
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations primarily amend the Wildlife and Countryside Act 1981 (“the 1981 Act”) to further implement Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species (“the Invasive Alien Species Regulations”). These Regulations extend to Scotland.

Regulation 2(2) inserts section 14AA into the 1981 Act, making it an offence for a person to contravene Article 7(1)(b) to (h) of the Invasive Alien Species Regulations (where the activity does not constitute an offence under sections 14, 14ZC or 14A of the 1981 Act).

Regulation 2(3) amends section 14C of the 1981 Act to extend the information that may be included in a code of practice made by the Scottish Ministers under that section. The information may now include which species, sub-species or lower taxons of animal, plant, fungus or micro-organism are considered to be invasive alien species. A code of practice may also include information on best practice for keeping an invasive alien species in a contained holding, best practice for measures to ensure that an invasive alien species cannot reproduce or escape, and the circumstances in which an invasive alien species is considered to be a companion animal.

Regulation 2(7) amends section 21 of the 1981 Act to make provision for penalties in respect of which a person, who commits an offence under section 14AA, section 19ZC (as amended by regulation 2(5)), or section 19ZD (as amended by regulation 2(6)), is liable.

Regulation 2(8) inserts schedule 9B into the 1981 Act. The schedule contains provision about defences to a charge of committing an offence under section 14AA, or section 14ZC or 14A where the activity to which the charge relates contravenes Article 7(1) of the Invasive Alien Species Regulations. Schedule 9B also contains provision restricting the granting of a licence under section 16(4)(c) of the 1981 Act (as amended by regulation 2(4)).

Regulation 3 amends the Conservation (Natural Habitats, &c.) Regulations 1994 to correct an error.