

*These notes relate to the Wildlife and Natural Environment (Scotland)
Act 2011 (asp 6) which received Royal Assent on 7 April 2011*

WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Part 2 – Wildlife under the 1981 Act

Section 8 – Sale, possession etc. of wild hares, rabbits etc. killed or taken unlawfully

64. **Section 8** of the Act inserts a new section 11I into the 1981 Act.

Sale etc. of wild hares etc. - inserted section 11I of the 1981 Act

65. Subsection (1) of section 11I makes it an offence to possess, control, sell or offer to sell, possess or transport for the purpose of selling any wild animal or part of a wild animal which has been killed or taken in contravention of sections 10A or 11G of the 1981 Act.
66. Subsection (2) of section 11I provides for a defence to that offence where the accused shows he had a reasonable excuse.
67. Subsection (3) of section 11I creates a presumption that the animal in question in relation to an offence under section 11F(1) was a wild animal. Similar presumptions apply in relation to offences under section 9 of the 1981 Act and sections 10A(8) and 11G(2), as inserted by sections 6 and 7 of the Act.