



# Wildlife and Countryside Act 1981

## 1981 CHAPTER 69

### PART I

#### WILDLIFE

##### *Miscellaneous*

#### [<sup>F1</sup>14C Non-native species etc.: code of practice

- (1) The Scottish Ministers may make a code of practice for the purpose of providing practical guidance in respect of—
- the application of any of sections 14, 14ZC, 14A [<sup>F2</sup>, 14AA] and 14B;
  - the application of any order made under any of those sections;
  - species control agreements;
  - species control orders;
  - licences granted under section 16(4)(c).
- (2) A code of practice may, in particular, provide guidance on—
- how Scottish Natural Heritage, the Scottish Environment Protection Agency <sup>F3</sup>... and the Scottish Ministers should co-ordinate the way in which they exercise their respective functions in relation to animals or plants which are outwith their native range;
  - which species, sub-species, varieties or races of animal or plant, or hybrids of animals or plants, are considered to be particular types of animals or plants for the purposes of—
    - this section;

[ best practice for—

    - <sup>F4</sup>(ia) (i) keeping invasive alien species in contained holding,
    - (ii) measures to ensure such species cannot reproduce or escape,
    - (ib) the circumstances in which an animal which belongs to an invasive alien species is considered to be a companion animal,]
    - (ii) section 14, 14ZC, 14A or 14B;

---

**Changes to legislation:** *Wildlife and Countryside Act 1981, Section 14C is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (iii) any order made under any of those sections;
  - (iv) species control agreements;
  - (v) species control orders;
  - (vi) the code;
- [ which species, sub-species or lower taxons of animal, plant, fungus or micro-organism are considered to be invasive alien species.]
- <sup>F5</sup>(ba) (c) the native range of any type of animal or plant;
- (d) the circumstances in which any type of animal is considered to be—
- (i) in captivity; or
  - (ii) under the control or otherwise of a person at a place outwith its native range;
- (e) the circumstances in which a type of plant is considered to be growing in the wild outwith its native range, and conduct that would cause any type of plant to grow in the wild;
- (f) the circumstances in which a type of invasive animal or plant is considered to be kept in a person's possession or under a person's control;
- (g) which types of animals or plants are invasive and the circumstances (if any) in which any such type of animal or plant is not considered to be invasive;
- (h) best practice (where permitted) for—
- (i) keeping animals of any type which are invasive or which are kept at a place from which they may not be put outwith the control of any person;
  - (ii) keeping plants of any type which are invasive or which are kept at a place outwith their native range;
  - (iii) releasing animals of any type from captivity; and
  - (iv) planting, or otherwise causing to grow, any type of plant in the wild;
- (i) best practice for—
- (i) containing, capturing or killing animals of any type which are outwith the control of any person and which are—
    - (A) at a place outwith their native range; or
    - (B) animals of a type specified in an order made under section 14(1)(a)(ii);
  - (ii) containing, uprooting or destroying plants of any type which are growing in the wild outwith their native range; and
  - (iii) transferring animals or plants of any type which are not permitted to be kept by virtue of section 14ZC into the custody of Scottish Natural Heritage or any other person (and for keeping such animals or plants prior to the transfer);
- (j) the making and content of species control agreements;
- (k) the making, content of and enforcement of species control orders.
- (3) The Scottish Ministers may revoke, replace or revise a code of practice.
- (4) The first code of practice, and any replacement code of practice, made under this section—
- (a) requires to be laid before, and approved by resolution of, the Scottish Parliament; and
  - (b) comes into effect on such date after approval under paragraph (a) as is specified in the code.

**Changes to legislation:** *Wildlife and Countryside Act 1981, Section 14C is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) Any revision to a code of practice (or revocation of a code of practice which is not being replaced) must—
- (a) be laid before the Scottish Parliament; and
  - (b) specify the date on which it is to come into effect (such date to be at least 40 days after it is so laid, disregarding any period during which the Parliament is dissolved or in recess).
- (6) The Scottish Parliament may, before any such revision or revocation comes into effect, resolve that it is not to come into effect.
- (7) The Scottish Ministers must publish a code of practice (or any replacement or revision) made under this section no later than the day before the code (or replacement or revision) is to come into effect.
- (8) Before making, revoking, replacing or revising a code of practice, the Scottish Ministers must consult—
- (a) Scottish Natural Heritage; and
  - (b) any other person appearing to them to have an interest in the code.
- (9) A person's failure to comply with a provision of a code of practice—
- (a) does not of itself render the person liable to proceedings of any sort; but
  - (b) may be taken into account in determining any question in any such proceedings.
- (10) In any proceedings for an offence under section 14, 14ZC, 14A, [<sup>F6</sup>14AA,] 14B or 14K—
- (a) failure to comply with a relevant provision of a code of practice may be relied upon as tending to establish liability;
  - (b) compliance with a relevant provision of a code of practice may be relied upon as tending to negative liability.
- [ In subsection (2)—
- <sup>F7</sup>(11) “contained holding” means closed facilities from which escape or spread is not possible,  
“invasive alien species” has the same meaning as in section 14AA.]]

