

2012 No. 174

WILDLIFE

**The Wildlife and Countryside Act 1981 (Keeping and Release
and Notification Requirements) (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(1)(a)(ii), (2D)(a) and (e), 14ZC(1)(a) and (2)(a), and 14B(1)(a), (2)(a), (b), (d) and (f) and (4)(a) of the Wildlife and Countryside Act 1981(a) and section 42(1) of the Wildlife and Natural Environment (Scotland) Act 2011(b), and all other powers enabling them to do so.

In accordance with section 26(4A) of the Wildlife and Countryside Act 1981(c), 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 (Keeping and Release and Notification Requirements) (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.

Prohibition on releasing certain animals

2. The types of animals listed in column (1) (whose Latin name is listed in column (2)) of the table in Part 1 of Schedule 1 are specified for the purposes of section 14(1)(a)(ii) of the 1981 Act, to the extent mentioned in column (3) of that table.

Prohibition on keeping invasive animals

3. The types of invasive animals listed column (1) (whose Latin name is listed in column (2)) of the table in Part 2 of Schedule 1 are specified for the purposes of section 14ZC(1)(a) of the 1981 Act.

(a) 1981 c.69. Sections 14(1) and (2D) and section 14B(1), (2) and (4) were substituted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), section 14(2) and (5) respectively; and section 14ZC was inserted by the 2011 Act, section 14(3).
(b) 2011 asp 6.
(c) Section 26(4A) was inserted by section 17(6) of the 2011 Act.

Notification requirements in relation to the presence of invasive animals

4. Where an occupier of land is, or becomes, aware of the presence of an invasive animal of a type listed in Part 3 of Schedule 1, that person must notify Scottish Natural Heritage without delay.

Revocation

5. Subject to article 3 (savings) of the Wildlife and Natural Environment (Scotland) Act 2011 (Commencement No. 4, Saving and Transitional Provisions) Order 2012^(a), the enactments listed in Schedule 2 are revoked.

STEWART STEVENSON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
30th May 2012

^(a) S.S.I. 2012/175 (C. 16).

SCHEDULE 1

Articles 2, 3 and 4

PART 1

Types of animals specified for the purposes of section 14(1)(a)(ii) of the 1981 Act
(types of animal which it is an offence for a person to release or allow to escape
from captivity)

<i>Common name</i> <i>Column (1)</i>	<i>Latin name</i> <i>Column (2)</i>	<i>Extent</i> <i>Column (3)</i>
Deer	All species of the genus <i>Cervus</i>	Outer Hebrides and the islands of Aaran (including Holy Island), Islay, Jura and Rum

PART 2

Types of invasive animals specified for the purposes of section 14ZC(1)(a) of the
1981 Act (types of animal which it is an offence for a person to keep, have in their
possession or have under their control)

<i>Common name</i> <i>Column (1)</i>	<i>Latin name</i> <i>Column (2)</i>
Asp	<i>Aspius aspius</i>
Barbel	species of the genus <i>Barbus</i> (excluding <i>Barbus barbus</i>)
Bass (excluding sea bass, <i>Dicentrarchus labrax</i>)	<i>Micropterus salmoides</i> ; <i>Micropterus</i> <i>dolomieu</i> ; <i>Ambloplites rupestris</i> ; and species of the genus <i>Morone</i>
Bighead carp	<i>Hypophthalmichthys nobilis</i>
Blacknose dace	<i>Rhinichthys atratulus</i>
Blageon	<i>Leuciscus souffia</i>
Blue bream	<i>Ballerus ballerus</i>
Blue sucker	<i>Cycleptus elongatus</i>
Burbot	<i>Lota lota</i>
Catfish	species of the genera <i>Ictalurus</i> , <i>Ameiurus</i> and <i>Silurus</i>
Charr	species of the genus <i>Salvelinus</i> (excluding <i>Salvelinus alpinus</i>)
Chinese black or snail-eating carp	<i>Mylopharyngodon piceus</i>
Chinese sucker (also known as Zebra hi fin, banded shark/sucker)	<i>Myxocyprinus asiaticus</i>
Coho salmon	<i>Oncorhynchus kisutch</i>
Common white sucker	<i>Catostomus commersoni</i>
Coypu	<i>Myocastor coypus</i>
Crayfish	freshwater decapod crustacean of the Families <i>Astacidae</i> , <i>Cambaridae</i> or <i>Parastacidae</i> , (excluding <i>Austropotamobius pallipes</i>)

