

ECOCIDE (SCOTLAND) BILL

FINANCIAL MEMORANDUM

INTRODUCTION

1. As required under Rule 9.3.2 of the Parliament’s Standing Orders, this Financial Memorandum is published to accompany the Ecocide (Scotland) Bill, introduced in the Scottish Parliament on 29 May 2025.
2. The following other accompanying documents are published separately:
 - Explanatory Notes (SP Bill 70–EN);
 - a Policy Memorandum (SP Bill 70–PM);
 - a Delegated Powers Memorandum (SP Bill 70–DPM);
 - statements on legislative competence made by the Presiding Officer and the Member in Charge of the Bill (SP Bill 70–LC).
3. This Financial Memorandum has been prepared by the Non-Government Bills Unit (NGBU) to set out the estimated costs of the Bill for Monica Lennon MSP, the Member in Charge of the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

BACKGROUND

4. Monica Lennon MSP stated at the outset of pursuing her Bill on ecocide:

“The climate and ecological crises can be addressed together through an ecocide law. In the Scottish Parliament I am building support for Scotland to join others in the international community in support of the Stop Ecocide International campaign.

Stopping ecocide is not a choice, it is our duty. All of us can be earth protectors and take bold action to avert climate and ecological catastrophe.”¹
5. Environmental crimes are key contributors to climate change². The term “ecocide” is used to refer to the most serious environmental crimes.

¹ [Monica Lennon MSP — Stop Ecocide International](#)

² [Crimes that affect the environment: United Nations Office on Drugs and Crime.](#)

6. The Member's policy objectives in introducing this Bill are: to ensure that any environmental offences which meet the definition of ecocide are treated as criminal, rather than regulatory, offences, which result in lengthy custodial sentences and/or fines; to deter companies and individuals from acting in ways that may cause ecocide offences; and to maintain alignment of Scottish environmental legislation with developments at an EU level.

7. To achieve the objectives stated above, this Bill creates a criminal offence of ecocide. The penalties provided for in the Bill include a custodial sentence of up to twenty years and unlimited fines.

8. The Bill also provides for compensation orders to people impacted by the ecocide event or costs incurred to restore the damage to the environment. Furthermore, it gives the relevant Court powers to take into account, in determining the level of fine, the extent to which an individual or organisation has benefitted financially from the actions that constituted ecocide. In addition, the Bill allows courts to require the issuing of a publicity order related to an ecocide offence, including details of the individual or individuals, included within an organisation, who committed an offence.

9. The Scottish Ministers are required under the Bill to develop and publish a report after five years on the operation of the Bill when enacted, and for that report to be laid before the Parliament. In doing so, Ministers must consult with a number of stakeholders, including Environmental Standards Scotland (ESS), the Scottish Environment Protection Agency (SEPA), the Crown Office and Procurator Fiscal Service (COPFS) and Police Scotland. The report will include information on the number of ecocide offences that have taken place, the number of criminal charges, convictions, prosecutions and sentences that have been issued, an account of how much money has been recovered, and an assessment of the damage and costs of the damage of any ecocide events.

Data on ecocide incidents: how frequently are ecocide offences likely to take place?

10. As noted in the Policy Memorandum accompanying this Bill, there are very few examples of crimes that have met the Bill's proposed definition of ecocide in Scotland in recent years. One reported example of significant, widespread environmental damage was the MV Braer oil spill in Shetland in 1993. The MV Braer was carrying 85,000 tonnes of crude oil when it ran aground, spilling its load into the sea. This oil spill caused significant environmental damage, including to local bird and seal populations, but the worst impacts may have been avoided due to a change in the weather³.

11. This event was over 30 years ago, and it is anticipated and hoped that incidents of ecocide will be very rare. However, the Member considers that, as the natural environment and natural resources become increasingly depleted and as concerns grow about a lack of corporate responsibility, where financial gain is prioritised over maintaining our environment, in Scotland and beyond, it is reasonable to assume that the likelihood of an ecocide event taking place in Scotland is increasing.

³ [Braer: The huge oil spill that Shetland survived - BBC News](#)

12. It would be extremely challenging to accurately predict the frequency of such incidents, as there are clearly many variables to consider. However, for the purposes of estimating maximum potential costs in this Memorandum, the Member has adopted the baseline assumption that an ecocide event will take place in Scotland once every 10 to 20 years.

