

2008 No. 302

ANIMALS

DANGEROUS WILD ANIMALS

**The Dangerous Wild Animals Act 1976 (Modification)
(Scotland) Order 2008**

Made - - - - - *9th September 2008*

Laid before the Scottish Parliament *9th September 2008*

Coming into force - - - *1st October 2008*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 8(1) of the Dangerous Wild Animals Act 1976^(a) and all other powers enabling them to do so.

In accordance with that section the Scottish Ministers are satisfied that the scope of that Act should be both extended so as to include animals of a kind not for the time being specified in the Schedule to that Act and diminished so as to exclude animals of a kind for the time being specified in that Schedule.

Citation, commencement and extent

1.—(1) This Order may be cited as the Dangerous Wild Animals Act 1976 (Modification) (Scotland) Order 2008 and comes into force on 1st October 2008.

(2) This Order extends to Scotland only.

Modification

2. For the Schedule to the Dangerous Wild Animals Act 1976 substitute the Schedule set out in the Schedule to this Order.

^(a) 1976 c.38. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

Revocation

3. The Dangerous Wild Animals Act 1976 (Modification) Order 1984(a) is revoked.

St Andrew's House,
Edinburgh
9th September 2008

RICHARD LOCHHEAD
A member of the Scottish Executive

(a) S.I. 1984/1111.

SCHEDULE

Article 2

“SCHEDULE

Section 7

KINDS OF DANGEROUS WILD ANIMALS

NOTE: See section 7(5) of this Act for the effect of the second column of this Schedule

<i>Scientific name</i>	<i>Common name</i>
MAMMALS	
Marsupials	
Family <i>Dasyuridae</i> : the species <i>Sarcophilus lanarius</i>	Tasmanian devil
Family <i>Macropodidae</i> : the species <i>Macropus fuliginosus</i> , <i>Macropus giganteus</i> , <i>Macropus robustus</i> and <i>Macropus rufus</i>	Western grey kangaroo Eastern grey kangaroo Wallaroo Red kangaroo
Primates	
Family <i>Cebidae</i> : all species except those of the genera <i>Aotus</i> , <i>Callicebus</i> and <i>Saimiri</i>	New-world monkeys (including capuchin, howler, saki, uacari, spider and woolly monkeys) <u>Exceptions:</u> Night monkeys (also known as owl monkeys) Titi Squirrel monkeys
Family <i>Cercopithecidae</i> : all species	Old-world monkeys (including baboons, the drill, colobus monkeys, the gelada, guenons, langurs, leaf monkeys, macaques, the mandrill, mangabeys, the patas monkey, the proboscis monkey and the talapoin)
Family <i>Hominidae</i> : all species except those of the genus <i>Homo</i>	Anthropoid apes (including the chimpanzee, the bonobo, the orang-utan and gorillas) <u>Exception:</u> Man
Family <i>Hylobatidae</i> : all species	Gibbons Siamangs
Family <i>Indriidae</i> : all species except those of the genus <i>Avahi</i>	Leaping lemurs (including the indri and sifakas) <u>Exceptions:</u> Woolly lemurs
Family <i>Lemuridae</i> : all species except those of the genus <i>Haplemur</i>	Large lemurs <u>Exceptions:</u> Bamboo lemurs (also known as gentle lemurs)
Edentates	
Family <i>Dasyopodidae</i> : the species <i>Priodontes maximus</i>	Giant armadillo
Family <i>Myrmecophagidae</i> : the species <i>Myrmecophaga tridactyla</i>	Giant anteater

<i>Scientific name</i>	<i>Common name</i>
Carnivores	
Family <i>Canidae</i> : all species except– (a) those of the genera <i>Alopex</i> , <i>Cerdocyon</i> , <i>Dusicyon</i> , <i>Otocyon</i> , <i>Pseudalopex</i> , <i>Urocyon</i> , <i>Vulpes</i> and <i>Nyctereutes</i> (b) <i>Canis familiaris</i> , other than the subspecies <i>Canis familiaris dingo</i>	Canids (including wild dogs, wolves, jackals, the maned wolf, the dhole, the bush dog, and the dingo) other than the excepted species <u>Exceptions:</u> (a) foxes, culpeo, grey zorro, raccoon dogs (b) domestic dogs
Family <i>Felidae</i> : all species except– (a) <i>Felis silvestris</i> (including the subspecies <i>Felis silvestris catus</i>), <i>Felis margarita</i> , <i>Felis nigripes</i> , <i>Otocolobus manul</i> , <i>Leopardus tigrinus</i> , <i>Leopardus geoffroyi</i> (also known as <i>Oncifelis geoffroyi</i>), <i>Leopardus guigna</i> (also known as <i>Oncifelis guigna</i>), <i>Catopuma badia</i> (also known as <i>Pardofelis badia</i>) and <i>Prionailurus rubiginosus</i> (b) a hybrid descended exclusively from two or more of the species described in paragraph (a) (c) a hybrid of which– (i) one parent is <i>Felis silvestris catus</i> , and (ii) the other parent is a first generation hybrid of <i>Felis silvestris catus</i> and any species not described in paragraph (a) (d) a hybrid descended exclusively from hybrid cats as described in paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within that paragraph) (e) a hybrid descended exclusively from <i>Felis silvestris catus</i> and any one or more hybrid cat as described in paragraph (c) (ignoring, for the purpose of determining exclusivity of descent, the parents and remoter ancestors of any hybrid within that paragraph)	Cats (including the bobcat, caracal, cheetah, jaguar, leopard, lion, lynx, ocelot, puma, serval and tiger) other than the excepted species <u>Exceptions:</u> (a) The wild cat (including the domestic cat), the sand cat, the black-footed cat, the pallas cat (also known as the manul), the little spotted cat (also known as the oncilla or tiger cat), the Geoffroy’s cat, the kodkod (also known as the guina) the bay cat (also known as the Borneo cat), and the rusty-spotted cat (b) a cat descended exclusively from two or more of the species described in paragraph (a) (c) a cat of which one parent is a domestic cat and the other parent is a first generation hybrid of a domestic cat and a cat that is a dangerous wild animal (d) a cat descended exclusively from hybrid cats described in paragraph (c) (e) a cat descended exclusively from the domestic cat and hybrids cats described in paragraph (c)
Family <i>Hyaenidae</i> : all species except <i>Proteles cristatus</i>	Hyenas <u>Exception:</u> Aardwolf

