

Wildlife Management and Muirburn (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 4 to 28

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 4

Edward Mountain

- 180** In section 4, page 6, line 11, at beginning insert <following consultation with such persons as they consider likely to be interested in or affected by wildlife trap licensing, including land managers,>

Colin Smyth

- 120** In section 4, page 6, line 13, after <trap> insert <(to include, in particular, independently validated guidance on the animal welfare impact of each type of trap)>

Edward Mountain

- 13** In section 4, page 6, line 13, after <trap,> insert <including the maximum number of days that courses may last,>

Colin Smyth

- 121** In section 4, page 6, line 13, at end insert—
- <(ia) standards for—
 - (A) assessing whether and when the use of traps is justified by evidence of harm caused by the species intended to be killed or taken, and
 - (B) determining that no method that is non-lethal or has a lower animal welfare impact would be effective to reduce that harm,>

Edward Mountain

- 14** In section 4, page 6, line 15, at end insert—
- <(aa) determine fees that may be charged to a person attending a course, which must be reasonable and an amount no higher than £200,>

Edward Mountain

15 In section 4, page 6, line 19, at end insert—

<(2A) For the purposes of subsection (2)(a)(i), a course may last no more than a period of two days.>

Edward Mountain

16 In section 4, page 6, line 19, at end insert—

<(2B) Before approving training courses in respect of the traps to which section 12A applies, the relevant authority must consult such persons as the relevant authority considers likely to be interested in and affected by the form and content of the courses.>

Rachael Hamilton

57 In section 4, page 6, line 33, at end insert—

<12FA Offence of damage to or removal of wildlife trap

A person who removes, intentionally damages or otherwise interferes with a wildlife trap used in accordance with the requirements of section 12A without the authorisation of the licence holder is guilty of an offence.>

Finlay Carson

80 In section 4, page 7, line 13, at end insert—

<(3A) The Scottish Ministers must publish the results of the consultation under subsection (3) and give reasons for any decision reached.>

Rachael Hamilton

58 In section 4, page 7, line 31, at end insert—

<(gc) section 12FA,”.>

Gillian Martin

59 In section 4, page 7, line 35, leave out <; and>

Gillian Martin

60 In section 4, page 7, line 39, leave out <; and>

Section 6

Gillian Martin

61 In section 6, page 8, line 35, at end insert—

<(1C) Where subsection (1D) applies, a person does not commit an offence under section 1 by reason of killing or taking a bird included in Part 1B of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

(1D) This subsection applies where—

- (a) the bird was killed or taken through the use of a bird of prey, or injured in an attempt to do so,
- (b) either—
 - (i) the person who killed or injured it had a legal right, or permission, to kill such a bird, or
 - (ii) the person who took it had a legal right, or permission, to take such a bird, and
- (c) in the case where the person subsequently killed the injured bird, the person took all reasonable steps to kill it in a way that caused it the minimum possible suffering.”>

Edward Mountain

17 In section 6, page 9, line 7, at end insert—

<() In section 22 (power to vary schedules)—

(a) after subsection (2) insert—

“(2ZZA) If a bird is a game bird within the meaning of section 27, an order under subsection (1)(a) may only add that bird to Part 1B of Schedule 2 if the bird to be added is on the current United Kingdom Birds of Conservation Concern Red or Amber List.”,

(b) after subsection (2A) insert—

“(2B) Before making an order under subsection (1)(a) to add a bird to Part 1B of Schedule 2, the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by the proposed order, including land managers.”>

Rachael Hamilton

122 In section 6, page 9, line 7, at end insert—

<() In section 22 (power to vary Schedules), in subsection (1)(a), after “Schedules A1 to 4” insert “, with the exception of Part 1B of Schedule 2”>

Rachael Hamilton

123 In section 6, page 9, leave out subsection (3)

Rhoda Grant

124 In section 6, page 9, line 15, at end insert—

<() after subsection (4B) insert—

- “(4C) Before making an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2, the Scottish Ministers must—
- (a) lay a draft of the order before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the order, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to wildlife management for the time being appointed by virtue of the standing orders.
- (4D) The Scottish Ministers must, when making the order to add any bird to, or remove any bird from, Part 1B of Schedule 2, lay a statement setting out—
- (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the order in response to such views and the reasons for those changes.”>

