

Natural Environment (Scotland) Bill

4th Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 33 to 38

Long Title

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

Section 33

Tim Eagle

321 In section 33, page 30, leave out line 2

Tim Eagle

252 Leave out section 33

After section 33

Tim Eagle

322 After section 33, insert—

<Power to repeal section 33 of 1996 Act

- (1) The 1996 Act is modified as follows.
- (2) After section 33 insert—

“33A Power to repeal section 33

- (1) The Scottish Ministers may by regulations repeal section 33 if they are satisfied that—
 - (a) alternative arrangements are in place for the collection of data to enable the monitoring and sustainable management of deer populations, and
 - (b) the alternative arrangements are effective and operational.
 - (2) Regulations under subsection (1) may make such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate to give full effect to the repeal of section 33.
 - (3) Regulations under subsection (1) are subject to the affirmative procedure.”.
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 33A(1) and”.>

Tim Eagle

323 After section 33, insert—

<Power to repeal section 33 of 1996 Act

- (1) The 1996 Act is modified as follows.
- (2) After section 33 insert—

“33A Power to repeal section 33

The Scottish Ministers may be regulations repeal section 33.”>

Jim Fairlie

74 After section 33, insert—

<Review of modifications to the Deer (Scotland) Act 1996

- (1) The Scottish Ministers must, within 10 years of the day on which this section comes into force, prepare and publish a report on the operation and effectiveness of the provisions of the 1996 Act which are modified by this Part.
- (2) The report prepared under subsection (1) must include an assessment of the operation and effectiveness of the provisions of the 1996 Act as modified by this Part against the following objectives—
 - (a) protecting and restoring the natural heritage and environment,
 - (b) achieving the aims and purposes of deer management set out by section 1 of the 1996 Act, and
 - (c) improving standards of welfare for deer.
- (3) When preparing the report, the Scottish Ministers must consult—
 - (a) Scottish Natural Heritage, and
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) The report prepared under subsection (1) must include—
 - (a) a statement of any action the Scottish Ministers intend to take, and
 - (b) where the Scottish Ministers do not intend to take any action, their reasons for not taking action.
- (5) The Scottish Ministers must lay the report before the Scottish Parliament.
- (6) In this section—

“deer” is to be construed in accordance with section 45 of the 1996 Act,
“natural heritage” is to be construed in accordance with section 45(1) of the 1996 Act.>

Tim Eagle

253 After section 33, insert—

<Review

Review in relation to certain sections

- (1) The Scottish Ministers must, before the expiry of the period of 5 years beginning with the day on which this Act comes into force, carry out a review of the operation and effect of the modifications made to the 1996 Act by sections 13 to 16 of this Act.
- (2) The review under subsection (1) must, in particular, consider—
 - (a) how effectively the modifications made by those sections have been in achieving the purposes of this Act,
 - (b) whether those modifications remain necessary and appropriate, and
 - (c) whether any further modifications to the 1996 Act are required.
- (3) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must—
 - (a) prepare and publish a report setting out—
 - (i) the conclusions of the review, and
 - (ii) any proposals for further action arising from it,
 - (b) lay the report before the Scottish Parliament.
- (4) The Scottish Ministers may carry out subsequent reviews of the operation and effect of the modifications made to the 1996 Act by sections 13 to 16 of this Act as they consider appropriate.>

Mercedes Villalba

- 11** After section 33, insert—

<Deer fencing in forestry

Deer fencing in forestry

- (1) Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (classes of permitted development) is modified as follows.
- (2) After paragraph 22(2)(a) insert—

“(ab) it would consist of the erection of deer fencing;”
- (3) After paragraph 22(3)(b) insert—
 - (c) development consisting of the erection of deer fencing is permitted by this class subject to the following conditions:—
 - (i) the developer shall, before beginning the development, apply to the planning authority for a determination as to whether the prior approval of the authority will be required;
 - (ii) the application shall be accompanied by a written statement of the other methods of deer control that have been used by the developer in respect of that land that have proven ineffective;
 - (iii) the planning authority determines that there are no other suitable methods of deer control available to the developer that have not already proved to be ineffective.”.>

Rhoda Grant

75 After section 33, insert—

<Venison action plan

Venison action plan

- (1) The Scottish Ministers must prepare, publish and implement a venison action plan.
- (2) The action plan must set out how—
 - (a) deer larders,
 - (b) butchery facilities, and
 - (c) distributors,can be best utilised to maximise the amount of venison available for human consumption.
- (3) In preparing and implementing the action plan, the Scottish Ministers must consult—
 - (a) stakeholders within the venison industry, and
 - (b) such other persons as they consider appropriate.>

Rachael Hamilton

254 After section 33, insert—

<Venison action plan

Venison action plan

- (1) The Scottish Ministers must prepare, publish and implement a venison action plan.
- (2) The action plan must set out what action Scottish Ministers will take to—
 - (a) ensure public bodies regularly offer venison as a meal in—
 - (i) hospitals,
 - (ii) schools, and
 - (iii) workplaces,
 - (b) remove barriers to demand and supply of venison available for human consumption.
- (3) In preparing and implementing the action plan, the Scottish Ministers must consult—
 - (a) stakeholders within the venison industry, and
 - (b) such other persons as they consider appropriate.>

Rachael Hamilton

255 After section 33, insert—

<Venison action plan

Venison action plan

- (1) The Scottish Ministers must prepare, publish and implement a venison action plan.
- (2) The action plan must set out how—
 - (a) deer larders,

- (b) butchery facilities, and
- (c) distributors,

can be best utilised to maximise the amount of venison available for human consumption.

- (3) Before preparing a venison action plan, the Scottish Ministers must—
 - (a) review current processing capacity,
 - (b) consider what barriers (if any) exist in the processing of venison, and
 - (c) consult—
 - (i) stakeholders within the venison industry, and
 - (ii) such other persons as they consider appropriate.>

Tim Eagle

333 After section 33, insert—

<Financial assistance for deer management

Financial assistance for deer management

- (1) The 1996 Act is modified as follows.
- (2) After section 16, insert—

“Financial assistance for deer management

16A Financial assistance for deer management

- (1) The Scottish Ministers must establish and maintain financial assistance schemes for deer management activities that contribute to—
 - (a) controlling deer populations to prevent damage to habitats,
 - (b) enhancing biodiversity through sustainable deer management practices,
 - (c) supporting local venison supply chains with infrastructure and processing facilities.”.>

Mercedes Villalba

12 After section 33, insert—

<PART

NON-NATIVE SPECIES MANAGEMENT STRATEGY

Non-native species management strategy

- (1) Section 14 of the Wildlife and Countryside Management Act 1981 (introduction of new species etc.) is modified as follows.
- (2) After subsection (2D) insert—
 - “(2E) Within six months of any order under subsection (2B), the Scottish Ministers must publish a strategy for the long-term management of the non-native species specified in the order.

- (2F) A strategy referred to in subsection (2E) must set out—
- (a) the expected effect of the species on the natural environment and economic interests,
 - (b) the Scottish Ministers proposals and policies for managing the long-term impact of the species specified, and
 - (c) how the proposals and policies will ensure compliance with—
 - (i) the guiding principles on the environment set out in section 13 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, and
 - (ii) Article 21 of EU Regulation No 1143/2014, as amended by the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020.
- (2G) In preparing a strategy under subsection (2E), the Scottish Ministers must consult such persons as they consider appropriate.
- (2H) The Scottish Ministers must from time to time review any strategy published under subsection (2E).
- (2I) Any strategy under subsection (2E) or, as the case may be, subsection (2H)—
- (a) must be laid before the Scottish Parliament,
 - (b) cannot be implemented until approved by resolution of the Parliament.
- (2J) The Scottish Ministers must prepare and publish a report on any strategy under subsection (2E)—
- (a) in the case of the first report, no later than 12 months after the strategy was published,
 - (b) in the case of subsequent reports, no later than 12 months after the last report was published.”.>

Mercedes Villalba

13 After section 33, insert—

<PART

URBAN AFFORESTATION

Urban afforestation

- (1) The Scottish Ministers must by regulations introduce a partnership scheme between Scottish Forestry and local authorities for the purposes of increasing urban afforestation.
- (2) The scheme must encourage tree-planting in towns and cities on land owned by the local authority.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.>

Sarah Boyack

17 After section 33, insert—

<PART

NATIONAL MARINE STRATEGY

National marine strategy

- (1) The Scottish Ministers must, within 12 months of Royal Assent, publish a national marine strategy in order to—
 - (a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected, and
 - (b) prevent and reduce inputs into the marine environment, with a view to phasing out pollution, so as to ensure inputs do not give rise to any significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.
- (2) The strategy must specify the manner in which, or indicators against which, progress towards and achievement of the strategy is to be measured.
- (3) The Scottish Ministers must from time to time review a strategy published under subsection (1)
- (4) Before preparing a strategy under subsection (1), or reviewing it under subsection (3), the Scottish Ministers must—
 - (a) consult such persons as they consider appropriate, and
 - (b) have regard to any new environmental challenges.
- (5) The Scottish Ministers must prepare and publish a report on progress towards meeting the measures set out under subsection (2)—
 - (a) in the case of the first report, no later than 12 months after the strategy was published,
 - (b) in the case of subsequent reports, no later than 12 months after the last report was published.>

Mark Ruskell

- 31** After section 33, insert—

<PART

LICENSING: LAND ON WHICH CERTAIN BIRDS MAY BE KILLED OR TAKEN

Section 16AA licences: land to be covered by licences and code of practice

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In section 16AA (licensing: land on which certain birds may be killed or taken Scotland), after subsection (6) insert—
 - “(6A) Subject to subsection (6B), the area of land identified under subsection (6)(a)(ii) must include—
 - (a) land over which the killing or taking of any type of bird included in Part 1B of Schedule 2 takes place, and
 - (b) any other land, within the ownership or occupation of the applicant, that is—
 - (i) contiguous with the land referred to in paragraph (a), and

- (ii) where either management activities related to the killing or taking of that bird could take place or where any relevant offences could be committed, caused or permitted.

(6B) For the purposes of section (6A)(b)(i)—

- (a) land is contiguous with other land if the boundary of the land is (wholly or partly) contiguous with a boundary of the other land,
- (b) a boundary of land is to be treated as being contiguous with the boundary of other land if any part of the boundary is within 250 metres of the other.

(6C) Subsection (6A) does not apply where the area of land mentioned in that subsection is subject to—

- (a) a shooting tenancy conferring the right to shoot red grouse, and
- (b) a separate licence, or application for a licence, under this section.”.>

Mark Ruskell

32 After section 33, insert—

<PART

PEAT: SALE OR SUPPLY FOR HORTICULTURE

Prohibition on the sale or supply of peat for horticulture

- 5 (1) Before the expiry of the period of 12 months beginning with the day after Royal Assent, the Scottish Ministers must, by regulations, make provision prohibiting the sale or supply of peat for horticultural use.
- (2) Regulations under subsection (1) are to come into force on the date that either of the conditions in subsection (3) are met.
- 10 (3) The conditions under subsection (2) are—
 - (a) that the Scottish Ministers have applied for an exclusion under the United Kingdom Internal Market Act 2020 and such an exclusion has been granted, or
 - (b) that similar regulations have been introduced in other parts of the United Kingdom such that an exclusion from the United Kingdom Internal Market Act 2020 is unnecessary.
- (4) The Scottish Ministers must apply for an exclusion under the United Kingdom Internal Market Act 2020 before the expiry of the period of six months beginning with the day after Royal Assent.
- (5) Regulations under subsection (1) must provide for exemptions to the prohibition—
 - 20 (a) for a specified period of no more than two years for the sale or supply of peat for use by commercial growers, where it appears to the Scottish Ministers that such exemptions are necessary to support those businesses,
 - (b) for a specified period of no more than five years, and in relation to certain plants to be specified in the regulations, such as ericaceous and carnivorous plants, where it appears to the Scottish Ministers that no technically feasible alternative to peat is available, and
 - 25 (c) for the sale and supply of peat for scientific or plant conservation activities, subject to a licence issued by the Scottish Ministers.

