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Gillian Martin MSP
Cabinet Secretary for Climate Action and Energy
By email

08 October 2025

Dear Cabinet Secretary,

**Control and Impact of Invasive Non-Native Species
Recommendation under section 20(2)(c) of the UK Withdrawal from the
European Union (Continuity) (Scotland) Act 2021**

As part of its analytical work identified in its Strategic Plan 2022-25, Environmental Standards Scotland (ESS) has been considering the effectiveness of environmental law governing the control and impact of Invasive Non-Native Species (INNS) in Scotland and how the law is implemented and applied.

Impact of INNS

INNS pose a serious threat to our environment, economy and way of life. They are one of the leading causes of biodiversity loss globally, disrupting ecosystems, outcompeting native species, and contributing to 60% of recorded extinctions.¹ Scotland's unique ecosystems are especially vulnerable to these pressures.²

¹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2023). Summary for Policymakers of the IPBES Assessment Report on Invasive Alien Species and their Control. Retrieved from: [Thematic Assessment Report on Invasive Alien Species and their Control | IPBES secretariat](#)

² Multiple sources, e.g. SE Link (2024). Retrieved from: <https://www.scotlink.org/wp-content/uploads/2024/10/LINK-Briefing-Invasive-Non-native-Species-in-Scotland-October-2024.pdf>

The Scottish Government has committed to addressing the challenges posed by INNS through various targets and initiatives. Notably, the Convention on Biological Diversity Aichi 2020 Targets contained a goal that “by 2020, invasive alien species and pathways are identified and prioritised, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”. However, NatureScot’s progress report on the 2020 Aichi targets concluded that there was insufficient progress towards this objective.³

Scotland is also committed to targets in the adopted Kunming-Montreal Global Biodiversity Framework (GBF), which includes a goal to reduce the rate of establishment of INNS by at least 50% by 2030. Additionally, the Great Britain Invasive Non-Native Species Strategy (2023 – 2030) aims to reduce establishments of INNS by at least 50% compared to 2000 levels.

An objective in [Scotland’s Biodiversity Strategy](#) is that by 2045, “harmful invasive non-native species will be managed so that established INNS no longer degrade native habitats and species or impede their restoration and regeneration and new introductions are managed quickly and effectively”. However, despite these frameworks and ambitions, the spread of INNS continues to pose a significant and growing threat to biodiversity in Scotland and across Great Britain.⁴

This is a time of significant developments in environmental governance, as the Scottish Parliament considers the Natural Environment (Scotland) Bill, the Scottish Government and partners are developing a new Scottish Plan for INNS Surveillance, Prevention and Control, and biodiversity delivery plans are in development. These developments present a valuable opportunity to improve the efficacy of INNS management in Scotland.

³ NatureScot (2021). Scotland’s Biodiversity Progress to 2020 Aichi Targets. Retrieved from: [Scotland's Biodiversity Progress to 2020 Aichi Targets - Final Report | NatureScot](#)

⁴ JNCC (2024). Pressure from Invasive Species. Retrieved from: [UKBI - Invasive species | JNCC - Adviser to Government on Nature Conservation](#)

ESS Analysis

As part of this work, ESS conducted a [Call for Evidence](#) seeking information on the control and impact of INNS on biodiversity and ecosystem resilience. Through the call, ESS heard from a wide range of stakeholders, including government bodies and agencies, local authorities, environmental non-governmental organisations, and landowning interests, who highlighted barriers to effective management and gaps in delivering INNS control.

Key concerns raised include:

- clarity, coordination, and roles of duty bearers: a common theme was the need for clearer and updated definitions of roles and responsibilities across those involved in INNS management. Stakeholders felt this would help direct concerns more effectively and improve understanding among duty bearers, practitioners, and the wider public. Respondents also noted that while the 2012 [Code of Practice on Non-Native Species](#) issued by the Scottish Ministers under the Wildlife and Countryside Act 1981 (the 1981 Act), is a useful tool, it contains outdated information and is in need of revision.
- use of statutory tools and enforcement: respondents also raised concerns about the statutory tools in place to manage INNS, with particular emphasis on weak enforcement of existing INNS legislation and limited use of Species Control Agreements (SCAs) and Species Control Orders (SCOs).

Code of Practice – ESS Findings

Section 14C of the Wildlife and Countryside Act 1981 ('the 1981 Act') provides that Scottish Ministers may issue a Code of Practice setting out guidance for those with responsibilities under the 1981 Act to ensure the use and management of INNS do not cause harm to the environment. The current Code of Practice came into effect on 02 July 2012 and remains the extant Code of Practice issued under section 14C of the 1981 Act. Section 14C(3) of the 1981 Act allows Scottish Ministers to revise the Code of Practice.