Section 7

Stephen Kerr

125 In section 7, page 9, leave out lines 29 to 35 and insert—

- <(1) The relevant authority must grant a licence to the owner or occupier of an area of land for the purposes of the killing or taking of any type of bird included in Part 1B Schedule 2 on the land (a “section 16AA licence”) if it is satisfied that the person is a fit and proper person, having regard in particular to the applicant’s compliance with the code of practice made in accordance with section 16AC.>

Rachael Hamilton

126 In section 7, page 10, leave out lines 5 and 6

John Mason

2 In section 7, page 10, line 6, at end insert—

- <() Fees charged under subsection (3)(e) must be sufficient to cover any expenses and costs incurred by the relevant authority in carrying out its functions under section 16AA.>

Rachael Hamilton

127 In section 7, page 10, line 8, leave out <(e)> and insert <(d)>

Stephen Kerr

128 In section 7, page 10, line 8, at end insert—

- <(4A) The relevant authority must determine each application for a section 16AA licence within the period of 3 months beginning with the date on which the application was made.

(4B) Where the relevant authority fails to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (4A), the licence is deemed to have been granted or renewed on the date of such expiry.

(4C) The deemed grant or renewal of a section 16AA licence under subsection (4B) has the same effect as a decision of the relevant authority to grant or renew a section 16AA licence.>

Rachael Hamilton

62 In section 7, page 10, line 15, after <any> insert <reasonable>

Stephen Kerr

129 In section 7, page 10, leave out line 17 and insert—

<(b) takes effect on the earlier of—

(i) the date the application is granted by the relevant authority under subsection (1), or

(ii) the date the application is deemed to be granted by the relevant authority under subsection (4B).>

Jim Fairlie

81 In section 7, page 10, line 17, leave out <1 year> and insert <5 years>

Rachael Hamilton

63 In section 7, page 10, line 17, leave out <1 year> and insert <10 years>

Colin Smyth

130 In section 7, page 10, line 19, leave out from <have> to end of line and insert <comply with all aspects of a code of practice, made in accordance with section 16AC, that are relevant to management of the area of land in question.>

Colin Smyth

131 In section 7, page 10, line 19, at end insert—

<(6A) Every section 16AA licence is subject to the condition that the licence holder must maintain records of the numbers and species of all wild birds and animals killed or taken on the land to which the licence relates and report these to the relevant authority on an annual basis.>

Rachael Hamilton

132 In section 7, page 10, line 32, after <relates> insert <for the purposes of permitting the killing or taking of any type of bird included in Part 1B of Schedule 2 on the land>

Rhoda Grant

133 In section 7, page 10, line 32, after <relates> insert <who is under the direction of the licence holder>

Gillian Martin

- 49 In section 7, page 10, line 35, leave out from beginning to end of line 2 on page 11

Rachael Hamilton

- 64 In section 7, page 11, line 2, at end insert—

<(8A) A section 16AA licence may be suspended for a period up to a maximum of 18 weeks.>

Stephen Kerr

- 134 In section 7, page 11, line 2, at end insert—

<(8A) Before deciding to—

- (a) refuse to grant a licence,
- (b) refuse to renew an existing licence, or
- (c) modify, suspend or revoke an existing licence,

the relevant authority must comply with subsection (8B).

(8B) Before taking a decision under subsection (8A), the relevant authority must—

- (a) give to the applicant or licence holder, as the case may be, at least 14 days prior notice of its proposed decision and the reasons therefor, and
- (b) allow such person the opportunity to submit representations with respect to the proposed decision.>

Rachael Hamilton

- 65 In section 7, page 11, line 6, after <revocation,> insert <along with the reasons therefor>

Rachael Hamilton

- 66 In section 7, page 11, leave out lines 9 to 12 and insert <the period within which an appeal under section 16AB(2)(c) may be made.>

Gillian Martin

- 67 In section 7, page 11, line 12, at end insert—

<(9A) A licence holder whose section 16AA licence is suspended is to be treated as not having a section 16AA licence for the duration of the suspension.>

Beatrice Wishart

- 135 In section 7, page 11, line 12, at end insert—

<(9A) Where the relevant authority has suspended a person's section 16AA licence, the notice given under subsection (9)(a) must specify the estimated duration of the suspension which, having regard to all of the circumstance of the case, must be reasonable.>