Existing legislation on environmental offences

13. Section 40 of the Regulatory Reform Act (Scotland) 2014 (hereafter, the RRA) created a new offence to “act, or permit another person to act, in a way that causes or is likely to cause significant environmental harm.”⁴ A person convicted under section 40 of the RRA on summary conviction is liable for a fine of up to £40,000 or imprisonment of up to twelve months, or, on conviction on indictment, an unlimited fine or imprisonment of up to five years.⁵ The Member feels that the penalties that could be imposed under section 40 are insufficient for a serious environmental offence that meets her Bill’s definition of ecocide. Therefore, she believes that a new criminal offence is required in recognition of the seriousness and impact of such an incident.

14. In terms of the public bodies with roles and responsibilities, and therefore associated costs, under this Bill, key public sector agencies (most notably SEPA, but also Police Scotland and COPFS) will have specific responsibilities related to the new criminal offence, as they have for the RRA. ESS’s role is to “independently monitor and investigate the effectiveness of environmental law in Scotland, and public authorities’ compliance with it”.⁶ It is anticipated that ESS will take a similar role for the new criminal offence of ecocide, overseeing the implementation of environmental standards and focussing on monitoring and compliance by the public sector. SEPA’s role will be enforcement of the new law, conducting investigations and, where necessary, preparing prosecution reports on offences for submission to COPFS⁷. Police Scotland will be required to ensure public safety and support SEPA in other ways including securing the crime scene and providing support for gathering evidence. COPFS’s role will be the prosecution of individuals and organisations accused of ecocide, as well as providing support to SEPA in the preparation of investigations⁸.

Methodology

15. To determine the costs associated with this Bill, this Financial Memorandum will:

- Estimate the ongoing costs for bodies involved in the implementation of the Bill (such as SEPA, ESS and Police Scotland) of familiarising themselves and training staff on the requirements for their organisation in relation to the new offence;
- Consider the costs for public bodies which could be incurred when such a crime takes place;
- Estimate the costs for the Scottish Government of producing a report to Parliament on the Act’s operation every five years; and

⁴ [Regulatory Reform \(Scotland\) Act 2014](#)

⁵ [Regulatory Reform \(Scotland\) Act 2014](#)

⁶ [Home - Environmental Standards Scotland](#)

⁷ [Sepa approach to regulation.pdf](#)

⁸ [Crown Office and Procurator Fiscal Service - Wildlife Crime in Scotland 2023 - gov.scot](#)

- Consider any savings that may be accrued as a result of the Bill's provisions (especially if they may reduce the chances of ecocide offences taking place).

COSTS ON THE SCOTTISH ADMINISTRATION

Increasing public awareness of new criminal offence

16. While not required within the Bill, it is anticipated that the Scottish Government will instigate a campaign to raise public awareness of the new offence. The Member envisages that this would be a broad campaign, which she considers would have a number of positive impacts. Namely, she believes it would highlight to the public the seriousness with which Scotland's justice system would treat such actions, and contribute to the deterrent effect by raising awareness with organisations and senior staff within them that such actions have serious consequences.

17. The Scottish Government publishes information relating to how much it spends on marketing (or advertising) campaigns. The most recent available figures are for 2023-2024⁹. The amount spent on each campaign varied greatly, and it is difficult to compare the figures as there is limited information about what each involved. There are no campaigns listed that are comparable with the kinds of activity that will be required to raise awareness regarding the provisions of this Bill. However, there are campaigns that relate to criminal offences: the campaign on sexual assault is listed as costing £68,809 and the campaign on hate crime cost £163,341. These campaigns included a focus on criminal offences but also on raising awareness in an effort to deter potentially criminal behaviours, which are similar objectives to the kind of awareness campaign that the Member envisages will be required to support the provisions in her Bill.

18. Based on the information available on Scottish Government marketing campaigns, an indicative figure for the public awareness campaign highlighting the new criminal offence of ecocide would therefore be between £69,000 and £163,000¹⁰. Adjusted for inflation, the estimated range for the cost of this campaign would be between £74,000 and £174,000.

