
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 173

WILDLIFE

**The Wildlife and Countryside Act 1981
(Exceptions to section 14) (Scotland) Order 2012**

| | | |
|--|---------|----------------------|
| <i>Made</i> | - - - - | <i>30th May 2012</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>31st May 2012</i> |
| <i>Coming into force</i> | - - | <i>2nd July 2012</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 14(2B) and (2D)(a), (b) and (e) of the Wildlife and Countryside Act 1981⁽¹⁾, and all other powers enabling them to do so.

In accordance with section 26(4A)⁽²⁾ of that Act, they have consulted Scottish Natural Heritage and any other person appearing to them to have an interest in the making of the Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012, and comes into force on 2nd July 2012.

(2) In this Order, “the 1981 Act” means the Wildlife and Countryside Act 1981.

Disapplication of section 14(1) of the 1981 Act

2.—(1) The type of animal listed in Part 1 of the Schedule is specified for the purposes of section 14(2B)(a) of the 1981 Act.

(2) The type of plant listed in column (1) (whose Latin name is listed in column (2)) of the table in Part 2 of the Schedule is specified for the purposes of section 14(2B)(b) of the 1981 Act, to the extent mentioned in column (3) of that table.

(1) 1981 c.69. Section 14(2B) and (2D) were inserted by the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#) (“the 2011 Act”), section 14(2).
(2) Section 26(4A) was inserted by section 17(6)(c) of the 2011 Act.

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
30th May 2012

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

PART 1

Type of animal specified for the purposes of section 14(2B)(a) of the 1981 Act (types of animal to which section 14(1)(a)(i) does not apply)

A fish caught by rod and line, but only where the release takes place—

- (a) at the same location where the fish was caught; and
- (b) on the same day that the fish was caught.

PART 2

Types of plants specified for the purposes of section 14(2B)(b) of the 1981 Act (types of plants to which section 14(2) does not apply)

| Common name <i>Column (1)</i> | Latin name <i>Column (2)</i> | Extent <i>Column (3)</i> |
|---|--|------------------------------------|
| Ash | <i>Fraxinus excelsior</i> | All Scotland |
| Atlas cedar | <i>Cedrus atlantica</i> | All Scotland |
| Austrian pine | <i>Pinus nigra ssp. nigra</i> | All Scotland |
| Bay willow | <i>Salix pentandra</i> | All Scotland |
| Beech | <i>Fagus sylvatica</i> | All Scotland |
| Birch, specific hybrid | <i>Betula pendula x pubescens (B. x aurata) hybrid birch</i> | All Scotland |
| Bird cherry | <i>Prunus padus</i> | All Scotland |
| Bishop pine | <i>Pinus muricata</i> | All Scotland |
| Black currant | <i>Ribes nigrum</i> | All Scotland |
| Black poplar | <i>Populus nigra all ssp</i> | All Scotland |
| Blackthorn | <i>Prunus spinosa</i> | All Scotland |
| Bugloss | <i>Anchusa arvensis</i> | All Scotland |
| Cedar-of-Lebanon | <i>Cedrus libani</i> | All Scotland |
| Charlock | <i>Sinapis arvensis</i> | All Scotland |
| Coastal redwood | <i>Sequoia sempervirens</i> | All Scotland |
| Common alder | <i>Alnus glutinosa</i> | All Scotland |
| Common elder | <i>Sambucus nigra</i> | All Scotland |
| Common frumitory | <i>Fumaria officinalis</i> | All Scotland |
| Common hawthorn | <i>Crataegus monogyna</i> | All Scotland |

NOTE: The common name or names given in column (1) of the table are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.