Rachael Hamilton

135A As an amendment to amendment 135, line 3, leave out <estimated>

Gillian Martin

50 In section 7, page 11, leave out lines 17 to 20

Rachael Hamilton

68 In section 7 page 11, leave out lines 28 to 32

Karen Adam

Supported by: Colin Smyth

82 In section 7, page 11, line 31, at end insert—

<(da) section 19 of the Animal Health and Welfare (Scotland) Act 2006,>

Rachael Hamilton

136 In section 7, page 12, line 7, at end insert—

<(4A) Where an appeal is taken under this section the sheriff may—

- (a) on the application of the appellant, and
- (b) if satisfied on the balance of convenience that it is appropriate to do so,

recall the decision of the relevant authority pending determination of the appeal.>

Edward Mountain

18 In section 7, page 12, line 11, at end insert—

<(5A) Where—

- (a) a person appeals to the appropriate sheriff against a decision of a relevant authority to refuse to grant to the person a section 16AA licence, and
- (b) on determining the appeal, the sheriff directs the relevant authority to grant a section 16AA licence to the person,

the sheriff must make an award of expenses against the relevant authority.>

Rachael Hamilton

137 In section 7, page 12, line 28, at end insert—

<16ABA Section 16AA licence: compensation in respect of suspension

The Scottish Ministers must by regulations make a scheme for the making of payments by the Scottish Ministers to persons in respect of one or more of the following—

- (a) income losses incurred by persons as a result of their section 16AA licence being suspended under section 16AA(8),
- (b) non-income losses so incurred,

- (c) any other matters which relate either to the suspension or are provided for in the scheme.>

Jim Fairlie

- 83 In section 7, page 12, line 35, after <plant> insert <(including the use of medicated grit for such purposes)>

Colin Smyth

- 138 In section 7, page 12, leave out line 36 and insert—
- <(b) whether, when and how the taking or killing of any wild birds should be carried out, prioritising methods with the least negative animal welfare impact,>

Colin Smyth

- 139 In section 7, page 12, leave out line 37 and insert—
- <(c) whether, when and how predator control should be carried out, prioritising methods with the least negative animal welfare impact.>

Edward Mountain

- 19 In section 7, page 13, line 4, leave out <appropriate> and insert <likely to be interested in or affected by the code of practice, including land managers>

Finlay Carson

- 84 In section 7, page 13, line 4, at end insert—
- <(5A) The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Edward Mountain

- 20 In section 7, page 13, line 17, at end insert—
- <(1A) A direction under this section must include a requirement that, before preparing, reviewing or revising the code of practice, Scottish Natural Heritage must consult such persons as it considers likely to be interested in or affected by the code of practice, including land managers.>

Jim Fairlie

- 85 In section 7, page 13, line 19, at end insert—
- <16AE Monitoring of section 16AA licences and their effect**
- (1) The Scottish Ministers must, within 5 years of the day on which—
 - (a) this section comes into effect, or
 - (b) a report was last laid under this subsection,
- lay a report before the Scottish Parliament regarding the matters in subsections (2) and (4).

- (2) Those matters are—
- 10 (a) the number of licences issued under section 16AA and the area of land affected, in each year covered by the report,
- (b) the number of such licences that have been, or are, subject to suspension or revocation under section 16AA(8), the duration of those suspensions or revocations, and the reasons for those suspensions or revocations,
- 15 (c) the number and outcomes of any appeals undertaken under section 16AB, and
- (d) the number and type of suspected or proven relevant offences associated with the land subject to section 16AA licences.
- (3) The Scottish Ministers must undertake, or support the undertaking of, appropriate monitoring to provide the information necessary to fulfil the reporting requirements of subsection (4).
- 20 (4) The report under subsection (1) must include an assessment of the conservation status, including population size and range, of the birds listed in subsection (5).
- (5) Those species are:
- (a) Golden Eagle (*aquila chrysaetos*),
- (b) Hen Harrier (*circus cyaneus*),
- 25 (c) Peregrine Falcon (*falco peregrinus*),
- (d) Merlin (*falco columbarius*).
- (6) In this section, “relevant offence” has the meaning given to it in section 16AA.
- (7) The Scottish Ministers may delegate the functions in subsection (3) to Scottish Natural Heritage.
- 30 (8) The Scottish Ministers may by regulations amend the species listed in subsection (5).”>

Rachael Hamilton

- 85B** As an amendment to amendment 85, line 15, leave out <suspected or proven> and insert <convictions of>

Rachael Hamilton

- 85C** As an amendment to amendment 85, line 15, leave out from <associated> to end of line 16 and insert <occurring on land to which section 16AA licences relate.>