- 30 (6) Regulations under subsection (1) must make further provision in relation to the licensing of the sale and supply of peat under subsection (5)(c) including—
- (a) the nature of activities that will be considered to be scientific or plant conservation activities, and
 - (b) restricting the issuing of licences to where there is no technically viable alternative to the use of peat.
- 35 (7) The Scottish Ministers may delegate their licensing function under subsection (5)(c) to Scottish Natural Heritage.
- (8) Regulations under subsection (1)—
- (a) must provide that a person who sells or supplies peat in contravention of the regulations commits an offence,
 - 40 (b) may make such other provision relating to that offence as the Scottish Ministers consider appropriate, including in relation to the penalty for the offence.
- (9) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) Scottish Natural Heritage,
 - 45 (b) such persons as the Scottish Ministers consider to represent the interests of and have experience in—
 - (i) peatland conservation,
 - (ii) horticulture,
 - (iii) horticulture trade, and
 - (iv) such other matters as the Scottish Ministers consider appropriate.
- 50 (10) When laying regulations under subsection (1), the Scottish Ministers must publish a report setting out the results of the consultation undertaken under subsection (9) and how they have taken account of the responses received.>

Rachael Hamilton

32A As an amendment to amendment 32, line 7, at end insert—

- <(1A) The Scottish Ministers must establish a horticulture group to advise on the provision to be made in regulations under subsection (1), in particular—
- (a) any technical matters,
 - (b) supply of alternatives to peat,
 - (c) market readiness.>

Rachael Hamilton

32B As an amendment to amendment 32, line 8, leave out from the first <the> to end of line 9 and insert <whichever is the later of—

- () the date that similar regulations have been introduced in other parts of the United Kingdom,
- () 1 January 2028.>

Rachael Hamilton

32C As an amendment to amendment 32, leave out lines 10 to 18

Rachael Hamilton

32D As an amendment to amendment 32, line 18, at end insert—

<(4A) Subject to subsection (4B), regulations under subsection (1) must not end professional use of peat earlier than 1 January 2030.

(4B) Regulations may specify exemptions to the restriction in subsection (4A) if recommended by the horticulture group established under subsection (1A).>

Rachael Hamilton

32E As an amendment to amendment 32, line 26, at end insert—

<() for the sale and supply of existing peat stock within 1 year of the regulations coming into force,>

Rachael Hamilton

32F As an amendment to amendment 32, line 43, at end insert—

<() the horticultural group established under subsection (1A),>

Rachael Hamilton

32G As an amendment to amendment 32, line 49, at end insert—

<() Before making regulations under subsection (1), the Scottish Ministers must conduct a full economic and environmental impact assessment that includes information on—

(a) market readiness,

(b) availability of alternatives,

(c) projections on international trade and market access.>

Rachael Hamilton

32H As an amendment to amendment 32, line 52, at end insert—

<(11) Any provision made in regulations under subsection (1) must be reviewed by the horticulture group established under subsection (1A), no later than 12 months after the regulations have been made, in particular in relation to—

(a) the impact on the market,

(b) any unforeseen peat-free supply-chain disruption and market issues.

(12) The horticulture group must report to the Scottish Ministers on any review under subsection (11) including making any recommendation on changes to the regulations.

(13) Where the horticultural group has made recommendations under subsection (12) the Scottish Ministers may—

(a) suspend the operation of any provision made in regulations under subsection (1),

(b) revive the operation of a provision so suspended.>

Lorna Slater

40 After section 33, insert—

<PART

INVASIVE NON-NATIVE SPECIES

Application of the 1981 Act to game birds

- (1) The Wildlife and Natural Environment (Scotland) Act 2011 is modified as follows.
- (2) Section 2 (application of the 1981 Act to game birds) is repealed.>

Mark Ruskell

41 After section 33, insert—

<PART

BUILDING REGULATIONS: INTEGRAL SWIFT NEST BOX

Building regulations: integral swift nest box

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, introduce regulations under section 1 of the Building (Scotland) Act 2003 to make provision for the installation of an average of one integral swift nest box per dwelling or unit greater than 5 metres in height.
- (2) Regulations must require the installation of integral swift nest boxes in line with best practice guidance, except where such installation is not practicable or appropriate.
- (3) For the purposes of this section—

““integral swift nest box” means a nest box integrated into the wall of a building suitable for the nesting of the common swift (*apus apus*) and other cavity nesting species,

“best practice guidance” means the British Standards BS42021:2022.”>

Mark Ruskell

76 After section 33, insert—

<PART

NATURE NETWORKS

Reporting on nature networks

- (1) The Scottish Ministers must, as soon as reasonably practicable after each reporting period, prepare and publish a report on progress towards the establishment and effective functioning of nature networks.
- (2) The report under subsection (1) may include—
 - (a) information on connectivity improvements,
 - (b) information on the creation of new ecological corridors,
 - (c) information on the development of opportunity mapping tools,
 - (d) an assessment of barriers to connectivity and actions taken to address them,

- (e) information on public and private funding, finance and investment,
 - (f) an assessment of the use of nature networks in spatial planning and investment decisions, including alignment with green finance mechanisms,
 - (g) an assessment of the contribution of nature networks to climate resilience and ecosystem services, including but not exclusive to flood mitigation and carbon sequestration,
 - (h) such other information as the Scottish Ministers consider appropriate.
- (3) For the purposes of this section—
- “nature networks” means interconnected nature-rich sites, including restoration areas and other environmental projects, through a series of areas of suitable habitat, habitat corridors and stepping-stones.
- “reporting period” means—
- (a) the period beginning with the day on which this section comes into force and ending on 31 December 2027,
 - (b) each subsequent period of 3 years.>

Mark Ruskell

77 After section 33, insert—

<PART

NATURE NETWORKS

Nature networks: objectives for land use strategy

- (1) The Climate Change (Scotland) Act 2009 is modified as follows.
- (2) In section 57 (duty to produce a land use strategy), in subsection (2)(a), after “to” insert “—
 - (i) ecological connectivity through nature networks, and
 - (ii)”.
- (3) After subsection (6), insert—

“(7) For the purposes of subsection (2), “nature networks” means interconnected nature-rich sites, including restoration areas and other environmental projects, through a series of areas of suitable habitat, habitat corridors, and stepping-stones.”.>

Ariane Burgess

78 After section 33, insert—

<PART

POWER TO PROVIDE SUPPORT: FORESTRY

Power to provide support: forestry

- (1) The Agriculture and Rural Communities (Scotland) Act 2024 is modified as follows.
- (2) In section 6 (power to provide support), after subsection (2), insert—

- “(2A) Before making regulations under this section in relation to support for forestry, the Scottish Ministers must—
- (a) engage with communities affected by the activity, and
 - (b) consult such other persons as they consider appropriate.”.>

Ariane Burgess

79 After section 33, insert—

<PART

FORESTRY

Financial assistance for forestry

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 71 (financial assistance)—
 - (a) after subsection (1) insert—

“(1A) But the Scottish Ministers must not provide, approve or maintain any financial assistance to any person for the purpose of building deer fencing in forested areas.”,
 - (b) in subsection (2), after “(1)” insert “and (1A)”.>

Mercedes Villalba

80 After section 33, insert—

<PART

FORESTRY

Removal of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—

“(2A) The Scottish Ministers may, in exercising their functions under this Act, impose conditions on the approval of planting schemes to require the removal of invasive tree seed and seedlings from adjoining land, including peatland, where such spread occurs.

(2B) The Scottish Ministers may by regulations make provision to specify—

 - (a) enforcement, and
 - (b) monitoring,

requirements for compliance with conditions under subsection (2A).”.
- (3) In section 76 (regulations), in subsection (2), before paragraph (a) insert—

“(za) section 11(2B).”.>

Mercedes Villalba

81 After section 33, insert—

<PART

FORESTRY

Native tree planting requirements

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—
 - “(2A) The Scottish Ministers must require that any approved woodland creation scheme includes native tree planting and, where appropriate, natural regeneration along watercourses within or adjoining the scheme area.
 - (2B) The Scottish Ministers may by regulations make provision to—
 - (a) prescribe—
 - (i) minimum widths,
 - (ii) species composition standards,
 - (b) set such other conditions as they consider appropriate.”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11(2B),”.>

Mercedes Villalba

82 After section 33, insert—

<PART

FORESTRY

Diversification of woodland creation

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—
 - “(2A) The Scottish Ministers must, in exercising their duty under subsection (1), require that any new commercial woodland planting scheme—
 - (a) includes areas of mixed native broadleaf species interspersed within the plantation,
 - (b) incorporates shrub cover appropriate to local habitat conditions, and
 - (c) provides open ground sufficient to support the enhancement of biodiversity.”.>

Mercedes Villalba

83 After section 33, insert—

<PART

FORESTRY

Native woodland creation

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.

- (2) In section 11 (management of forested land), after subsection (2) insert—
- “(2A) The Scottish Ministers must include natural regeneration as an eligible method for creating mixed native woodlands.
- (2B) The Scottish Ministers may revise the grant criteria in relation to woodland creation to ensure financial assistance is available for schemes that incorporate natural regeneration alongside planting.”.>

Mercedes Villalba

84 After section 33, insert—

<PART

FORESTRY

Commercial forestry: spread of invasive species seed

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—
- “(2A) The Scottish Ministers must require that any planting scheme submitted for approval includes an assessment of the risk of invasive tree seed spread from commercial forestry to adjoining land, including peatland.
- (2B) The Scottish Ministers may by regulations make provision to specify the methodology for such assessments.”.
- (3) In section 76 (regulations), in subsection (2), before paragraph (a) insert—
- “(za) section 11(2B),”.>

Mercedes Villalba

85 After section 33, insert—

<PART

FORESTRY

Reducing the spread of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—
- “(2A) The Scottish Ministers must require that any planting scheme submitted for approval includes measures to reduce and prevent the spread of invasive non-native tree seed from commercial forestry to adjoining land, including peatland.
- (2B) The Scottish Ministers may by regulations make provision to specify—
- (a) minimum standards for such measures,
- (b) such other conditions as the consider appropriate.”.
- (3) In section 76 (regulations), in subsection (2), before paragraph (a) insert—
- “(za) section 11(2B),”.>

Mercedes Villalba

86 After section 33, insert—

<PART

FORESTRY

Preventing the spread of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 11 (management of forested land), after subsection (2) insert—
 - “(2A) The Scottish Ministers may refuse approval of any planting scheme or impose conditions where it considers that the scheme would result in unacceptable risk of invasive tree seed spread to adjoining land, including peatland.
 - (2B) The Scottish Ministers may by regulations make provision to—
 - (a) define unacceptable risk,
 - (b) provide for an appeals process for decisions made under subsection (2A),
 - (c) set out such other steps as they consider appropriate.”.
- (3) In section 76 (regulations), in subsection (2), before paragraph (a) insert—

“(za) section 11(2B),”.>

Mercedes Villalba

87 After section 33, insert—

<PART

FORESTRY

Financial assistance for forestry

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 71 (financial assistance)—
 - (a) after subsection (1) insert—
 - “(1A) The Scottish Ministers must establish and maintain financial assistance schemes for tree-planting that contribute to—
 - (a) restoration of degraded environments,
 - (b) enhancement of biodiversity,
 - (c) restoration of natural processes,
 - (d) carbon sequestration.”,
 - (b) in subsection (2), after “(1)” insert “and (1A)”.>

Mercedes Villalba

88 After section 33, insert—

<PART

FORESTRY

Financial assistance for forestry

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 71 (financial assistance)—
 - (a) after subsection (1) insert—

“(1A) But the Scottish Ministers must not provide, approve or maintain any financial assistance to any person for the purpose of establishing or expanding plantations consisting primarily of exotic conifer species.”,
 - (b) in subsection (2), after “(1)” insert “and (1A)”,
 - (c) after subsection (3) insert—

