

Draft Order laid before the Scottish Parliament under section 42(4) of the Wildlife and Natural Environment (Scotland) Act 2011 for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

WILDLIFE

The Wildlife and Natural Environment (Scotland)
Act 2011 (Consequential Modifications) Order 2012

Made - - - - 2012
Coming into force - - 2nd July 2012

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 42(1) and (2) of the Wildlife and Natural Environment (Scotland) Act 2011⁽¹⁾, and all other powers enabling them to do so.

In accordance with section 42(4) of that Act⁽²⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012, and comes into force on 2nd July 2012.

Consequential modifications, repeals and revocation

2. The modifications listed in Parts 1 and 2, the repeals listed in Part 3 and the revocation listed in Part 4 of the Schedule have effect.

St Andrew's House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

(1) 2011 asp 6.
(2) Section 42(4) has been modified by paragraph 5 of schedule 3 to the [Interpretation and Legislative Reform \(Scotland\) Act 2010](#) (asp 10).

SCHEDULE

Article 2

PART 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

Criminal Procedure (Scotland) Act 1995

1. In Schedule 9 (certificates as to proof of certain routine matters) to the Criminal Procedure (Scotland) Act 1995(3) in column 1 of the entry relating to the Wildlife and Countryside Act 1981(4), for “Sections 1, 5, 6(1) to (3), 7, 8, 9(1), (2), (4) and (5), 11(1) and (2), 13(1) and (2) and 14” substitute “Sections 1, 5, 6(1) to (3), 7, 8, 9(1), (2), (4) and (5), 10A(1), 11(1) and (2), 11G(1), 11I(1), 13(1) and (2), 14, 14ZC and 14A”(5).

Marine (Scotland) Act 2010

2. In section 132(2)(c) (enforcement of marine protection and nature conservation legislation) of the Marine (Scotland) Act 2010(6), for “11, 13, 14 and 14A” substitute “10A, 11, 11A, 11B, 11C, 11E, 11G, 11I, 13, 14, 14ZC, 14A, 14B, 14K, 18A and 18B”(7).

PART 2

MODIFICATIONS OF SUBORDINATE LEGISLATION

The Marketing Development Scheme (Specification of Activities) Order 1994

3. In article 2(2)(a) of the Marketing Development Scheme (Specification of Activities) Order 1994(8)—

(a) after “game” insert—

“(i) in relation to England and Wales,”; and

(b) at the end of the sub-paragraph after the date “1862”, insert—

“(ii) in relation to Scotland, means the species listed in Part 1 of Schedule 2 and Schedule 6A to the Wildlife and Countryside Act 1981(9);”.

(3) 1995 c.46 to which there are amendments not relevant to this Order.

(4) 1981 c.69.

(5) Section 10A(1), 11G(1), 11I(1) and 14ZC were inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), sections 6(2), 7(3), 8(2) and 14(3) respectively, and section 14A was amended by section 14(4) of the 2011 Act.

(6) 2010 asp 5.

(7) Section 10A was inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) (“the 2011 Act”), section 6(2); sections 11A, 11B, 11C and 11E were inserted by the 2011 Act, section 13(3); section 11G, 11I, 14ZC, 14B and 14K were inserted by the 2011 Act, sections 7(3), 8(2), 14(3), 14(5) and 16 respectively; and sections 18A and 18B were inserted by the 2011 Act, section 24.

(8) S.I. 1994/1404; article 2 was amended by S.I. 1997/2674.

(9) 1981 c.69; Part 1 of Schedule 2 was amended by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), section 3(7), and Schedule 6A was inserted by section 7(4) of that Act.

Conservation (Natural Habitats, &c.) Regulations 1994

4. In regulation 101A (application of sections 19ZC and 19ZD of the Wildlife and Countryside Act 1981) of the Conservation (Natural Habitats, &c.) Regulations 1994(10)—

- (a) in paragraph (3)(a)(i) after “9(5)” insert “11I(1)”; and
- (b) in paragraphs (3)(c), 4(c)(i) and 4(d), for “14A” substitute “14K”.

The Food Industry Development Scheme (Specification of Activities) Order 1997

5. In article 2(2)(a) of the Food Industry Development Scheme (Specification of Activities) Order 1997(11)—

- (a) after “game” insert—
 - “(i) in relation to England and Wales,”; and
- (b) at the end of the sub-paragraph after the date “1862”, insert—
 - “(ii) in relation to Scotland, means the species listed in Part 1 of Schedule 2 and Schedule 6A to the Wildlife and Countryside Act 1981;”.

Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008

6. In the definition of “General Licence” in Schedule 1 to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008(12), after “the Scottish Ministers” insert “(or Scottish Natural Heritage or a local authority where the Scottish Ministers have delegated their licence-granting power under section 16A of the Wildlife and Countryside Act 1981)”(13).

PART 3

REPEALS

<i>Enactment</i>	<i>Extent of Repeal</i>
The Criminal Procedure (Scotland) Act 1995 (c.46)	In Schedule 5, the entries relating to the— Night Poaching Act 1828 (c.69); Game (Scotland) Act 1832 (c.68); and Poaching Prevention Act 1862 (c.114). In Schedule 10, the entry relating to the Night Poaching Act 1828 (c.69).

(10) S.I. 1994/2716; relevant amendments are made by S.I. 2007/1843 and 2009/1307 and 2438, and by S.S.I. 2004/475, 2007/80, 349, 485, 517 and 570, 2008/17, 425 and 427, and 2009/222 and 343, and 2011/155.

(11) S.I. 1997/2674.

(12) S.S.I. 2008/100; the definition of “General Licence” was inserted by S.S.I. 2010/87, regulation 6(c).

(13) Section 16A was inserted by the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6), section 18(3).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Wildlife and Natural Environment (Scotland) Act 2011 (Consequential Modifications) Order 2012 No. 215

PART 4
REVOCATION

<i>Reference</i>	<i>Order revoked</i>
S.S.I. 2010/8	The Snares (Scotland) Order 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential modifications to primary and secondary legislation in connection with the commencement of provisions of the Wildlife and Natural Environment (Scotland) Act 2011 on 2nd July 2012 (article 2 and Parts 1 and 2 of the Schedule). The Order also repeals and revokes certain enactments (article 2 and Parts 3 and 4 of the Schedule).