

# Natural Environment (Scotland) Bill

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## Revised Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 38

Long Title

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

### Section 1

#### Beatrice Wishart

**165** In section 1, page 1, line 10, at end insert—

<( ) In section 1—

(a) after subsection (1) insert—

“(1A) In complying with the duty imposed by subsection (1), a body or office-holder must facilitate—

(a) the implementation of any strategy designated under section 2(1), and

(b) the meeting of any target set under section 2C.”.

(b) in subsection (2), paragraph (a) is repealed.>

#### Sarah Boyack

**103** In section 1, page 1, line 14, leave out from <supporting> to the end of line 18 and insert <halting and reversing biodiversity loss in Scotland.>

#### Lorna Slater

**36** In section 1, page 1, line 15, at end insert—

<(za) ensuring that at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration,>

#### Mark Ruskell

**18** In section 1, page 1, line 20, leave out <may> and insert <must>

#### Mercedes Villalba

**19** In section 1, page 1, line 23, leave out <or extent of any habitat> and insert <of one or more habitats of conservation importance>

**Mercedes Villalba**

- 20 In section 1, page 1, line 23, at end insert—  
<(ia) the extent of one or more habitats of conservation importance,>

**Mercedes Villalba**

- 42 In section 1, page 1, line 23, at end insert—  
<(ia) the restoration of natural processes,>

**Mercedes Villalba**

- 43 In section 1, page 1, line 23, at end insert—  
<(ia) the condition of marine and terrestrial ecosystems,>

**Mercedes Villalba**

- 44 In section 1, page 1, line 23, at end insert—  
<(ia) the status of keystone species,>

**Mercedes Villalba**

- 21 In section 1, page 1, line 24, after <of> insert <species, including but not limited to>

**Evelyn Tweed**

- 104 In section 1, page 1, line 24, leave out <threatened species> and insert <any species (including in particular those which are or may become threatened),>

**Mercedes Villalba**

- 105 In section 1, page 1, line 24, leave out <threatened species> and insert <species of conservation concern,>

**Mercedes Villalba**

- 22 In section 1, page 2, line 1, after <regeneration,> insert—  
<(iv) the ecological connectivity of natural habitats,>

**Sarah Boyack**

- 34 In section 1, page 2, line 1, after <regeneration,> insert—  
<(iv) the condition of designated natural features on protected sites and marine protected sites,>

**Beatrice Wishart**

- 166 In section 1, page 2, line 1, after <regeneration,> insert—  
<(iv) the reversal of biodiversity loss against a historic baseline,>

**Ariane Burgess**

- 167 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the date by which Scotland’s Atlantic rainforest is to be restored and its size doubled,>

**Ariane Burgess**

- 168 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the status of missing native species, in particular the Eurasian lynx (*Lynx lynx*),>

**Ariane Burgess**

- 169 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the population size and extent, in Scottish waters, of the following species of whale—
    - (A) fin (*Balaenoptera physalus*),
    - (B) gray (*Eschrichtius robustus*),
    - (C) humpback (*Megaptera novaeangliae*),
    - (D) Common minke whale,
    - (E) North Atlantic right whale (*Balaenoptera acutorostrata*),>

**Ariane Burgess**

- 170 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the extent of sea grass and kelp habitats,>

**Ross Greer**

- 171 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the population size and extent of red squirrel (*Sciurus vulgaris*),>

**Douglas Lumsden**

- 172 In section 1, page 2, line 1, after <regeneration,> insert—
- <(iv) the impacts of electricity infrastructure on biodiversity, including—
    - (A) overhead vs underground/subsea routeing indicators,
    - (B) habitat fragmentation,
    - (C) bird/bat strike risk,
    - (D) a “pylons-as-last-resort” indicator showing undergrounding/subsea was reasonably ruled out,>

**Mark Ruskell**

- 23 In section 1, page 2, line 3, at end insert—

<(1A) Regulations under subsection (1) may make provision for and in connection with targets in relation to any habitat or species, regardless of whether that habitat or species is rare or threatened.>

**Mercedes Villalba**

106 In section 1, page 2, line 3, at end insert—

<(1A) For the purposes of subsection (1)(a)(ii), “species of conservation concern” means species—

- (a) which are currently at risk of national extinction, or
- (b) where populations are declining or at risk of decline, including both rare and common species.>

**Ariane Burgess**

45 In section 1, page 2, line 5, at end insert—

<(za) set targets for at least ten marine habitats,>

**Ariane Burgess**

46 In section 1, page 2, line 5, at end insert—

<(za) set separate targets for inshore marine habitats and offshore marine habitats,>

