

This Scottish Statutory Instrument has been made in consequence of a defect in S.S.I. 2012/173 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2012 No. 205

WILDLIFE

The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Amendment Order 2012

<i>Made</i>	<i>21st June 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>25th June 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(2B) and (2D)(a) and (e) of the Wildlife and Countryside Act 1981(a), and all other powers enabling them to do so.

In accordance with section 26(4A)(b) of that Act, 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 (Exceptions to section 14) (Scotland) Amendment Order 2012, and comes into force on 2nd July 2012.

(2) In this Order, “the 1981 Act” means the Wildlife and Countryside Act 1981.

Amendment of the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012

2.—(1) The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012(c) is amended in accordance with the following paragraphs.

(2) At the end of article 2(1), insert “(type of animal to which subsection (1)(a)(i) does not apply)”.

(3) In article 2(2), for “Latin” substitute “Scientific”.

(a) 1981 c.69. Section 14(2B) and (2D) were inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), section 14(2).
(b) Section 26(4A) was inserted by section 17(6)(c) of the 2011 Act.
(c) S.S.I. 2012/173.

(4) For Part 2 of the Schedule, substitute Part 2 set out in the Schedule to this Order.

RICHARD LOCHHEAD
A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st June 2012

SCHEDULE

Article 2(4)

“PART 2

Types of plants specified for the purposes of section 14(2B)(b) of the 1981 Act
(types of plants to which section 14(2) does not apply)

Common name	Scientific name	Extent
<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Alder	<i>Alnus glutinosa</i>	All Scotland
Ash	<i>Fraxinus excelsior</i>	All Scotland
Atlas cedar	<i>Cedrus atlantica</i>	All Scotland
Austrian pine	<i>Pinus nigra subsp. nigra</i>	All Scotland
Bay willow	<i>Salix pentandra</i>	All Scotland
Beech	<i>Fagus sylvatica</i>	All Scotland
Birch, specific hybrid	<i>Betula pendula x pubescens = B. x aurata</i>	All Scotland
Bird cherry	<i>Prunus padus</i>	All Scotland
Bishop pine	<i>Pinus muricata</i>	All Scotland
Black currant	<i>Ribes nigrum</i>	All Scotland
Black poplar	<i>Populus nigra</i> all subsp.	All Scotland
Blackthorn	<i>Prunus spinosa</i>	All Scotland
Bugloss	<i>Anchusa arvensis</i>	All Scotland
Cedar-of-Lebanon	<i>Cedrus libani</i>	All Scotland
Charlock	<i>Sinapis arvensis</i>	All Scotland
Coastal redwood	<i>Sequoia sempervirens</i>	All Scotland
Common fumitory	<i>Fumaria officinalis</i>	All Scotland
Common poppy	<i>Papaver rhoeas</i>	All Scotland
Corn marigold	<i>Glebionis segetum</i>	All Scotland
Corn spurrey	<i>Spergula arvensis</i>	All Scotland
Cornflower	<i>Centaurea cyanus</i>	Mainland, Orkney and Shetland
Corsican pine	<i>Pinus nigra subsp. laricio</i>	All Scotland
Crab apple	<i>Malus sylvestris</i>	All Scotland
Crack willow	<i>Salix fragilis</i>	All Scotland
Cut-leaved crane's-bill	<i>Geranium dissectum</i>	All Scotland
Dark leaved willow	<i>Salix myrsinifolia</i>	All Scotland
Deodar	<i>Cedrus deodara</i>	All Scotland
Dog rose	<i>Rosa canina</i>	All Scotland
Douglas fir	<i>Pseudotsuga menziesii</i>	All Scotland
Dwarf birch	<i>Betula nana</i>	All Scotland
Eastern hemlock	<i>Tsuga canadensis</i>	All Scotland
Elder	<i>Sambucus nigra</i>	All Scotland
European larch	<i>Larix decidua</i>	All Scotland
European silver fir	<i>Abies alba</i>	All Scotland
Field forget-me-not	<i>Myosotis arvensis</i>	All Scotland
Field maple	<i>Acer campestre</i>	Mainland only
Field pansy	<i>Viola arvensis</i>	All Scotland

