

## SCHEDULE 6 PROTECTION OF WILDLIFE

### *Non-native species*

13 After section 14 insert—

#### **“14A Prohibition on sale etc. of certain animals or plants**

- (1) This section applies to—
- (a) any animal of a type mentioned in subsection (1) or (1A) of section 14 specified in an order made by the Scottish Ministers for the purposes of this section; and
  - (b) any plant—
    - (i) which does not ordinarily grow in Great Britain in a wild state or which is a hybrid of such a plant; or
    - (ii) of a type mentioned in subsection (2) of section 14, specified in such an order.
- (2) Subject to the provisions of this Part, any person who—
- (a) sells, offers or exposes for sale or has in the person’s possession or transports for the purpose of sale any animal or plant to which this section applies; or
  - (b) publishes or causes to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell, any such animal or plant,
- is guilty of an offence.
- (3) An order under subsection (1) may specify particular types of animals or plants—
- (a) subject to such exceptions;
  - (b) only at such times of the year;
  - (c) only in relation to such areas,
- as the order may specify.

#### **14B Guidance: non-native species**

- (1) The Scottish Ministers may issue guidance (or approve guidance issued by others) for the purpose of providing persons with recommendations, advice and information regarding—
- (a) any animal of a type mentioned in subsection (1) or (1A) of section 14,
  - (b) any plant of a type mentioned in subsection (2) of that section or specified in an order under section 14A(1)(b)(i),
- and may issue revisions of any guidance issued by them (or approve revisions of guidance issued by others).
- (2) A person who fails to comply with any guidance issued or approved under subsection (1) is not by reason only of that failure liable in any criminal or civil proceedings.

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*Status: This is the original version (as it was originally enacted).*

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- (3) But any such guidance is admissible in evidence in such proceedings and a court may take account of any failure to comply with it in determining any questions in the proceedings.”