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| Common name <i>Column (1)</i> | Latin name <i>Column (2)</i> | Extent <i>Column (3)</i> |
|--|--|------------------------------------|
| Common poppy | <i>Papaver rhoeas</i> | All Scotland |
| Corn flower | <i>Centaurea cyanus</i> | Mainland, Orkney and Shetland |
| Corn marigold | <i>Glebionis segetum</i> | All Scotland |
| Corn spurrey | <i>Spregula arvensis</i> | All Scotland |
| Corsican pine | <i>Pinus nigra ssp. laricio</i> | All Scotland |
| Crab apple | <i>Malus sylvestris ssp sylvestris</i> | All Scotland |
| Crack willow | <i>Salix fragilis</i> | All Scotland |
| Cut leaves crane's-bill | <i>Geranium dissectum</i> | All Scotland |
| Dark leaved willow | <i>Salix myrsinifolia</i> | All Scotland |
| Deodar | <i>Cedrus deodara</i> | All Scotland |
| Dog rose | <i>Rosa canina</i> | All Scotland |
| Douglas-fir | <i>Pseudotsuga menziesii</i> | All Scotland |
| Dwarf birch | <i>Betula nana</i> | All Scotland |
| Eastern hemlock | <i>Tsuga canadensis</i> | All Scotland |
| European larch | <i>Larix decidua</i> | All Scotland |
| European silver fir | <i>Abies alba</i> | All Scotland |
| Field forget-me-not | <i>Myosotis arvensis</i> | All Scotland |
| Field maple | <i>Acer campestre</i> | Mainland only |
| Field pansy | <i>Viola arvensis</i> | All Scotland |
| Field woundwort | <i>Stachys arvensis</i> | Mainland, Orkney and Hebrides |
| Gean | <i>Prunus avium</i> | All Scotland |
| Glaucous dog rose | <i>Rosa caesia ssp glauca</i> | All Scotland |
| Goat willow (Pussy willow or Great sallow) | <i>Salix caprea</i> | All Scotland |
| Gooseberry | <i>Ribes uva-crispa</i> | All Scotland |
| Grand fir | <i>Abies grandis</i> | All Scotland |
| Grey alder | <i>Alnus incana</i> | All Scotland |
| Grey poplar | <i>Populus x canescens</i> | All Scotland |
| Guelder rose | <i>Viburnum opulus</i> | All Scotland |
| Hairy dog rose | <i>Rosa caesia ssp caesia</i> | All Scotland |
| Hedge mustard | <i>Sisymbrium officinale</i> | All Scotland |

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| Common name <i>Column (1)</i> | Latin name <i>Column (2)</i> | Extent <i>Column (3)</i> |
|---|--|------------------------------------|
| Holly | <i>Ilex aquifolium</i> | All Scotland |
| Hornbeam | <i>Carpinus betulus</i> | Mainland only |
| Horse chestnut | <i>Aesculus hippocastanum</i> | All Scotland |
| Hybrid aspen | <i>Populus tremula x Populus tremuloides</i> | All Scotland |
| Hybrid black poplar | <i>Populus x canadensis</i> | All Scotland |
| Hybrid larch | <i>Larix x marschlinsii / Larix x eurolepis</i> | All Scotland |
| Japanese larch | <i>Larix kaempferi</i> | All Scotland |
| Japanese red-cedar | <i>Cryptomeria japonica</i> | All Scotland |
| Large hemp-nettle | <i>Galeopsis speciosa</i> | All Scotland |
| Large-leaved lime | <i>Tilia platyphyllos</i> | All Scotland |
| Lawson cypress | <i>Chamaecyparis lawsoniana</i> | All Scotland |
| Leyland cypress | <i>X Cupressocyparis leylandii</i> | All Scotland |
| Lime | <i>Tilia platyphyllos and Tilia x europaea (Tillia cordata x Tilia platyphyllos)</i> | All Scotland |
| Lodgepole pine | <i>Pinus contorta var. latifolia</i> | All Scotland |
| Long-headed poppy | <i>Papaver dubium</i> | All Scotland |
| Macedonian pine | <i>Pinus peuce</i> | All Scotland |
| Mountain pine | <i>Pinus mugo</i> | All Scotland |
| Noble fir | <i>Abies procera</i> | All Scotland |
| Nootka cypress | <i>Chamaecyparis nootkatensis</i> | All Scotland |
| Norway maple | <i>Acer platanoides</i> | All Scotland |
| Norway spruce | <i>Picea abies</i> | All Scotland |
| Oak, specific hybrid | <i>Quercus petraea x Quercus robur (Quercus x rosacea) hybrid oak</i> | All Scotland |
| Omorika spruce | <i>Picea omorika</i> | All Scotland |
| Osier willow | <i>Salix viminalis</i> | All Scotland |
| Pacific silver fir | <i>Abies amabilis</i> | All Scotland |
| Pedunculate oak | <i>Quercus robur</i> | All Scotland |
| Petty spurge | <i>Euphorbia peplius</i> | All Scotland |
| Purple willow | <i>Salix purpurea</i> | All Scotland |