“(4) For the purposes of subsection (1A), “exotic conifer species” means any conifer species not native to Scotland, including but not limited to *Picea sitchensis* (commonly known as sitka spruce).”.>

Ariane Burgess

- 90 After section 33, insert—

<PART

MARINE PROTECTED AREAS

Modification of assessment of achievement of stated objectives

Modification of assessment of achievement of stated objectives

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 70 (Nature Conservation MPAs: assessment of achievement of stated objectives)—
 - (a) the existing subsection becomes subsection (1),
 - (b) in that subsection—
 - (i) for “The Scottish Ministers” substitute “Environmental Standards Scotland”,
 - (ii) after second “time”, insert “—
 - (a) the condition or status of any Nature Conservation MPA and whether in their opinion any damage or deterioration has occurred,”,
 - (iii) from second “the” to the end becomes paragraph (b),
 - (c) after that subsection insert—

“(2) As soon as reasonably practicable after completing an assessment under subsection (1), Environmental Standards Scotland must—
 - (a) submit to the Scottish Ministers and the Scottish Parliament a report on—
 - (i) the outcome of their assessment,
 - (ii) their recommendations of any other further steps which in their opinion are required to be taken in order for the stated conservation objectives to be achieved, and

(b) lay a copy of that report before the Scottish Parliament.”.>

Ariane Burgess

91 After section 33, insert—

<PART

MARINE PROTECTED AREAS

Modification of reports to Parliament

Modification of reports to Parliament

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 103 (reports to Parliament), after subsection (3)(b)(ii), insert—
 - “(iii) its condition and a summary of significant pressures and the impact of human activity on the area or region and whether any damage or deterioration has occurred.”.>

Ariane Burgess

92 After section 33, insert—

<PART

MARINE PLANS

National marine plans and regional marine plans

National marine plans and regional marine plans

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 5 (national marine plans and regional marine plans)—
 - (a) after subsection (3)(b) insert—
 - “(ba) states the Scottish Ministers’ policies for the management of fishing activity within the area to which the plan relates,”
 - (b) after subsection (4)(a)(ii) insert—
 - “(iii) objectives relating to the use of the Scottish marine area or, as the case may be, Scottish marine region for the purposes of commercial fishing,”
 - (c) in subsection (4)(c), after “activity” insert “, in particular fishing activity,”.>

Sarah Boyack

93 After section 33, insert—

<PART

MARINE PLANNING

Nature Conservation MPA

- (1) The Marine (Scotland) Act 2010 is modified as follows.

- (2) In section 68 (Nature Conservation MPAs: additional requirements relating to designation), in subsection (3), after paragraph (b) insert—

“(c) the ecosystem recovery objectives for.”.>

Sarah Boyack

- 328** After section 33, insert—

<PART

MARINE PLANNING

Nature conservation marine protected areas: climate adaptation

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 68 (Nature Conservation MPAs: additional requirements relating to designation), in subsection (7)—
- (a) for “may” substitute “must”,
- (b) after fourth “to” insert “climate adaptation and”.>

Sarah Boyack

- 95** After section 33, insert—

<PART

MARINE PLANNING

Nature Conservation MPA

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 68 (Nature Conservation MPAs: additional requirements relating to designation), after subsection (2) insert—
- “(2A) The Scottish Ministers must, not less than once in every 12 month period, review any guidance published under subsection (2)(a).”.>

Maurice Golden

- 96** After section 33, insert—

<PART

MARINE PLANNING

Regional marine plans

- (1) Section 5 of the Marine (Scotland) Act 2010 (national marine plan and regional marine plans) is modified as follows.
- (2) In subsection (2)—
- (a) for “may” substitute “must”,
- (b) for “any” substitute “each”.>

Maurice Golden

97 After section 33, insert—

<PART

MARINE PLANNING

Delegation of preparation of regional marine plans

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 5 (national marine plan and regional marine plans), after subsection (4) insert—
 - “(4A) When preparing a regional marine plan under subsection (2), the delegate prescribed under section 12(1A) must have due regard to—
 - (a) the economic opportunities associated with sustainable fisheries and other sustainable economic activities,
 - (b) the fisheries objectives set out in section 1 of the Fisheries Act 2020, and
 - (c) the contribution that any regional marine plan can make to any targets set under section 2C of the Nature Conservation (Scotland) Act 2004.”
- (4) In section 12 (delegation of functions relating to regional marine plans), after subsection (1) insert—
 - “(1A) The Scottish Ministers must delegate the preparation of each regional marine plan and any amendment of any such plan under section 5 or (as the case may be) section 8.”.>

Maurice Golden

98 After section 33 insert—

<PART

MARINE PLANNING

Regional inshore fisheries and conservation management bodies: establishment and membership

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) After section 19, insert—

“PART

REGIONAL INSHORE FISHERIES AND CONSERVATION MANAGEMENT BODIES

19A Regional inshore fisheries and conservation management bodies: establishment and membership

- (1) The Scottish Ministers must, by regulations, establish a regional inshore fisheries and conservation management body for each marine region designated as such by order under section 5(5).
- (2) The members of any regional inshore fisheries and conservation management body must include—
 - (a) persons who are members of a relevant Scottish local authority,

- (b) persons appointed by the Scottish Ministers with knowledge of, or expertise in, the needs and opinions of the fishing community active in that Scottish marine region,
 - (c) persons appointed by the Scottish Ministers with knowledge of, or expertise in, marine environmental matters, and
 - (d) such other persons as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers may, by regulations, make further provision in relation to the establishment and membership of regional inshore fisheries and conservation management bodies, including but not exclusive to—
- (a) procedures relating to the appointment, conduct, qualification and disqualification of members,
 - (b) procedures relating to the validity of the body’s proceedings,
 - (c) consultation requirements associated with the body’s use of its powers,
 - (d) procedures relating to good governance requirements such as transparency, reporting, and conflicts of interest,
 - (e) and any other appropriate procedural matters.
- (4) In this section—
- “the fishing community” means any persons with an interest in the exploitation of sea fisheries resources or in fishing for such resources,
- “marine environmental matters” means—
- (a) the conservation or enhancement of the natural beauty or amenity of marine or coastal areas including their geological or physiographical features or of any features of archaeological or historic interest in such areas, or
 - (b) the conservation of flora or fauna which are dependent on, or associated with, a marine or coastal environment.
- (5) Regulations under subsections (1) and (3) are subject to the affirmative procedure.”.>

Maurice Golden

99 After section 33, insert—

<PART

MARINE PLANNING

Regional inshore fisheries and conservation management bodies

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) After section 19, insert—

“PART

REGIONAL INSHORE FISHERIES AND CONSERVATION MANAGEMENT BODIES

19A Regional inshore fisheries and conservation management bodies

- (1) The Scottish Ministers must, by regulations, establish a regional inshore fisheries and conservation management body for each marine region designated as such by order under section 5(5).
- (2) The Scottish Ministers must, by regulations, make further provision for the regional inshore fisheries and conservation management body in relation to their—
 - (a) membership,
 - (b) management,
 - (c) functions,
 - (d) validity of proceedings,
 - (e) consultation requirements,
 - (f) reporting requirements, and
 - (g) such other matters as the Scottish Ministers consider appropriate.
- (3) Regulations under this section are subject to the affirmative procedure.”.>

Maurice Golden

100 After section 33, insert—

<**PART**

MARINE PLANNING

Regional inshore fisheries and conservation management bodies: functions

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) After section 19, insert—

“PART

REGIONAL INSHORE FISHERIES AND CONSERVATION MANAGEMENT BODIES

19B Regional inshore fisheries and conservation management bodies: functions

- (1) The Scottish Ministers may, by regulations, make provision for the management bodies established under section 19A(1) to perform specific functions.
- (2) The functions of the management bodies must include—
 - (a) restricting, licensing or regulating fisheries, and
 - (b) imposing fees.
- (3) In the exercise of such functions, the management bodies must seek to—
 - (a) give effect to the relevant regional marine plan,
 - (b) meet the objectives in section 1 of the Fisheries Act 2020,
 - (c) ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,

- (d) balance social and economic benefit with protection of the natural environment,
 - (e) further the conservation of biodiversity within the meaning of section 1 of the Nature Conservation (Scotland) Act 2004, and
 - (f) ensure compliance with the general duties under regulation 4 of the Marine Strategy Regulations 2010 (S.I. 2010/1627).
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.>

Maurice Golden

101 After section 33, insert—

<PART

MARINE PLANNING

Content of regional marine plans

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 5 (national marine plan and regional marine plans), after subsection (4) insert—
 - “(4A) A regional marine plan must—
 - (a) specify what areas of that Scottish marine region may be used for each of—
 - (i) fishing by towed demersal gear,
 - (ii) fishing by creel or hand diving,
 - (iii) other fishing activities,
 - (iv) aquaculture,
 - (v) energy generation,
 - (vi) other economic activities, and
 - (vii) nature conservation and restoration,
 - (b) specify how the spatial elements of such a regional marine plan contribute to any targets set under—
 - (i) section 2C of the Nature Conservation (Scotland) Act 2004, and
 - (ii) section A1 of the Climate Change (Scotland) Act 2009,
 - (c) be adopted by Scottish Ministers, subject to the provisions of section 6, within two years of the adoption of any national marine plan or amendment of any such plan.”.>

Sarah Boyack

156 After section 33, insert—

<PART

INSHORE FISHING

Low-impact fishing priority areas

- (1) The Scottish Ministers may by regulations make provision to designate areas of Scottish inshore waters as Low-Impact Fishing Priority Areas “(LIFPA)”.
- (2) The Scottish Ministers may only make a designation under subsection (1) where they consider that doing so would contribute to—
 - (a) the meeting of targets set under section 2C of the Nature Conservation (Scotland) Act 2004,
 - (b) the aims of Scotland’s national marine plan, and
 - (c) the achievement of Good Environmental Status under the Marine Strategy Framework Directive.
- (3) Regulations under subsection (1) may—
 - (a) restrict or prohibit the use of specified fishing gear within a LIFPA,
 - (b) set conditions for permitted fishing activities within a LIFPA, including in relation to—
 - (i) fishing effort,
 - (ii) licences, or
 - (iii) access rights,
 - (c) provide for requirements in relation to—
 - (i) monitoring and reporting of ecological and socio-economic outcomes of fishing activity within a designated area, and
 - (ii) reviewing those outcomes,
 - (d) make provision for such other requirements as the Scottish Ministers consider appropriate.
- (4) Before making regulations under subsection (1), the Scottish Ministers must—
 - (a) consult—
 - (i) the relevant regional inshore fisheries groups,
 - (ii) island and coastal communities likely to be affected by the designation, and
 - (iii) such other persons as they consider appropriate,
 - (b) publish a statement explaining the relationship between the designation and the existing powers listed in subsection (5).
- (5) A designation made under this section is without prejudice to existing powers under the—
 - (a) Inshore Fishing (Scotland) Act 1984,
 - (b) Marine (Scotland) Act 2010, or
 - (c) Fisheries Act 2020.
- (6) For the purposes of this section, “Scotland’s national marine plan” is to be construed in accordance with section 5 of the Marine (Scotland) Act 2010.>

Murdo Fraser

157 After section 33, insert—

<PART

PROTECTION OF MOUNTAIN HARES

Protection of mountain hares

- (1) Section 16 of the Wildlife and Countryside Act 1981 (Power to grant licenses.) is modified as follows.
- (2) In subsection (3), after paragraph (e) insert—
“(ea) for the purpose of falconry;”>

Mercedes Villalba

158 After section 33, insert—

<PART

FORESTRY

Commercial forestry: spread of invasive species seed

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Commercial forestry: spread of invasive species seed

- (1) The Scottish Ministers must, in exercising their functions under this Act, require that any planting scheme submitted for approval includes an assessment of the risk of invasive tree seed spread from commercial forestry to adjoining land, including peatland.
- (2) The Scottish Ministers may by regulations make provision to specify the methodology for such assessments.”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—
“(za) section 11A(2),”.>

Mercedes Villalba

159 After section 33, insert—

<PART

FORESTRY

Native tree planting requirements

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Native tree planting requirements

- (1) The Scottish Ministers must, in exercising their functions under this Act, require that any approved woodland creation scheme includes native tree planting and,

where appropriate, natural regeneration along watercourses within or adjoining the scheme area.

