraea	All Scotland	
Sherard's downy rose	Rosa sherardii All Scotland		
Silver birch	Betula pendula	All Scotland	
Sitka spruce	Picea sitchensis	All Scotland	
Small-leaved lime	Tilia cordata	All Scotland	
Soft downy rose	Rosa mollis	All Scotland	
Spindle	Euonymus europaeus	All Scotland	
Sun spurge	Euphorbia helioscopia	All Scotland	
Sweet briar	Rosa rubiginosa	All Scotland	
Sweet chestnut	Castanea sativa All Scotland		
Sycamore	Acer pseudoplatanus	All Scotland	
Tea-leaved willow	Salix phylicifolia	All Scotland	
Walnut	Species of the genus Juglans	All Scotland	
Weld	Reseda luteola	Mainland only	
Wellingtonia	Sequoiadendron giganteum	All Scotland	
Western hemlock	Tsuga heterophylla	All Scotland	
Western red cedar	Thuja plicata	All Scotland	
White campion	Silene latifolia	All Scotland	
White poplar	Populus alba	All Scotland	
White willow	Salix alba	All Scotland	
Whitebeam	Sorbus aria agg.	Mainland only	
Wych elm	Ulmus glabra	All Scotland	
Yew	Taxus baccata	All Scotland	

NOTE: The common name or names given in column (1) of the table are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account."

#### **EXPLANATORY NOTE**

(This note is not part of the Order)

This Order amends the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012 ("the 2012 Order") which specifies the types of animal and the types of plant to which the offence provisions in section 14(1)(a)(i) and 14(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") (as substituted by section 14(2)(a) of the Wildlife and Natural Environment (Scotland) Act 2011) do not apply.

Article 2(2) of this Order amends article 2(1) of the 2012 Order so as to make clear that the type of animal listed in Part 1 of the Schedule is specified for the purposes of section 14(2B)(a) of the 1981 Act insofar as that section disapplies subsection (1)(a)(i) of section 14 of the 1981 Act to those types of animal.

Article 2(3) of this Order amends article 2(2) of the 2012 Order so as to refer to "Scientific name" instead of "Latin name".

Article 2(4) of, and the Schedule to, this Order substitutes a new Part 2 into the Schedule to the 2012 Order. In the newly substituted Part 2, a number of the entries in the table have been amended so as to correctly refer to the current nomenclature for these species. The heading in column (2) of the table has also been amended to refer to "Scientific name" instead of "Latin name".

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