

2012 No. 116 (C. 11)

WILDLIFE

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

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| <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(a).

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.

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.

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(a) |
| 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(b) |
| 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 |
| Section 8, in part | 29th June 2011 | 2011/279 |
| Section 9, in part | 29th June 2011 | 2011/279 |
| Section 10 | 29th June 2011 | 2011/279 |
| Section 12, in part | 29th June 2011 | 2011/279 |
| Section 18 | 29th June 2011 | 2011/279 |
| Section 19 | 29th June 2011 | 2011/279 |
| Section 25, in part | 29th June 2011 | 2011/279 |
| Section 33 | 29th June 2011 | 2011/279 |
| Section 37 | 29th June 2011 | 2011/279 |
| Section 38 | 29th June 2011 | 2011/279 |
| Section 39 | 29th June 2011 | 2011/279 |
| Section 40 | 29th June 2011 | 2011/279 |
| Section 34 | 1st August 2011 | 2011/279 |

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

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

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