

Marine (Scotland) Act 2010

2010 asp 5

PART 6

CONSERVATION OF SEALS

Offence: killing, injuring or taking seals

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Killing, injuring or taking a live seal (intentionally or recklessly) is an offence.

108 Exceptions: alleviating suffering

- (1) It is not an offence under section 107 for a person to end a seal's life humanely (or to injure a seal when attempting to do so) if—
 - (a) it has been seriously disabled (otherwise than by the person's unlawful conduct),
 - (b) it has no reasonable chance of recovering, and
 - (c) ending its life—
 - (i) is the only satisfactory way to end its suffering, and
 - (ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).
- (2) It is not an offence under section 107 for a person to take a seal (or to kill or injure a seal when attempting to take it) if—
 - (a) it has been disabled (otherwise than by the person's unlawful conduct),
 - (b) it is (or is to be) taken only in order to—
 - (i) tend it with a view to releasing it after it has recovered, or
 - (ii) release it after it has been tended,
 - (c) it is (or is to be) taken in a manner and in circumstances unlikely to cause the seal to suffer unnecessarily, and
 - (d) taking it—
 - (i) is the only satisfactory way to help it to recover, and

Status: This is the original version (as it was originally enacted).

- (ii) is not detrimental to the maintenance of the population of any species of seal at a favourable conservation status in their natural range (within the meaning of Article 1(e) of the Habitats Directive).
- (3) It is the duty of a person who kills, injures or takes a seal in a manner which is lawful by virtue of this section to report the matter to the Scottish Ministers as soon as reasonably practical after doing so.
- (4) Failure to comply with the reporting duty is an offence.

109 Exceptions: licensed activity

It is not an offence under section 107—

- (a) to kill or take a seal in accordance with a seal licence,
- (b) to take a seal in order to, or to injure a seal when attempting to, kill it in accordance with a seal licence,
- (c) to kill or injure a seal when attempting to take it in accordance with a seal licence, or
- (d) to do anything in accordance with a licence granted under regulation 44 of the Conservation (Natural Habitats, &c.) Regulations.