The **Wildlife and Natural Environment (Scotland) Bill** [SP Bill 52] was introduced in the Scottish Parliament on 9 June 2010. Stage 1 began on 23 June 2010 with the Rural Affairs and Environment Committee designated as the lead committee. The Stage 1 (general principles) debate took place on 2 December 2010, and the Bill was passed following the Stage 3 parliamentary debate on 2 March 2011. The Bill received Royal Assent on 7 April 2011.

### Purpose and objectives of the Bill

The Bill makes provision for a range of measures designed to update legislation protecting wildlife in Scotland and to ensure that legislation which regulates and manages aspects of the natural environment is fit for purpose. It is intended to:

- Maintain the high quality of Scotland’s natural environment and biodiversity
- Ensure that wildlife and natural environment legislation is responsive to the needs of economic and social development in Scotland

### Provisions of the Bill

The Bill is in 35 sections (6 parts) and a schedule. It deals with a wide range of issues under the broad theme of updating wildlife protection legislation. Specifically, the Bill makes provisions to:
• modernise game law
• abolish the designation ‘areas of special protection’ (due to powers with similar effect existing in other legislation)
• improve snaring practice
• regulate invasive non-native species
• change the licensing system for protected species
• amend current arrangements for deer management and stalking
• strengthen the law relating to the protection of badgers
• make changes to the times at which muirburn may be practised and how it is managed
• make operational changes to the management of Sites of Special Scientific Interest (SSSI)

Parliamentary consideration

The Rural Affairs and Environment Committee (RAEC) took evidence between June and November 2010. Based on the evidence taken, the committee noted 115 recommendations and conclusions in its Stage 1 Report. At Stage 2, the RAEC considered 166 amendments, of which 70 were successful.

The most significant change to the Bill at Stage 2 resulted from Government amendments to introduce vicarious liability. During Stage 1 the Committee heard evidence that gamekeepers persecute birds of prey because they are either explicitly or implicitly encouraged to do so by their employers. The current law includes an offence of “knowingly causing or permitting” but the Committee heard that it has rarely been possible to secure a conviction in such cases. The amendment means that where a person has committed certain offences against wild birds, or set traps for them or possessed poisons illegally under the Wildlife and Countryside Act 1981, that person’s employer, can be charged with the same offence.

A number of Government amendments were agreed to on the provisions dealing with invasive non-native species (INNS). These include an amendment which responded to a recommendation in the Committee’s Stage 1 report that the Code of Practice on INNS should be subject to Parliamentary Procedure.

An amendment from John Scott MSP was agreed to which makes the code of practice on sustainable deer management subject to affirmative parliamentary procedure.

Some other amendments were withdrawn or not moved. These related to:

• Providing for various additional measures to deter bird of prey persecution, where ultimately Government would have powers to restrict the shooting of game in certain areas.
• Inconsistencies in the use of single witness evidence when trying game poaching and egg stealing offences and other wildlife crimes. The
Committee heard evidence that cases which turned on the evidence of one witness alone were rarely, if ever, brought, but also that there was inconsistency in that single witness evidence was possible for poaching and egg-stealing, but not other wildlife crimes.

- Banning snaring, or requiring snares to be marked with an individual identification number.
- Extending the Scottish Society for the Prevention of Cruelty to Animals current animal welfare investigation powers to allow them to have a wider role in investigating wildlife crime.
- Requiring land owners/occupiers to further sustainable deer management by complying with a code of practice drawn up by SNH, or requiring owners/occupiers in a particular area to collaborate in the production of a deer management plan.

At Stage 3, 30 amendments were agreed to without division and 6 by division; 13 were disagreed to by division; 3 were moved and withdrawn; and 11 were not moved. Key changes to the Bill at Stage 3 include:

- Extending the period of “catching up” (the after season period where it is permissible to gather up birds for breeding purposes) from 14 to 28 days.
- Requiring a chief constable to take account of whether snaring is the most appropriate method of control before issuing an ID number
- Requiring those who set snares to keep a record of location, date when set, and what was caught
- Establishing a review of the snaring provisions in the Bill
- Further extension of the offence of vicarious liability