Ongoing costs

Public bodies' familiarisation with new offence

19. Another cost for public sector bodies (such as SEPA and Police Scotland) will be for the modification of existing processes and procedures to account for the new criminal offence. SEPA, for example, will have to amend its protocols on working with COPFS when such cases are reported. Police officers, especially those working on environmental crime, will need to be informed about the new offence and its implications. Staff within these public bodies will be required to familiarise themselves with the new legislation, and then to develop and include resources about the new offences in their own guidance and training materials and train the relevant staff on an ongoing basis on these materials (including training new staff where there is any staff turnover over time).

⁹ [Scottish Government Marketing Spend 2023-2024](#)

¹⁰ These figures have been rounded to the nearest thousand for clarity.

20. The Water (Special Measures) Bill was introduced into the UK Parliament on 4 September 2024 to ensure that water companies were held more accountable when their activities cause harm to the environment or consumers¹¹. The Bill's provisions included powers for the water regulator (Ofwat) to make rules on remuneration and governance, to ban bonuses for senior individuals in companies where standards were not adhered to or there was criminal liability, and the introduction of "standards of fitness" for executives of water companies¹². The Bill also included powers to amend the sentencing power of courts to allow for imprisonment in relation to the activities of water companies in certain circumstances, for automatic penalties to be issued for some cases and a lowering of the standard of proof for certain civil actions.

21. The creation of new criminal penalties for serious environmental crimes may provide a useful comparison for the purposes of this Financial Memorandum. One of the stated objectives of the Bill was to "Drive forward water company behavioural change and increase accountability at a company and individual level", which has some crossover with what the Member wishes to achieve in establishing a new criminal offence of ecocide¹³.

22. The Impact Assessment for the Water (Special Measures) Bill estimates costs for the familiarisation of staff in water companies with the new regulations and procedures. While these costs are for staff in water companies and may not be directly comparable, the methodology could give a broad indication of costs for familiarisation by staff in Scottish public sector bodies with the new offence of ecocide.

23. The Impact Assessment estimated that between 1 and 9 employees in each affected water company will spend on average one to two 7.5-hour days familiarising themselves with the materials¹⁴. It then uses Office of National Statistics data to assess costs for "employees working on legal and accounting activities", which was an hourly rate of £26.32. Adjusted for inflation, this hourly rate would be £27.08 in 2025-2026. As the Scottish Government has now moved to a 35-hour week (5 days of 7 hours each), this daily rate will be calculated using 7 rather than 7.5 hours.

24. The specific role of each public sector organisation will determine how much staff resource is required by each public body for the purposes of familiarisation.

25. If an ecocide offence takes place, SEPA will carry out the principal role of investigation and enforcement. It will need to ensure that its staff understand the nature of the new offence and how it is distinguished from existing offences (eg under Section 40 of the RRA). This will need to include a rolling programme of updates for new staff. It is therefore assumed that up to 20 employees will require to go through this two-day process of familiarisation each year. 20 employees would be beyond the upper end of the range set out above and therefore could reasonably be assumed to reflect the substantive role that SEPA is anticipated to take on related to the introduction of this new offence.

¹¹ [Impact Assessment for the Water \(Special Measures\) Bill](#)

¹² [Impact Assessment for the Water \(Special Measures\) Bill](#)

¹³ [Impact Assessment for the Water \(Special Measures\) Bill](#)

¹⁴ [Impact Assessment for the Water \(Special Measures\) Bill](#)

26. Police Scotland's primary role will be to support SEPA as required with the initial management of the incident and to provide any support they might require during an investigation (e.g. interviewing witnesses, providing arrest warrants etc). Police Scotland have similar responsibilities to these for all other criminal offences, but the creation of the new offence will require some staff capacity to support officers to understand the nature of the new offence and its interaction with existing legislation. It is assumed that up to 10 employees from Police Scotland will need to undertake this two-day familiarisation each year.

27. ESS's role will be to ensure compliance with the new offence by public sector agencies, in the same way as it is responsible for ensuring compliance by these bodies with existing environmental offences. Its staff will need to understand the new offence and its implications for actors across the public sector. It is estimated that up to three employees will be required to undertake this two-day familiarisation each year.