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| Common name <i>Column (1)</i> | Latin name <i>Column (2)</i> | Extent <i>Column (3)</i> |
|---|--|------------------------------------|
| Rauli beech | <i>Nothofagus nervosa (= procera)</i> | All Scotland |
| Red alder | <i>Alnus rubra</i> | All Scotland |
| Red oak | <i>Quercus rubra</i> | All Scotland |
| Roble beech | <i>Nothofagus obliqua</i> | All Scotland |
| Scentless mayweed | <i>Tripleurospermum inodorum</i> | All Scotland |
| Scots pine | <i>Pinus sylvestris</i> | All Scotland |
| Sessile oak | <i>Quercus petraea</i> | All Scotland |
| Sherards downy rose | <i>Rosa sherardii</i> | All Scotland |
| Silver birch | <i>Betula pendula</i> | All Scotland |
| Sitka spruce | <i>Picea sitchensis</i> | All Scotland |
| Small-leaved lime | <i>Tilia cordata</i> | All Scotland |
| Soft downy rose | <i>Rosa mollis</i> | All Scotland |
| Spindle | <i>Euonymus europaeus</i> | All Scotland |
| Sun spurge | <i>Euphorbia helioscopia</i> | All Scotland |
| Sweet briar | <i>Rosa rubiginosa</i> | All Scotland |
| Sweet chestnut | <i>Castanea sativa</i> | All Scotland |
| Sycamore | <i>Acer pseudoplatanus</i> | All Scotland |
| Tea-leaved willow | <i>Salix phylicifolia</i> | All Scotland |
| Walnut | <i>Species of the genus Juglans</i> | All Scotland |
| Weld | <i>Reseda luteola</i> | Mainland only |
| Wellingtonia | <i>Sequoiadendron giganteum</i> | All Scotland |
| Western hemlock | <i>Tsuga heterophylla</i> | All Scotland |
| Western red cedar | <i>Thuja plicata</i> | All Scotland |
| White campion | <i>Silene latifolia</i> | All Scotland |
| White poplar | <i>Populus alba</i> | All Scotland |
| White willow | <i>Salix alba</i> | All Scotland |
| Whitebeam | <i>Sorbus aria sensu lato</i> | Mainland only |
| Wych elm | <i>Ulmus glabra</i> | All Scotland |
| Yew | <i>Taxus baccata</i> | All Scotland |

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the types of animal and the types of plant to which the offence provisions in section 14(1)(a)(i) and 14(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) (as substituted by section 14(2)(a) of the Wildlife and Natural Environment (Scotland) Act 2011) do not apply.

Section 14(1)(a)(i) of the 1981 Act makes it an offence for any person to release, or allow to escape from captivity, any animal to a place outwith its native range. Section 14(2B)(a) enables the Scottish Ministers to specify by order types of animals to which subsection (1)(a)(i) of section 14 does not apply. Article 2(1) of, and Part 1 of the Schedule to, the Order lists the type of animal specified for the purpose of section 14(2B)(a) thereby taking that type of animal outwith the ambit of the offence provision in section 14(1)(a)(i) of the 1981 Act.

Section 14(2) of the 1981 Act makes it an offence for any person to plant, or otherwise cause to grow, any plant in the wild at a place outwith its native range. Section 14(2B)(b) enables the Scottish Ministers to specify, by order, types of plants to which subsection (2) does not apply. Article 2(2) of, and Part 2 of the Schedule to, the Order lists types of plants for the purpose of section 14(2B)(b) thereby taking those types of plants outwith the ambit of the offence provision in section 14(2) of the 1981 Act.