#### Textual Amendments

- F1** S. 14C inserted (S.) (1.1.2012) by [Wildlife and Natural Environment \(Scotland\) Act 2011](#) (asp 6), ss. [15](#), [43\(1\)](#) (with s. [41\(1\)](#)); S.S.I. 2011/433, art. [2\(1\)\(d\)](#)
- F2** Word in s. 14C(1)(a) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. [1\(2\)](#), [2\(3\)\(a\)](#)
- F3** Words in s. 14C(2)(a) repealed (S.) (1.4.2019) by [Forestry and Land Management \(Scotland\) Act 2018](#) (asp 8), s. [85\(2\)](#), [sch. 2](#) (with s. [83](#)); S.S.I. 2019/47, reg. [2](#) (with regs. [3-22](#))
- F4** S. 14C(2)(b)(ia)(ib) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. [1\(2\)](#), [2\(3\)\(b\)\(ii\)](#)
- F5** S. 14C(2)(ba) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. [1\(2\)](#), [2\(3\)\(b\)\(i\)](#)
- F6** Word in s. 14C(10) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. [1\(2\)](#), [2\(3\)\(e\)](#)
- F7** S. 14C(11) inserted (1.11.2019) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019](#) (S.S.I. 2019/364), regs. [1\(2\)](#), [2\(3\)\(d\)](#)

**Changes to legislation:**

Wildlife and Countryside Act 1981, Section 14C is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. [View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(1A)-(1D) substituted for s. 2(1A) by 2024 asp 4 s. 9(2)(a)
- s. 2(3A)(a)(ii) word repealed by 2024 asp 4 s. 9(2)(b)(i)
- s. 2(3C)(c) and word inserted by 2024 asp 4 s. 9(2)(b)(ii)
- s. 11(1)(ab)-(ad) substituted for s. 11(1)(a)(aa) by 2024 asp 4 s. 6(2)(a)
- s. 11(2)(aa)(ab) inserted by 2024 asp 4 s. 6(2)(c)(ii)
- s. 11(2A) inserted by 2024 asp 4 s. 1(6)(b)
- s. 11(3CA) inserted by 2024 asp 4 s. 6(2)(e)
- s. 12A-12G and cross-heading inserted by 2024 asp 4 s. 7(2)
- s. 16(1A)(c)(d) inserted by 2024 asp 4 s. 6(4)(a)(ii)
- s. 16A(ab) inserted by 2024 asp 4 s. 7(4)(b)
- s. 16A(1A) inserted by 2024 asp 4 s. 7(4)(a)
- s. 16A(1B) inserted by 2024 asp 4 s. 10(3)(a)
- s. 16A(5)(aa) inserted by 2024 asp 4 s. 10(3)(c)
- s. 16A(5A) inserted by 2024 asp 4 s. 10(3)(d)
- s. 16A(5B) inserted by 2024 asp 4 s. 7(4)(c)
- s. 16AA-16AF inserted by 2024 asp 4 s. 10(2)
- s. 21(ga)(gb) inserted by 2024 asp 4 s. 7(6)
- s. 26(2)(c) inserted by 2024 asp 4 s. 7(7)(a)(ii)
- s. 26(2)(d) inserted by 2024 asp 4 s. 9(3)(a)
- s. 26(2)(d)(e) inserted by 2024 asp 4 s. 10(5)(a)
- s. 26(2)(f) and word inserted by 2024 asp 4 s. 6(7)(a)
- s. 26(3)(c) inserted by 2024 asp 4 s. 7(7)(b)(ii)
- s. 26(3)(d) inserted by 2024 asp 4 s. 9(3)(b)
- s. 26(3)(d)(e) inserted by 2024 asp 4 s. 10(5)(b)
- s. 26(3)(f) and word inserted by 2024 asp 4 s. 6(7)(b)
- s. 53(3)(c)(ia) inserted by 2015 c. 20 Sch. 7 para. 2(b)
- s. 53B(4A)(4B) inserted by 2015 c. 20 Sch. 7 para. 4
- s. 53ZA inserted by 2015 c. 20 Sch. 7 para. 3
- s. 54B54C inserted by 2015 c. 20 Sch. 7 para. 5
- Sch. 2 Pt. 1B inserted by 2024 asp 4 s. 9(5)
- Sch. 13A inserted by 2015 c. 20 Sch. 7 para. 6
- Sch. 14A inserted by 2015 c. 20 Sch. 7 para. 7