28. The total ongoing annual costs for familiarisation of public sector bodies for the new offence of ecocide, adjusted for inflation, is estimated to be: SEPA: £7,582 (20 employees at £27.08 an hour for 14 hours), Police Scotland £3,791 (10 employees at the same rate for the same time), ESS £1,137 (3 employees at the same rate for the same time).

Reporting

29. The Bill provides in section 10 that the Scottish Ministers must commission a report on the operation of the Act five years after enactment. This report must be laid before Parliament and must involve consultation with the following public sector bodies:

- Scottish Environment Protection Agency (SEPA);
- Environmental Standards Scotland (ESS);
- NatureScot;
- The Crown Office and Procurator Fiscal Service (COPFS);
- The Chief Constable of the Police Service of Scotland;
- The Scottish Fire and Rescue Service; and
- The Scottish Courts and Tribunals Service.

30. This report must include information on the number of ecocide offences that have taken place, the number of criminal charges, convictions, prosecutions and sentences that have been issued, an account of how much money has been recovered as a result of the Proceeds of Crime Act 2002, and an assessment of the damage and costs of the damage of any ecocide events.

31. To determine an estimated cost for producing a report of this type, comparable examples have been considered.

32. The Child Poverty (Scotland) Act 2017 includes a requirement for the Scottish Ministers to prepare and publish three delivery plans relating to progress towards child poverty targets. The Scottish Government estimated a cost of £21,673 for staff time and £5,000 for staff costs for each delivery plan, equating to a total of £26,673¹⁵. At 2025-2026 prices, this would be around £36,000.

33. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 requires annual reports on progress towards emissions reduction targets. Section 19 of this Act requires “the Scottish Ministers to lay reports in Parliament that contain an assessment of progress towards implementing the policies and proposals set out against the chapter headings in the most recently published Climate Change Plan.”¹⁶ The Government estimated that the new duties under Section 19 of this Act would cost £38,200 annually¹⁷, which would equate to around £49,000 in 2025-2026.

34. A report from Ministers into the operation of the provisions in this Act will clearly function very differently to the two examples identified above. However, the administrative costs of compiling such reports are likely to be similar, and the requirement for Ministers to engage with the stated public bodies will contribute to these costs.

35. It therefore seems reasonable to assume that the costs of producing this five-year review of this Bill, when enacted, will cost between £36,000 and £49,000, in that financial year only.

Investigation and enforcement

36. Enforcement of the new law will be the responsibility of a number of agencies already operating in this field. SEPA will have a key role in investigating any reported crime of ecocide, preparing reports to COPFS where necessary. Police Scotland will be responsible for maintaining public safety when an incident occurs and could, where required, support SEPA through securing evidence and supporting interviews with witnesses. SEPA will provide COPFS with information and evidence on any suspected crimes. COPFS will also support SEPA if it requires technical input at the investigation stage. These responsibilities for enforcing the new criminal offence of ecocide will complement the existing processes these public sector bodies have in place for the enforcement of existing environmental offences, including under Section 40 of the RRA.

37. While the crime of ecocide is a new one, it is not anticipated that its introduction will generate significant additional resource requirements for the Scottish Administration in respect of investigation costs. This is because where an offence that met the criteria of ecocide as set out in the Bill were to be committed, such an incident would have been investigated under existing powers if the Bill were not in force.

38. The following paragraphs seek to project the costs that will be incurred when an incident of ecocide takes place, from reporting of the incident to potential imprisonment or fine. By nature,

¹⁵ [Child Poverty \(Scotland\) Bill Financial Memorandum](#)

¹⁶ [Policy Memorandum Climate Change \(Emissions Reduction Targets\) \(Scotland\) Bill](#)

¹⁷ [Financial Memorandum Climate Change \(Emissions Reduction Targets\) \(Scotland\) Bill](#)

these costs fall largely on the following organisations: SEPA, Police Scotland, COPFS, the Scottish Courts and Tribunals Service and the Scottish Prison Service.

Police Scotland

39. Police Scotland is likely to work in partnership with officials from SEPA to investigate reports of ecocide offences (as it does in relation to existing environmental offences, including those under Section 40 of the RRA).

