



Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

PART 2

WILDLIFE UNDER THE 1981 ACT

Non-native species etc.

17 Non-native species etc.: further provision

- (1) The 1981 Act is amended as follows.
- (2) In section 16 (power to grant licences), in subsection (4)(c), after “14” insert “, 14ZC”.
- (3) In section 21 (penalties, forfeitures etc.)—
 - (a) in subsection (1) after “13” insert “, 14B”,
 - (b) in subsection (4)—
 - (i) after “14” insert “, 14ZC”,
 - (ii) in paragraph (a), for “six” substitute “12”,
 - (c) after that subsection insert—

“(4ZA) Any person guilty of an offence under section 14K is liable—

 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”,
 - (d) in subsection (6)(b) for “or 14A” substitute “, 14ZC, 14A, 14B or 14K”.
- (4) In section 22(1) (power to vary schedules)—
 - (a) in paragraph (b) the words “or Part I of Schedule 9” are repealed,
 - (b) in paragraph (c) the words “or Part II of Schedule 9” are repealed.
- (5) In section 24 (functions of GB conservation bodies), after subsection (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) The functions of Scottish Natural Heritage include the power to advise or assist—

- (a) another relevant body exercising functions under section 14L(2)(a); and
- (b) a person authorised to enter premises under section 14M exercising functions under that section.”.

(6) In section 26 (regulations, orders, notices etc.)—

- (a) in subsection (1), for “this Part” substitute “a provision of this Part other than section 14D”,
- (b) in subsection (4)—
 - (i) for “this Part” substitute “a provision of this Part other than section 14D”,
 - (ii) in paragraph (a), after “2(6)” insert “, 14, 14ZC, 14A or 14B”,
 - (iii) in paragraph (b), after “section” insert “14, 14ZC, 14A, 14B,”,
- (c) after that subsection, insert—

“(4A) The Scottish Ministers may make an order under section 14, 14ZC or 14A only where they have consulted—

- (a) Scottish Natural Heritage; and
- (b) any other person appearing to them to have an interest in the making of the order.

(4B) Subsection (4A) does not apply where the Scottish Ministers consider it necessary to make the order urgently and without consultation.”.

(7) In section 70A (service of notices), after subsection (2) insert—

“(2A) Subsection (1)(cc) of the said section 271 shall not apply to a notice required to be served under section 14G.

(2B) Subsection (2) of the said section 271 shall not apply to a notice required to be served under section 14D(5)(a).”.

(8) Schedule 9 (animals and plants to which section 14 applies) is repealed.