Gillian Martin

- 69** In section 7, page 13, line 39, leave out <; and>

Jim Fairlie

- 86** In section 7, page 14, line 1, at end insert—
- <(f) regulations under section 16AE.”>

Rachael Hamilton

- 173 In section 7, page 14, line 1, at end insert—
<(f) regulations under section 16ABA.”.>

Gillian Martin

- 70 In section 7, page 14, line 3, leave out <; or>

Rachael Hamilton

- 140 In section 7, page 14, line 4, at end insert—
<(f) regulations under section 16ABA.”.>

Jim Fairlie

- 87 In section 7, page 14, line 4, at end insert—
<(f) regulations under section 16AE.”.>

Section 8

Gillian Martin

- 71 Leave out section 8 and insert—
- <Powers to inspect and investigate certain wildlife offences**
- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.
- (2) In section 49 (vets, inspectors and constables)—
- (a) after subsection (2) insert—
- “(2A) A local authority may not appoint a person as an inspector under subsection (2)(b) for the purposes of paragraph 5A of schedule 1.”,
- (b) in subsection (3), for “subsection (2)(b)” substitute “subsections (2)(b) and (2A)”.
- (3) In section 51 (regulations), after subsection (3) insert—
- “(4) For the avoidance of doubt, in this section “this Part” includes schedule 1.”.
- (4) In schedule 1 (powers of inspectors and constables for Part 2), after paragraph 5 insert—
- “Supplementary powers of inspectors: evidence gathering in connection with wildlife offences*
- 5A(1) An inspector, having entered non-domestic premises in exercise of a relevant power, may search for, examine and seize any thing tending to provide evidence of the commission of, or participation in, a relevant offence.
- (2) In this paragraph—
- “relevant offence” is an offence under—
- (a) the following provisions of the Wildlife and Countryside Act 1981—
- (i) section 1 (protection of wild birds etc.),

- (ii) section 5 (prohibition of certain methods of killing or taking wild birds),
- (iii) section 6 (sale etc. of wild birds),
- (iv) section 7 (registration of certain captive birds),
- (v) section 8 (protection of captive birds),
- (vi) section 9 (protection of certain wild animals),
- (vii) section 10A (protection of wild hares),
- (viii) section 11 (prohibition of certain methods of killing or taking wild animals),
- (ix) section 11G (prevention of poaching: wild hares, rabbits etc.),
- (x) section 11I (sale, possession, etc. of wild hares, rabbits etc.),
- (xi) section 12A (requirements for use of traps),
- (xii) section 12F (authorisation from landowners etc. to use traps),
- (xiii) section 15A (possession of pesticides),
- (b) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2024,

“thing” includes any animal (including the carcase of an animal), equipment or document.

- (3) The Scottish Ministers may by regulations modify the definition of “relevant offence” in sub-paragraph (2).”.>

Edward Mountain

21 Leave out section 8

After section 8

Rhoda Grant

141 After section 8, insert—

<Animal welfare inspectors’ powers: review

- (1) This section applies where the Scottish Ministers make regulations under section 8.
- (2) Within one year of the regulations coming into force, the Scottish Ministers must review the operation of the regulations.
- (3) The review must consider in particular whether, in relation to the offences mentioned in section 8(1)—
 - (a) the exercise of powers added by regulations made under section 8 has resulted in convictions,
 - (b) the exercise of powers added by regulations made under section 8 has resulted in investigations or proceedings relating to an offence being compromised as a result of the involvement of a third sector body, and
 - (c) there is a need for additional policing resource as an alternative to the use of powers added by regulations made under section 8.

- (4) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (5) In this section, “third sector body” means a body (whether or not formally constituted) established for purposes which consist of, or consist mainly of, providing benefits for society (but does not include a body established under an enactment).>

Rhoda Grant

142 After section 8, insert—

<Powers to inspect and investigate certain wildlife offences: review

- (1) Within one year of section (*Powers to inspect and investigate certain wildlife offences*) coming into force, the Scottish Ministers must review the operation of the section.
- (2) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (3) Where the Scottish Ministers do not intend to take any action in consequence of the review, the report must include a statement to this effect and the reasons why.>

Before section 9

Rachael Hamilton

75 Before section 9, insert—

<Principles to be applied

When exercising their functions under sections 10, 11, 12, and 13, the Scottish Ministers (or, where the Scottish Ministers have delegated (by virtue of section 17) their functions under any of those sections, Scottish Natural Heritage) must have regard to the following principles—