- (2) The Scottish Ministers may by regulations make provision to—
 - (a) prescribe—
 - (i) minimum widths,
 - (ii) species composition standards,
 - (b) set such other conditions as they consider appropriate.”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11A(2),”.>

Mercedes Villalba

160 After section 33, insert—

<PART

FORESTRY

Diversification of woodland creation

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Diversification of woodland creation

- (1) The Scottish Ministers, in exercising their functions under this Act, must require that any new commercial woodland planting scheme—
 - (a) includes areas of mixed native broadleaf species interspersed within the plantation,
 - (b) incorporates shrub cover appropriate to local habitat conditions, and
 - (c) provides open ground sufficient to support the enhancement of biodiversity.
- (2) The Scottish Ministers may by regulations make further provision in relation to the creation of commercial woodland, including to—
 - (a) prescribe minimum proportions or spatial arrangements for mixed planting, shrub cover, and open ground,
 - (b) set standards for species selection and habitat design.”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11A(2),”.>

Mercedes Villalba

161 After section 33, insert—

<PART

FORESTRY

Reducing the spread of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.

(2) After section 11 (management of forested land), insert—

“11A Reducing the spread of invasive non-native species

- (1) The Scottish Ministers must, in exercising their functions under this Act, require that any planting scheme submitted for approval include measures to reduce and prevent the spread of invasive non-native tree seed from commercial forestry to adjoining land, including peatland.
- (2) The Scottish Ministers may by regulations make provision to specify—
 - (a) minimum standards for such measures,
 - (b) such other conditions as they consider appropriate.”.

(3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11A(2),”.>

Mercedes Villalba

162 After section 33, insert—

<PART

FORESTRY

Native woodland creation

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Native woodland creation

- (1) The Scottish Ministers must, in exercising their functions under this Act, include natural regeneration as an eligible method for creating mixed native woodlands.
- (2) The Scottish Ministers may revise the grant criteria in relation to woodland creation to ensure financial assistance is available for schemes that incorporate natural regeneration alongside planting.”.>

Mercedes Villalba

163 After section 33, insert—

<PART

FORESTRY

Removal of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Removal of invasive non-native species

- (1) The Scottish Ministers may, in exercising their functions under this Act, impose conditions on the approval of planting schemes to require the removal of invasive tree seed and seedlings from adjoining land, including peatland, where such spread occurs.

- (2) The Scottish Ministers may by regulations make provision to specify—
 - (a) enforcement, and
 - (b) monitoring,requirements for compliance with conditions under subsection (1).”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11A(2),”.>

Mercedes Villalba

164 After section 33, insert—

<PART

FORESTRY

Preventing the spread of invasive non-native species

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 11 (management of forested land), insert—

“11A Preventing the spread of invasive non-native species

- (1) The Scottish Ministers may, in exercising their functions under this Act, refuse approval of any planting scheme or impose conditions where they consider that the scheme would result in unacceptable risk of invasive tree seed spread to adjoining land, including peatland.
- (2) The Scottish Ministers may by regulations make provision to—
 - (a) define unacceptable risk,
 - (b) provide for an appeals process for decisions made under subsection (1),
 - (c) set out such other steps as they consider appropriate.”.
- (3) In section 76 (regulations), subsection (2), before paragraph (a) insert—

“(za) section 11A(2),”.>

Emma Roddick

256 After section 33, insert—

<PART

ENFORCEMENT OF LOCAL AUTHORITY BYELAWS: WILDFIRES

Enforcement of local authority byelaws: wildfires

- (1) The Scottish Ministers may by regulations make provision for and in connection with the issuing of fixed penalty notices for offences against local authority byelaws the purpose of which are to prevent wildfires.
- (2) Regulations under this section must specify—
 - (a) the byelaw or byelaws in relation to which fixed penalty notices may be issued, and
 - (b) the person who may issue fixed penalty notices, which must be a local authority.

- (3) A fixed penalty notice provided for in regulations under this section must state—
 - (a) the byelaw to which it relates,
 - (b) particulars of the circumstances alleged to constitute the offence,
 - (c) the date on which the fixed penalty notice is issued,
 - (d) the amount of the fixed penalty,
 - (e) the payment period,
 - (f) the method by which the payment may be made,
 - (g) the effect of paying the fixed penalty within the payment period and the consequences of not paying the fixed penalty within that period,
 - (h) details of any procedure for challenging or appealing the fixed penalty notice.
- (4) Regulations under subsection (1) may make further provision about fixed penalty notices, including the form and content of such notices.
- (5) The maximum penalty that may be provided for in regulations under this section creating an offence is, on summary conviction, a fine not exceeding level 2 on the standard scale.
- (6) Before making regulations under this section, the Scottish Ministers must consult such persons as they consider to be interested in or affected by the issuing of fixed penalty notices for local authority byelaw offences relating to wildfires.
- (7) Regulations under subsection (1) are subject to the affirmative procedure.
- (8) In this section, “fixed penalty notice” means a notice specifying a sum of money that may or must be paid as an alternative to prosecution for an offence.>

Douglas Ross

257 After section 33, insert—

<PART

REMOVAL OF LICENSING FUNCTIONS OF SCOTTISH NATURAL HERITAGE

Removal of licensing functions of Scottish Natural Heritage

- (1) The Scottish Ministers must, by regulations, make provision to remove any licensing function of Scottish Natural Heritage in relation to gulls, conferred on it by or under any enactment.
- (2) Regulations under subsection (1) may transfer any such licensing function to another person or body as the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) may make any incidental, supplementary, consequential, transitional, transitory or saving provision that the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) may—
 - (a) modify any enactment (including this Act),
 - (b) make different provision for different purposes.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider may have an interest in, or otherwise be affected by, the regulations.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.>

Douglas Ross

258 After section 33, insert—

<PART

REMOVAL OF LICENSING FUNCTIONS OF SCOTTISH NATURAL HERITAGE

Removal of licensing functions of Scottish Natural Heritage

- (1) The Scottish Ministers must, by regulations, make provision to remove any licensing function of Scottish Natural Heritage in relation to gulls, conferred on it by or under any enactment.
- (2) Regulations under subsection (1) must transfer any such licensing function to local authorities.
- (3) Regulations under subsection (1) may make any incidental, supplementary, consequential, transitional, transitory or saving provision that the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) may—
 - (a) modify any enactment (including this Act),
 - (b) make different provision for different purposes.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider may have an interest in, or otherwise be affected by, the regulations.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.>

Douglas Ross

259 After section 33, insert—

<PART

REMOVAL OF LICENSING FUNCTIONS OF SCOTTISH NATURAL HERITAGE

Removal of licensing functions of Scottish Natural Heritage

- (1) The Scottish Ministers must, by regulations, make provision to remove any licensing function of Scottish Natural Heritage in relation to gulls, conferred on it by or under any enactment.
- (2) Regulations under subsection (1) must transfer any such licensing function to the Scottish Ministers.
- (3) Regulations under subsection (1) may make any incidental, supplementary, consequential, transitional, transitory or saving provision that the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) may—
 - (a) modify any enactment (including this Act),
 - (b) make different provision for different purposes.
- (5) Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider may have an interest in, or otherwise be affected by, the regulations.
- (6) Regulations under subsection (1) are subject to the affirmative procedure.>

Douglas Ross

260 After section 33, insert—

<PART

GULLS

Gull Management Fund

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, undertake an analysis of the total annual spend by local authorities on gull management and deterrence.
- (2) The analysis under subsection (1) must, in particular, consider the total spend by each local authority in the previous year—
 - (a) to mitigate the impact of gulls in the local authority area, and
 - (b) to compensate for the impact of gulls in the local authority area.
- (3) As soon as reasonably practicable after completing the analysis under subsection (1), the Scottish Ministers must establish a fund (to be known as “the Gull Management Fund”) for the purpose of providing funding to local authorities to carry out any activity aimed at—
 - (a) mitigating the impact of gulls in the local authority area,
 - (b) responding to the consequences of gulls in the local authority area.
- (4) Funding for the Gull Management Fund—
 - (a) must be managed by the Scottish Ministers,
 - (b) must be held separately and only used for the purposes of the Gull Management Fund.
- (5) The Scottish Ministers must undertake an annual review of the operation and use of the Gull Management Fund.
- (6) A review under subsection (5) must, in particular, consider whether there should be an increase in funding for the Gull Management Fund.
- (7) In this section, “activity” includes (but is not limited to)—
 - (a) hawking,
 - (b) the establishment and use of sonic devices.>

Douglas Ross

261 After section 33, insert—

<PART

GULLS

Gull numbers

- (1) Scottish Natural Heritage (in this Part referred to as “SNH”) must, in respect of each reporting period, conduct a survey on the number of gulls in Scotland.
- (2) A survey under subsection (1) must count the number of gulls in—
 - (a) urban areas,

- (b) coastal areas.
- (3) As soon as reasonably practicable after completing a survey under subsection (1), SNH must prepare and publish a report on the results of the survey.
- (4) In subsection (1), “reporting period” means—
 - (a) in the case of the first survey, the period of 12 months beginning with the day after Royal Assent,
 - (b) each subsequent period of 12 months.>

Rachael Hamilton

262 After section 33, insert—

<PART

GULL MANAGEMENT

Tackling urban gull problems

Tackling urban gull problems

- (1) The Scottish Ministers must, before the expiry of 2 years beginning with the day of the 2025 gull summit, undertake a review of measures taken to tackle urban gull problems.
- (2) The review must consider—
 - (a) how much funding has been allocated to each local authority to tackle disruptive urban gull populations,
 - (b) the reason for funding being allocated in that way,
 - (c) how any funding allocated has been spent,
 - (d) what, if any, consultation was done in advance of allocating funding, and
 - (e) such other matters as the Scottish Ministers consider appropriate.
- (3) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must—
 - (a) prepare and publish a report on the review,
 - (b) lay a copy of the report before the Scottish Parliament.
- (4) For the purposes of this section, “gull” is to be construed in accordance with the meaning of wild birds offered protection under section 1 of the Wildlife and Countryside Act 1981.
>

Rachael Hamilton

263 After section 33, insert—

<PART

GULL MANAGEMENT

Scottish Natural Heritage licences

Scottish Natural Heritage licences

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period—
 - (a) prepare and publish a report on the use of licences to manage gulls, and
 - (b) make a statement on the report to the Scottish Parliament.
- (2) The report prepared under subsection (1) must include information about—
 - (a) the types of licences issued under section 16 of the Wildlife and Countryside Act 1981 in relation to gull management,
 - (b) the role of Scottish Natural Heritage in issuing any such licences,
 - (c) the number of licences issued during the reporting period,
 - (d) such other matters as the Scottish Ministers consider relevant.
- (3) For the purposes of this section—

“gull” is to be construed in accordance with the meaning of wild birds offered protection under section 1 of the Wildlife and Countryside Act 1981,

“reporting period” means—

 - (a) the period of 12 months beginning with the day after Royal Assent, and
 - (b) each subsequent period of 12 months.>

Douglas Ross

264 After section 33, insert—

<PART

MARINE ENVIRONMENT PROTECTION AND ENFORCEMENT

Review of marine environment protection and enforcement

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, undertake a review of the monitoring and enforcement of laws relating to the protection of marine environment.
- (2) The review under subsection (1) must, in particular, consider—
 - (a) the role of the AIRTASK operated and crewed Reims Cessna F406,
 - (b) the decision to dispose of the two AIRTASK operated and crewed Reims Cessna F406s that were in use,
 - (c) the reasons for the decision,
 - (d) the gaps in capacity that the decision has created,
 - (e) the impact that this decision will have for the control and protection of Scotland’s waters.