40. Police Scotland have well-established protocols for engaging with SEPA and other agencies on environmental crimes¹⁸. For example, the Scottish Crime Campus at Gartcosh includes senior police officers working alongside officials from other agencies including SEPA, which allows them to share intelligence and to collaborate in efforts to tackle organised crime¹⁹. SEPA officials who are embedded in this police facility are able to share data and support each other with investigations and intelligence gathering²⁰.

41. For serious environmental crimes, SEPA leads on investigation and is able to exercise discretion as to which cases are referred to COPFS. While in practice Police Scotland will be involved when such a crime takes place, its key function will be to secure the crime scene, deal with public safety and handle witnesses, while SEPA will lead on the investigation. SEPA may be assisted by Police Scotland in certain ways, including the issuing or processing of arrest warrants or to support interviews of suspects while under caution.

42. However, any criminal offence of ecocide which took place in advance of this Bill being enacted would be investigated and actioned under existing environmental legislation. As a result, it seems likely that Police Scotland would not incur any additional costs as a result of the introduction of this Bill, as any such offences would be investigated to the same extent as previously.

SEPA

43. SEPA has a key role to play in the investigation and enforcement of environmental offences under existing legislation, including the RRA. The Member anticipates that SEPA will use existing processes and procedures to investigate any reported cases of ecocide when this Bill is enacted, including liaison with COPFS. The Bill includes provision to ensure that SEPA's existing investigatory powers can be used under this Bill.

44. SEPA has a target to submit prosecution reports on suspected environmental crimes to COPFS within six months for crimes which are triable under summary procedure or on indictment. These reports are developed by SEPA in accordance with its Guide for Specialist Reporting Agencies and SEPA internal guidance. In producing such a prosecution report, SEPA officials will gather evidence and conduct interviews, as well as seek input from specialists where necessary. If samples require analysis, this may entail laboratory costs. SEPA officials may also be required to attend court to provide assistance to prosecutors. Legal costs may also be incurred by SEPA in

¹⁸ [20201216-environmental-and-wildlife-crimes-lit-review.pdf](#)

¹⁹ [Campus at the heart of Scotland's fight against organised crime - BBC News](#)

²⁰ [Letter from Police Scotland to Convener of Net Zero, Energy and Transport Committee](#)

producing the final report for submission to COPFS²¹. It is anticipated that SEPA will play a very similar role in relation to the new criminal offence of ecocide.

45. While SEPA may be required to dedicate significant resource to the investigation of any reported incidents of ecocide when this Bill is enacted, any such offence would previously have been investigated as an offence under existing environmental legislation, including Section 40 of the RRA. As a result, it is not anticipated that SEPA would incur additional costs on an ongoing basis as a result of the introduction of the enforcement provisions in this Bill.

COPFS and Scottish Courts and Tribunal Service (SCTS)²²

46. COPFS works closely with SEPA on the investigation and prosecution of environmental crimes under existing legislation²³. COPFS is divided into 11 regions and each region has nominated at least one Procurator Fiscal Depute to specialise in SEPA cases: these roles are known as Area Specialists²⁴.

47. The most up-to-date available figures for the costs of prosecution and court costs are included in Table 2 of the Scottish Government document, ‘Cost of the criminal justice system in Scotland dataset’²⁵. This document estimates the costs of procedures in each court: High Court, Sheriff Court, and Justice of the Peace Court. It also projects the average costs of prosecution, which would fall on the Crown Office and Procurator Fiscal Service, and the average costs per procedure of legal assistance.

48. The Bill provides that ecocide cases will be heard in either the High Court or the Sherriff Court. However, given the seriousness of any offence that meets the definition of ecocide as set out in the Bill, the Member anticipates that it is very likely that any prosecution would take place in the High Court. On that basis, the figures in Table 1 below therefore set out the costs of a prosecution in the High Court only.

Table 1: Scottish High Court costs per prosecution (2016-2017)

Court	Prosecution costs	Court costs	Legal assistance costs	Total
High Court	£67,568	£16,650	£ 16,080	£100,298

²¹ [SEPA guidance on the use of enforcement action](#)

²² Due to the passage of time between the enactment of the Bill’s provisions and any prosecution for the new offence of ecocide, it is not anticipated that a prosecution for the new offence will take place in the year the Bill comes into force.

