

WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – BACKGROUND AND OVERVIEW

Part 2 – Wildlife under the 1981 Act

6. Part 2 of the Act makes amendments to Part 1 (Wildlife) of the Wildlife and Countryside Act 1981.
7. Part 1 of the 1981 Act regulates the taking, killing, sale and possession of all wild birds and of the wild animal and plant species which are specified in Schedules to that Act. Certain other species of wild animals and plants are protected separately under the [Conservation \(Natural Habitats & c.\) Regulations 1994 \(S.I.1994/2716\)](#). Part 1 of the 1981 Act also prohibits certain methods of taking and killing birds and animals and regulates the use of other methods (including snares). It also regulates the introduction of non-native species. Most activities prohibited under Part 1 of the 1981 Act are capable of being licensed for certain purposes under section 16 of that Act.
8. The amendments in the Act:
 - protect game species under the 1981 Act (which includes provision for close seasons and “poaching” offences),
 - abolish “areas of special protection” for wild birds,
 - provide further for the use of snares to catch animals,
 - extend the regime for controlling non-native and invasive species,
 - amend licensing functions under the Act, and enable the delegation of those functions,
 - provide for new wildlife offences, including for vicarious criminal liability for certain offences,
 - provides for offences by Scottish partnerships and unincorporated associations,
 - provide for Part 1 of the 1981 Act to apply to the Crown, and
 - extend the powers of wildlife inspectors.