- (3) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must—
 - (a) prepare and publish a report on the findings of the review, and
 - (b) if supported by those findings, return to the use of two AIRTASK operated and crewed Reims Cessna F406s.>

Sarah Boyack

265 After section 33, insert—

<PART

INSHORE FISHING

Prohibition on use of demersal mobile fishing gear in certain sea lochs

- (1) The Inshore Fishing (Scotland) Act 1984 is modified as follows.
- (2) After section 2A, insert—

“2AA Prohibition on use of demersal mobile fishing gear in certain sea lochs

- (1) The Scottish Ministers may, in relation to any sea loch, by order prohibit the use of demersal mobile fishing gear so far as is necessary to protect carbon sequestration within the sediments at the head of the sea loch.
- (2) For the purposes of subsection (1)—

“demersal mobile fishing gear” means any fishing gear that is towed along the sea bed or is otherwise moved through the water on or close to the sea bed to catch fish, and includes a dredge, beam trawl, demersal seine net or demersal trawl,

“head of the sea loch” is the area defined in relation to each sea loch by the Scottish Ministers in the order, having had regard to the best available scientific evidence.
- (3) An order made under subsection (1) must be based on the best available scientific evidence.
- (4) Before making an order under subsection (1), the Scottish Ministers must consult such persons they consider may have an interest in, or otherwise be affected by, the order.
- (5) An order under subsection (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.”.>

Maurice Golden

266 After section 33, insert—

<PART

MARINE OFFENCES

Review of sentencing for marine offences

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, undertake a review of sentencing in relation to marine offences.

- (2) The review under subsection (1) must, in particular—
 - (a) consider whether the low penalties for illegal fishing create an effective deterrent,
 - (b) consider the impact that low penalties have on the ecosystem from damaging activities,
 - (c) estimate the costs of the impact of damaging activities and consider how this should inform the level of penalties,
 - (d) consider the desirability and feasibility of increasing the level of penalties in order to strengthen enforcement and compliance.
- (3) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must—
 - (a) prepare and publish a report on the review,
 - (b) lay the report before the Scottish Parliament.>

Tim Eagle

267 After section 33, insert—

<PART

SPECIES INTRODUCTION REVIEW

Species introduction review

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) After section 14O (species control orders: powers of control: supplemental) insert—

“14OA Species introduction: review

 - (1) The Scottish Ministers must, as soon as reasonably practicable after the Bill for the Natural Environment (Scotland) Act 2026 receives Royal Assent, carry out a review on the impact of species introduction.
 - (2) A review under subsection (1) must consider the impact of—
 - (a) rewilding,
 - (b) species introduction,
 - (c) non-native species introduction.
 - (3) A review under subsection (1) must in particular consider the impact of orders made under section 14.
 - (4) But this section does not apply to deer or pheasants, but may apply to species such as beavers.
 - (5) In carrying out a review under subsection (1), the Scottish Ministers must consult—
 - (a) affected landowners and land managers,
 - (b) affected local communities,
 - (c) such other persons as they consider appropriate.
 - (6) The Scottish Ministers must—
 - (a) prepare and publish a report of the review, and

(b) lay the report before the Scottish Parliament.”>

Tim Eagle

268 After section 33, insert—

<PART

SPECIES INTRODUCTION: COMPENSATION SCHEME

Species introduction: compensation scheme

- (1) The Scottish Ministers must, as soon as reasonably practicable after Royal Assent, by regulations establish a compensation scheme for landowners who have experienced damage, economic loss or another negative impact to their business as a result of—
 - (a) rewilding,
 - (b) species re-introduction,
 - (c) non-native species introduction.
- (2) But this section does not apply to deer or pheasants, but may apply to species such as beavers.
- (3) Regulations under subsection (1) may make further provision about the scheme, including—
 - (a) the application process,
 - (b) eligibility for compensation,
 - (c) documentation and evidence to be provided,
 - (d) levels of compensation to be paid.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.>

Tim Eagle

324 After section 33, insert—

<PART

PROTECTION OF PRIME AGRICULTURAL LAND

Protection of prime agricultural land

- (1) It is the duty of the Scottish Ministers to—
 - (a) protect prime agricultural land,
 - (b) ensure that environmental target setting or action does not—
 - (i) involve prime agricultural land,
 - (ii) reduce the amount of prime agricultural land,
 - (c) ensure that there is no net loss of prime agricultural land each year.
- (2) In this section, “prime agricultural land” is land that—
 - (a) is capable of—
 - (i) supporting arable agriculture, and
 - (ii) producing a wide range of crops,

- (b) is designated as Grades 1, 2 and 3.1 under the Agricultural Land Classification (ALC) system,
- (c) exists in a favourable climate,
- (d) has slopes no greater than 7 degrees, and
- (e) has soils that are at least 45 cm deep.>

Tim Eagle

325 After section 33, insert—

<PART

MUIRBURN

Muirburn licensing scheme: grant of muirburn licence

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is modified as follows.
- (2) In section 14 (grant of muirburn licence), in subsection (1), paragraph (b) is repealed.>

Tim Eagle

326 After section 33, insert—

<PART

MUIRBURN

Repeal of Muirburn licensing scheme

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is modified as follows.
- (2) Sections 12 to 23 are repealed.
- (3) In section 24 (powers of entry, search and seizure with warrant)—
 - (a) in subsection (1)(a)—
 - (i) in sub-paragraph (i), for “, 3 or 12”, substitute “or 3”,
 - (ii) in sub-paragraph (ii), for “, 3 or 12”, substitute “or 3”,
 - (b) in subsection (5)(c), for “, 3 or 12” substitute “or 3”.
- (4) In section 29 (individually culpability where organisation commits offence), in subsection (1)(a), the words “or Part 2” are repealed.
- (5) In section 32 (review of operation and effectiveness), in subsection (1)—
 - (a) the “and” immediately following paragraph (c) is repealed,
 - (b) paragraph (d) is repealed.>

Tim Eagle

327 After section 33, insert—

<PART

WILDFIRES

Wildfire response unit

- (1) The Fire (Scotland) Act 2005 is modified as follows.
- (2) After section 10 insert—
 - “10A Wildfire response unit**
 - (1) SFRS must set up a unit to manage and protect land in the event of wildfire (“the wildfire response unit”).
 - (2) SFRS must ensure in particular that—
 - (a) the unit is provided with a sufficient number of—
 - (i) all-terrain vehicles equipped with fogging equipment,
 - (ii) helicopters dedicated to aerial wildfire support,
 - (b) SFRS commanders are given enhanced authority to deploy aerial support to wildfires,
 - (c) wildfire training and communications for frontline staff is up-to-date and annually reviewed.
 - (3) Before setting up the wildfire response unit, SFRS must consult—
 - (a) persons representing the interests and views of landowners and gamekeepers,
 - (b) such other persons as it considers appropriate.”>

Beatrice Wishart

- 269** After section 33, insert—

<PART

RELEASE OF NON-NATIVE GAME BIRDS

Release of non-native game birds

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In section 14 (introduction of new species etc. Scotland)—
 - (a) in subsection (2A), for “Subsection” substitute “Subject to subsection (2AA), subsection”,
 - (b) after subsection (2A), insert—

“(2AA) The Scottish Ministers may, by order, specify circumstances where the animals described in subsection (2A) may not be released or allowed to escape from captivity for the purpose of being subsequently killed by shooting.

(2AB) An order under subsection (2AA) must specify—

 - (a) the area of land to which it applies,
 - (b) the period of time for which it applies.

(2AC) An order under subsection (2AA) may only be made where the Scottish Ministers consider that the flora, fauna or any other aspect of the natural environment has been, is being, or is at risk of being damaged as a result of the activity described under subsection (2A).”.>

Beatrice Wishart

270 After section 33, insert—

<PART

NON-NATIVE SPECIES

Access to monitor and assess non-native species

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) In section 44 (powers of entry: authorised persons), in subsection (1), after paragraph (k), insert—

“(ka) to monitor or assess the presence (or otherwise) of species that SNH consider to be outside of their native range.”.>

Beatrice Wishart

271 After section 33, insert—

<PART

MUIRBURN LICENCE

Muirburn licence

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is modified as follows.
- (2) In section 13 (application for muirburn licence), in subsection (2)—
 - (a) in paragraph (a), after sub-paragraph (vi), insert—

“(vii) training,”
 - (b) in paragraph (b), after sub-paragraph (iv), insert—

“(v) training,”
- (3) In section 14 (grant of muirburn licence)—
 - (a) in subsection (1)(b)—
 - (i) in sub-paragraph (i), for “necessary” substitute “appropriate”,
 - (ii) sub-paragraph (ii) is repealed,
 - (b) in subsection (2), in paragraph (b), for “(vi)” substitute “(vii)”.>

Emma Harper

273 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Modification of offences and penalties related to fishing

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 1 (methods of fishing: salmon), in subsection (6), for “level 4 on the standard scale” substitute “the statutory maximum for each salmon in respect of which the offence is committed”.
- (3) In section 2 (methods of fishing: freshwater fish), in subsection (1), for “level 4 on the standard scale” substitute “the statutory maximum”.
- (4) In section 5 (prohibition against using explosive and other noxious substances for the destruction or taking of fish)—
 - (a) in subsection (3)(a), for “the statutory maximum” substitute “£40,000”,
 - (b) after subsection (3), insert—
 - “(4) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under subsection (3) must be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.
- (5) In section 6 (fishing for salmon without right or permission)—
 - (a) in subsection (1), leave out “or takes”,
 - (b) after subsection (1), insert—
 - “(1A) Any person who without legal right, or without written permission from a person having such right, fishes for and takes salmon in any waters, including any part of the sea within 1.5 kilometres of mean low water springs, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding the statutory maximum.
 - (1B) Where an offence mentioned in subsection (1) or (1A) results in the destruction of more than one salmon, the maximum fine which may be imposed under those subsections must be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.
 - (c) in subsection (2), after “(1)” insert “or (1A)”.
- (6) In section 7 (illegal fishing by two or more persons acting together)—
 - (a) the existing text becomes subsection (1),
 - (b) in that subsection, in paragraph (a), for “the statutory maximum” substitute “£40,000”,
 - (c) after that subsection, insert—
 - “(2) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under that subsection shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.
- (7) In section 10 (offences in relation to passage of salmon)—
 - (a) in subsection (1), for “level 4 on the standard scale” substitute “the statutory maximum”,

(b) after subsection (1), insert—

“(1A) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under that subsection shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.

(8) In section 19 (salmon roe), in subsection (1), for “level 3 on the standard scale” substitute “£40,000”.

(9) In section 20 (possessing salmon which have been illegally taken, killed or landed), in subsection (2)(a), for “the statutory maximum” substitute “£40,000”.

(10) In section 23 (young salmon and spawning beds), in subsection (7), for “level 3 on the standard scale” substitute “£40,000”.

(11) In section 33A (unauthorised introduction of fish into inland waters), in subsection (5), for “level 3 on the standard scale” substitute “£40,000”.

(12) In section 38 (salmon conservation regulations), after subsection (7) insert—

“(7A) Any person who commits an offence under subsection (7) that results in a salmon being killed shall be liable for a fine not exceeding the statutory maximum.