**Ariane Burgess**

173 In section 1, page 2, line 5, at end insert—

<(za) set a target that restricts demersal mobile fishing gear in at least 30% of Scotland’s inshore waters,>

**Sarah Boyack**

107 In section 1, page 2, line 7, after <subsection> insert—

<(aa) set at least one target in respect of the impacts of inshore fishing activities on the restoration or regeneration of biodiversity,>

**Maurice Golden**

174 In section 1, page 2, line 7, leave out from <and> to end of line 9

**Sarah Boyack**

108 In section 1, page 2, line 9, at end insert—

<(2A) The Scottish Ministers may, in setting a target under subsection (2)(aa), make further provision about the indicators under paragraph (b) of that subsection, including in relation to—

- (a) the percentage extent of Scottish inshore seabed subject to mobile fishing gear that contacts the seabed,
- (b) by-catch rates or indices of species or habitats sensitive to fishing,

(c) the proportion of inshore fishing effort employing lower-impact gears.>

**Maurice Golden**

176 In section 1, page 2, line 9, at end insert—

<(2A) In preparing regulations under subsection (1) the Scottish Ministers must have regard to the target-setting criteria in section 2CA.>

**Ariane Burgess**

175 In section 1, page 2, line 9, at end insert—

<(2A) For the purposes of subsection (2)(aa), “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.>

**Tim Eagle**

177 In section 1, page 2, leave out lines 10 to 14

**Sarah Boyack**

109 In section 1, page 2, line 13, leave out <section 1 of> and insert <the Bill for>

**Sarah Boyack**

178 In section 1, page 2, line 14, leave out <coming into force> and insert <receiving Royal Assent>

**Maurice Golden**

179 In section 1, page 2, line 14, at end insert—

<(3A) On the same day as laying a draft of a Scottish statutory instrument (or drafts of Scottish statutory instruments) containing regulations under subsection (1) before the Parliament, the Scottish Ministers must publish a statement setting out the extent to which the targets to be set by the regulations take account of the target-setting criteria in section 2CA.>

**Mark Ruskell**

24 In section 1, page 2, line 16, at end insert—

**<2CA Setting targets: statements**

- (1) When setting any targets under section 2C, the Scottish Ministers must prepare a statement setting out—
  - (a) the approach the Scottish Ministers intend to take to ensure that the targets are met,
  - (b) the cost of the approach set out under paragraph (a),
  - (c) the anticipated timeline of the approach set out under paragraph (a),
  - (d) the organisations, or types of organisations, with which the Scottish Ministers intend to work to ensure that the targets are met,

- (e) how the targets support or have regard to other relevant Scottish Government policies or strategies,
- (f) how the Scottish Ministers intend to monitor and evaluate progress towards meeting the targets through measures or indicators identified in section 2C(2)(b),
- (g) the potential implications and consequences if the targets are not met, and
- (h) the actions the Scottish Ministers intend to take if the targets are not met.>

**Ariane Burgess**

47 In section 1, page 2, line 16, at end insert—

**<2CA Setting targets: considerations**

- (1) When setting targets under section 2C, the Scottish Ministers must set targets—
  - (a) to ensure an ecologically coherent network, and
  - (b) using an integrated wholescape based approach.
- (2) In this section—
 

“ecologically coherent network” means sites designated for the protection of relevant habitats and species that are representative, connected, well managed and which—

  - (a) support habitats and populations of species in favourable conservation status across the whole of their natural range,
  - (b) contribute significantly to the biological diversity of the biogeographic region,
  - (c) ensure the full range of variation in valued features is represented,
  - (d) ensure the replication of specific features occur at different sites over a wide geographic area,
  - (e) ensure the dispersal, migration and genetic exchange of individuals is possible between relevant sites,
  - (f) ensure all critical areas for rare, highly threatened and endemic species are included, and
  - (g) ensure the network is resilient to disturbance or damage caused by natural and anthropogenic factors,

“integrated wholescape based approach” means a coordinated, cross-sectoral methodology for decision-making, planning and management of ecosystems and human activities, including landscape and seascape, with a defined spatial and socio-ecological context, which—

  - (a) takes into account environmental, social, economic and cultural systems,
  - (b) recognises the interdependence of environmental, social, economic and cultural systems,
  - (c) acts in an interconnected and inclusive way,
  - (d) emphasises collaboration across sectors and stakeholders to address complex challenges and promote sustainable, resilient outcomes,

