



# Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

## PART 2

### WILDLIFE UNDER THE 1981 ACT

#### *Wild hares, rabbits etc.*

#### 7 **Prevention of poaching: wild hares, rabbits etc.**

- (1) The 1981 Act is amended as follows.
- (2) In the italic heading before section 9 (protection of certain wild animals), at the end add “and prevention of poaching”.
- (3) After section 11F (inserted by section 13(3)), insert—

#### **“11G Prevention of poaching: wild hares, rabbits etc.**

- (1) Subject to the provisions of this Part, any person who intentionally or recklessly kills, injures or takes any wild animal included in Schedule 6A is guilty of an offence.
- (2) In any proceedings for an offence under subsection (1), the animal in question is to be presumed to have been a wild animal unless the contrary is shown.

#### **11H Exceptions to s. 11G**

- (1) A person is not guilty of an offence under section 11G(1)—
  - (a) by reason of the killing of an animal included in Schedule 6A if he had a legal right, or permission from a person who had a right to give permission, to kill such an animal; or
  - (b) by reason of the taking of such an animal if he had a legal right, or permission from a person who had a right to give permission, to take such an animal.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A person is not guilty of an offence under section 11G(1) by reason of the killing of an animal included in Schedule 6A if he shows that the animal had been so seriously disabled otherwise than by his unlawful act that there was no reasonable chance of its recovering.
- (3) Nothing in section 11G makes unlawful—
- (a) anything done in pursuance of a requirement by the Scottish Ministers under section 39 of the Agriculture (Scotland) Act 1948; or
  - (b) anything done under, or in pursuance of an order made under, the Animal Health Act 1981.”.
- (4) After Schedule 6, insert—

“SCHEDULE 6A

*(introduced by sections 11G and 22)*

ANIMALS NOT TO BE POACHED

<i>Common name</i>	<i>Scientific name</i>
Hare, mountain	<i>Lepus timidus</i>
Hare, brown	<i>Lepus europaeus</i>
Rabbit	<i>Oryctolagus cuniculus</i> ”.