(7B) Where an offence in accordance with regulations made under subsection (7) results in the destruction of more than one salmon, the maximum fine which may be imposed shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.>

Emma Harper

272 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Offences related to methods of fishing for salmon

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 1 (methods of fishing: salmon), in subsection (6), for “level 4 on the standard scale” substitute “the statutory maximum for each salmon in respect of which the offence is committed”.>

Emma Harper

274 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Offences related to methods of fishing for freshwater fish

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 2 (methods of fishing: freshwater fish), in subsection (1), for “level 4 on the standard scale” substitute “the statutory maximum”.>

Emma Harper

275 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Prohibition against using explosive and other noxious substances for the destruction or taking of fish: offences and penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 5 (prohibition against using explosive and other noxious substances for the destruction or taking of fish)—
 - (a) in subsection (3)(a), for “the statutory maximum” substitute “£40,000”,
 - (b) after subsection (3), insert—
 - “(4) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under subsection (3) must be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.>

Emma Harper

276 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Fishing for salmon without right or permission: offences and penalties

- (1) Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 6 (fishing for salmon without right or permission)—
 - (a) in subsection (1), leave out “or takes”,
 - (b) after subsection (1), insert—
 - “(1A) Any person who without legal right, or without written permission from a person having such right, fishes for and takes salmon in any waters, including any part of the sea within 1.5 kilometres of mean low water springs, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding the statutory maximum.
 - (1B) Where an offence mentioned in subsection (1) or (1A) results in the destruction of more than one salmon, the maximum fine which may be imposed under those subsections must be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”,
 - (c) in subsection (2), after “(1)” insert “or (1A)”.>

Emma Harper

277 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Illegal fishing by two or more persons acting together: offences and penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 7 (illegal fishing by two or more persons acting together)—
 - (a) the existing text becomes subsection (1),
 - (b) in that subsection, in paragraph (a), for “the statutory maximum” substitute “£40,000”,
 - (c) after that subsection, insert—

“(2) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under that subsection shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.>

Emma Harper

278 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Penalties for offences in relation to passage of salmon

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 10 (offences in relation to passage of salmon)—
 - (a) in subsection (1), for “level 4 on the standard scale” substitute “the statutory maximum”,
 - (b) after subsection (1), insert—

“(1A) Where an offence mentioned in subsection (1) results in the destruction of more than one salmon, the maximum fine which may be imposed under that subsection shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.>

Emma Harper

279 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Salmon roe: penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 19 (salmon roe), in subsection (1), for “level 3 on the standard scale” substitute “£40,000”.>

Emma Harper

280 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Salmon conservation regulations: offences and penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 38 (salmon conservation regulations), after subsection (7) insert—
 - “(7A) Any person who commits an offence under subsection (7) that results in a salmon being killed shall be liable for a fine not exceeding the statutory maximum.
 - (7B) Where an offence in accordance with regulations made under subsection (7) results in the destruction of more than one salmon the maximum fine which may be imposed shall be determined as if the person found guilty of the offence has been convicted of a separate offence in respect of each salmon.”.>

Emma Harper

281 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Possessing salmon which have been illegally taken, killed or landed: penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 20 (possessing salmon which have been illegally taken, killed or landed), in subsection (2)(a), for “the statutory maximum” substitute “£40,000”.>

Emma Harper

282 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Young salmon and spawning beds: offences and penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 23 (young salmon and spawning beds), in subsection (7), for “level 3 on the standard scale” substitute “£40,000”.>

Emma Harper

283 After section 33, insert—

<PART

MODIFICATION OF OFFENCES RELATED TO FISHING

Unauthorised introduction of fish into inland waters: penalties

- (1) The Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 is modified as follows.
- (2) In section 33A, in subsection (5), for “level 3 on the standard scale” substitute “£40,000”.>

Rachael Hamilton

284 After section 33, insert—

<PART

PROTECTION OF CERTAIN WILD ANIMALS

Protection of Langholm wild goat

Protection of Langholm wild goat

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In schedule 5—
 - (a) after the entry in the first column for “Frog, Common” insert—

“Goat, Langholm-Newcastleton (as a discreet population to
Langholm-Newcastleton hills in Scotland only”,
 - (b) at the corresponding place in the second column insert—

“Capra hircus (Langholm-Newcastleton Goat)”.>

Rachael Hamilton

285 After section 33, insert—

<PART

PROTECTION OF CERTAIN WILD ANIMALS

Sites of special scientific interest: protection of certain wild animals

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) In section 3 (duty to give notification of sites of special scientific interest)—
 - (a) in subsection (2), after “its” insert “wildlife or”,
 - (b) after subsection (5) insert—

“(5A) SNH must consider whether to make an SSSI notification in relation to land
which is the habitat of specific wildlife, including, but not exclusive to the
Langholm-Newcastleton Goat.”.
- (3) In section 19 (offences in relation to sites of special scientific interest), after subsection (1), insert—

“(1A) Intentional or reckless damage to a natural feature under subsection (1) may
include the taking or killing of certain wild animals as specified in the SSSI
notification.”.>

Rachael Hamilton

286 After section 33, insert—

<PART

PROTECTION OF CERTAIN WILD ANIMALS

Protection of certain wild goats

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) After section 12 (protection of certain mammals), insert—

“12A Protection of certain wild goats

- (1) The Scottish Ministers may, by regulations, make provision for the protection of certain wild goats.
- (2) Regulations under subsection (1) may, without consultation with the local community, make it an offence to kill, capture or recklessly disturb any wild goats in the Langholm and Newcastleton hills, where those hills are considered to be in Scotland.
- (3) Regulations under subsection (1) may make such other provision as the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.>

Rachael Hamilton

287 After section 33, insert—

<PART

WILDFIRES

Report on wildfires

Report on wildfires

- (1) The Scottish Ministers must, in respect of each reporting period, prepare and publish a report on wildfires in Scotland.
- (2) The report must consider—
 - (a) the impact of wildfire on habitats of wildlife,
 - (b) the impact of wildfire on conservation of the natural environment,
 - (c) the availability of fire services to manage wildfires, and
 - (d) any other matters that the Scottish Ministers consider appropriate.
- (3) The report must include data on greenhouse gas emissions resulting from wildfires.
- (4) For the purposes of this section, “reporting period” means—
 - (a) the period of two years beginning with the day of Royal Assent, and
 - (b) each subsequent period of two years.>

Rachael Hamilton

288 After section 33, insert—

<PART

REPORT ON MOORLAND

Report on moorland

- (1) The Scottish Ministers must, before the expiry of 12 months beginning with the day of Royal Assent, prepare and publish a report on—
 - (a) the proportion of land in Scotland that is moorland,
 - (b) the rate of moorland habitat loss, broken down by region,
 - (c) the land uses that are replacing moorlands,
 - (d) the consequences of moorlands being replaced with other land uses.
- (2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.
- (3) For the purposes of this section “moorland” may refer to a wide range of habitats, including—
 - (a) open areas where heather (*Calluna vulgaris*) is dominant and other dwarf shrubs such as bilberry (*Vaccinium myrtillus*) and crowberry (*Empetrum nigrum*) are present,
 - (b) wetter areas of raised bog or blanket bog where sphagnum mosses and cotton-grasses may be dominant,
 - (c) acid grassland areas where purple moor-grass (*Molinia caerulea*) is dominant, which may be areas where over-grazing has reduced heather and dwarf shrub cover,
 - (d) areas with heather in the understorey of scattered trees or shrubs like rowan (*Sorbus aucuparia*), birch (*Betula pubescens*), scots pine (*Pinus sylvestris*) and juniper (*Juniperus communis*), which may include transitional habitats and areas on the fringes of woodland, and
 - (e) areas of coastal heathland where thin soils and high levels of exposure prevent vegetation succession, and coastal specialists like thrift (*Armeria maritima*) and sea campion (*Silene uniflora*) complement typical heathland vegetation.>

Rachael Hamilton

289 After section 33, insert—

<PART

REVIEW OF RELATIONSHIP BETWEEN RURAL CRIME, FOOD PRODUCTION AND THE NATURAL ENVIRONMENT

Review of relationship between rural crime, food production and the natural environment

- (1) The Scottish Ministers must, before the expiry of 2 years beginning with the day after Royal Assent, undertake a review of the relationship between rural crime, food production and the natural environment.
- (2) The review must consider the impact of rural crime and, in particular, the theft of machinery, tools and vehicles in rural areas on—
 - (a) food production,
 - (b) soil health,
 - (c) climate,

- (d) water sustainability.
- (3) As soon as reasonably practicable after completing the review, the Scottish Ministers must—
 - (a) prepare and publish a report on the review, and
 - (b) lay a copy of the report before the Scottish Parliament.>

Rachael Hamilton

290 After section 33, insert—

<PART

REVIEW OF RELATIONSHIP BETWEEN INFRASTRUCTURE FOR RENEWABLE ENERGY, FOOD PRODUCTION
AND THE NATURAL ENVIRONMENT

**Review of relationship between infrastructure for renewable energy, food production
and the natural environment**

- (1) The Scottish Ministers must, before the expiry of 2 years beginning with the day after Royal Assent, undertake a review of the relationship between infrastructure for renewable energy, food production and the natural environment.
- (2) The review must consider—
 - (a) where infrastructure for renewable energy is constructed,
 - (b) whether the land used for this infrastructure is suitable for food production,
 - (c) what impact (if any) infrastructure for renewable energy has on—
 - (i) soil health,
 - (ii) climate,
 - (iii) water sustainability.
- (3) As soon as reasonably practicable after completing the review, the Scottish Ministers must—
 - (a) prepare and publish a report on the review, and
 - (b) lay a copy of the report before the Scottish Parliament.>

Rachael Hamilton

291 After section 33, insert—

<PART

REPORT ON SQUIRREL POX VIRUS

Report on squirrel pox virus

- (1) The Scottish Ministers must, before the expiry of the period of 2 years beginning with the day after Royal Assent, conduct a review on the impact of the spread of squirrel pox virus on red squirrels.
- (2) The review must consider—
 - (a) the impact of squirrel pox virus on red squirrels in each local authority area,
 - (b) the spread, if any, of squirrel pox virus in each local authority area,

- (c) what action, if any, must be taken to tackle the spread of squirrel pox virus, and
 - (d) such other matters as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers may delegate their duty to conduct a review to—
- (a) local authorities,
 - (b) Scottish Natural Heritage.
- (4) The Scottish Ministers must, where they have delegated their duty under subsection (3), allocate additional resource to local authorities or, as the case may be, SNH, to fund the cost of conducting the review.
- (5) As soon as reasonably practicable after completing the review under subsection (1), the Scottish Ministers must—
- (a) prepare and publish a report on the review,
 - (b) lay the report before the Scottish Parliament.>

Rachael Hamilton

292 After section 33, insert—

<PART

RED SQUIRREL AWARENESS CAMPAIGN

Red squirrel awareness campaign

- (1) The Scottish Ministers must establish a campaign to promote awareness of the preservation and control of red squirrels.
- (2) The Scottish Ministers must engage with relevant stakeholders when designing and implementing a campaign.>

Rachael Hamilton

293 After section 33, insert—

<PART

NON-NATIVE SPECIES

Review on changes to 1981 Act

- (1) The Scottish Ministers must, before the expiry of 2 years beginning with the day after Royal Assent, undertake a review on whether any legislative change is required to further separate provision for non-native animals and non-native plants within the Wildlife and Countryside Act 1981.
- (2) The review must, in particular, consider whether—
 - (a) current control measures protect red squirrels from non-native grey squirrels,
 - (b) current control measures prevent the spread of squirrel pox virus to grey squirrels,
 - (c) the time frame for implementation of a species control order is appropriate for the protection of red squirrels,
 - (d) the right of appeal by landowners prevents the protection of red squirrels, and
 - (e) any legislative change is required.

