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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 116 (C. 11)**

**WILDLIFE**

**The Wildlife and Natural Environment (Scotland)  
Act 2011 (Commencement No. 3) Order 2012**

<i>Made</i>	- - - -	<i>17th April 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>19th April 2012</i>
<i>Coming into force</i>	- -	<i>1st May 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 43(1) and (2)(a) of the Wildlife and Natural Environment (Scotland) Act 2011<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 3) Order 2012 and comes into force on 1st May 2012.

**Appointed day**

2. 1st May 2012 is the day appointed for the coming into force of the following provisions of the Wildlife and Natural Environment (Scotland) Act 2011:—

(a) Section 14 as follows:—

- (i) subsection (2)(a), so far as is necessary to enable the Scottish Ministers to make provision by order under section 14(1)(a)(ii), 14(2B), 14(2C) and 14(2D) of the 1981 Act;
- (ii) subsection (3), so far as is necessary to enable the Scottish Ministers to make provision by order under section 14ZC(1) and (2) of the 1981 Act; and
- (iii) subsection (5), so far as is necessary to enable the Scottish Ministers to make provision by order under section 14B(1), (2), (3) and (4) of the 1981 Act; and

(b) Section 17 as follows:—

- (i) subsection (6)(b)(ii) and (iii) so far as it inserts reference to section 14, 14ZC and 14B; and
- (ii) subsection (6)(c), so far as it relates to orders under section 14 and 14ZC.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House, Edinburgh  
17th April 2012

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order commences section 14 of the Wildlife and Natural Environment (Scotland) Act 2011 (“the 2011 Act”), so far as is necessary to enable the Scottish Ministers to make provision by Order. It also commences certain provisions in section 17 of the 2011 Act.

Article 2(a) brings the following subsections of section 14 (non-native species etc.) into force on 1st May 2012:—

- (a) subsection (2)(a) relating to the powers enabling the Scottish Ministers to make provision by Order specifying—
  - (i) types of animal which it is an offence for a person to release or allow to escape from captivity (new section 14(1)(a)(ii) and 14(2D) of the 1981 Act);
  - (ii) other types of animals to which the offence provision in section 14(1)(a)(i) or (1)(b) does not apply (new section 14(2B)(a) and 14(2D) of the 1981 Act);
  - (iii) types of plants to which the offence provision in section 14(2) (planting or causing to grow any plant in the wild at a place outwith its native range) does not apply (new section 14(2B)(b) and 14(2D) of the 1981 Act);
  - (iv) a person or conduct (that conduct being undertaken for the purposes of any enactment or authorised by any such enactment) to which the offence in section 14(1) and (2) do not apply (new section 14(2C) and (2D) of the 1981 Act);
- (b) subsection (3) relating to the powers enabling the Scottish Ministers to make provision by order prohibiting the keeping of invasive animals or plants, by specifying the type of animal or plant in the order (new section 14ZC(1) and (2) of the 1981 Act); and
- (c) subsection (5) relating to the powers enabling the Scottish Ministers to make provision by order about the notification of the presence of an invasive animal or invasive plant at any specified place outwith their native range where persons are, or become, aware of the presence of such animals or plants (new section 14B(1), (2), (3) and (4) of the 1981 Act).

Article 2(b) brings the following subsections of section 17 (non-native species: further provision) into force on 1st May 2012:—

- (a) subsection (6)(b)(ii) and (iii) so far as it inserts reference to orders made under section 14, 14ZC and 14B the effect of which is that the provisions in section 26(4)(a) and (b) of the 1981 Act do not apply to such orders; and
- (b) subsection (6)(c) so far as it relates to orders under section 14 and 14ZC, which inserts new subsection (4A) and (4B) into section 26 of the 1981 Act the effect of which is that the Scottish Ministers may only make such orders where they have consulted Scottish Natural Heritage and any other person appearing to them to have an interest in the making of the order (unless the Scottish Ministers consider it necessary to make the order urgently and without consultation in which case the requirement will not apply (new section 4B)).

Sections 1, 42 and 43 of the 2011 Act came into force on the date of Royal Assent on 7th April 2011.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 4	1st January 2012	S.S.I. 2011/433(2)
Section 6	1st January 2012	S.S.I. 2011/433
Section 8	1st January 2012	S.S.I. 2011/433
Section 9	1st January 2012	S.S.I. 2011/433
Section 11	1st January 2012	S.S.I. 2011/433
Section 12	1st January 2012	S.S.I. 2011/433
Section 13, in part	1st January 2012	S.S.I. 2011/433
Section 15	1st January 2012	S.S.I. 2011/433
Section 21	1st January 2012	S.S.I. 2011/433
Section 23	1st January 2012	S.S.I. 2011/433
Section 24	1st January 2012	S.S.I. 2011/433
Section 26	1st January 2012	S.S.I. 2011/433
Section 27	1st January 2012	S.S.I. 2011/433
Section 28	1st January 2012	S.S.I. 2011/433
Section 30	1st January 2012	S.S.I. 2011/433
Section 31	1st January 2012	S.S.I. 2011/433
Section 32	1st January 2012	S.S.I. 2011/433
Section 35	1st January 2012	S.S.I. 2011/433
Section 36	1st January 2012	S.S.I. 2011/433
Section 41	1st January 2012	S.S.I. 2011/433
Section 20	2nd January 2012	S.S.I. 2011/433
Section 29	1st April 2012	S.S.I. 2011/433
Section 13	1st January 2013	S.S.I. 2011/433

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 2	29th June 2011	2011/279(3)
Section 3	29th June 2011	2011/279
Section 5	29th June 2011	2011/279
Section 6(2) and (5), in part	29th June 2011	2011/279
Section 7	29th June 2011	2011/279

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(2) As amended by S.S.I. 2011/437.

(3) As amended by S.S.I. 2011/287.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 8, in part	29th June 2011	<a href="#">2011/279</a>
Section 9, in part	29th June 2011	<a href="#">2011/279</a>
Section 10	29th June 2011	<a href="#">2011/279</a>
Section 12, in part	29th June 2011	<a href="#">2011/279</a>
Section 18	29th June 2011	<a href="#">2011/279</a>
Section 19	29th June 2011	<a href="#">2011/279</a>
Section 25, in part	29th June 2011	<a href="#">2011/279</a>
Section 33	29th June 2011	<a href="#">2011/279</a>
Section 37	29th June 2011	<a href="#">2011/279</a>
Section 38	29th June 2011	<a href="#">2011/279</a>
Section 39	29th June 2011	<a href="#">2011/279</a>
Section 40	29th June 2011	<a href="#">2011/279</a>
Section 34	1st August 2011	<a href="#">2011/279</a>