- (a) licensing should not place a disproportionate cost on applicants,
- (b) a licensing scheme should only be introduced where there is a legitimate need for one,
- (c) a licensing scheme should not put excessive pressure on Scottish Natural Heritage, or other relevant bodies,
- (d) the individual circumstances of those affected by a licensing scheme must be taken into account,
- (e) the licensing process should be constantly reviewed to ensure the application process is as efficient as possible.>

Section 9

Edward Mountain

- 181 In section 9, page 14, line 17, after <land> insert <that is moorland>

Edward Mountain

- 22 Leave out section 9

Section 10

Colin Smyth

- 143 In section 10, page 14, line 34, leave out <moorland game or>

Kate Forbes

- 88 In section 10, page 14, line 36, at end insert—
<() preventing, or reducing the risk of, wildfires causing damage to habitats,>

Rhoda Grant

- 144 In section 10, page 15, line 1, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Edward Mountain

- 23 In section 10, page 15, line 4, at end insert—
<() managing the habitats of moorland game or wildlife,>

Kate Forbes

- 89 In section 10, page 15, line 5, leave out <restoring> and insert <conserving, restoring, enhancing or managing>

Alasdair Allan

- 90 In section 10, page 15, line 5, at end insert—
<() as part of a reseedling plan by crofters to provide or improve grazing,>

Rhoda Grant

- 145 In section 10, page 15, line 6, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Rhoda Grant

- 146 In section 10, page 15, line 7, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Rachael Hamilton

183 In section 10, page 15, line 9, at end insert—

<() where muirburn is to be made in the extended muirburn season—

- (i) conserving, restoring, enhancing and managing the natural environment,
- (ii) preventing, or reducing the risk of, wildfires causing damage to habitats,
- (iii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
- (iv) research,
- (v) training.>

Kate Forbes

91 In section 10, page 15, line 20, leave out <and>

Rachael Hamilton

147 In section 10, page 15, leave out lines 21 and 22

Kate Forbes

92 In section 10, page 15, line 22, at end insert <, and

() must include evidence that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

John Mason

3 In section 10, page 15, line 22, at end insert—

<() Fees charged under subsection (3)(c) must be sufficient to cover any expenses and costs incurred by the Scottish Ministers in carrying out their functions under this Part.>

Rachael Hamilton

148 In section 10, page 15, line 24, leave out <, (b)(iii) or (c)> and insert <or (b)(iii)>

Finlay Carson

93 In section 10, page 15, line 31, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (6) and give reasons for any decision reached.>

Alasdair Allan

94 In section 10, page 15, line 37, at end insert—

<() In this section, “crofter” has the meaning given in section 61 of the Crofters (Scotland) Act 1993.>

Edward Mountain

24 Leave out section 10

After section 10

Rhoda Grant

149 After section 10, insert—

<Modifying purposes for muirburn: pre-laying procedure

- (1) Before laying regulations to modify the purposes for muirburn under section 10(5), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to amend the purposes for muirburn, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Section 11

Stephen Kerr

150 In section 11, page 16, leave out subsection (1) and insert—

- <(1) The Scottish Ministers must determine each application for a muirburn licence within the period of 3 months beginning with the date on which the application was made.
- (1A) Where the Scottish Ministers fail to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (1), the muirburn licence is deemed to have been granted on the date of such expiry.
- (1B) The deemed grant of a muirburn licence under subsection (1A) has the same effect as a decision of the Scottish Ministers to grant a muirburn licence.>

Kate Forbes

95 In section 11, page 16, leave out lines 2 to 6 and insert—

- <() The Scottish Ministers must grant a licence permitting muirburn to be made on land to which an application under section 10 relates for a purpose specified in the application if—
- (a) they are satisfied that the person is a fit and proper person, having regard in particular to the applicant's compliance with the Muirburn Code,>

Kate Forbes

- 96 In section 11, page 16, line 6, leave out <and>

Alasdair Allan

- 97 In section 11, page 16, line 9, leave out <available> and insert <practicable>

Rhoda Grant

- 151 In section 11, page 16, line 9, after <available> insert <, taking into account the need to manage fuel loads to prevent, or to reduce the risk of, wildfires>

Kate Forbes

- 98 In section 11, page 16, line 9, at end insert <, and
() they are satisfied that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

Edward Mountain

- 25 In section 11, page 16, line 10, at beginning insert <Subject to subsection (2A),>