<i>Scientific name</i>	<i>Common name</i>
Family <i>Mustelidae</i> : (a) all species of the genera <i>Arctonyx</i> , <i>Melogale</i> , <i>Mydaus</i> , <i>Taxidea</i> , <i>Pteromura</i> , <i>Aonyx</i> , <i>Enhydra</i> and <i>Lontra</i> (b) the genus <i>Lutra</i> except the species <i>Lutra lutra</i> (c) the species <i>Eira barbara</i> , <i>Gulo gulo</i> , <i>Martes pennanti</i> and <i>Mellivora capensis</i>	(a) The hog badger, the ferret badger, the stink badger, the American badger, the giant otter, the African clawless otter, the oriental small-clawed otter, the sea otter, the river otters, and the marine otter (b) the hairy-nosed otter (c) the tayra, the wolverine, the fisher (also known as the peken or fisher cat) and the honey badger <u>Exception:</u> European otter
Family <i>Ursidae</i> : all species, including the species <i>Ailuropoda melanoleuca</i> and <i>Ailurus fulgens</i>	Bears (including the giant panda and the red panda)
Family <i>Viverridae</i> : (a) all species of the genera <i>Civettictis</i> and <i>Viverra</i> (b) the species <i>Cryptoprocta ferox</i>	(a) Civets (including the African civet, the large-spotted civets, the Malayan civet and the Indian civets) (b) the fossa
Pinnipedes	
Family <i>Odobenidae</i> : all species	Walrus
Family <i>Otariidae</i> : all species	Eared seals
Family <i>Phocidae</i> : all species except <i>Phoca vitulina</i> and <i>Halichoerus grypus</i>	True seals (also known as earless seals) other than the excepted species <u>Exceptions:</u> Common seal (also known as the harbour seal) Grey seal
Elephants	
Family <i>Elephantidae</i> : all species	Elephants
Aardvark	
Family <i>Orycteropodidae</i> : the species <i>Orycteropus afer</i>	Aardvark
Odd-toed ungulates	
Family <i>Equidae</i> : all species except <i>Equus asinus</i> and <i>Equus caballus</i>	Horses Wild asses Zebras <u>Exceptions:</u> Donkey (also known as the ass) Domestic horse
Family <i>Rhinocerotidae</i> : all species	Rhinoceroses
Family <i>Tapiridae</i> : all species	Tapirs
Even-toed ungulates	
Family <i>Antilocapridae</i> : the species <i>Antilocapra Americana</i>	Pronghorn

<i>Scientific name</i>	<i>Common name</i>
Family <i>Bovidae</i> : all species except domestic forms of the genera <i>Bos</i> , <i>Bubalus</i> , <i>Capra</i> and <i>Ovis</i>	Antelopes, bison, buffalo, gazelles, goats and sheep <u>Exceptions:</u> Domestic cattle Domestic buffalo Domestic goats Domestic sheep
Family <i>Camelidae</i> : all species of the genera <i>Camelus</i>	Camels
Family <i>Cervidae</i> : all species of the genera <i>Alces</i> and <i>Rangifer</i> except domestic forms of the species <i>Rangifer tarandus</i>	Moose (also known as the elk) Caribou (also known as the reindeer) <u>Exception:</u> Domestic reindeer
Family <i>Giraffidae</i> : all species	Giraffe Okapi
Family <i>Hippopotamidae</i> : all species	Hippopotamus Pygmy hippopotamus
Family <i>Suidae</i> : all species, except domestic forms of the species <i>Sus scrofa</i> other than farmed wild boar	Old-world pigs other than animals of the excepted kind <u>Exception:</u> Domestic pig, other than farmed wild boar
Family <i>Tayassuidae</i> : all species	New-world pigs (also known as peccaries)
Hybrids	
A hybrid of a mammal specified in the first column of this Schedule where one parent is, or both parents are, of a kind so specified, but not including an excepted hybrid of the family <i>Felidae</i>	A hybrid animal with a dangerous wild animal as a parent <u>Exception:</u> A cat hybrid that is not a dangerous wild animal
BIRDS	
Cassowaries	
Family <i>Casuariidae</i> : all species	Cassowaries
Ostrich	
Family <i>Struthionidae</i> : all species	Ostrich
REPTILES	
Crocodylians	
Family <i>Alligatoridae</i> : all species	Alligators Caimans
Family <i>Crocodylidae</i> : all species	Crocodiles False gharial
Family <i>Gavialidae</i> : all species	Gharial (also known as the gavial)
Lizards and snakes	
Family <i>Atractaspididae</i> : all species of the genera <i>Atractaspis</i> .	Burrowing asps (also known as mole vipers, or burrowing vipers) Stiletto snakes

