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The Scottish Parliament
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Dear Edward

Ecocide (Scotland) Bill - Stage 2 consideration

Thank you for your letter dated 9th February 2026. Since you sent the letter, as you are aware, the Scottish Government has lodged a series of amendments for your Committee's consideration at Stage 2.

A number of amendments lodged by the Scottish Government are amendments that myself and my officials in the Non-Government Bills Unit have been discussing with the Scottish Government and helping to develop for some months, including in anticipation of the issues being raised in the Stage 1 report from the Committee. On that basis I offer my support to those amendments lodged by the Scottish Government that directly relate to Committee recommendations. These amendments are essentially the amendments that I referred to in my Stage 1 contributions before your Committee and in the Chamber.

I have considered the remainder of the Committee's recommendations closely. In doing so I note that the Scottish Government's written response to the Committee's Stage 1 report set out why it considered a number of potential amendments the Committee highlighted were not required, for example, in relation to NatureScot's role it explained why the Government does not consider that the Bill needs to be amended to reflect it in order for the processes required by the Bill to function effectively. I also note that an amendment has already been lodged to reflect the Committee's position that there must be a review of section 40 of the Regulatory Reform (Scotland) Act 2014 by Mark Ruskell MSP.

Regarding amendments in relation to the recommendations on the definitions, liability and penalties/sanctions, the Committee is not prescriptive as to how exactly it considers the Bill should be amended. I consider I set out in evidence that, while very open to considering proposals from the Committee, the wording in the Bill was

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chosen very carefully during the drafting process including following extensive consultation. The wording of the Bill builds on the definition of Ecocide drafted by the Independent Expert Panel and the terms of the European Union Environmental Crime Directive, adapting to Scots law and as far as possible, closely reflects established and understood terms in existing legislation including in the Regulatory Reform (Scotland) Act 2014.

Similarly, the liability thresholds set out in the Bill were given detailed thought during the drafting process, to achieve what I consider to be an appropriate balance and to dovetail with other legislation, including section 42 of the Regulatory Reform (Scotland) Act 2014. The matter of potential penalties/ sanctions for committing the offence are another area where thorough consideration was given during the drafting. On the issue of corporate turnover, discretion is left to the courts, with the option of an unlimited fine, subject to inclusion of consideration of any financial benefit as a consequence of the offence. In terms of restorative and preventative sanctions, I had carefully considered the suitability of each of the potential measures set out in Articles 5(3) and 7(2) of the Directive, and on that basis made sure to incorporate those that would work best in the Scottish legal framework, i.e. the cost of remediation / mitigation in compensation and ensure courts have the option of a publicity order in the Bill. However, I will of course, carefully consider the terms of any amendments proposed in relation to each of these areas.

Beyond that I continue to work alongside the Scottish Government in relation to any further amendments that may be required to the Bill. Therefore, at this stage the only area where I am actively considering developing an amendment relates to the reporting requirements of the Bill. Specifically, I am undertaking policy development work with stakeholders in relation to the Committee's recommendation for a reporting requirement after every ecocide event and would have this ready for Stage 3 should it be needed. I appreciate members of the Committee may well lodge such an amendment at Stage 2 for the Committee to deliberate upon and I am happy to provide my views having considered the precise terms of any such amendment. I do not consider this amendment not being lodged for Stage 2 is material to the consideration of the substance of the policy at Stage 2 and am happy to work with any members of the Committee in finalising the detail of this policy ready for Stage 3.

Lastly, on timescales, I appreciate that the progress of this Bill will add to your Committee's workload in the final two months of the session. I appreciate the other pressures on your Committee and that your Committee requires a sense of the Stage 2 amendments as early as possible. Please be assured that I am ready to move to Stage 2 at your earliest convenience. I appreciate that an abiding concern for the Committee is there being sufficient time left in the session to consider the Bill at Stage 2. I hope having full sight of amendments covered in detail during the Committee's Stage 1 scrutiny will enable the Committee to progress to Stage 2. Should any member of the Committee, or any other member of Parliament, wish to discuss the specifics of additional amendments on the Bill I would absolutely welcome that engagement. In addition, should the Committee wish to seek written views on any of these amendments please copy me in to any such correspondence as I would be happy to engage with any stakeholder organisation that considers that further amendment to the Bill is required.

I am aware of a narrative that there is insufficient time to consider this Bill that exists in the media and elsewhere, but I am reassured that many bills have been passed at this late stage of the session in previous sessions, including many members' bills and I believe that this is absolutely possible this session. As you can imagine I am determined, given the years of work on this Bill, the level of positive engagement and endorsement from beyond Parliament's walls and the resounding support for the Bill from across the Parliament at Stage 1, that Parliament's will on the Bill must be established after stage 2 and 3 amendments have been considered. I very much appreciate the Committee's scrutiny of the Bill so far and look forward to further engagement with you at Stage 2.

Yours sincerely,

Monica Lennon MSP