²³ <https://www.sepa.org.uk/regulations/how-we-regulate/policies/environmental-crime-protocol/>

²⁴ [Environmental crime protocol | Scottish Environment Protection Agency \(SEPA\)](#)

²⁵ [00549036.xlsx](#)

49. These costs have then been adjusted for inflation, and rounded to the nearest thousand, in Table 2 below.

Table 2: Estimated Scottish High Court costs per prosecution (2025-2026)

Court	Prosecution costs	Court costs	Legal assistance costs	Total
High Court	£91,000	£22,000	£21,000	£134,000

50. As set out above, it is assumed for the purposes of this Memorandum that an ecocide event will take place once every 10 to 20 years. The costs of processing a prosecution in the High Court for a case of ecocide are therefore estimated to be around £134,000 every 10 to 20 years.

Costs to the Scottish Prison Service²⁶

51. The Bill provides for a person convicted of ecocide to be punished by a sentence in prison of up to 20 years. By comparison, a conviction under section 40 of the RRA could result in a sentence of up to twelve months (on summary conviction) or up to five years (on conviction on indictment), although no prosecutions have yet been made under the RRA to date²⁷.

52. Sentencing after a criminal conviction is a matter for the courts, and decisions on sentencing will take into account a wide range of factors. However, given the gravity of ecocide offences, it is reasonable to assume that anyone convicted of the offence will receive a significant custodial sentence. For the purposes of this Memorandum, it is assumed that the maximum term of 20 years will be applied in many circumstances.

53. Prisoners on long-term (i.e. greater than four years) sentences are considered for early release when half of their sentence has been served. It is therefore likely that the actual time served in custody (and resultant costs) may be lower than 20 years. It is assumed for the purposes of establishing a range of sentencing costs that some offenders will serve the full 20 years sentences, whereas others could be released after 10 years including on an early release basis, subject to a decision by the Parole Board²⁸.

54. According to Appendix 9 of the Scottish Prison Service's Annual Report for 2023-24, the annual cost per prisoner in that year was £47,140.30. Adjusting for inflation, this means that the annual cost per prisoner in 2025-26 is projected to be around £50,000.

55. It is not possible to estimate how many people may receive a custodial sentence for each offence of ecocide. However, the Member is keen to avoid underestimating the likely costs for the

²⁶ Due to the passage of time between the enactment of the Bill's provisions and any prosecution and conviction for the new offence of ecocide, it is not anticipated that anyone will be in custody for the new offence in the year the Bill comes into force.

²⁷ [Regulatory Reform \(Scotland\) Act 2014](#)

²⁸ [Context and Supplementary Information - Scottish Prison Population Statistics 2023-24 - gov.scot](#)

Prison Service when an offence takes place. As a result, she is basing the estimated costs for the Prison Service each year on the assumption that, when an ecocide conviction takes place, four people from a company will be convicted and sentenced to imprisonment. The Member estimates that the costs for the Prison Service when a conviction for ecocide takes place could be up to £200,000 per annum (£50,000 for each of four offenders). The Member assumes that it is very unlikely that there will be an investigation, trial, conviction and prison sentence commenced during the first year of the Bill's implementation. The Member also assumes that if ecocide events take place every 10 to 20 years, then prison sentences served for different ecocide offences would not be served concurrently. Costs in Table 3 are based on these assumptions. The maximum total cost per year for the Bill on this basis is estimated to be £346,510 which is the total annual ongoing costs (£12,510) plus the total annual costs for an offence of ecocide incurred by COPFS and the Prison Service (£334,000).²⁹ It is conceivable that the 5 year report to Parliament could be required in the same year as prosecutions for ecocide and associated criminal convictions are made, and associated prison sentences are served. This would create a maximum annual cost of around £370,000 to £383,000.

Table 3: Estimated total costs to Scottish Administration

Item	Year One costs	One-off cost at five years	Ongoing costs	Costs per offence of ecocide ³⁰
Costs for Scottish Government: publicity campaign	Between £74,000 and £174,000	NA	NA	NA
Costs for Scottish Government: report to Parliament	NA	Between £36,000 and £49,000	NA	NA
Costs for ESS-Training and familiarisation	NA	NA	Around £1,137 per year	NA
Costs for SEPA-Training and familiarisation	NA	NA	Around £7,582 per year	NA

²⁹ Assuming four people receive a custodial sentence.