<i>Scientific name</i>	<i>Common name</i>
Family <i>Colubridae</i> : (a) all species of the genera <i>Malpolon</i> and <i>Thelotornis</i> (b) the species <i>Dispholidus typus</i> , <i>Rhabdophis subminiatus</i> , <i>Rhabdophis tigrinus</i> , <i>Elapomorphus lemniscatus</i> , <i>Philodryas olfersii</i> , <i>Tachymenis peruviana</i> , <i>Xenodon severus</i>	(a) All rear-fanged venomous colubrid snakes of the specified genera (including montpellier snakes, the false cobra, and twig or bird snakes) (b) the boomslang, the red-necked keelback, the tiger keelback (also known as the yamakagashi or the Japanese tiger-snake), the Argentine black-headed snake, the South American green racer, the Peruvian racer (also known as the Peru slender snake), the Amazon false viper (also known as the false fer-de-lance)
Family <i>Elapidae</i> : all species	Front-fanged venomous snakes of the specified family (including cobras, coral snakes, kraits, mambas, whipsnakes, death adders and all other Australian poisonous snakes)
Family <i>Hydrophiidae</i> : all species	Sea snakes
Family <i>Helodermatidae</i> : all species	Gila monster Mexican beaded lizard
Family <i>Viperidae</i> : all species	Front-fanged venomous snakes of the specified family (including adders, the barba amarilla, the bushmaster, the fer-de-lance, moccasins, rattlesnakes and vipers)
INVERTEBRATES	
Spiders	
Family <i>Ctenidae</i> : all species of the genus <i>Phoneutria</i>	Wandering spiders
Family <i>Hexathelidae</i> : all species of the genus <i>Atrax</i>	Sydney funnel-web spider and its close relatives
Family <i>Sicariidae</i> : all species of the genus <i>Loxosceles</i>	Brown recluse spiders (also known as violin spiders)
Family <i>Theridiidae</i> : all species of the genus <i>Latrodectus</i>	Widow spiders and close relatives
Scorpions	
Family <i>Buthidae</i> : all species	Buthid scorpions
Family <i>Hemioscorpiidae</i> : the species <i>Hemioscorpius lepturus</i>	Middle Eastern thin-tailed scorpion.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes a new Schedule for the Schedule to the Dangerous Wild Animals Act 1976 (“the Act”), which specifies the kinds of animals to which the provisions of the Act apply. It is an offence under the Act to keep an animal listed in the Schedule without a licence from the local authority.

The Schedule to the Act has two columns. Section 7(5) of the Act has the effect that the common names listed in the second column are included by way of explanation only, and only the scientific names in the first column are to be taken into account in the event of any dispute or proceedings.

The Schedule to the Act was last modified by S.I. 1984/1111, and that instrument is therefore revoked by this Order.

This Order adds the following animals to the Schedule: the Argentine Black-headed snake, the Peruvian racer, the South American green racer, the Amazon false viper, the Middle Eastern thin-tailed scorpion, and the dingo.

The provisions of the Act no longer apply to the following animals which were previously listed in the Schedule (as modified by S.I. 1984/1111):–

- (a) Certain smaller primates (woolly lemurs, tamarins, night monkeys, titi and squirrel monkeys);
- (b) Sloths;
- (c) North American porcupine and crested porcupines;
- (d) Capybara;
- (e) Cacomistles, racoons, coatis, olingoes, the little coatimundi and kinkajou;
- (f) Binturong;
- (g) Cat hybrids that are predominately domestic cat and certain smaller cats (wild cats, sand cats, black-footed cats, pallas cat, the little spotted cat, Geoffroy’s cat, the kodkod, the bay cat, and the rusty-spotted cat);
- (h) Hyraxes;
- (i) Guanaco and vicuna;
- (j) Emus;
- (k) Sand snakes and the mangrove snake; and
- (l) Brazilian wolf spiders.

This Order makes certain amendments to reflect taxonomical changes since 1984, for example pandas remain specified for the purposes of the Act, but are included as part of the bear family (family *Ursidae*).

This Order also clarifies that farmed wild boar, but not other domesticated pigs of the species *Sus scrofa*, are specified animals for the purposes of the Act.

A regulatory impact assessment has not been prepared for this Order as it is not expected to have any impact on the private or voluntary sectors.

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