

# Ecocide (Scotland) Bill

[AS INTRODUCED]

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## CONTENTS

Section

### PART 1

#### OFFENCE OF ECOCIDE

##### *Offence of ecocide and defence of necessity*

- 1 Offence of ecocide
- 2 Defence of necessity

##### *Attribution of liability to other persons*

- 3 Individual culpability where organisation commits offence
- 4 Vicarious liability

##### *Penalty, compensation and publicity*

- 5 Penalty
- 6 Regard to be had to financial benefit in determining amount of fine
- 7 Order for compensation may include costs of remediation or mitigation
- 8 Publicity order

##### *Enforcement powers of Scottish Environment Protection Agency in relation to ecocide*

- 9 Enforcement powers in relation to ecocide

### PART 2

#### FURTHER AND FINAL MATTERS

##### *Reporting*

- 10 Report on operation of Act

##### *Final provisions*

- 11 Ancillary provision
- 12 Commencement
- 13 Short title



**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
Explanatory Notes (SP Bill 70-EN), a Financial Memorandum (SP Bill 70-FM), a Policy  
Memorandum (SP Bill 70-PM), a Delegated Powers Memorandum (SP Bill 70-DPM) and  
statements on legislative competence (SP Bill 70-LC).**

# Ecocide (Scotland) Bill

## [AS INTRODUCED]

An Act of the Scottish Parliament to create the offence of ecocide; and for connected purposes.

### PART 1

#### OFFENCE OF ECOCIDE

##### *Offence of ecocide and defence of necessity*

#### **1 Offence of ecocide**

- (1) A person commits an offence if—
- (a) the person causes severe environmental harm, and
  - (b) the person—
    - (i) intends to cause environmental harm, or
    - (ii) is reckless as to whether environmental harm is caused.
- (2) For the purposes of this section, environmental harm—
- (a) has the same meaning as in section 17(2) of the Regulatory Reform (Scotland) Act 2014,
  - (b) is severe if it—
    - (i) has serious adverse effects, and
    - (ii) is either—
      - (A) widespread, or
      - (B) long-term,
  - (c) is widespread if it extends beyond a limited geographic area, to impact upon an ecosystem or species or a significant number of human beings, either directly or indirectly,
  - (d) is long-term if it is irreversible or is unlikely to be reversed through a process of natural recovery within 12 months of the environmental harm occurring.
- (3) An offence under subsection (1) is to be known as the offence of ecocide.

## 2 **Defence of necessity**

- (1) It is a defence for a person charged with ecocide to show that the behaviour which caused the harm mentioned in section 1(1)(a)—
- (a) was carried out in order to prevent greater harm, and
  - (b) in order to prevent that harm, was—
    - (i) necessary, and
    - (ii) reasonable.
- (2) In subsection (1)(a), “harm” does not include financial loss.
- (3) It is for the person charged with ecocide to establish, on the balance of probabilities, that the person has the defence.

### *Attribution of liability to other persons*

## 3 **Individual culpability where organisation commits offence**

- (1) This section applies where—
- (a) ecocide is committed by a relevant organisation, and
  - (b) the commission of the offence of ecocide involves consent or connivance on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits ecocide.
- (3) For the purposes of this section—
- (a) “relevant organisation” means an organisation listed in the first column of the table in subsection (4),
  - (b) “responsible individual” means, in relation to a relevant organisation—
    - (i) an individual falling within the corresponding entry in the second column of the table in subsection (4), or
    - (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.
- (4) The table is as follows—

<i><b>Relevant organisation</b></i>	<i><b>Individual</b></i>
company as mentioned in section 1 of the Companies Act 2006	director, secretary or other similar officer or, where the company’s affairs are managed by its members, member
limited liability partnership	member
other partnership	partner
any other body or association	individual who is concerned in the management or control of its affairs

#### **4 Vicarious liability**

- (1) This section applies where—
- (a) a person (“A”) commits ecocide, and
  - (b) A is, at the time that A commits the offence of ecocide, acting as the employee or agent of another (“B”).
- (2) B (as well as A) commits ecocide.
- (3) Where B is charged with ecocide by virtue of this section, it is a defence for B to show that—
- (a) B did not know that A was committing ecocide,
  - (b) no reasonable person could have suspected that A was committing ecocide, and
  - (c) B took all reasonable precautions and exercised all due diligence to prevent ecocide being committed.
- (4) Proceedings may be taken against B in respect of the offence of ecocide, whether or not proceedings are also taken against A in respect of it.

#### *Penalty, compensation and publicity*

#### **5 Penalty**

- (1) An individual who commits ecocide is liable on conviction on indictment to—
- (a) imprisonment for a term not exceeding 20 years, or
  - (b) such imprisonment and a fine.
- (2) In any other case, a person who commits ecocide is liable on conviction on indictment to a fine.

#### **6 Regard to be had to financial benefit in determining amount of fine**

- (1) This section applies where—
- (a) a person is convicted of ecocide, and
  - (b) the court proposes to impose a fine in respect of the offence (whether alone or in addition to dealing with the person in any other way).
- (2) In determining the amount of the fine, the court must, in particular, have regard to any financial benefit which has accrued or is likely to accrue to the person in consequence of the offence.