- (e) promotes sustainability, climate resilience and equitable outcomes through evidence-based and participatory processes, and
- (f) ensures that decisions are informed by explicit consideration of cumulative impacts and long-term consequences.>

**Ariane Burgess**

**48** In section 1, page 2, line 16, at end insert—

**<2CA Setting targets: considerations**

- (1) When setting targets under section 2C, the Scottish Ministers must have regard to relevant policies and strategies, including, in particular—
  - (a) the national marine plan prepared under section 5 of the Marine (Scotland) Act 2010,
  - (b) the programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act 2009,
  - (c) any land rights and responsibilities statement prepared under section 1 of the Land Reform (Scotland) Act 2016,
  - (d) any national strategy or action plan for the ownership or use of land prepared by the Scottish Ministers.>

**Maurice Golden**

**180** In section 1, page 2, line 16, at end insert—

**<2CA Target-setting criteria**

- (1) In this Part, the “target-setting criteria” are—
  - (a) the duty to further the conservation of biodiversity under section 1,
  - (b) the principle that targets should be time-bound and measurable,
  - (c) international law and policy relating to biodiversity,
  - (d) scientific knowledge about biodiversity,
  - (e) the likely impact of a target on public health,
  - (f) the likely impact of a target on those living in island communities and remote rural communities,
  - (g) environmental considerations, in particular the likely impact of a target on achieving climate change targets,
  - (h) the likely impact of the target on the achievement of sustainable development, including the United Nations sustainable development goals,
  - (i) current international practice.>

**Maurice Golden**

**181** In section 1, page 2, line 16, at end insert—

**<2CA Target-setting criteria**

- (1) In this Part, the “target-setting criteria” are that a target must be—
- (a) based on scientific research and evidence,
  - (b) measurable, with interim targets for reaching the end target,
  - (c) achievable,
  - (d) relevant to furthering the conservation of biodiversity,
  - (e) time-bound. >

**Maurice Golden**

**182** In section 1, page 2, line 22, at end insert—

<(2A) Environmental Standards Scotland must—

- (a) assess whether a target is met, and
- (b) having completed that assessment—
  - (i) submit a report to the Scottish Ministers setting out—
    - (A) the outcome of the assessment, and
    - (B) where a target is not met, or Environmental Standards Scotland believes it is no longer possible for that target to be met, recommendations as to the steps that are required to meet the target,
  - (ii) lay the report before the Scottish Parliament.>

**Sarah Boyack**

**111** In section 1, page 2, line 26, after <met> insert <within a period of 12 months beginning on the day on which the target in question was expected to be met>

**Sarah Boyack**

**112** In section 1, page 2, line 30, after <meet> insert <within a period of 12 months beginning with the day on which the target in question was expected to be met>

**Sarah Boyack**

**14** In section 1, page 3, line 11, at end insert—

<(1A) When carrying out a review under subsection (1), the Scottish Ministers must have regard to a report from the citizens assembly published under section 2H(9).>

**Tim Eagle**

**183** In section 1, page 3, line 13, after first <to> insert—

<(a)>

**Tim Eagle**

**184** In section 1, page 3, line 15, after <expertise> insert <, and

- (b) views in relation to the targets set under, and topics described in, section 2C(1) from such persons as the Scottish Ministers consider to be representative of the interests of land managers>

**Mark Ruskell**

49 In section 1, page 3, line 15, at end insert—

<(2A) A report prepared under this section must include information on—

- (a) whether, in the view of the Scottish Ministers, sufficient progress is being made for targets set under section 2C(1) to be met, and
- (b) where sufficient progress is not being made, the action the Scottish Ministers intend to take to ensure—
  - (i) further progress is made towards meeting the targets, and
  - (ii) targets are met.>

**Douglas Lumsden**

185 In section 1, page 3, line 15, at end insert—

<(2A) A report under subsection (1)(b) must include an assessment of how system-wide energy mix choices, including—

- (a) transmission built-out under different mixes,
  - (b) underground and subsea infrastructure options,
  - (c) firm low-carbon generation,
- impact on targets set under section 2C(1) being met.>

**Beatrice Wishart**

186 In section 1, page 3, line 26, at end insert—

<(5A) But regulations under subsection (5) must not remove any topic described in section 2C(1).>

**Sarah Boyack**

15 In section 1, page 3, line 38, at end insert—

<(za) have regard to a report from the citizens assembly published under section 2H(9),>

**Alasdair Allan**

113 In section 1, page 4, line 2, at end insert—

<(aa) consult such persons as the Scottish Ministers consider may have an interest in, or otherwise be affected by, the regulations, and>