<i>Common name</i> <i>Column (1)</i>	<i>Latin name</i> <i>Column (2)</i>
Danubian bleak	<i>Chalcalburnus chalcoides</i>
Danubian salmon & Taimen	species of the genus <i>Hucho</i>
Eastern mudminnow	<i>Umbra pygmaea</i>
European bitterling	<i>Rhodeus sericeus</i>
European mudminnow	<i>Umbra krameri</i>
Fathead minnow (or Roseyreds)	<i>Pimephales promelas</i>
Freshwater minnow, Dragon fish or Pale chub	<i>Zacco platypus</i>
Grass carp	<i>Ctenopharyngodon idella</i>
Grey squirrel	<i>Sciurus carolinensis</i>
Landlocked salmon	non anadromous varieties of the species <i>Salmo salar</i>
Marbled trout	<i>Salmo marmoratus</i>
Mink	<i>Mustela vison</i>
Muntjac	<i>Species of genus Muntiacus</i>
Muskrat	<i>Ondatra zibethica</i>
Nase	<i>Chondrostoma nasus</i>
Northern redbelly dace (common minnow)	<i>Phoxinus/Chrosomus eos</i>
Pacific salmon and trout	species of the genus <i>Oncorhynchus</i> (excluding <i>Oncorhynchus mykiss</i> and <i>Oncorhynchus</i> <i>kisutch</i>)
Paddlefish	species of the genera <i>Polyodon</i> and <i>Psephurus</i>
Perch	species of the genus <i>Perca</i> (excluding <i>Perca</i> <i>fluviatilis</i>)
Pike	species of the genus <i>Esox</i> (excluding <i>Esox</i> <i>lucius</i>)
Pikeperch	species of the genus <i>Stizostedion lucioperca</i>
Rabbit (excluding European rabbit)	Species of the genera <i>Bunolagus</i> , <i>Brachylagus</i> , <i>Nesolagus</i> , <i>Pentalagus</i> , <i>Poelagus</i> , <i>Romerolagus</i> and <i>Sylvilagus</i>
Red shiner	<i>Cyprinella/Notropis lutrensis</i>
Ruffe	<i>Gymnocephalus cernuus</i>
Schneider	<i>Alburnoides bipunctatus</i>
Silver carp	<i>Hypophthalmichthys molitrix</i>
Snakehead	species of the genus <i>Channa</i>
Southern redbelly dace (common minnow)	<i>Phoxinus/Chrosomus erythrogaster</i>
Sturgeon or sterlet	species of the genera <i>Acipenser</i> , <i>Huso</i> , <i>Pseudoscaphirhynchus</i> and <i>Scaphirhynchus</i>
Sunbleak (Sundace), also known as Belica or Motherless minnow	<i>Leucaspis delineatus</i>
Sunfish, including pumpkinseed (also Basses, Crappies & Bluegills)	species of the genus <i>Lepomis</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Toxostome (or French nase)	<i>Chondrostoma toxostoma</i>
Vimba	<i>Vimba vimba</i>
Weatherfish	<i>Misgurnus fossilis</i>
Whitefish	species of the genus <i>Coregonus</i> (excluding <i>Coregonus lavaretus</i> and <i>Coregonus albula</i>)

PART 3

Types of invasive animals which require notification under article 4 of this Order

<i>Common name</i> <i>Column (1)</i>	<i>Scientific name</i> <i>Column (2)</i>
Coypu	<i>Myocastor coypus</i>
Muntjac	Species of genus <i>Muntiacus</i>
Muskrat	<i>Ondatra zibethica</i>
Rabbit (excluding European rabbit)	Species of the genera <i>Bunolagus</i> , <i>Brachylagus</i> , <i>Nesolagus</i> , <i>Pentalagus</i> , <i>Poelagus</i> , <i>Romerolagus</i> and <i>Sylvilagus</i>

NOTE: The common name or names given in Column (1) of the tables in Parts 1, 2 and 3 of this Schedule 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.

SCHEDULE 2
REVOCATIONS

Article 5

<i>Regulations revoked</i>	<i>Reference</i>
The Musk Rats (Prohibition of Importation and Keeping) Order 1933	S.I. 1933/106
The Grey Squirrels (Prohibition of Importation and Keeping) Order 1937	S.I. 1937/478
The Non-Indigenous Rabbits (Prohibition of Importation and Keeping) Order 1954	S.I. 1954/927
The Mink (Keeping) Regulations 1975	S.I. 1975/2223
The Mink (Keeping) (Amendment) Regulations 1977	S.I. 1977/2122
The Mink (Keeping) (Amendment) Regulations 1979	S.I. 1979/1669
The Mink (Keeping) (Amendment) Regulations 1982	S.I. 1982/1883
The Coypus (Prohibition on Keeping) Order 1987	S.I. 1987/2195
The Mink (Keeping) (Amendment) Regulations 1987	S.I. 1987/2225
The Coypus (Special Licence) (Fees) Regulations 1997	S.I. 1997/2751
The Mink (Keeping) (Amendment) Regulations 1997	S.I. 1997/2750
The Mink Keeping (Scotland) Order 2000	S.S.I. 2000/400
The Mink Keeping (Scotland) Order 2003	S.S.I. 2003/528
The Prohibition of Keeping or Release of Live Fish (Specified Species) (Scotland) Order 2003	S.S.I. 2003/560
The Muntjac Keeping (Scotland) Regulations 2011	S.S.I. 2011/63
The Muntjac Keeping (Scotland) Order 2011	S.S.I. 2011/172

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)).

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