Stephen Kerr

- 152 In section 11, page 16, line 10, after <subsection (1)> insert <or (1A)>

Edward Mountain

- 26 In section 11, page 16, line 11, at end insert—
<(2A) The Scottish Ministers may grant a licence under subsection (1) outwith the muirburn season only for the purposes of—
(a) conserving, restoring, enhancing or managing the natural environment,
(b) research, or
(c) public safety.>

Edward Mountain

- 27 Leave out section 11

Section 12

Stephen Kerr

- 153 In section 12, page 16, line 25, at end insert—
<() take effect on the earlier of—
(i) the date the application is granted by the relevant authority under subsection (1), or
(ii) the date the application is deemed to be granted by the relevant authority under subsection (1A).>

Edward Mountain

- 28 In section 12, page 16, line 26, after <effect> insert <, being—
- () 10 years, or
 - () a period less than 10 years if the Scottish Ministers consider it necessary for environmental reasons>

Ariane Burgess

- 154 In section 12, page 16, line 31, at end insert—
- <(2A) A muirburn licence granted to a person—
- (a) where the land to which the licence relates is peatland, and
 - (b) for purpose of—
 - (i) preventing, or reducing the risk of, wildfires causing damage to habitats or
 - (ii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
- is subject to the condition in subsection (2B).
- (2B) The condition is that the muirburn must be carried out in a way that minimises damage to the peatland.>

Edward Mountain

- 29 Leave out section 12

Section 13

Gillian Martin

- 51 In section 13, page 17, leave out lines 12 to 18

Rachael Hamilton

- 72 In section 13, page 17, line 12, at beginning insert <subject to subsection (1A),>

Rachael Hamilton

- 73 In section 13, page 17, line 18, at end insert—
- <(1A) Subsection (1)(c) does not apply where the offence relates to whether or not land is peatland.>

Stephen Kerr

- 155 In section 13, page 17, line 18, at end insert—
- <(1A) Before deciding to—
- (a) refuse to grant a licence,
 - (b) refuse to renew an existing licence, or
 - (c) modify, suspend or revoke an existing licence,

the Scottish Ministers must comply with subsection (1B).

(1B) Before taking a decision under subsection (1A), the relevant authority must—

- (a) give to the applicant or licence holder, as the case may be, at least 14 days prior notice of its proposed decision and the reasons therefor, and
- (b) allow such person the opportunity to submit representations with respect to the proposed decision.>

Beatrice Wishart

156 In section 13, page 17, line 21, after <must> insert <—
()>

Beatrice Wishart

157 In section 13, page 17, line 22, at end insert—
<() where a licence is being suspended, specify the estimated duration of the suspension which, having regard to all of the circumstance of the case, must be reasonable.>

Rachael Hamilton

157A As an amendment to amendment 157, line 2, leave out <estimated>

Rachael Hamilton

74 In section 13, page 17, line 22, at end insert—
<() A muriburn licence may be suspended for a period up to a maximum of 8 weeks.>

Rachael Hamilton

158 In section 13, page 17, line 25, leave out from <of> to <given> in line 26 and insert <within which an appeal under section (*Appeals relating to muirburn licences*) may be made has elapsed>

Rachael Hamilton

159 In section 13, page 17, line 25, leave out <14> and insert <21>

Gillian Martin

52 In section 13, page 17, leave out lines 34 to 36

Rachael Hamilton

160 In section 13, page 17, line 40, after <relates> insert <for the purposes of making muirburn under the licence>

Edward Mountain

30 Leave out section 13

After section 13

Kate Forbes

99 After section 13, insert—

<Approved training courses

- (1) The Scottish Ministers are to approve training courses on muirburn and the Muirburn Code.
- (2) The Scottish Ministers may—
 - (a) determine training requirements, such as—
 - (i) the form and content of the training course,
 - (ii) require a person providing training to meet specified criteria (such as having relevant experience or holding a particular qualification),
 - (b) accredit courses and the persons providing courses,
 - (c) determine the minimum criteria for successful completion of courses, and
 - (d) determine how successful completion of such courses is to be recorded.>