Common name <i>Column (1)</i>	Scientific name <i>Column (2)</i>	Extent <i>Column (3)</i>
Field woundwort	<i>Stachys arvensis</i>	Mainland, Orkney and Hebrides
Gean	<i>Prunus avium</i>	All Scotland
Glaucous dog rose	<i>Rosa caesia subsp. vosagiaca</i>	All Scotland
Goat willow	<i>Salix caprea</i>	All Scotland
Gooseberry	<i>Ribes uva-crispa</i>	All Scotland
Grand fir	<i>Abies grandis</i>	All Scotland
Grey alder	<i>Alnus incana</i>	All Scotland
Grey poplar	<i>Populus alba x tremula = P. x canescens</i>	All Scotland
Guelder rose	<i>Viburnum opulus</i>	All Scotland
Hairy dog rose	<i>Rosa caesia subsp. caesia</i>	All Scotland
Hawthorn	<i>Crataegus monogyna</i>	All Scotland
Hedge mustard	<i>Sisymbrium officinale</i>	All Scotland
Holly	<i>Ilex aquifolium</i>	All Scotland
Hornbeam	<i>Carpinus betulus</i>	Mainland only
Horse chestnut	<i>Aesculus hippocastanum</i>	All Scotland
Hybrid aspen	<i>Populus tremula x tremuloides</i>	All Scotland
Hybrid black poplar	<i>Populus nigra x deltoides = P. x canadensis</i>	All Scotland
Hybrid larch	<i>Larix decidua x kaempferi = L. x marschlinsii</i>	All Scotland
Japanese larch	<i>Larix kaempferi</i>	All Scotland
Japanese red cedar	<i>Cryptomeria japonica</i>	All Scotland
Large-flowered hemp-nettle	<i>Galeopsis speciosa</i>	All Scotland
Large-leaved lime	<i>Tilia platyphyllos</i>	All Scotland
Lawson's cypress	<i>Chamaecyparis lawsoniana</i>	All Scotland
Leyland cypress	<i>Cupressus macrocarpa x Xanthocyparis nootkatensis = X Cuprocyparis leylandii</i>	All Scotland
Lime	<i>Tilia platyphyllos x cordata = T. x europaea</i>	All Scotland
Lodgepole pine	<i>Pinus contorta var. latifolia</i>	All Scotland
Long-headed poppy	<i>Papaver dubium</i>	All Scotland
Macedonian pine	<i>Pinus peuce</i>	All Scotland
Mountain pine	<i>Pinus mugo</i>	All Scotland
Noble fir	<i>Abies procera</i>	All Scotland
Nootka cypress	<i>Xanthocyparis nootkatensis</i>	All Scotland
Norway maple	<i>Acer platanoides</i>	All Scotland
Norway spruce	<i>Picea abies</i>	All Scotland
Oak, specific hybrid	<i>Quercus petraea x robur = Q. x rosacea</i>	All Scotland
Osier willow	<i>Salix viminalis</i>	All Scotland
Pacific silver fir	<i>Abies amabilis</i>	All Scotland
Pedunculate oak	<i>Quercus robur</i>	All Scotland
Petty spurge	<i>Euphorbia peplus</i>	All Scotland
Purple willow	<i>Salix purpurea</i>	All Scotland
Rauli beech	<i>Nothofagus alpina</i>	All Scotland
Red alder	<i>Alnus rubra</i>	All Scotland

Common name	Scientific name	Extent
<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
Red oak	<i>Quercus rubra</i>	All Scotland
Roble beech	<i>Nothofagus obliqua</i>	All Scotland
Scentless mayweed	<i>Tripleurospermum inodorum</i>	All Scotland
Scots pine	<i>Pinus sylvestris</i>	All Scotland
Serbian spruce	<i>Picea omorika</i>	All Scotland
Sessile oak	<i>Quercus petraea</i>	All Scotland
Sherard's downy rose	<i>Rosa sherardii</i>	All Scotland
Silver birch	<i>Betula pendula</i>	All Scotland
Sitka spruce	<i>Picea sitchensis</i>	All Scotland
Small-leaved lime	<i>Tilia cordata</i>	All Scotland
Soft downy rose	<i>Rosa mollis</i>	All Scotland
Spindle	<i>Euonymus europaeus</i>	All Scotland
Sun spurge	<i>Euphorbia helioscopia</i>	All Scotland
Sweet briar	<i>Rosa rubiginosa</i>	All Scotland
Sweet chestnut	<i>Castanea sativa</i>	All Scotland
Sycamore	<i>Acer pseudoplatanus</i>	All Scotland
Tea-leaved willow	<i>Salix phylicifolia</i>	All Scotland
Walnut	<i>Species of the genus Juglans</i>	All Scotland
Weld	<i>Reseda luteola</i>	Mainland only
Wellingtonia	<i>Sequoiadendron giganteum</i>	All Scotland
Western hemlock	<i>Tsuga heterophylla</i>	All Scotland
Western red cedar	<i>Thuja plicata</i>	All Scotland
White campion	<i>Silene latifolia</i>	All Scotland
White poplar	<i>Populus alba</i>	All Scotland
White willow	<i>Salix alba</i>	All Scotland
Whitebeam	<i>Sorbus aria</i> agg.	Mainland only
Wych elm	<i>Ulmus glabra</i>	All Scotland
Yew	<i>Taxus baccata</i>	All Scotland

NOTE: The common name or names given in column (1) of the table 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.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012 (“the 2012 Order”) which specifies the types of animal and the types of plant to which the offence provisions in section 14(1)(a)(i) and 14(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) (as substituted by section 14(2)(a) of the Wildlife and Natural Environment (Scotland) Act 2011) do not apply.

Article 2(2) of this Order amends article 2(1) of the 2012 Order so as to make clear that the type of animal listed in Part 1 of the Schedule is specified for the purposes of section 14(2B)(a) of the 1981 Act insofar as that section disapplies subsection (1)(a)(i) of section 14 of the 1981 Act to those types of animal.

Article 2(3) of this Order amends article 2(2) of the 2012 Order so as to refer to “Scientific name” instead of “Latin name”.

Article 2(4) of, and the Schedule to, this Order substitutes a new Part 2 into the Schedule to the 2012 Order. In the newly substituted Part 2, a number of the entries in the table have been amended so as to correctly refer to the current nomenclature for these species. The heading in column (2) of the table has also been amended to refer to “Scientific name” instead of “Latin name”.

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