
Changes to legislation: There are currently no known outstanding effects for the Nature Conservation (Scotland) Act 2004, Paragraph 11. (See end of Document for details)

SCHEDULE 6
PROTECTION OF WILDLIFE

- 11 (1) Section 13 (protection of wild plants) is amended as follows.
- (2) In subsection (1)(a)—
- (a) after “intentionally” insert “ or recklessly ”,
 - (b) after “destroys” insert “—
(i)”,
 - (c) at the end insert—
“(ii) any seed or spore attached to any such wild plant;
or”.
- (3) In subsection (1)(b), after “intentionally” insert “ or recklessly ”.
- (4) In subsection (3), for the words from “if” to the end substitute “(“an unlawful act”) if he shows—
- (a) that the unlawful act was the incidental result of a lawful operation or other activity;
 - (b) that the person who carried out the lawful operation or other activity—
 - (i) took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or
 - (ii) did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and
 - (c) that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent, such steps as were reasonably practicable in the circumstances to minimise the damage to the wild plant in relation to which the unlawful act was carried out.”
- (5) After that subsection insert—
- “(3A) Subject to the provisions of this Part, any person who knowingly causes or permits to be done an act which is made unlawful by any of the foregoing provisions of this section shall be guilty of an offence.”
- (6) In subsection (4), after “(2)(a)” insert “ or for an offence under subsection (3A) relating to an act which is mentioned in subsection (2)(a) ”.

Commencement Information

II Sch. 6 para. 11 in force at 1.10.2004 by [S.S.I. 2004/407](#), [art. 2\(b\)](#)

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