Rachael Hamilton

161 After section 13, insert—

<Appeals relating to muirburn licences

- (1) A person may appeal to the appropriate sheriff against a decision of the Scottish Ministers to—
 - (a) refuse to grant to the person a muirburn licence,
 - (b) attach a condition to the person's muirburn licence,
 - (c) modify, suspend or revoke the person's muirburn licence.
- (2) An appeal under this section must be made within the period of 21 days beginning with the day on which the decision appealed against was made.
- (3) An appeal under this section is to be determined on the merits rather than by way of review.
- (4) The sheriff hearing the appeal may consider any evidence or other matter, whether or not it was available at the time the Scottish Ministers made the decision being appealed against.
- (5) Where an appeal is taken against a decision of the Scottish Ministers mentioned in subsection (1), the sheriff may—
 - (a) on the application of the appellant, and
 - (b) if satisfied on the balance of convenience that it is appropriate to do so, recall the decision of the Scottish Ministers pending determination of the appeal.
- (6) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal, or
 - (b) give the Scottish Ministers such direction as the sheriff considers appropriate in respect of the decision that is the subject of the appeal.
- (7) The determination of the sheriff may be appealed against only on a point of law.

- (8) In this section “appropriate sheriff” means—
- (a) in a case where the appellant resides in Scotland, a sheriff or summary sheriff of the sheriffdom in which the appellant resides, or
 - (b) in a case where the appellant resides outwith Scotland, a sheriff or summary sheriff of the sheriffdom or Lothian and Borders, sitting at Edinburgh.>

Rachael Hamilton

162 After section 13, insert—

<Compensation in respect of suspension of muirburn licences

- (1) The Scottish Ministers must by regulations make a scheme for the making of payments by the Scottish Ministers to persons in respect of one or more of the following—
 - (a) income losses incurred by persons as a result of their muirburn licence being suspended under section 13(1),
 - (b) non-income losses so incurred,
 - (c) any other matters which relate either to the suspension or are provided for in the scheme.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.>

Edward Mountain

31 After section 13, insert—

<13A Register of muirburn licences

- (1) The Scottish Ministers must establish and maintain a register containing information relating to muirburn licences and notices of muirburn activity.
- (2) The Scottish Ministers may by regulations make provision as to—
 - (a) information which the register is to contain, and
 - (b) the form and manner in which the register is to be kept.
- (3) The Scottish Ministers must make the register available for public inspection at all reasonable times.
- (4) Regulations under subsection (2) are subject to the affirmative procedure.>

Section 14

Edward Mountain

32 In section 14, page 18, line 8, at end insert—

- <() The first Muirburn Code must be the Muirburn Code produced for the Scottish Government by Scotland's Moorland Forum and published on 22nd September 2017.>

Rhoda Grant

163 In section 14, page 18, line 13, at end insert—

<(4A) The Scottish Ministers must lay the Muirburn Code prepared under subsection (1) and any revised code under subsection (3) before the Scottish Parliament.>

Rhoda Grant

164 In section 14, page 18, line 15, leave out from <and> to end of line 17

Finlay Carson

100 In section 14, page 18, line 17, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Rhoda Grant

165 In section 14, page 18, line 18, leave out <(5)(a)> and insert <(5)>

Rhoda Grant

166 In section 14, page 18, line 19, at end insert—

<(6A) Before complying with subsection (4A), the Scottish Ministers must publish a draft of the Muirburn Code or revised code (as the case may be) and consult such persons as they consider likely to be interested in or affected by the making of muirburn.

(6B) The Scottish Ministers must, at the same time as complying with subsection (4A), lay before the Scottish Parliament a statement setting out—

- (a) the consultation process undertaken in order to comply with subsection (6A), and
- (b) the ways in which views expressed during that process have been taken account of in preparing the Muirburn Code (or stating that no account has been taken of such views).>

Edward Mountain

33 In section 14, page 18, line 21, leave out <5> and insert <10>

Edward Mountain

34 In section 14, page 18, line 23, leave out <5> and insert <10>

Edward Mountain

35 Leave out section 14

Section 15

Edward Mountain

36 In section 15, page 18, leave out lines 36 and 37 and insert—

<() by placing a notice in the register established under section 13A, or>

Edward Mountain

- 37 In section 15, page 18, line 39, after <otherwise> insert <having regard to the need for the cost of giving notice to be reasonable to a person who intends to make muirburn>

Edward Mountain

- 38 Leave out section 15

Section 16

Rachael Hamilton

- 184 In section 16, page 19, line 28, leave out from <is> to end of line 29 and insert <consists of—
() the standard muirburn season, which is the period of time from 1 October in any year to 31 March in the following year, and
() the extended muirburn season, which is the period of time from 1 April to 30 April in any year.>