**Tim Eagle**

187 In section 1, page 4, line 2, at end insert—

<(aa) seek and have regard to views in relation to any target the regulations would set or the amendments they would make to the targets or, as the case may be, to the topics, from such persons as the Scottish Ministers consider to be representative of the interests of land managers, and>

**Maurice Golden**

188 In section 1, page 4, line 2, at end insert—

<(aa) seek and have regard to views in relation to any target the regulations would set or the amendments they would make to the targets or, as the case may be, to the topics, from a committee of the Scottish Parliament whose remit includes matters relating to the natural environment for the time being appointed by virtue of the standing orders, and>

**Tim Eagle**

189 In section 1, page 4, leave out lines 5 to 9

**Tim Eagle**

190 In section 1, page 4, line 5, after <(1)(a)> insert <or views under subsection (1)(aa)>

**Tim Eagle**

191 In section 1, page 4, line 8, after <advice> insert <and views>

**Tim Eagle**

192 In section 1, page 4, line 9, leave out <is> and insert <are>

**Douglas Lumsden**

193 In section 1, page 4, line 16, at end insert—

<(4A) The Scottish Ministers must, at the same time as laying any regulations under section 2C(1) which set or amend any infrastructure-related target, publish a statement on an assessment of undergrounding and subsea alternatives against cost, biodiversity net-impact, resilience, and landscape, and explaining any decision to proceed with overhead lines.>

**Alasdair Allan**

114 In section 1, page 4, line 30, leave out <of subsection (1), that paragraph is> and insert <or (aa) of subsection (1), that paragraph is or, as the case may be, those paragraphs are>

**Tim Eagle**

312\* In section 1, page 4, line 31, at end insert—

**<2FA Setting or amending targets: food production**

When setting or amending targets under section 2C(1) or 2E(5), the Scottish Ministers must—

- (a) have regard to the importance of local food production and domestic food security,
- (b) support local food producers,
- (c) consider the impact on future food security,
- (d) ensure that targets will not—
  - (i) result in a decline in beef and dairy herd numbers,
  - (ii) encourage a reduction in red meat and dairy consumption.>

**Douglas Lumsden**

**194** In section 1, page 4, line 38, at end insert—

- <(c) assess whether the requirements set out in Part (*electricity infrastructure*) have been met, where the Scottish Ministers have pursued any target relating to energy infrastructure.>

**Emma Roddick**

**50** In section 1, page 4, line 39, leave out <submit to the Scottish Ministers> and insert <prepare and publish>

**Emma Roddick**

**51** In section 1, page 5, leave out lines 2 and 3 and insert—

- <(3) Before publishing a report under subsection (2), Environmental Standards Scotland must—
  - (a) send a copy of the report to the Scottish Ministers, and
  - (b) lay a copy of the report before the Scottish Parliament.>

**Emma Roddick**

**52** In section 1, page 5, line 3, at end insert—

- <(3A) The Scottish Ministers must, as soon as reasonably practicable after a report is published under subsection (2), lay a statement before the Scottish Parliament setting out any action the Scottish Ministers intend to take as a result of the report.
- <(3B) The requirement to lay a statement under subsection (3A) does not apply if a statement made under section 2E(4) has already set out the action the Scottish Ministers intend to take as a result of the report.
- <(3C) A statement under subsection (3A) may be combined with a statement under section 2D(4) or 2F(3).>

**Mercedes Villalba**

**25** In section 1, page 5, leave out lines 4 to 7

**16** In section 1, page 5, line 10, at end insert—

**<2H Citizens assembly**

- (1) The Scottish Ministers must establish a panel to be known as a “citizens assembly” to exercise the functions mentioned in subsection (6).
- (2) The citizens assembly is a panel made up of such persons as the Scottish Ministers consider to be representative of the general populace of Scotland.
- (3) The citizens assembly is to have two conveners who are independent of the Scottish Ministers and the Scottish Parliament.
- (4) There is to be a gender balance between the conveners.
- (5) The Scottish Ministers must establish the citizens assembly—
  - (a) before making regulations for the first time under section 2C(1), and
  - (b) before making regulations under section 2E(5).
- (6) The functions conferred on the citizens assembly are to—
  - (a) consider how to enhance the protection of ecosystems both on land and at sea,
  - (b) consider how to prevent or minimise or remedy or mitigate the effects of degradation of ecosystems both on land and at sea,
  - (c) consider the desirability of extending legal protections for biodiversity,
  - (d) make recommendations on measures proposed to achieve any targets set by regulations under section 2C,
  - (e) make recommendations on how the Scottish Ministers can work towards an ecologically coherent network and in an integrated wholescape base approach,
  - (f) make recommendations about such other matters in relation to habitats or species as the Scottish Ministers may, in accordance with subsection (7), refer to the assembly.
- (7) The Scottish Ministers may refer matters to the citizens assembly under subsection (6)(f) only if those matters have been approved by resolution of the Scottish Parliament.
- (8) The Scottish Ministers must, before the first meeting of the citizens assembly, lay before the Scottish Parliament a report on the arrangements for the administration and operation of the assembly.
- (9) The citizens assembly is to—
  - (a) set out its recommendations in a report,
  - (b) lay the report before the Scottish Parliament, and
  - (c) send a copy of the report to the Scottish Ministers.
- (10) The Scottish Ministers must, within 6 months of receiving a copy of a report under subsection (9), publish a statement setting out how they intend to respond to the recommendations made in it.

