
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 38

WILDLIFE

The Wildlife and Countryside Act 1981 (Prohibition on Sale etc. of Invasive Animal and Plant Species) (Scotland) 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 14A(1) and (3)(a) of the Wildlife and Countryside Act 1981⁽¹⁾ and all others powers enabling them to do so.

In accordance with section 26(4A) of that Act⁽²⁾, 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 (Prohibition on Sale etc. of Invasive Animal and Plant Species) (Scotland) Order 2019 and comes into force on 1 April 2019.

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

Prohibition on sale etc. of invasive animals or plants

2. The types of invasive animals and plants listed in column (1) of the table in the schedule (whose Scientific name is listed in column (2)) are specified for the purposes of section 14A(1) (prohibition on sale etc. of invasive animals or plants) of the 1981 Act.

(1) 1981 c.69. Section 14A was inserted by the Nature Conservation (Scotland) Act 2004 (asp 6), schedule 6 paragraph 13, and amended by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), section 14(4)(b).
(2) Section 26(4A) was inserted by section 17(6)(c) of the 2011 Act.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

St Andrew's House,
Edinburgh
13th February 2019

ROSEANNA CUNNINGHAM
A member of the Scottish Government

SCHEDULE

Article 2

Types of invasive animals and plants specified for the purposes of section 14A(1) of the 1981 Act (types of animal and plant which it is an offence for a person to sell etc.)

<i>Common name</i>	<i>Scientific name</i>
<i>Column (1)</i>	<i>Column (2)</i>
American bullfrog	<i>Lithobates catesbeianus</i>
American skunk-cabbage	<i>Lysichiton americanus</i>
Asian hornet	<i>Vespa velutina nigrithorax</i>
Chinese mitten crab	<i>Eriocheir sinensis</i>
Chinese muntjac	<i>Muntiacus reevesi</i>
Coypu	<i>Myocastor coypus</i>
Curly waterweed	<i>Lagarosiphon major</i>
Egyptian goose	<i>Alopochen aegyptiacus</i>
Floating pennywort	<i>Hydrocotyle ranunculoides</i>
Floating primrose-willow	<i>Ludwigia peploides</i>
Fox squirrel	<i>Sciurus niger</i>
Giant hogweed	<i>Heracleum mantegazzianum</i>
Giant-rhubarb	<i>Gunnera tinctoria</i>
Grey squirrel	<i>Sciurus carolinensis</i>
Indian balsam	<i>Impatiens glandulifera</i>
Indian house crow	<i>Corvus splendens</i>
Japanese stiltgrass	<i>Microstegium vimineum</i>
Marbled crayfish	<i>Procambarus fallax f. virginialis</i>
Muskrat	<i>Ondatra zibethicus</i>
New Zealand pygmyweed	<i>Crassula helmsii</i>
Nuttall's waterweed	<i>Elodea nuttallii</i>
Pallas' squirrel	<i>Callosciurus erythraeus</i>
Parrot's feather	<i>Myriophyllum aquaticum</i>
Persian hogweed	<i>Heracleum persicum</i>
Raccoon	<i>Procyon lotor</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Red swamp crayfish	<i>Procambarus clarkii</i>
Ruddy duck	<i>Oxyura jamaicensis</i>
Sacred ibis	<i>Threskiornis aethiopicus</i>

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<i>Common name</i>	<i>Scientific name</i>
<i>Column (1)</i>	<i>Column (2)</i>
Siberian chipmunk	<i>Tamias sibiricus</i>
Signal crayfish	<i>Pacifastacus leniusculus</i>
Sosnowsky's hogweed	<i>Heracleum sosnowskyi</i>
Spiny-cheek crayfish	<i>Orconectes limosus</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Various-leaved water-milfoil	<i>Myriophyllum heterophyllum</i>
Virile crayfish	<i>Orconectes virilis</i>
Water fern	<i>Azolla filiculoides</i>
Water-primrose	<i>Ludwigia grandiflora</i>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies types of invasive animals and plants for the purposes of section 14A(1) of the Wildlife and Countryside Act 1981, and by doing so makes provision in relation to the implementation of Article 7(1)(e) and (f) 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).

In accordance with section 14A, it is an offence for any person to sell, offer for sale, expose for sale, to have in their possession, or to transport for the purposes of sale, any such animal or plant. It is also an offence under that provision for a person to publish or cause to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such animal or plant.

A person guilty of an offence under section 14A 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.