Kate Forbes

- 101 In section 16, page 19, line 28, leave out <1 October> and insert <15 September>

Kate Forbes

Supported by: Colin Smyth

- 102 In section 16, page 19, line 29, leave out <15 April> and insert <31 March>

Ariane Burgess

- 167 In section 16, page 19, line 29, leave out <April> and insert <March>

Edward Mountain

- 39 In section 16, page 19, line 29, at end insert—
<() The period in subsection (1) can be extended to 30 April with the permission of the landowner.>

Edward Mountain

- 40 In section 16, page 19, line 38, at end insert—
<() taking into account conditions in particular geographic areas.>

Edward Mountain

- 41 In section 16, page 20, line 8, after <muirburn> insert <, including land managers>

Finlay Carson

- 103 In section 16, page 20, line 8, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Edward Mountain

42 Leave out section 16

After section 16

Rhoda Grant

168 After section 16, insert—

<Amendment to Muirburn season: pre-laying procedure

- (1) Before laying regulations to amend the dates of the muirburn season under section 16(2), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to amend the dates of the muirburn season, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Before section 17

Rachael Hamilton

174 Before section 17, insert—

<Muirburn training

Muirburn training: fire-fighting

- (1) The Fire (Scotland) Act 2005 is amended as follows.
- (2) In section 9 (fire-fighting), in subsection (2)(b), after “personnel” insert “including in relation to issues arising from the making of muirburn”.
- (3) In section 52 (interpretation of Part 2), after the definition of “Inspector” insert—

““making muirburn” has the meaning given in section 18 of the Wildlife Management and Muirburn (Scotland) Act 2024.”>

Rachael Hamilton

175 Before section 17, insert—

<Report on wildfires

Report on wildfires

- (1) The Scottish Ministers must, in respect of each reporting period, prepare and publish a report on the role of muirburn in relation to wildfires in Scotland.
- (2) The report must consider in particular the role of muirburn and the impact of and damage caused by wildfires on—
 - (a) habitats of wildlife,
 - (b) conservation of the natural environment,
 - (c) property, and
 - (d) any other matters that the Scottish Ministers consider appropriate.
- (3) For the purposes of this section, a reporting period is—
 - (a) the period of two years beginning with the day of Royal Assent, and
 - (b) each subsequent period of two years.>

Section 17

Edward Mountain

43 In section 17, page 20, line 16, at end insert—

<() the establishment and maintenance of the register of muirburn licences under section 13A,>

Kate Forbes

104 In section 17, page 20, line 16, at end insert—

<() the approval of training courses under section (*Approved training courses*),>

Edward Mountain

44 Leave out section 17

Section 18

Gillian Martin

76 In section 18, page 20, leave out lines 29 and 30

Edward Mountain

182 In section 18, page 20, line 30, at end insert—

<“moorland” is any land other than—

- (a) improved grassland, or
- (b) land suitable for arable cropping,>

Ariane Burgess

- 169 In section 18, page 20, line 37, leave out from <has> to end of line 38 and insert <is composed of a layer of peat.>

Edward Mountain

- 45 In section 18, page 20, line 38, leave out <40> and insert <60>

Colin Smyth

- 171 In section 18, page 20, line 38, leave out <40> and insert <30>

Rachael Hamilton

- 170 In section 18, page 20, line 38, leave out <40 centimetres> and insert <50 centimetres—
<() in a single area of 0.5 hectares or more, or
() in two or more areas within 5 metres of each other with a combined area of 0.5 hectares or more.>

Gillian Martin

- 77 In section 18, page 20, line 38, at end insert—
<() In this Part, references to the making of muirburn include references to the setting of fire to, or the burning of, any heath or muir.>

Finlay Carson

- 105 In section 18, page 21, line 6, at end insert—
<() The Scottish Ministers must publish the results of the consultation under subsection (3) and give reasons for any decision reached.>

Edward Mountain

- 46 Leave out section 18

After section 18

Rhoda Grant

- 172 After section 18, insert—
<Amendments to the definition of “peat” and “peatland”: pre-laying procedure
(1) Before laying regulations to amend the definition of “peat” or “peatland” under section 18(2), the Scottish Ministers must—
(a) lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
(b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.

- (2) The Scottish Ministers must, when laying regulations to amend the definition of “peat” or “peatland”, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Section 19

Edward Mountain

47 Leave out section 19

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