(11) In this section—

“ecologically coherent network” means sites designated for the protection of relevant habitats and species that are representative, connected, well managed and which—

- (a) support habitats and populations of species in favourable conservation status across the whole of their natural range,
- (b) contribute significantly to the biological diversity of the biogeographic region,
- (c) ensure the full range of variation in valued features is represented,
- (d) ensure the replication of specific features occur at different sites over a wide geographic area,
- (e) ensure the dispersal, migration and genetic exchange of individuals is possible between relevant sites,
- (f) ensure all critical areas for rare, highly threatened and endemic species are included, and
- (g) is resilient to disturbance or damage caused by natural and anthropogenic factors,

“integrated wholescape base approach” means a coordinated, cross-sectoral methodology for decision-making, planning and management of ecosystems and human activities, including landscape and seascape, within a defined spatial and socio-ecological context, which—

- (a) takes into account environmental, social, economic and cultural dimensions,
- (b) recognises the interdependence of environmental, social, economic and cultural systems,
- (c) acts in an interconnected and inclusive way,
- (d) emphasises collaboration across sectors and stakeholders to address complex challenges and promote sustainable, resilient outcomes,
- (e) promotes sustainability, climate resilience and equitable outcomes through evidence-based and participatory processes, and
- (f) ensures that decisions are informed by the cumulative impacts and long-term consequences.>

#### After section 1

**Gillian Martin**

53 After section 1, insert—

#### <Reports on compliance with biodiversity duty

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) For section 2A substitute—

**“2A Reports on compliance with biodiversity duty**

- (1) Each specified public body or office holder must prepare and publish a biodiversity report in relation to each specified period.
- (2) A biodiversity report is a report on the actions taken by the specified public body or office holder in pursuance of its duty under section 1 during the period to which the report relates.
- (3) A report under this section—
  - (a) is to be prepared in such form and published in such manner as the public body or office holder thinks fit,
  - (b) may be incorporated within another report prepared or published by the body.
- (4) The Scottish Ministers may by regulations make provision about biodiversity reports including, in particular, provision specifying—
  - (a) the public bodies and office holders which are required to prepare and publish a biodiversity report under this section,
  - (b) the periods in relation to which reports are to relate,
  - (c) particular information that must be included in a biodiversity report.
- (5) A period specified under subsection (4)(b)—
  - (a) may be specified by reference to a specific date or by reference to the frequency with which biodiversity reports are to be prepared and published, but
  - (b) must require a report to be published by a specified public body or office holder at least once every 3 years.
- (6) In this section, “specified” means specified in the regulations made under subsection (4).”.>

**Mercedes Villalba**

54 After section 1, insert—

**<PART**

**MANAGING INVASIVE AND NON-NATIVE SPECIES**

**Managing invasive and non-native species**

- (1) The Wildlife and Countryside Act 1981 (Exceptions to section 14) (Scotland) Order 2012 (S.S.I. 2012/173) is modified as follows.
- (2) Article 2(2) is repealed.
- (3) In the schedule, Part 2 is repealed.>

**Mercedes Villalba**

55 After section 1, insert—

<PART

MANAGING INVASIVE AND NON-NATIVE SPECIES

**Managing invasive and non-native species**

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In section 14 (introduction of new species etc.)—
  - (a) subsection (2A) is repealed,
  - (b) in subsection (2B)(a), the word “other” is repealed.>

**Mercedes Villalba**

56 After section 1, insert—

<PART

MANAGING INVASIVE AND NON-NATIVE SPECIES

**Managing invasive and non-native species**

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In section 14 (introduction of new species etc.), after subsection (2D) insert—