- (3) As soon as reasonably practicable after completing the review, the Scottish Ministers must—
 - (a) prepare and publish a report on the review, and
 - (b) lay the report before the Scottish Parliament.>

Ross Greer

294 After section 33, insert—

<PART

MARINE ENFORCEMENT

Marine enforcement

- (1) Section 4 of the Inshore Fishing (Scotland) Act 1984 (offences.) is modified as follows.
- (2) In subsection (2), for “£5,000” substitute “£50,000”.
- (3) In subsection (4)—
 - (a) in paragraph (a), for “not exceeding” substitute “equivalent to”,
 - (b) in paragraph (b), after “offence,” insert “or, alternatively, impose a fine equivalent to the value of such net or other fishing gear,”.
- (4) After subsection (4) insert—
 - “(5) Where an offence under this section is committed in a protected area, the court by or before which a person is convicted of an offence under this section must, in addition to imposing any penalty under subsection (2) above—
 - (a) order the forfeiture of any fish in respect of which the offence was committed or, alternatively, impose a fine equivalent to the value of such fish,
 - (b) order the forfeiture of any net or other fishing gear used in the commission of the offence or, alternatively, impose a fine equivalent to the value of such net or other fishing gear,and any fish or gear forfeited under this subsection shall be disposed of as the court may direct.
- (6) For the purposes of subsections (4) and (5), it shall be presumed, unless the contrary is proven, that all fish on board the fishing boat at the time of the offence were fish in respect of which the offence was committed.
- (7) For the purposes of subsection (5), “protected area” means—
 - (a) any area which is a marine protected area designated under subsection 67(1) of the Marine (Scotland) Act 2010, or
 - (b) a “relevant conservation site” listed under subsection 79(4) of the Marine (Scotland) Act 2010.”.>

Ross Greer

295 After section 33, insert—

<PART

MARINE ENFORCEMENT

Marine enforcement

- (1) The Aquaculture and Fisheries (Scotland) Act 2007 is modified as follows.
- (2) In section 27 (amount and payment of fixed penalty)—
 - (a) in subsection (1), for “£10,000” substitute “£13,000”,
 - (b) after subsection (1) insert—
 - “(1A) The Scottish Ministers must review the maximum penalty under subsection (1) at least once every five years.
 - (1B) The first review under subsection (1A) must be carried out within five years of section 1 of the Natural Environment (Scotland) Act 2026 coming into force.
 - (1C) Following each review under subsection (1A), Scottish Ministers may by order substitute for the sum specified in subsection (1) such other greater sum as appears to them to be justified, taking into account matters including inflation.”
- (3) In section 43 (Orders.), in subsection (3)(a), after “4A(6)” insert “, 27(1C)”.>

Ross Greer

296 After section 33, insert—

<PART

MARINE ENFORCEMENT

Marine enforcement

- (1) Section 30 of the Aquaculture and Fisheries (Scotland) Act 2007 (restriction on proceedings and notification of procurator fiscal) is modified as follows.
- (2) After subsection (4), insert—
 - “(5) Where a person is convicted of an offence to which a notice relates, the court must impose a fine no less than 50 per cent higher than the amount of the fixed penalty stated in the notice.”.>

Ross Greer

297 After section 33, insert—

<PART

MARINE ENFORCEMENT

Marine enforcement

- (1) Section 25 of the Aquaculture and Fisheries (Scotland) Act 2007 (issue of fixed penalty notices) is modified as follows.
- (2) After subsection (1), insert—
 - “(1A) Where the person issued a fixed penalty notice under subsection (1) is the master of the vessel used in the commission of the suspected offence, a fixed penalty notice must also be issued to the owner and the charterer (where applicable) of

the vessel, where they are not the same person, unless the owner or charterer (as the case may be)—

- (a) did not know the offence was being committed, and
- (b) took all reasonable steps and exercised all due diligence to prevent the offence being committed.”.>

Ross Greer

298 After section 33, insert—

<PART

MARINE ENFORCEMENT

Marine enforcement

- (1) Section 94 of the Marine (Scotland) Act 2010 (offences: contravening a marine conservation order) is modified as follows.
- (2) After subsection (3), insert—
 - “(3A) Where an offence under subsection (1) is committed in the course of sea fishing—
 - (a) subsection (3) does not apply,
 - (b) the master, the owner and the charterer (if any) of any vessel used in the commission of the offence shall each be guilty of the offence,
 - (c) the court by or before which a person is convicted of an offence under this section must, in addition to imposing any penalty under subsection (2) above—
 - (i) order the forfeiture of any fish in respect of which the offence was committed or, alternatively, impose a fine equivalent to the value of such fish,
 - (ii) order the forfeiture of any net or other fishing gear used in the commission of the offence, or, alternatively, impose a fine equivalent to the value of such net or other fishing gear.
 - (3B) Any fish or any net or other fishing gear forfeited under subsection (3A) shall be disposed of as the court may direct.
 - (3C) For the purposes of this section, it shall be presumed, unless the contrary is proven, that all fish on board the fishing boat at the time of the offence was fish in respect of which the offence was committed.”.>

Ross Greer

299 After section 33, insert—

<PART

SIGNIFICANT ENVIRONMENTAL HARM

Significant environmental harm

- (1) Section 40 of the Regulatory Reform (Scotland) Act 2014 (Significant environmental harm: offence) is modified as follows.

- (2) In subsection (7), in paragraph (a)(i), for “£40,000” substitute “£100,000”.>

Ross Greer

- 300** After section 33, insert—

<PART

SIGNIFICANT ENVIRONMENTAL HARM

Significant environmental harm

- (1) Section 40 of the Regulatory Reform (Scotland) Act 2014 (significant environmental harm: offence) is modified as follows.
- (2) After subsection (7), insert—
- “(7A) The Scottish Ministers must by regulations amend this section to replicate the penalties in EU Directive 2024/1203, with particular consideration to setting maximum levels of fines as a percentage of the total worldwide turnover of the legal person concerned.”.>

Ariane Burgess

- 301** After section 33, insert—

<PART

WRASSE MANAGEMENT

Marine conservation order: wrasse

- (1) The Aquaculture and Fisheries (Scotland) Act 2007 is modified as follows.
- (2) After section 38, insert—

“38A Protection of wrasse

- (1) Subject to subsection (3), a person is guilty of an offence under this section if the person fishes for or takes any wrasse species from—
- (a) any Special Area of Conservation designated under the Conservation (Natural Habitats, &c.) Regulations 1994 for which rocky reefs are a qualifying conservation feature, or
- (b) any marine protected area designated under section 67 for which kelp and seaweed on sublittoral sediment are a protected feature.
- (2) Subject to subsection (3), a person commits an offence under this section if the person fishes for or takes any wrasse species from any part of the Scottish marine area in the period between the last day in March and the first day in September in any given year.
- (3) It is not an offence under subsections (1) or (2) to fish for or take wrasse by single rod and line, where the rod is being held by the person, if the wrasse is returned at once to the water from which it came with the least possible injury.
- (4) A person who is guilty of an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding £50,000,
- (b) on conviction on indictment, to a fine.

- (5) Where a fishing boat is used in the commission of an offence under subsections (1) or (2), the master, the owner and the charterer (if any) shall each be guilty of that offence.
- (6) For the purposes of this section—
 - (a) “wrasse species” includes
 - (i) *Centrolabrus exoletus*,
 - (ii) *Ctenolabrus rupestris*,
 - (iii) *Labrus bergylta*,
 - (iv) *Labrus mixtus*, and
 - (v) *Symphodus melops*,
 - (b) “Scottish marine area” has the same meaning as section 1 of the Marine (Scotland) Act 2010.”.>

Ariane Burgess

302 After section 33, insert—

<PART

NON-NATIVE SPECIES

Access to monitor and assess non-native species

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) In section 44 (powers of entry: authorised persons), in subsection (1), after paragraph (k), insert—
 - “(ka) to monitor or assess the presence (or otherwise) of species that SNH consider to be outside of their native range, for the purposes of exercising any function under—
 - (i) this Act, or
 - (ii) sections 14 to 14P of the Wildlife and Countryside Act 1981 (in accordance with the code of practice made under section 14C of that Act),”.>

Ariane Burgess

303 After section 33, insert—

<PART

NATURE CONSERVATION AND LAND MANAGEMENT

Nature conservation and land management

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) In section 23 (nature conservation orders)—
 - (a) after subsection (1), insert—

- “(1A) For the purposes of subsection (1), “damage” includes—
- (a) progressive or chronic deterioration of any natural feature, habitat or species for which a site is designated, whether or not caused by a single act or omission,
 - (b) deterioration arising from insufficient, inadequate or inappropriate management, including under-grazing or over-grazing, and
 - (c) deterioration due to the establishment, spread or failure to control invasive non-native species.”.
- (b) after subsection (2), insert—
- “(2A) An order under this section may require the taking of specified management or restorative actions for the purpose of maintaining or improving the condition of any natural feature, habitat or species for which a site is designated.”.
- (3) In section 29 (proposals for land management orders)—
- (a) after subsection (2), insert—
- “(2A) A land management order may be made where Scottish Ministers are satisfied that action is necessary to prevent progressive or chronic deterioration of any natural feature, habitat or species for which the land is designated, including where such deterioration is caused by under-grazing, over-grazing or invasive non-native species.
- (2B) A land management order may require the taking of specified management or restorative actions for the purpose of maintaining or improving the condition of any natural feature, habitat or species for which the land is designated.”.
- (4) After section 29 (proposals for land management orders), insert—
- “29A Duty to consider restoration**
- (1) In exercising functions under sections 23 to 29, Scottish Ministers must have regard to the desirability of securing active restoration of natural features, habitats and species in a degraded or declining condition.
 - (2) In this section “restoration” includes measures to reverse deterioration, enhance ecological condition, and prevent further decline.”>

Mercedes Villalba

304 After section 33, insert—

<PART

PLANTING PERMISSION: ENVIRONMENTAL IMPACT ASSESSMENTS

Planting permission: Environmental Impact Assessments

- 5 (1) Any public funding for tree planting on land to which subsection (2) applies must only be provided if an Environmental Impact Assessment has been completed.
- (2) The land to which subsection (1) applies is land—
- (a) of 50 hectares or above,

- 10 (b) where the cumulative area of land held by the person receiving support would be 50 hectares or above if—
- (i) adjoined with or adjacent to existing or proposed woodland also held by the person receiving support, and
 - (ii) support is being provided for the same activity across the cumulative landholding,
- 15 (c) that is a sensitive area, including—
- (i) a Site of Special Scientific Interest,
 - (ii) land to which an order has been made under section 23 of the Nature Conservation (Scotland) Act 2004,
 - 20 (iii) an area classified as a National Park under section 6(1) of the National Parks (Scotland) Act 2000,
 - (iv) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the Worlds Cultural and Natural Heritage,
 - (v) a scheduled monument within the meaning of the Ancient Monuments and 25 Archaeological Areas Act 1979,
 - (vi) a National Scenic Area as designated by a direction made by Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997,
 - (vii) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994,
 - 30 (viii) an area with deep peat soil which is organic soil containing more than 60 per cent organic matter and exceeds 30 centimetres in thickness.>

Mercedes Villalba

304A As an amendment to amendment 304, line 31, leave out <30> and insert <50>

Mercedes Villalba

304B As an amendment to amendment 304, line 31, leave out <30> and insert <40>

Douglas Lumsden

305 After section 33, insert—

<PART

ALTERNATIVE ASSESSMENTS CODE

Alternative assessments code

- (1) The Scottish Ministers must prepare an alternative assessments code for electricity infrastructure.
- (2) The code must set out how underground and subsea alternatives to overhead transmission lines and related above-ground infrastructure are to be assessed against cost, biodiversity net-impact, resilience, and landscape, including—
 - (a) the methodology to be used,

- (b) the comparators to be used,
 - (c) the minimum evidence base required for decision making, and
 - (d) how decisions should be independently reviewed.
- (3) The code must be approved by resolution of the Scottish Parliament.
- (4) Scottish Ministers must not grant consent for new overhead transmission lines above 400,000 volts until a resolution under subsection (3) has been agreed.>

Douglas Lumsden

306 After section 33, insert—

<PART

ELECTRICITY INFRASTRUCTURE

Electricity infrastructure

- (1) Where energy infrastructure is of a type listed in subsection (2), a planning authority may only grant permission for the installation of the infrastructure where—
- (a) community support for the infrastructure has been demonstrated through—
 - (i) a local community ballot, or
 - (ii) a local community petition, or
 - (b) the Scottish Ministers are satisfied that—
 - (i) it would be in the overriding public interest for the infrastructure to be installed, and
 - (ii) enhanced mitigation measures will be put in place.
- (2) The infrastructure is infrastructure—
- (a) which generates over 50 megawatts,
 - (b) is a transmission project, or
 - (c) is a large-scale battery energy storage system.
- (3) Before applying for planning permission for electricity infrastructure of a type mentioned in subsection (2), the applicant must publish a comparative assessment which covers—
- (a) lifecycle costs,
 - (b) net-impact on biodiversity,
 - (c) impact on landscape,
 - (d) resilience,
 - (e) impact on agriculture, soil and plant biosecurity.
- (4) The assessment published under subsection (3) must be independently reviewed.
- (5) In relation to applications to install the type of electricity infrastructure mentioned in subsection (2)(c)—
- (a) the Scottish Fire and Rescue Service must be consulted by the planning authority,
 - (b) the application must be accompanied by—
 - (i) a site-specific thermal-runaway risk plan,

