

2003 No. 528

ANIMALS

DESTRUCTIVE ANIMALS

The Mink Keeping (Scotland) Order 2003

Approved by the Scottish Parliament

Made - - - - 5th November 2003

Laid before the Scottish Parliament 6th November 2003

Coming into force - - 1st January 2004

The Scottish Ministers, being satisfied with respect to the non-indigenous mammalian species which are the subject of this Order that by reason of their destructive habits it is desirable to control the keeping of them and to destroy any which may be large, in exercise of the powers conferred by section 10(1) of the Destructive Imported Animals Act 1932^(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Mink Keeping (Scotland) Order 2003 and shall come into force on 1st January 2004.

(2) This Order extends to Scotland only.

Duration

2. This Order shall cease to have effect on 1st January 2009.

Interpretation

3. In this Order—

- (a) “the Act” means the Destructive Imported Animals Act 1932; and
- (b) “mink” means the animal of the species *Mustela vison*.

Keeping of mink

4.—(1) The keeping of mink is prohibited absolutely—

- (a) on any off-shore island of Scotland other than the Isle of Arran (including neighbouring Holy Island);

^(a) 1932 c.12; section 11 (interpretation) was amended by S.I. 1992/3302. The functions of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) in the Caithness area of the Highland Council; and

(c) in the Sutherland area of the Highland Council.

(2) The keeping of mink within the remainder of Scotland is prohibited, except under a licence granted under the Act.

Exceptions to application of the Act

5. In the application of the Act in relation to mink, there shall be omitted section 5(2) and, in section 6(1), paragraph (f) and the reference to a penalty in the case of an offence under paragraph (f).

Pentland House,
Edinburgh
5th November 2003

ROSS FINNIE
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits absolutely the keeping of mink on any off-shore island of Scotland except the Isle of Arran including neighbouring Holy Island and in the Caithness and Sutherland areas of the Highland Council and prohibits the keeping of mink in the rest of Scotland except under licence (article 4). The Order continues the prohibition imposed by the Mink Keeping (Scotland) Order 2000 (S.S.I. 2000/400) (“the 2000 Order”), which ceases to have effect on 1st January 2004. This Order ceases to have effect on 1st January 2009 (“the expiry date”).

In consequence of the making of this Order the provisions of the Destructive Imported Animals Act 1932 will continue to apply to mink until the expiry date, subject (as under the 2000 Order) to certain exceptions relating to the duty on occupiers of land to give notice of the presence on their land of mink not kept under a licence (article 5).

No Regulatory Impact Assessment has been prepared in respect of this Order.

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