“(2E) An order under subsection (2B) or (2C) must not be made if the reason for making it is solely for economic or commercial purposes.”>

**Maurice Golden**

195 After section 1, insert—

<PART

POLICY STRATEGIES AND STATEMENTS

**Duties to have regard to other relevant strategies and statements**

- (1) The Nature Conservation (Scotland) Act 2004 is modified in accordance with subsection (2).
- (2) In section 2 (Scottish biodiversity strategy), after subsection (1), insert—

“(1A) Before designating a strategy under subsection (1), the Scottish Ministers must have regard to—

  - (a) the most recent environmental policy strategy published under section 47 of the UK (Withdrawal from the European Union) (Continuity) (Scotland) Act 2021,
  - (b) the most recent marine policy statement adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009.”.
- (3) The UK (Withdrawal from the European Union) (Continuity) (Scotland) Act 2021 is modified in accordance with subsection (4).
- (4) In section 47 (environmental policy strategy), after subsection (3), insert—

- “(3A) In preparing the strategy, the Scottish Ministers must have regard to—
- (a) any biodiversity strategy designated under section 2 of the Nature Conservation (Scotland) Act 2004,
  - (b) the most recent marine policy statement adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009.”.
- (5) The Marine (Scotland) Act 2010 is modified in accordance with subsection (6).
- (6) After section 18, insert—

**“18A Marine policy statement**

In preparing and adopting a marine policy statement in accordance with schedule 5 to the 2009 Act, the Scottish Ministers must have regard to—

- (a) any biodiversity strategy designated under section 2 of the Nature Conservation (Scotland) Act 2004,
- (b) the most recent environmental policy strategy published under section 47 of the UK (Withdrawal from the European Union) (Continuity) (Scotland) Act 2021.”.>

**Before section 2**

**Alasdair Allan**

**115** Before section 2, insert—

**<Environmental protection requirement**

- (1) For the purpose of this Part, the “environmental protection requirement” is the requirement that any exercise of the powers contained in this Part must not reduce the overall standards of environmental protection which are in effect at the time of the exercise of the power.
- (2) But, provided that the Scottish Ministers are satisfied that the overall environmental protection is not reduced, it is not a breach of the environmental protection requirement for the powers to be exercised in a manner which prioritises—
  - (a) the preservation or enhancement of biodiversity and the natural environment, or
  - (b) the need to address the challenges posed by climate change.>

**Mark Ruskell**

**26** Before section 2, insert—

**<Alignment with EU law**

- (1) The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 is modified as follows.
- (2) In section 4 (duration of section 1(1) power)—
  - (a) in subsection (1), after “force” insert “except where subsection (7) applies”.
  - (b) after subsection (6) insert—
    - “(7) This section does not apply where the regulations relate to relevant EIA legislation and habitats regulations.”,

- (3) In section 10 (reports relating to the use of the section 1(1) power), after subsection (2)(c), insert—
- “(d) each subsequent period of 5 years where the regulations relate to relevant EIA legislation and habitats regulations.”.
- (4) In section 12 (interpretation of Part 1), in subsection (1)—
- (a) before the definition “EU decision” insert—
- ““relevant EIA legislation” is—
- (a) the provisions of the Harbours Act 1964 which relate to the environmental assessment of projects concerning ports and harbours,
- (b) the provisions of the Roads (Scotland) Act 1984 which relate to the environmental assessment of projects concerning roads for which the Scottish Ministers are the roads authority (within the meaning of section 151 of that Act),
- (c) the provisions of the Transport and Works (Scotland) Act 2007 which relate to the environmental assessment of the construction or operation of transport systems of the kinds set out in section 1 of that Act and inland waterways,
- (d) the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007 (S.S.I. 2007/570),
- (e) the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (S.S.I. 2010/426),
- (f) the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/102),
- (g) the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/113),
- (h) the Agriculture, Land Drainage and Irrigation Projects (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/114),
- (i) the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115),
- (j) the Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024 (S.S.I. 2024/366),”.
- (b) after the definition “EU tertiary legislation” insert—
- ““habitats regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716),”.>

## Section 2

**Sarah Boyack**

5 In section 2, page 5, line 20, after <if> insert <—

( )>

**Alasdair Allan**

- 116 In section 2, page 5, line 21, after <question> insert <—  
(a) meets the environmental protection requirement, and  
(b)>

**Sarah Boyack**

- 6 In section 2, page 5, line 22, after <3> insert <, and  
( ) they are satisfied that making the regulations will not result in environmental law providing an overall level of environmental protection that is less than that provided for by the existing regulations being modified or restated>