- (ii) an emergency response plan,
 - (iii) dispersion modelling as part of any EIA or consent conditions to be imposed.
- (6) The Scottish Ministers must by regulations establish a statutory fund, to be paid for by energy infrastructure developers, for the purposes of providing funding—
 - (a) to compensate households for the impact of energy infrastructure,
 - (b) to local projects,
 - (c) habitat restoration.
- (7) Regulations under subsection (6) may make further provision about the fund, including in relation to its administration, audit and annual reporting.
- (8) Regulations under subsection (6) are subject to the affirmative procedure.
- (9) The Scottish Ministers may, by regulations may make such further provision as they consider necessary in relation to this section.
- (10) Regulations under subsection (9)—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
 - (b) otherwise are subject to the negative procedure.>

Douglas Lumsden

307 After section 33, insert—

<PART

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Access to justice in environmental matters

- (1) The Scottish Ministers must establish a scheme for the purpose of ensuring access to justice in environmental matters.
- (2) The scheme under subsection (1) must, in particular, ensure that communities are able to fund environmental legal action.
- (3) The Scottish Ministers may by regulations make further provision about the scheme to be established under subsection (1).
- (4) Regulations under subsection (3) are subject to the affirmative procedure.>

Rachael Hamilton

334 After section 33, insert—

<PART

ENERGY DEVELOPMENTS IN SITES OF SPECIAL SCIENTIFIC INTEREST

Prohibition of energy developments in sites of special scientific interest

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) After section 11 (effect of SSSI notification), insert—

“11A Prohibition of energy developments in sites of special scientific interest

No person may construct any energy development, including renewable energy installations, within the boundaries of a site of special scientific interest notified under this Act.”>

Douglas Ross

336 After section 33, insert—

<PART

REPORTING ON FUTURE FARM INVESTMENT SCHEME

Reporting on Future Farm Investment Scheme

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period—
 - (a) prepare a report setting out the basis upon which applications to the Future Farm Investment Scheme were—
 - (i) awarded,
 - (ii) refused,
 - (b) publish the report in such manner as they consider appropriate, and
 - (c) lay a copy of the report before the Scottish Parliament.
- (2) The report under subsection (1) must contain information about—
 - (a) the criteria and weightings used for the formal assessment and scoring of applications,
 - (b) the total number of—
 - (i) applications received,
 - (ii) applications that received funding, and
 - (iii) applications rejected,
 - (c) the geographical distribution, size of holding, and nature of farming activity of both successful and unsuccessful applicants, aggregated and anonymised so as to comply with the Data Protection Act 2018,
 - (d) the average and median scores awarded to successful and unsuccessful applications against the criteria specified in paragraph (a),
 - (e) whether any external consultants and computerised programmes were used to consider applications,
 - (f) action that may be taken to improve the scheme,
 - (g) any other information that the Scottish Ministers consider relevant.
- (3) Before publishing the report under subsection (1), the Scottish Ministers must consult—
 - (a) persons with knowledge, expertise and experience of farming and agriculture,
 - (b) such other persons as they consider appropriate.
- (4) Following the publication of each report, the Scottish Ministers must—
 - (a) inform all applicants whose application was rejected the reason for their application being rejected,

- (b) inform all applicants that were considered ineligible the reason why they were considered to be ineligible.
- (5) For the purposes of subsection (1), “reporting period” means—
 - (a) the period of 1 year beginning with the day of Royal Assent,
 - (b) each subsequent period of 1 year where the Future Farm Investment Scheme is in operation.>

Jamie Halcro Johnston

337 After section 33, insert—

<PART

ENVIRONMENTAL FARMING SCHEMES

Reporting on environmental farming schemes

- (1) The Scottish Ministers must, for each financial year, prepare and publish a report setting out the basis on which applications to any environmental farming scheme were—
 - (a) awarded funding,
 - (b) refused funding.
- (2) A report under subsection (1) must include all permissible data relating to the—
 - (a) criteria and weightings used for the formal assessment and scoring of applications,
 - (b) total number of—
 - (i) applications received,
 - (ii) applications selected for funding, and
 - (iii) applications rejected,
 - (c) geographical distribution, size of holding, and nature of farming activity of both successful and unsuccessful applicants, aggregated and anonymised so as to comply with the Data Protection Act 2018,
 - (d) average and median scores awarded to successful and unsuccessful applications against the criteria specified in paragraph (a).
- (3) The Scottish Ministers must lay a copy of a report under subsection (1) before the Scottish Parliament.
- (4) The report under subsection (1) must be published in such manner as the Scottish Ministers consider appropriate to ensure accessibility to Parliament, stakeholders and the public.
- (5) For the purposes of this section—
 - “environmental farming scheme” includes—
 - (a) the Future Farm Investment Scheme,
 - (b) any other environmental farming scheme that the Scottish Ministers consider relevant,
 - “permissible data” means data that can be disclosed without contravening—
 - (a) the Data Protection Act 2018 or any such other enactment relating to the protection of personal data,

- (b) any duty of confidentiality owed to an applicant.>

Finlay Carson

338 After section 33, insert—

<PART

SCALLOP SHELLS

Clean scallop shells: exclusion from waste and animal by-product controls

- (1) The Scottish Ministers must, by regulations, provide that clean, tissue-free shells of King scallops (*Pecten maximus*) and Queen scallops (*Aequipecten opercularis*) are not treated as—
- (a) waste for the purposes of—
 - (i) the Environmental Protection Act 1990 (or any subordinate legislation made under that Act),
 - (ii) the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226),
 - (iii) the Waste (Scotland) Regulations 2012 (S.S.I. 2012/148),
 - (b) animal by-products for the purposes of the Animal By-Products (Enforcement) (Scotland) Regulations 2013 (S.S.I. 2013/307),
- when used for any of the purposes listed in subsection (2).
- (2) The purposes are—
- (a) soil improvement or conditioning,
 - (b) habitat restoration or enhancement, including marine and coastal projects,
 - (c) erosion control or shoreline protection,
 - (d) construction or landscaping applications,
 - (e) aquaculture or shellfish bed regeneration,
 - (f) any other purpose specified by the Scottish Ministers in regulations under subsection (1) as contributing to biodiversity, climate mitigation or circular economy objectives.
- (3) For the purposes of subsection (1), “clean, tissue-free shells” means shells—
- (a) from which all animal tissue and organic matter have been completely removed, and
 - (b) that have been processed and handled in a manner that prevents risk to animal or public health, having regard to—
 - (i) Regulation (EC) No 1069/2009 of the European Parliament and of the Council, and
 - (ii) Commission Regulation (EU) No 142/2011.
- (4) Nothing in this section affects the status of shellfish shells with residual soft tissue or flesh attached, which continue to be Category 3 animal by-products and remain subject to existing controls.
- (5) Regulations under subsection (1) may, in particular, make provision relating to—
- (a) standards and certification for shell cleaning and processing,
 - (b) record-keeping and traceability requirements,

- (c) conditions or limitations on the use of shells to protect the environment and public health,
 - (d) labelling and information requirements for consignments placed on the Scottish market for the purposes listed in subsection (2).
- (6) Before making regulations under subsection (1), the Scottish Ministers must consult—
- (a) the Scottish Environment Protection Agency,
 - (b) the Animal and Plant Health Agency,
 - (c) Food Standards Scotland,
 - (d) local authorities,
 - (e) such persons as they consider are representative of those with an interest in matters relating to fisheries,
 - (f) such other persons as they consider appropriate.
- (7) Regulations under subsection (1) are subject to the affirmative procedure.>

Before section 34

Jim Fairlie

35 Before section 34, insert—

<Licensing: land on which certain birds may be killed or taken

- (1) Section 16AA of the Wildlife and Countryside Act 1981 (“the 1981 Act”) (licensing: land on which certain birds may be killed or taken) is modified in accordance with subsections 5 (2) to (5).
- (2) In subsection (4), for paragraph (c), substitute—
 - “(c) describe the area of land to which the applicant proposes the licence should relate.”.
- (3) After subsection (5) insert—
 - 10 “(5A) The relevant authority may—
 - (a) propose a different area to which the licence is to relate from that described in the application, and
 - (b) if unable to reach agreement with the applicant as to what is an appropriate area of land to which the licence is to relate, refuse the application.”.
- (4) In subsection (9)(b)(ii)(A), for the words “on the land” substitute “that supports or benefits the activities permitted by the licence.”.
- (5) After subsection (9) insert—
 - 15 “(9A) The relevant authority may not modify a licence under subsection (9)(a) to identify a different area of land to which the licence relates from that which was identified 20 when the licence was granted without the prior agreement of the licence holder.”.
- (6) The relevant authority may not suspend or revoke a relevant section 16AA licence under section 16AA(9)(b)(ii)(A) of the 1981 Act, as amended by subsection (4) of this section, in relation to a relevant offence (or conduct which the relevant authority is satisfied constitutes such an offence) committed prior to the coming into force of subsection (4),

25 unless the relevant offence (or conduct) was committed on the land to which the licence relates.

(7) For the purpose of subsection (6)—

(a) “relevant authority” and “relevant offence” are to be construed in accordance with section 16AA(13) of the 1981 Act,

30 (b) “section 16AA licence” is to be construed in accordance with section 16AA(1) of the 1981 Act and a “relevant section 16AA licence” means a section 16AA licence which was granted prior to the coming into force of this section.>

Rachael Hamilton

35A As an amendment to amendment 35, leave out lines 11 and 12

Rachael Hamilton

35B As an amendment to amendment 35, line 20, at end insert—

<(9B) The relevant authority must, before making any modifications to a section 16AA licence, consult—

(a) landowners,

(b) such other persons as the relevant authority considers may be affected by, or otherwise have an interest in, the modification to the section 16AA licence.>

After section 34

Gillian Martin

102 After section 34, insert—

<Procedure to approve improvement plans

(1) Section 30 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (improvement plan) is modified as follows.

(2) In subsection (3), in the opening words after “Parliament” insert “for approval”.

(3) In subsection (5)—

(a) in the opening words, for the words from “, within” to “approved” substitute “the Parliament does not resolve to approve the plan”,

(b) in paragraph (b), for “resolved not to approve the plan” substitute “did not resolve to approve the plan”.

(4) Subsection (8) is repealed.>

Section 36

Douglas Lumsden

308 In section 36, page 31, line 10, at end insert—

<() For the avoidance of doubt, regulations under this section may modify any enactment relating to planning or energy infrastructure that is necessary to give full effect to Part (*electricity infrastructure*).>

Section 37

Beatrice Wishart

309 In section 37, page 31, line 16, after <sections> insert <1,>

Tim Eagle

310 In section 37, page 31, line 18, at end insert—

<() But regulations under subsection (2) bringing into force any or all of sections 10 to 33 may not be made until such time as a draft of the code of practice required under section 5A of the 1996 Act is laid before the Parliament.>

Tim Eagle

311 In section 37, page 31, line 18, at end insert—

<() Regulations under subsection (2) bringing into force any or all of sections 10 to 33 are subject to the affirmative procedure. >

Rachael Hamilton

335 In section 37, page 31, line 18, at end insert—

<() But regulations under subsection (2) bringing into force section (licensing: land on which certain birds may be killed or taken) may not be made until such time as the Scottish Ministers have consulted—

- (a) landowners,
- (b) any persons who are likely to be affected by, or otherwise have an interest in, licensing under section 16AA of the Wildlife and Countryside Act 1981,
- (c) such other persons as the Scottish Ministers consider appropriate.>

Section 38

Mark Ruskell

33 In section 38, page 31, line 23, leave out <Natural Environment> and insert <Nature Emergency>

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