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Rural Affairs and Islands Committee
Scottish Parliament
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21 November 2025

Dear Convener,

Amendments to Grouse Licensing regime

Thank you for your letter of 20 November, requesting further information on the Scottish Government's assessment of the problems in how the grouse licensing scheme is being implemented and enforced. You have also asked for details pertaining to the evidence-base and stakeholder engagement which has guided the Scottish Government's support for legislative changes.

As stated in my letter on 11 November, the original policy intention for the grouse licensing scheme introduced by the 2024 Act was that licences could be suspended or revoked if NatureScot were satisfied that the licence holder (or a person involved in the management of the grouse moor) had committed a 'relevant offence' in connection with the management of the grouse moor. However, that has been narrowly interpreted as only allowing a licence to be suspended or revoked where a relevant offence is committed in the area specified in the licensing application and in many cases, the areas being specified are much smaller than the landholding.

Therefore, the problem is that any relevant offences committed outside of the area of land specified in the licence would not be sanctionable by suspension or revocation of the licence. This has created a potential loophole whereby relevant offences can be committed just outside the licenced area and, even though those offences may have been committed for the benefit of the licenced area, they would not be sanctionable by suspension or revocation of the licence.

The Scottish Government have engaged extensively with NatureScot on this issue since it was raised during the implementation of the licensing scheme in 2024. NatureScot have provided the Scottish Government with information on the licences submitted including where modifications to the licenced area were made by applicants. NatureScot have also

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been consulted on the drafting of my proposed amendment and they are rightfully keen to ensure the licensing scheme operates as intended.

There is a considerable weight of evidence that we have received from NatureScot and Police Scotland, that crimes against birds of prey often occur away from the areas used specifically to shoot and take red grouse, for example on adjacent agricultural land and forest areas where management practices are also undertaken to create reduced predation pressures on the grouse moor itself. Of note, was the recent case of the shooting of Merrick the golden eagle which was shot in October 2023 whilst roosting in an area of forestry.

I also note some concerns that were raised during the proceedings on 19 November in relation to whether my amendment breaches A1P1 to the ECHR. Amendment 35 requires licence applications to describe the area of land to which the applicant proposes the licence should relate. It enables NatureScot to propose a different area to which the applicant proposes the licence should relate. If the applicant and NatureScot are unable to reach agreement with the applicant as to what is an appropriate area of land to which the licence is to relate, NatureScot may refuse the application. NatureScot may also, if satisfied following discussions with the applicant, grant the licence covering the area as described by the applicant. Therefore, NatureScot will not impose any restrictions on an applicant's land if they are not able to reach an agreement as to the area of land that the licence should cover. I am content that my amendment is A1P1 compliant.

The Scottish Government have also met with key stakeholders from both the land management and environmental NGO sectors regularly since this issue arose. We have had discussions with stakeholders since the amendment was lodged regarding the wording and we will continue those discussions to ensure a positive and workable outcome.

I note that amendments have been submitted regarding the grouse licensing issue. I am happy to meet with members to discuss any concerns, and I will give these amendments careful consideration.

Yours sincerely,



JIM FAIRLIE