**Beatrice Wishart**

- 196 In section 2, page 5, line 22, at end insert—  
<( ) Without prejudice to the purposes set out in section 3, the Scottish Ministers may exercise the power under subsection (1) only where they are satisfied that doing so will maintain or improve the level of environmental protection provided by the provisions being modified or restated.>

**Douglas Lumsden**

- 197 In section 2, page 5, line 22, at end insert—  
<( ) Where regulations under subsection (1) apply to electricity infrastructure, the Scottish Ministers must before making the regulations publish—  
(a) an Overhead vs Underground/Subsea Alternatives Assessment, and  
(b) proof of compliance with Part (*electricity infrastructure*),  
before consent can be granted.>

**Alasdair Allan**

- 117 In section 2, page 5, line 29, at end insert—  
<( ) The Scottish Ministers must, at the same time as laying any regulations under this section, lay before the Scottish Parliament a statement confirming that they consider that the environmental protection requirement has been met.>

**Sarah Boyack**

- 7 In section 2, page 5, line 29, at end insert—  
<( ) Before making regulations under subsection (1)(b), the Scottish Ministers must consider how the modification or (as the case may be) restatement, conforms with the Scottish Ministers' duties in relation to the management objectives of the UK site network under regulation 9D of the habitats regulations.>

**Emma Harper**

- 57 In section 2, page 5, line 30, leave out subsections (6) and (7) and insert—

- <( ) Regulations under subsection (1) may—
- (a) create an offence,
  - (b) confer a power to—
    - (i) arrest or search person,
    - (ii) enter and search a vehicle, premises or land,
    - (iii) inspect, seize or detain any thing possessed by a person or found in or on a vehicle, premises or land,
  - (c) impose, or confer on a Scottish public authority the power to impose, a fee or charge,
  - (d) delegate (or authorise the delegation of) a function,
  - (e) textually amend an enactment (including this Act).
- ( ) Regulations under subsection (1)—
- (a) are subject to the negative procedure if, in the opinion of the Scottish Ministers, the regulations make only minor provision (for example, provision which is of an administrative, procedural or technical nature), but
  - (b) otherwise are subject to the affirmative procedure.>

**Sarah Boyack**

- 8 In section 2, page 5, line 30, leave out from <if> to end of line 11 on page 6

**Mark Ruskell**

**Supported by: Tim Eagle**

- 1 Leave out section 2

**After section 2**

**Ariane Burgess**

- 58 After section 2, insert—

**<Power to modify EIA legislation: further provision**

- (1) The Scottish Ministers must exercise the power under section 2(1) to make provision for any proposal for the creation of a new coniferous forestry plantation of 50 hectares or greater to be subject to an Environmental Impact Assessment before consent may be granted.
- (2) Regulations under section 2(1), required by subsection (1), are subject to the affirmative procedure.>

**Ariane Burgess**

- 59 After section 2, insert—

**<Power to modify habitats regulations: further provision**

- (1) The Scottish Ministers must exercise the power under section 2(1) to provide that—
  - (a) a Ramsar site has equivalent protection to a European site as defined by regulation 10 of the habitats regulations, and

- (b) any plan or project likely to have a significant effect on a Ramsar site be subject to assessment equivalent to that provided in regulation 48 of the habitats regulations.
- (2) Regulations under section 2(1) may make further provision for the—
  - (a) identification,
  - (b) conservation objectives, and
  - (c) monitoring,
 of Ramsar sites.
- (3) For the purposes of this section—
  - “Ramsar Convention” means the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2 February 1971, as amended by—
    - (a) the Protocol known as the Paris Protocol done at Paris on 3 December 1982, and
    - (b) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28 May and 3 June 1987,

but if that Convention is further amended after the passing of this Act, the references to the Ramsar Convention in this Part are to be taken, after the entry into force of the further amendments, as referring to that Convention as further amended (and the reference to paragraph 1 of article 2 is, if necessary, to be taken as referring to the appropriate successor provision),

“Ramsar site” means a site that has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article.>

### Section 3

#### Rhoda Grant

- 118 In section 3, page 6, line 22, leave out from <(including,> to end of line 24

#### Douglas Lumsden

- 198 In section 3, page 6, line 24, at end insert—

<( ) to enable hydrogen, nuclear, firm and low-carbon infrastructure to be built where such infrastructure would contribute to biodiversity targets set under section 2C of the Nature Conservation (Scotland) Act 2004 being met and would comply with any requirements in the alternatives assessment code under section (*alternatives assessment code*),>

