

2012 No. 173

WILDLIFE

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

<i>Made</i> - - - -	<i>30th May 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>31st May 2012</i>
<i>Coming into force</i> - -	<i>2nd July 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 14(2B) and (2D)(a), (b) 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) Order 2012, and comes into force on 2nd July 2012.

(2) In this Order, “the 1981 Act” means the Wildlife and Countryside Act 1981.

Disapplication of section 14(1) of the 1981 Act

2.—(1) 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.

(2) The type of plant listed in column (1) (whose Latin name is listed in column (2)) of the table in Part 2 of the Schedule is specified for the purposes of section 14(2B)(b) of the 1981 Act, to the extent mentioned in column (3) of that table.

STEWART STEVENSON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
30th May 2012

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

SCHEDULE

Article 2

PART 1

Type of animal specified for the purposes of section 14(2B)(a) of the 1981 Act (types of animal to which section 14(1)(a)(i) does not apply)

A fish caught by rod and line, but only where the release takes place—

- (a) at the same location where the fish was caught; and
- (b) on the same day that the fish was caught.

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 <i>Column (1)</i>	Latin name <i>Column (2)</i>	Extent <i>Column (3)</i>
Ash	<i>Fraxinus excelsior</i>	All Scotland
Atlas cedar	<i>Cedrus atlantica</i>	All Scotland
Austrian pine	<i>Pinus nigra ssp. nigra</i>	All Scotland
Bay willow	<i>Salix pentandra</i>	All Scotland
Beech	<i>Fagus sylvatica</i>	All Scotland
Birch, specific hybrid	<i>Betula pendula x pubescens (B. x aurata) hybrid birch</i>	All Scotland
Bird cherry	<i>Prunus padus</i>	All Scotland
Bishop pine	<i>Pinus muricata</i>	All Scotland
Black currant	<i>Ribes nigrum</i>	All Scotland
Black poplar	<i>Populus nigra all ssp</i>	All Scotland
Blackthorn	<i>Prunus spinosa</i>	All Scotland
Bugloss	<i>Anchusa arvensis</i>	All Scotland
Cedar-of-Lebanon	<i>Cedrus libani</i>	All Scotland
Charlock	<i>Sinapis arvensis</i>	All Scotland
Coastal redwood	<i>Sequoia sempervirens</i>	All Scotland
Common alder	<i>Alnus glutinosa</i>	All Scotland
Common elder	<i>Sambucus nigra</i>	All Scotland
Common frumitory	<i>Fumaria officinalis</i>	All Scotland
Common hawthorn	<i>Crataegus monogyna</i>	All Scotland
Common poppy	<i>Papaver rhoeas</i>	All Scotland
Corn flower	<i>Centaurea cyanus</i>	Mainland, Orkney and Shetland
Corn marigold	<i>Glebionis segetum</i>	All Scotland
Corn spurrey	<i>Spregula arvensis</i>	All Scotland
Corsican pine	<i>Pinus nigra ssp. laricio</i>	All Scotland
Crab apple	<i>Malus sylvestris ssp sylvestris</i>	All Scotland
Crack willow	<i>Salix fragilis</i>	All Scotland
Cut leaves crane's-bill	<i>Geranium dissectum</i>	All Scotland

Common name <i>Column (1)</i>	Latin name <i>Column (2)</i>	Extent <i>Column (3)</i>
Dark leaved willow	<i>Salix myrsinifolia</i>	All Scotland
Deodar	<i>Cedrus deodara</i>	All Scotland
Dog rose	<i>Rosa canina</i>	All Scotland
Douglas-fir	<i>Pseudotsuga menziesii</i>	All Scotland
Dwarf birch	<i>Betula nana</i>	All Scotland
Eastern hemlock	<i>Tsuga canadensis</i>	All Scotland
European larch	<i>Larix decidua</i>	All Scotland
European silver fir	<i>Abies alba</i>	All Scotland
Field forget-me-not	<i>Myosotis arvensis</i>	All Scotland
Field maple	<i>Acer campestre</i>	Mainland only
Field pansy	<i>Viola arvensis</i>	All Scotland
Field woundwort	<i>Stachys arvensis</i>	Mainland, Orkney and Hebrides
Gean	<i>Prunus avium</i>	All Scotland
Glaucous dog rose	<i>Rosa caesia ssp glauca</i>	All Scotland
Goat willow (Pussy willow or Great willow)	<i>Salix caprea</i>	All Scotland
Gooseberry	<i>Ribes uva-crispa</i>	All Scotland
Grand fir	<i>Abies grandis</i>	All Scotland
Grey alder	<i>Alnus incana</i>	All Scotland
Grey poplar	<i>Populus x canescens</i>	All Scotland
Guelder rose	<i>Viburnum opulus</i>	All Scotland
Hairy dog rose	<i>Rosa caesia ssp caesia</i>	All Scotland
Hedge mustard	<i>Sisymbrium officinale</i>	All Scotland
Holly	<i>Ilex aquifolium</i>	All Scotland
Hornbeam	<i>Carpinus betulus</i>	Mainland only
Horse chestnut	<i>Aesculus hippocastanum</i>	All Scotland
Hybrid aspen	<i>Populus tremula x Populus tremuloides</i>	All Scotland
Hybrid black poplar	<i>Populus x canadensis</i>	All Scotland
Hybrid larch	<i>Larix x marschlinsii / Larix x eurolepis</i>	All Scotland
Japanese larch	<i>Larix kaempferi</i>	All Scotland
Japanese red-cedar	<i>Cryptomeria japonica</i>	All Scotland
Large hemp-nettle	<i>Galeopsis speciosa</i>	All Scotland
Large-leaved lime	<i>Tilia platyphyllos</i>	All Scotland
Lawson cypress	<i>Chamaecyparis lawsoniana</i>	All Scotland
Leyland cypress	<i>X Cupressocyparis leylandii</i>	All Scotland
Lime	<i>Tilia platyphyllos and Tilia x europaea (Tillia cordata x Tilia platyphyllos)</i>	All Scotland
Lodgepole pine	<i>Pinus contorta var. latifolia</i>	All Scotland
Long-headed poppy	<i>Papaver dubium</i>	All Scotland
Macedonian pine	<i>Pinus peuce</i>	All Scotland
Mountain pine	<i>Pinus mugo</i>	All Scotland
Noble fir	<i>Abies procera</i>	All Scotland
Nootka cypress	<i>Chamaecyparis nootkatensis</i>	All Scotland
Norway maple	<i>Acer platanoides</i>	All Scotland
Norway spruce	<i>Picea abies</i>	All Scotland

