



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Miscellaneous*

#### [<sup>F1</sup>15A Possession of pesticides

- (1) Any person who is in possession of any pesticide containing one or more prescribed active ingredient shall be guilty of an offence.
- (2) A person shall not be guilty of an offence under subsection (1) if the person shows that the possession of the pesticide was for the purposes of doing anything in accordance with—
  - (a) any regulations made under section 16(2) of the Food and Environment Protection Act 1985 (c. 48), <sup>F2</sup>...
  - [<sup>F3</sup>(aa) Regulation (EC) 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market, as amended, extended or applied from time to time,]
  - [<sup>F4</sup>(b) Regulation (EU) No 528/2012 of the European Parliament and of the Council][<sup>F5</sup> of 22 May 2012 concerning the making available on the market and use of biocidal products, as amended, extended or applied from time to time.]

[ Subject to the provisions of this Part, any person who knowingly causes or permits to <sup>F6</sup>(2A) be done an act which is made unlawful by subsection (1) shall be guilty of an offence.]

- (3) In this section—
  - “pesticide” has the meaning given in the Food and Environment Protection Act 1985 (c. 48), and
  - “prescribed active ingredient” means an ingredient of a pesticide which fits it for use as such and which is of a type prescribed by order made by the Scottish Ministers.]

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*Status: Point in time view as at 17/10/2023.*

*Changes to legislation: Wildlife and Countryside Act 1981, Section 15A is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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### Textual Amendments

- F1** S. 15A inserted (S.) (1.10.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 50, 59, **Sch. 6 para. 14**; S.S.I. 2004/407, **art. 2**
- F2** Word in s. 15A(2) repealed (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 7(2)(a)**, 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F3** S. 15A(2)(aa) inserted (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 7(2)(b)**, 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F4** S. 15A(2)(b) substituted (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), reg. 2(1), **Sch. 5 para. 1** (with regs. 3(4)(5), 31)
- F5** Words in s. 15A(2)(b) inserted (30.11.2020) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), **ss. 7(2)(c)**, 22(2); S.S.I. 2020/379, reg. 2(1), sch. (with reg. 3)
- F6** S. 15A(2A) inserted (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 21(4)**, 43(1) (with s. 41(1)); S.S.I. 2011/433, art. 2(1)(e)

**Status:**

Point in time view as at 17/10/2023.

**Changes to legislation:**

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