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Dear Stuart and Mark,

NATURAL ENVIRONMENT (SCOTLAND) ACT 2026: UPDATE ON COMMENCEMENT OF PROVISIONS

I am writing to provide you with an update on commencement of the Natural Environment (Scotland) Act 2026 ("the Act"), including information on the provisions due to be commenced in October 2026 and progress towards commencement of a number of remaining provisions. The Act supports nature restoration and the protection of biodiversity across Scotland.

The Act is being brought into force on a phased basis. The first commencement instrument came into force in June 2026, with a further package of provisions due to commence in October 2026. Together, these provisions account for around two-thirds of the Act and include measures relating to National Parks, NatureScot's powers for deer management, wildlife licensing, local authority powers to tackle wildfires, and sustainable forestry management. A full list of the provisions due to commence in October 2026 is provided at **Annex A**. As commencement planning remains subject to final decisions, this list may change and any changes will be notified to the Committee following the laying of the commencement instrument.

Commencement is an important milestone in delivering the Act's reforms. For some provisions, commencement will mean that the new powers or duties are available and can be used immediately. For others, further implementation work will be required before the policy is fully operational. This may include developing secondary legislation, preparing guidance, putting operational arrangements in place, or providing training and support for those responsible for delivering the new measures. For example, further work will be required to support the implementation of Fixed Penalty Notices in National Parks and Local Authority wildfire enforcement powers.

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Further provisions of the Act are expected to be commenced during the first half of 2027. We will provide a further update on commencement plans later this year.

While the October 2026 commencement package represents a significant milestone in implementation of the Act, work is continuing to prepare the remaining provisions for commencement. This includes engagement with delivery partners and stakeholders, development of supporting measures where required, and consideration of the most appropriate sequencing for implementation.

Policy teams will engage directly with stakeholders as they take forward implementation work and, where required, develop secondary legislation. We will continue to work closely with stakeholders throughout the commencement and implementation process and will ensure that local authorities, delivery partners, sector representatives and members of the public have sufficient time to prepare for changes that affect them.

I recognise that there is particular interest in a number of provisions that are not included within the October 2026 commencement package. I have therefore provided a short update on progress and next steps for these provisions at **Annex B**.

I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee for information.



GILLIAN MARTIN

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Provisions Due to Commence in October 2026

Part 2: National Parks

- 3: Aims of National Parks
- 4: Policy statement on National Parks
- 5: National Park Proposals
- 6: Reports on National Park Proposals
- 7: Definitions for the National Parks (Scotland) Act 2000
- 8: Duty to facilitate implementation of National Park Plans
- 9: Meaning of local authority for the purpose of access rights
- 10: Power to make regulations for the issuing of fixed penalty notices

Part 3: Deer management

- 11: Aims and purposes of deer management
- 12: Scottish natural Heritage representation on advisory panels
- 13: Code of practice on deer management
- 20: Limitation of criminal liability
- 21: Measures to prevent damage by deer
- 22: Action to prevent or stop harm to persons
- 23: National deer management and venison plan
- 24: National deer management and venison plan: matters which may be considered
- 25: National deer management and venison plan: initial consideration of matters relating to venison
- 28: Giving notice electronically
- 31: Authorisation for use of vehicles to drive deer
- 33: Register of authorised persons
- 34: Repeal of obligation to carry out competence review
- 35: Requirement to be fit and competent for certain authorisations
- 36: Repeal of saving of right to take deer on land
- 40: Review of modification to the Deer (Scotland) Act 1996

Part 4: Miscellaneous and general

- 42: Nature conservation marine
- 45: Report on gull population
- 46: Guidance about scallop shells
- 47: Licensing: protection of mountain hares
- 48: Licensing: land on which certain birds may be killed or taken
- 49: Wildfires: enabling local authorities to issue fixed penalty notices
- 50: Meaning of public authority etc.
- 51: Further provision about Ramsar sites
- 52: Sustainable forest management (regulation-making power only)
- 53: Forestry: offence of unauthorised felling
- 54: Procedure to approve improvement plans

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Progress Update on Selected Provisions

Targets for improving biodiversity

Work is continuing to develop the biodiversity targets framework provided for in the Act. This is a substantial programme of work, requiring consideration of scientific evidence and recommendations, policy and delivery implications, and relevant impact assessments to ensure that any statutory targets are meaningful, achievable and capable of delivering positive outcomes for nature.

Development of the targets has continued to be informed by advice from the Biodiversity Programme Advisory Group (PAG), an independent group of scientific and technical experts established to provide evidence-based advice on the biodiversity framework. To date, the PAG has undertaken a substantial programme of work progressing through a four-step process to provide expert advice on the development of nature restoration targets. The PAG is currently undertaking the final stage of this process, which focuses on identifying and recommending appropriate indicators and quantitative values that are both scientifically robust and ecologically feasible, which could form the basis of the statutory biodiversity targets.

To support the development of statutory biodiversity targets, the Scottish Government has established a cross-government Statutory Nature Targets Project Board. The Board's role is to support officials in providing Ministers with evidence-based advice and recommendations on potential targets, taking account of scientific advice, policy considerations, deliverability and associated risks. In undertaking this work, the Board will consider recommendations from the PAG, which has worked closely with NatureScot and Scottish Government officials throughout the target development process. The Board will use the PAG's advice, alongside wider policy and delivery considerations, to identify the most appropriate, robust and evidence-based suite of statutory biodiversity targets for Scotland and to inform the target-setting statements required under the Act. Given the scale and complexity of the task, the Board is expected to continue its work through to the end of 2026, when it is anticipated that recommendations and options for targets will be provided to Ministers.

Given the further policy development, consultation and secondary legislation required under the Act, the biodiversity targets provisions are not included within the October 2026 commencement package. This reflects the significant work required to develop an appropriate suite of statutory targets, including consideration of scientific evidence, policy and delivery implications, and the engagement and consultation required to ensure targets are robust, achievable and effective in driving nature restoration outcomes.

Subject to completion of the work undertaken by the PAG and the Statutory Nature Targets Project Board, Ministers will consider the recommendations and options for statutory targets. Following Ministerial consideration, the next stage of the programme will focus on developing and refining target proposals through pre-consultation engagement with stakeholders to gather views and expertise. This is expected to take place in early 2027. The outputs will inform the development of draft target regulations and the subsequent statutory consultation required under the Act. The consultation will provide all stakeholders and members of the public with an opportunity to consider and comment on the proposals before any regulations are laid before the Scottish Parliament.

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The pre-consultation and consultation processes will play an important role in informing the final target framework and ensuring that a broad range of views and evidence are taken into account before statutory biodiversity targets are set.

Further information on the Biodiversity Programme Advisory Group, including its membership and publications, is available at: <https://www.gov.scot/groups/biodiversity-programme-advisory-group/>.

Deer management

We are continuing to develop plans for commencement and implementation of the remaining deer management provisions and expect to provide further information in the coming weeks.

Building regulations: swift nest box

The provisions relating to swift nesting features are not included within the October 2026 commencement package. Given the interaction with building standards legislation, commencement of these provisions will need to be carefully aligned with the statutory processes required for changes to building regulations and supporting technical guidance.

Any changes to building regulations must follow a formal review process, including consideration of impacts on building performance, maintenance, health and safety, and accessibility. This process involves research, stakeholder engagement and consultation, and sufficient time must be allowed for the outcomes of that work to be fully reflected in regulations and guidance.

As part of this process, engagement will be undertaken with stakeholders across the housing, design and construction sectors, supported by appropriate communications activity. We will provide a further update on commencement plans as this work progresses.

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