#### **7 Order for compensation may include costs of remediation or mitigation**

- (1) Where a person is convicted of ecocide, subsection (1) of section 249 of the Criminal Procedure (Scotland) Act 1995 (compensation order against convicted person) has effect in relation to the conviction subject to the modification in subsection (2).
- (2) That subsection is to read as if, for the words from “in favour” to the end, there were substituted “to another person for—
- (a) any personal injury, loss or damage caused to the person or the person’s property, whether directly or indirectly, by the acts which constituted the offence,

(b) costs incurred or to be incurred by the person in preventing, reducing, remediating or mitigating the effects of—

(i) any harm to the environment resulting directly or indirectly from the offence,

(ii) any other harm, loss, damage or adverse impacts so resulting from the offence.”.

(3) In section 249(11) of the Criminal Procedure (Scotland) Act 1995, after “2014” insert “and section 7 of the Ecocide (Scotland) Act 2025”.

## **8 Publicity order**

(1) Where a person is convicted of ecocide, the court may, in addition to dealing with the person in any other way, make an order (a “publicity order”) requiring the person to publicise in a specified manner—

(a) the fact that the person has been convicted of ecocide,

(b) specified particulars of the offence,

(c) specified particulars of any other sentence passed by the court in respect of the offence.

(2) A publicity order is to be taken to be a sentence for the purposes of any appeal.

(3) The court may make a publicity order—

(a) at its own instance, or

(b) on the motion of the prosecutor.

(4) A publicity order—

(a) must specify a period within which the requirement to publicise the matters mentioned in paragraphs (a) to (c) of subsection (1) is to be complied with,

(b) may require the convicted person to supply to the Scottish Environment Protection Agency, within a specified period, evidence that that requirement has been complied with.

(5) In subsections (1) and (4), “specified”, in relation to a publicity order, means specified in the order.

(6) A person who fails to comply with a publicity order commits an offence.

(7) A person who commits an offence under subsection (6) is liable—

(a) on summary conviction, to a fine not exceeding £40,000,

(b) on conviction on indictment, to a fine.

### *Enforcement powers of Scottish Environment Protection Agency in relation to ecocide*

## **9 Enforcement powers in relation to ecocide**

(1) Section 108 of the Environment Act 1995 (powers of enforcing authorities and persons authorised by them) is amended as follows.

(2) In paragraph (d) of subsection (1)—

(a) after sub-paragraph (ii) insert—

“(iia) an offence under section 1(1) of the Ecocide (Scotland) Act 2025 (ecocide);”,

(b) in sub-paragraph (iii), for “or (ii)” substitute “, (ii) or (iia)”,

(c) in sub-paragraph (iv), for “or (ii)” substitute “, (ii) or (iia)”.

(3) In subsection (4)—

(a) in sub-paragraph (iv) of paragraph (h), after “2014” insert “or section 1(1) of the Ecocide (Scotland) Act 2025”,

(b) in sub-paragraph (i) of paragraph (ka), after “2014” insert “or section 1(1) of the Ecocide (Scotland) Act 2025”.

(4) In subsection (5), after “2014” insert “or section 1(1) of the Ecocide (Scotland) Act 2025”.

## **PART 2**

### **FURTHER AND FINAL MATTERS**

#### *Reporting*

#### **10 Report on operation of Act**

(1) The Scottish Ministers must, as soon as reasonably possible, and not later than 6 months after the end of the review period—

(a) prepare and publish a report on the operation of this Act,

(b) lay a copy of the report before the Scottish Parliament.

(2) The report must include information on—

(a) the number of reported crimes of ecocide,

(b) the number of cases in which criminal proceedings for ecocide are brought,

(c) the number of convictions for ecocide in criminal proceedings,

(d) the sentence that was passed in respect of each conviction,

(e) the amount of money recovered as a result of convictions for ecocide, whether pursuant to the Proceeds of Crime Act 2002 or otherwise,

(f) an assessment of the overall damage caused by the acts resulting in convictions for ecocide,

(g) the cost to the public sector of the overall damage caused by the acts resulting in convictions for ecocide.

(3) When preparing the report under subsection (1)(a), the Scottish Ministers must—

(a) consult and share a draft with—

(i) the Scottish Environment Protection Agency,

(ii) Environmental Standards Scotland,

(iii) Scottish Natural Heritage (NatureScot),

(iv) the Crown Office and Procurator Fiscal Service,

(v) the chief constable of the Police Service of Scotland,

- (vi) the Scottish Fire and Rescue Service,
- (vii) Scottish Courts and Tribunals Service, and
- (viii) such other persons as the Scottish Ministers consider appropriate, and

(b) consider any representations made.

(4) The Scottish Ministers may by regulations modify subsection (3)(a) by—

- (a) adding a person, or
- (b) removing, or modifying the description of, a person for the time being mentioned there.

(5) Regulations under subsection (4) are subject to the affirmative procedure.

(6) In subsection (1), “review period” means the period of 5 years beginning with the day on which section 1 comes into force.

### *Final provisions*

## **11 Ancillary provision**

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or savings provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.

(2) Regulations under subsection (1) may—

- (a) modify any enactment (including this Act),
- (b) make different provision for different purposes.

(3) Regulations under subsection (1)—

- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,
- (b) otherwise, are subject to the negative procedure.

## **12 Commencement**

(1) This section and sections 11 and 13 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(3) Regulations under subsection (2) may—

- (a) include transitional, transitory or saving provision,
- (b) make different provision for different purposes.

## **13 Short title**

The short title of this Act is the Ecocide (Scotland) Act 2025.





# **Ecocide (Scotland) Bill**

[AS INTRODUCED]

An Act of the Scottish Parliament to create the offence of ecocide; and for connected purposes.

Introduced by: Monica Lennon  
On: 29 May 2025  
Bill type: Member's Bill

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