#### Rhoda Grant

- 119 In section 3, page 6, leave out lines 25 and 26

**Alasdair Allan**

- 120 In section 3, page 6, line 26, after <international),> insert <which are pertinent to the relevant EIA legislation in question or, as the case may be, the habitats regulations,>

**Sarah Boyack**

- 9 In section 3, page 6, leave out lines 29 to 31

**Douglas Lumsden**

- 199 In section 3, page 6, line 31, at end insert—  
<( ) to avoid significant adverse effects from electricity infrastructure unless alternatives are demonstrably not feasible, and to embed community consent and benefit-sharing in consenting procedures,>

**Sarah Boyack**

- 10 In section 3, page 6, leave out line 32

**Alasdair Allan**

- 121 In section 3, page 6, line 32, leave out <the operation of the law> and insert <a process or procedure or reduce the administrative burden of complying with a condition, standard or requirement>

**Tim Eagle**

- 313\* In section 3, page 6, line 32, at end insert—  
<( ) For the avoidance of doubt, the Scottish Ministers may make regulations under section 2(1) only if they are satisfied that making the regulations will not result in the relevant EIA legislation and habitats regulations providing an overall level of environmental protection that is less than that provided by EIA legislation and habitats regulation at the time this Act is passed.>

**Mark Ruskell**

**Supported by: Tim Eagle**

- 2 Leave out section 3

**Section 4**

**Ariane Burgess**

- 60 In section 4, page 6, line 34, at end insert—  
<( ) “coniferous forestry plantation” means an area predominantly planted with conifer species for commercial or other purposes,>

**Douglas Lumsden**

- 200 In section 4, page 6, line 34, at end insert—  
<( ) “electricity infrastructure” includes overhead lines/towers, underground cables, subsea links, substations, converter stations, and battery energy storage systems,>

**Mark Ruskell**  
**Supported by: Tim Eagle**

3 Leave out section 4

## Section 5

**Ross Greer**

201 In section 5, page 8, line 5, at end insert—

<(ba) protecting and enhancing the special qualities of the area’s landscapes,>

**Sarah Boyack**

122 In section 5, page 8, line 7, at end insert—

<(da) promoting sustainable development in the area,

(db) promoting the availability of affordable housing in the area,

(dc) promoting employment in the area,

(dd) promoting sustainable housing and employment in the area, >

**Tim Eagle**

314\* In section 5, page 8, line 7, at end insert—

<(da) strengthening the local economy,>

**Mairi Gougeon**

61 In section 5, page 8, line 9, leave out <health, wellbeing and prosperity of individuals and> and insert <health and wellbeing of individuals and the prosperity of>

**Sarah Boyack**

123 In section 5, page 8, line 10, leave out <individuals and>

**Tim Eagle**

202 In section 5, page 8, line 10, at end insert—

<(g) promoting the creation of jobs in the area. >

**Tim Eagle**

203 In section 5, page 8, line 10, at end insert—

<(g) increasing the supply of affordable housing in the area.>

**Tim Eagle**

204 In section 5, page 8, line 10, at end insert—

<(g) encouraging the development of businesses in the area.>

**Douglas Lumsden**

205 In section 5, page 8, line 10, at end insert—

<(g) prohibiting the installation of new overhead lines or large-scale battery energy storage systems in the area of, or adjacent to, a National Park, unless underground or sub-sea installation is not reasonably feasible.>

**Mark Ruskell**

**Supported by: Sarah Boyack**

62 In section 5, page 8, line 14, leave out <have regard to> and insert <actively further>

**Sarah Boyack**

124 In section 5, page 8, line 14, leave out <have regard to> and insert <seek to further>

**Ross Greer**

206 In section 5, page 8, line 15, at end insert—

<(3A) In carrying out the duty in subsection (3), if it appears to the Scottish Ministers, the National Park authority, the local authority or, as the case may be, any other public body or office-holder that there is a conflict between the National Park aim set out in subsection (1)(a) and other National Park aims, greater weight must be given to the aim set out in subsection (1)(a).>

**Mairi Gougeon**

63 In section 5, page 8, line 24, at end insert—

<( ) In paragraph 3 of schedule 3, for “special qualities of the National Park” substitute “National Park area’s natural and cultural heritage”.>

**Tim Eagle**

315\* Leave out section 5

**After section 5**

**Mark Ruskell**

64 After section 5, insert—

*<Conditions for the designation of National Parks*

**Conditions for the designation of National Parks**

- (1) Section 2 of the National Parks (Scotland) