

*These notes relate to the Wildlife and Natural Environment (Scotland)  
Act 2011 (asp 6) which received Royal Assent on 7 April 2011*

# **WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – COMMENTARY ON SECTIONS**

#### **Part 2 – Wildlife under the 1981 Act**

#### *Section 14 – Non-native species etc.*

##### **Subsection (3)**

109. Subsection (3) of the Act inserts new section 14ZC into the 1981 Act.  
Prohibition on keeping etc. - inserted section 14ZC of the 1981 Act
110. Section 14ZC of the 1981 Act enables the Scottish Ministers to prohibit the keeping of invasive animals or plants, by specifying the type of animal or plant in an order subject to negative procedure.
111. Subsection (1) provides that it is an offence to keep a prohibited animal, and subsections (3) and (4) provide for it to be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence. Subsection (5) enables the Scottish Ministers to provide by order for the payment of compensation to people who can no longer keep an animal or plant as a result of the making of a prohibition order.
112. Orders made under section 14ZC are subject to negative procedure, for which see section 26 of the 1981 Act as modified by section 17(6) of the Act.
113. Keeping, and release, measures have been taken under the Destructive Imported Animals Act 1932 and the Import of Live Fish (Scotland) Act 1978, both repealed by Part 2 of the Schedule.