³⁰ In addition to existing costs the organisation would incur if an ecocide incident took place under current legislative framework.

Costs for Police Scotland- Training and familiarisation	NA	NA	Around £3,791 per year	0
Cost for COPFS and SCTS- per offence	NA	NA	NA	Around £134,000
Costs for Prison Service- per offender per year	NA	NA	NA	Around £200,000 (based on four convictions for one ecocide offence)
Total costs for the Scottish administration	Year One costs between £74,000 and £174,000	One-off cost at five years of between £36,000 and £49,000.	Annual costs of around £12,510	Around £334,000 per offence of ecocide.

COSTS ON LOCAL AUTHORITIES

56. While local authorities will need to be informed and made aware of any ecocide offences which impact on their locality, it is not anticipated that this Bill will generate any additional financial obligations. Councils are often the first to whom environmental offences are reported. They are required to report serious cases to SEPA/COPFS. In environmental emergencies, local authorities will play a crucial role in coordinating clean-up and mitigation activity. However, for serious environmental crimes, they don't have a role in investigation or enforcement.

57. While there may be significant costs associated with rectifying the likely significant damage done by an ecocide incident, and local authorities can of course have a key role in this work, this work would have to happen at present in the absence of the existence of an ecocide offence and therefore there are no additional costs anticipated in relation to a new offence existing relating to environmental harm.

58. The Bill contains a provision in section 7 that any person convicted of the offence can be ordered to pay compensation in line with the costs of remedying or mitigating that damage. It is therefore possible that the costs to a local authority (or to SEPA and a local authority if they work together) can be reimbursed in large part or entirely.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

59. One of the Member's policy objectives in introducing this Bill is to deter individuals and organisations, including businesses, from actions that may risk causing ecocide incidents. The Member hopes that by reiterating the seriousness of such actions as serious criminal offences with associated fines and custodial sentences, that behaviours of individuals and businesses will change and more preventative precautions will be taken to ensure that they do not cause serious environmental damage. On that basis, it is hoped the cost to individuals and businesses will be zero as no ecocide events will take place, in large part as a result of the deterrent effect of this Bill.

60. However, should an individual, an organisation, or an individual within an organisation be convicted, then there would be costs to those individuals and organisations, including severe fines, set at a very high level to reflect the seriousness of the crime and to reflect any financial benefits to the individuals or organisations that should be removed. In addition, organisations could be required to pay compensation orders, which could be substantial (for example, if there are many victims of the crime who have serious health concerns resulting from damage to the water supply or if the company has to restore large areas to their previous state before the environmental damage was done).

61. As an example, after the Braer Oil Disaster off the coast of Shetland, the International Oil Pollution Compensation Funds (IOPCF) was reported to have approved compensation payments of £47 million in total to all individual claimants whose property or business were impacted by the incident³¹. In 2025-2026 figures, this would be £62,150,620 in total for payments to all claimants.

62. In England, between 2015 and 5 July 2024, water companies have been fined more than £150 million for environmental offences related to the discharge of water³², which gives a scale of the financial costs associated with serious environmental crimes.

SAVINGS

63. It is impossible to say definitively to what degree the new law will deter organisations from committing environmental offences in the future. However, if one or more incidents of ecocide could be avoided as a result of the introduction of this legislation, the financial savings (in addition to the obvious benefits for the ecosystem, flora and fauna, and human life) would be significant.

64. Where there is an ecocide incident and one or more people are convicted, this Bill includes provisions to ensure that courts can set unlimited levels of fines, including levels that take account of any financial benefit that was yielded as a result of an ecocide offence when determining the level of fines that will be imposed on an offender. This could lead to additional funds being generated for the Scottish Consolidated Fund as a result, at a level which it is not possible to estimate. The Bill also allows for compensation orders to be issued by courts when someone has been convicted of ecocide: however, in such a case any funds raised would be used to mitigate any damage or compensate people who have been affected, so it is not anticipated that these orders would generate additional funds for the Scottish Consolidated Fund.

³¹ [25 years on – what REALLY happened on the Braer? | Shetland News](#)

³² [Water and sewerage companies in England: environmental performance report 2023 - GOV.UK](#)

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