Common name <i>Column (1)</i>	Latin name <i>Column (2)</i>	Extent <i>Column (3)</i>
Oak, specific hybrid	<i>Quercus petraea x Quercus robur (Quercus x rosacea) hybrid oak</i>	All Scotland
Omorika spruce	<i>Picea omorika</i>	All Scotland
Osier willow	<i>Salix viminalis</i>	All Scotland
Pacific silver fir	<i>Abies amabilis</i>	All Scotland
Pedunculate oak	<i>Quercus robur</i>	All Scotland
Petty spurge	<i>Euphorbia peplius</i>	All Scotland
Purple willow	<i>Salix purpurea</i>	All Scotland
Rauli beech	<i>Nothofagus nervosa (= procera)</i>	All Scotland
Red alder	<i>Alnus rubra</i>	All Scotland
Red oak	<i>Quercus rubra</i>	All Scotland
Roble beech	<i>Nothofagus obliqua</i>	All Scotland
Scentless mayweed	<i>Tripleurospermum inodorum</i>	All Scotland
Scots pine	<i>Pinus sylvestris</i>	All Scotland
Sessile oak	<i>Quercus petraea</i>	All Scotland
Sherards downy rose	<i>Rosa sherardii</i>	All Scotland
Silver birch	<i>Betula pendula</i>	All Scotland
Sitka spruce	<i>Picea sitchensis</i>	All Scotland
Small-leaved lime	<i>Tilia cordata</i>	All Scotland
Soft downy rose	<i>Rosa mollis</i>	All Scotland
Spindle	<i>Euonymus europaeus</i>	All Scotland
Sun spurge	<i>Euphorbia helioscopia</i>	All Scotland
Sweet briar	<i>Rosa rubiginosa</i>	All Scotland
Sweet chestnut	<i>Castanea sativa</i>	All Scotland
Sycamore	<i>Acer pseudoplatanus</i>	All Scotland
Tea-leaved willow	<i>Salix phylicifolia</i>	All Scotland
Walnut	<i>Species of the genus Juglans</i>	All Scotland
Weld	<i>Reseda luteola</i>	Mainland only
Wellingtonia	<i>Sequoiadendron giganteum</i>	All Scotland
Western hemlock	<i>Tsuga heterophylla</i>	All Scotland
Western red cedar	<i>Thuja plicata</i>	All Scotland
White campion	<i>Silene latifolia</i>	All Scotland
White poplar	<i>Populus alba</i>	All Scotland
White willow	<i>Salix alba</i>	All Scotland
Whitebeam	<i>Sorbus aria sensu lato</i>	Mainland only
Wych elm	<i>Ulmus glabra</i>	All Scotland
Yew	<i>Taxus baccata</i>	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 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.

Section 14(1)(a)(i) of the 1981 Act makes it an offence for any person to release, or allow to escape from captivity, any animal to a place outwith its native range. Section 14(2B)(a) enables the Scottish Ministers to specify by order types of animals to which subsection (1)(a)(i) of section 14 does not apply. Article 2(1) of, and Part 1 of the Schedule to, the Order lists the type of animal specified for the purpose of section 14(2B)(a) thereby taking that type of animal outwith the ambit of the offence provision in section 14(1)(a)(i) of the 1981 Act.

Section 14(2) of the 1981 Act makes it an offence for any person to plant, or otherwise cause to grow, any plant in the wild at a place outwith its native range. Section 14(2B)(b) enables the Scottish Ministers to specify, by order, types of plants to which subsection (2) does not apply. Article 2(2) of, and Part 2 of the Schedule to, the Order lists types of plants for the purpose of section 14(2B)(b) thereby taking those types of plants outwith the ambit of the offence provision in section 14(2) of the 1981 Act.

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

£4.00

S5565 06/2012 325565T 19585

ISBN 978-0-11-101740-1



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