Wildlife and Natural Environment (Scotland) Act 2011

2011 asp 6

PART 2

WILDLIFE UNDER THE 1981 ACT

Enforcement

22 Wildlife inspectors etc.

(1) The 1981 Act is amended as follows.

(2) In section 6 (sale etc. of live or dead wild birds, eggs etc.) subsections (9) and (10) are repealed.

(3) In section 7 (registration etc. of certain captive birds) subsections (6) and (7) are repealed.

(4) In section 19ZC (wildlife inspectors: Scotland)—

(a) in subsection (3)—

(i) in paragraph (a), after "9(5)" insert ", 11I(1)",

(ii) in paragraph (d) for "or 14A" substitute ", 14ZC, 14A, 14B or 14K",

(iii) in paragraph (e) for the words from "verifying" to the end substitute "—

(i) verifying any statement or representation made, or document or information supplied, by an occupier in connection with an application for, or the holding of, a relevant registration or licence; or

(ii) ascertaining whether a condition to which a relevant registration or licence was subject to has been complied with.",

(b) in subsection (5) for "13(2), 14 or 14A" substitute "11I(1), 13(2), 14, 14ZC, 14A, 14B or 14K",

(c) in subsection (9), in the definition of "relevant registration or licence" in paragraph (b) for "13(2), 14 or 14A" substitute "11I(1), 13(2), 14, 14ZC or 14A".

(5) In section 19ZD (power to take samples: Scotland)—

(a) in subsections (3) and (4) for "13(2), 14 or 14A" substitute "11I(1), 13(2), 14, 14ZC, 14A, 14B or 14K",

(b) in subsection (10) after paragraph (b) insert—

"(c) "tissue" means any type of biological material other than blood.".

(6) In section 24 (functions of GB conservation bodies), in subsection (4)—

(a) immediately after paragraph (a) insert "or",

(b) the word "or" immediately after paragraph (b) is repealed,

(c) paragraph (c) is repealed.

23 Offences by Scottish partnerships etc.

After section 69 of the 1981 Act (offences by bodies corporate etc.), insert—

"**69A Offences by Scottish partnerships etc.**

Where a Scottish partnership or other unincorporated association is guilty of an offence under Part 1 of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) in relation to a Scottish partnership, any partner or any person who was purporting to act in such capacity;

(b) in relation to an unincorporated association other than a Scottish partnership, any person who is concerned in the management or control of the association or any person who was purporting to act in any such capacity,

he (as well as the partnership or, as the case may be, other unincorporated association) is guilty of the offence and is liable to be proceeded against and punished accordingly.".