
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision about the release of certain animals, the keeping of invasive animals and notification requirements in relation to the presence of invasive animals under the Wildlife and Countryside Act 1981 (“the 1981 Act”) as amended by the Wildlife and Natural Environment (Scotland) Act 2011.

Section 14(1)(a)(ii) of the 1981 Act makes it an offence for any person to release, or allow to escape from captivity, any animal of a type specified by the Scottish Ministers by Order. Article 2 and Part 1 of Schedule 1 specifies the types of animals which it is an offence for a person to release or allow to escape from captivity and the extent to which the prohibition applies.

Section 14ZC(1)(a) of the 1981 Act makes it an offence for any person to keep, have in the person’s possession, or have under the person’s control any invasive animal of a type which the Scottish Ministers specify by Order. Article 3 and Part 2 of Schedule 1 specifies the types of invasive animals which it is an offence for a person to keep, have in their possession or have under their control.

Section 14B(1)(a) enables the Scottish Ministers to make provision about the notification of the presence of invasive animals at any specified place outwith their native range where persons are, or become, aware of the presence of such animals or plants. Article 4 and Part 3 of Schedule 1 make provision about notification and that such notification requires be made to Scottish Natural Heritage without delay.

Article 5 and Schedule 2 revoke the enactments governing the keeping and release of certain animals which this Order replaces, subject to article 3 of the Wildlife and Natural Environment Act 2011 (Commencement No. 4, Saving and Transitional Provisions) Order 2012 ([S.S.I. 2012/175 \(C. 16\)](#)).