

EXPLANATORY NOTES

WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011

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Section 4 – Areas of special protection for wild birds

Section 5 – Sale of live or dead wild birds, their eggs etc.

Section 6 – Protection of wild hares etc.

Subsection (2)

Protection of wild hares etc. - inserted section 10A of the 1981 Act

Exceptions to s.10A - inserted section 10B of the 1981 Act

Subsection (3)

Subsections (4) and (5)

Section 7 – Prevention of poaching: wild hares, rabbits etc.

Subsection (3)

Prevention of poaching: wild hares etc. - inserted section 11G of the 1981 Act

Exceptions to s.11G - inserted section 11H of the 1981 Act

Subsection (4)

Section 8 – Sale, possession etc. of wild hares, rabbits etc. killed or taken unlawfully

Sale etc. of wild hares etc. - inserted section 11I of the 1981 Act

Section 9 – Wild hares, rabbits etc.: licences

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Section 11 – Wild hares and rabbits: miscellaneous

Section 12 – Single witness evidence in certain proceedings under the 1981 Act

Section 13 – Snares

Subsection (2)

Subsection (3)

Snares: training, identification numbers, tags etc. - inserted section 11A of the 1981 Act

Snares: duty to inspect etc. - inserted section 11B of the 1981 Act

Snares: authorisation from landowners etc. - inserted section 11C of the 1981 Act .

Snares: presumption arising from identification number - inserted section 11D of the 1981 Act

Snares: record keeping. - inserted section 11E of the 1981 Act

Snaring: review etc. - inserted section 11F of the 1981 Act

Subsection (4)

Subsection (5)

Section 14 – Non-native species etc.

Subsection (2)

Subsection (3)

Prohibition on keeping etc. - inserted section 14ZC of the 1981 Act

Subsection (4)

Subsection (5)

Notification of presence of invasive animals etc. - inserted section 14B of the 1981 Act

Section 15 – Non-native species etc.: code of practice

Non-native species: code of practice etc. - inserted section 14C of the 1981 Act

Section 16 – Species control orders etc.

Power to make species control orders- inserted section 14D of the 1981 Act

Emergency species control orders- inserted section 14E of the 1981 Act

Content of species control orders - inserted section 14F of the 1981 Act

Notice of species control orders - inserted section 14G of the 1981 Act

Appeals in connection with species control orders-- inserted section 14H of the 1981 Act

Coming into effect of species control orders - inserted section 14I of the 1981 Act

Review of species control orders - inserted section 14J of the 1981 Act

Offences in relation to species control orders - inserted section 14K of the 1981 Act

Enforcement of operations under species control orders - inserted section 14G of the 1981 Act

Species control orders: powers of entry - inserted section 14M of the 1981 Act

Species control orders: entry by warrant etc. - inserted section 14N of the 1981 Act

Species control orders: powers of entry: supplemental - inserted section 14O of the 1981 Act

Interpretation of sections 14 to 14O of the 1981 Act - inserted section 14P of the 1981 Act

Section 17 – Non-native species etc.: further provision

Section 18 – Licences under the 1981 Act

Subsection (2)

Subsection (3)

Delegation of licence-granting power - inserted section 16A of the 1981 Act

Subsection (4)

Section 19 – Amendment of Schedule 6 to the 1981 Act

Section 20 – Annual report on wildlife crime

Section 21 – offence of knowingly causing or permitting certain offences under the 1981 Act

Section 22 – Wildlife inspectors etc.

Section 23 – Offences by Scottish partnerships etc.

Section 24 – Liability in relation to certain offences by others

Vicarious liability for certain offences by employee etc, – inserted section 18A of the 1981 Act

Liability where securing services through another – inserted section 18B of the 1981 Act

Section 25 – Modifications and repeals relating to Part 2 and game licensing

PART 3 – DEER

Section 26 – Deer management etc.

Section 27 – Deer management code of practice

Code of practice on deer management – inserted section 5A of the 1996 Act

Section 28 – Control agreements and control schemes etc.

Section 29 – Deer: close seasons etc.

Section 30 – Register of persons competent to shoot deer etc.

Register of persons competent to shoot deer – inserted section 17A of the 1996 Act

Review of competence etc. by SNH – inserted section 17B of the 1996 Act

Section 31 – Action intended to prevent suffering

Section 32 – Offence by bodies corporate, Scottish partnerships etc. under the 1996 Act

PART 4 – OTHER WILDLIFE ETC.

Section 33 – Protection of badgers

Subsections (3) to (5)

Subsections (6) and (7)

Delegation of licence-granting power – inserted section 10A of the 1992 Act

Subsection (8)

Subsection (9)

Subsection (10)

Subsection (11)

Section 34 – Muirburn

Subsection (2)

Muirburn season – inserted section 23 of the 1946 Act

Subsection (3)

Subsection (4)

Extension of muirburn season etc. – inserted section 23B of the 1946 Act

Muirburn licences – inserted section 23C of the 1946 Act

Subsection (5)

Subsection (6)

Subsection (7)

Subsection (8)

Giving of muirburn notices under sections 24(2) and 26 – inserted section 26A of the 1946 Act

Subsection (9)

Section 35 – Offences by bodies corporate, Scottish partnerships etc. under the 1946 Act

PART 5 – BIODIVERSITY

Section 36 – Reports on compliance with biodiversity duty

Reports on compliance with biodiversity duty – inserted section 2A of the 2004 Act

PART 6 – SITES OF SPECIAL SCIENTIFIC INTEREST

Section 37 – Combining sites of special scientific interest

Subsection (2)

Combining sites of scientific interest – inserted section 5A of the 2004 Act

Subsections (3) and (4)

Section 38 – Denotification of SSSIs: damage caused by authorised operations

Section 39 – SSSIs: operations requiring consent

Section 40 – SSSI offences: civil enforcement

These notes relate to the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6)

Subsection (1)

Restoration notices – inserted section 20A of the 2004 Act

Subsections (2) and (3)

PART 7 – GENERAL

Section 41 – Crown application

Section 42 – Ancillary provision

Section 43 – Commencement and short title

Schedule – Ancillary provision

PARLIAMENTARY HISTORY