

2019 No. 37

WILDLIFE

The Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Amendment Order 2019

Made - - - - *13th February 2019*

Laid before the Scottish Parliament *15th February 2019*

Coming into force - - *1st April 2019*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 14ZC(1) and (2)(a) of the Wildlife and Countryside Act 1981^(a) and all others powers enabling them to do so.

In accordance with section 26(4A) of that Act^(b), 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 (Keeping and Release and Notification Requirements) (Scotland) Amendment Order 2019 and comes into force on 1 April 2019.

(2) In this Order—

“the 1981 Act” means the Wildlife and Countryside Act 1981, and

“the 2012 Order” means the Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Order 2012^(c).

Amendment of the Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Order 2012

2.—(1) The 2012 Order is amended in accordance with paragraphs (2) to (4).

^(a) 1981 c.69. Section 14ZC was inserted by section 14(3) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”).

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

^(c) S.S.I. 2012/174. S.S.I. 2012/174 was amended by the Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Amendment Order 2012 (S.S.I. 2012/206).

(2) After article 3 (prohibition on keeping invasive animals) of the 2012 Order, insert—

“Prohibition on keeping invasive plants

3A. The types of invasive plants listed in column (1) (whose Scientific name is listed in column (2)) of the table in Part 2A of Schedule 1 are specified for the purposes of section 14ZC(1)(b) of the 1981 Act.”.

(3) In Part 2 of schedule 1 of the 2012 Order (types of invasive animals specified for the purposes of section 14ZC(1)(a) of the 1981 Act), insert each of the following entries at the appropriate place according to the alphabetical order of the species’ common name—

<i>Common name</i> <i>Column (1)</i>	<i>Scientific name</i> <i>Column (2)</i>
American bullfrog	<i>Lithobates catesbeianus</i>
Asian hornet	<i>Vespa velutina nigrithorax</i>
Chinese mitten crab	<i>Eriocheir sinensis</i>
Egyptian goose	<i>Alopochen aegyptiacus</i>
Fox squirrel	<i>Sciurus niger</i>
Indian house crow	<i>Corvus splendens</i>
Pallas’ squirrel	<i>Callosciurus erythraeus</i>
Raccoon	<i>Procyon lotor</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Ruddy duck	<i>Oxyura jamaicensis</i>
Sacred ibis	<i>Threskiornis aethiopicus</i>
Siberian chipmunk	<i>Tamias sibiricus</i>

(4) After Part 2 of schedule 1 of the 2012 Order, insert Part 2A which is set out in the schedule of this Order.

St Andrew’s House,
Edinburgh
13th February 2019

ROSEANNA CUNNINGHAM
A member of the Scottish Government

SCHEDULE

Article 2(4)

“PART 2A

Types of invasive plants specified for the purposes of section 14ZC(1)(b) of the 1981 Act (types of plant which it is an offence for a person to keep, have in their possession or have under their control)

<i>Common name</i> <i>Column (1)</i>	<i>Scientific name</i> <i>Column (2)</i>
American skunk-cabbage	<i>Lysichiton americanus</i>
Curly waterweed	<i>Lagarosiphon major</i>
Floating pennywort	<i>Hydrocotyle ranunculoides</i>
Floating primrose-willow	<i>Ludwigia peploides</i>
Giant hogweed	<i>Heracleum mantegazzianum</i>
Giant-rhubarb	<i>Gunnera tinctoria</i>
Indian balsam	<i>Impatiens glandulifera</i>
Japanese stiltgrass	<i>Microstegium vimineum</i>
Nuttall’s waterweed	<i>Elodea nuttallii</i>
Parrot’s feather	<i>Myriophyllum aquaticum</i>
Persian hogweed	<i>Heracleum persicum</i>
Sosnowsky’s hogweed	<i>Heracleum sosnowskyi</i>
Various-leaved water-milfoil	<i>Myriophyllum heterophyllum</i>
Water primrose	<i>Ludwigia grandiflora</i> ”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Wildlife and Countryside Act 1981 (Keeping and Release and Notification Requirements) (Scotland) Order 2012 (“the 2012 Order”), which (amongst other things) specifies types of invasive animal for the purposes of section 14ZC(1)(a) of the Wildlife and Countryside Act 1981 (“the 1981 Act”). The types of animal so specified are listed in Part 2 of schedule 1 to the 2012 Order. In accordance with section 14ZC(1)(a), it is an offence for any person to keep, have in their possession or have under their control any such animal.

This Order makes provision in relation to the implementation of Article 7(1)(b) of Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p.35).

It adds types of invasive animal to Part 2 of schedule 1 of the 2012 Order (article 2(2)), thereby making it an offence for a person to keep, have in their possession or have under their control any such animal.

It also inserts article 3A into the 2012 Order, which specifies types of invasive plant for the purposes of section 14ZC(1)(b) of the 1981 Act, and inserts Part 2A into schedule 1 which lists the types of plant so specified. As a result, it is an offence for any person to keep, have in their possession or have under their control any such plant.

A person guilty of an offence under section 14ZC(1)(a) or (b) of the 1981 Act is liable, on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000 or to both; and on conviction on indictment, to imprisonment for a term not exceeding 2 years or an unlimited fine, or to both.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government and online at www.legislation.gov.uk.

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