Based on its analytical work and the concerns raised within the Call for Evidence, ESS considers that the Code of Practice is out of date and does not fully take

account of current legislative, institutional or policy developments. A summary of the issues identified is outlined in Annex A.

Recommendation

Section 20 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 ('the 2021 Act') defines ESS' functions. This includes monitoring the effectiveness of environmental law and how it is implemented and applied. Where opportunities are identified to improve the effectiveness of environmental law, ESS may take such steps as it considers appropriate to secure these improvements, including making recommendations under section 20(2)(c).

In ESS' view, a review and publication of an updated Code, ensuring it is relevant, fit for purpose, aligned with recent and forthcoming legislation and policy, and published broadly, would improve effective implementation of the 1981 Act and more effective INNS management. ESS considers the period following the passage of the Natural Environment (Scotland) Bill to be an opportune time for such a review and republication, allowing any relevant updates to be incorporated.

Accordingly, ESS recommends that the Scottish Government commit to:

- undertaking a review of the Code of Practice under section 14C of the 1981 Act including, but not limited to, consideration of the areas highlighted in Annex A
- laying an updated Code of Practice before the Scottish Parliament under section 14C of the Wildlife and Countryside Act 1981 (as amended), within one year of the Natural Environment (Scotland) Bill receiving Royal Assent, or by 01 May 2027, whichever is earlier, to ensure it is up to date, relevant and fit for purpose

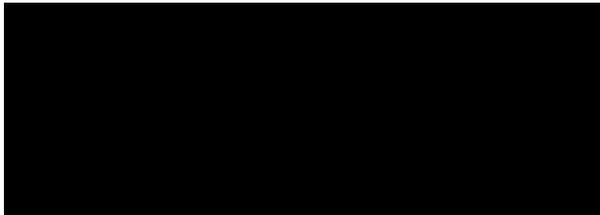
Next steps

Please note that this recommendation only addresses one of the identified areas of concern. ESS is continuing to examine issues raised on the effectiveness of prevention and control mechanisms, particularly the use of SCAs and SCOs, and will share further findings separately in due course.

ESS welcomes the constructive engagement with Scottish Government and stakeholders to date and looks forward to continuing that engagement as we develop further insights for the next phase of our work on INNS. We will continue to monitor progress on related policy developments, including the Natural Environment (Scotland) Bill and the forthcoming INNS Plan.

I am copying this letter to the conveners of the Net Zero, Energy and Transport and Rural Affairs and Islands Committee and to the chief executive of NatureScot. I would be grateful if you could respond within one month of the date of this letter.

Yours sincerely,



Mark Roberts
Chief Executive

Annex A: Areas for inclusion in the review of the Code of Practice on Non-Native Species Under S14C of the Wildlife and Countryside Act 1981 (as amended)

Concern/Proposed action	Location of Issues identified	Suggestions
<p>Roles and responsibilities Clarify roles</p>	<p>Chapter 10 (Responsibilities), Section 1.4 (Public Bodies), and throughout where duty bearers are mentioned</p>	<p>Provide clear, practical guidance on statutory and voluntary roles, particularly for local authorities. Include worked examples and clarify the extent of regulatory powers.</p>
<p>Institutional change Update contact details</p>	<p>Chapter 10 and final pages</p>	<p>Update references to relevant bodies and duty bearers (e.g. replace SNH with NatureScot, remove references to SEARS). Provide up-to-date contact details and enquiry pathways. Set out responsibilities of each relevant organisation clearly.</p>
<p>Legal and policy references Update to include relevant changes</p>	<p>Chapters 1, 2, 10, and Annex (Legislation)</p>	<p>Update the Code to reflect revised and updated policy and legislation, for example amendments to the Wildlife and Countryside Act 1981, retained provisions of the EU Invasive Alien Species Regulation, 1143/2014 (in force since 2015) and how it applies in Scotland (e.g. species of concern, bans on keeping/selling/releasing, rapid eradication), and the Natural Environment (Scotland) Bill (as relevant)</p>

		Link to live GB species lists and updated guidance from the 2023 update Great Britain INNS Strategy.
<p>Accessibility and awareness</p> <p>Strengthen public awareness of roles and responsibilities</p>	<p>Chapter 2 (Your responsibilities), Chapter 10, public awareness may also be addressed in the Scottish INNS Plan or associated public awareness campaigns</p>	<p>Ensure the Code is easy to navigate, supported by updated contact details, and actively promoted to landowners, authorities, and the public as a central reference for INNS duties. Clarify the role of responsible bodies and local authorities in INNS control. Provide clear guidance on where and how the public can report sightings (e.g. iRecord, INNS Mapper). Expand advice on the public's responsibilities in preventing spread and acting responsibly.</p>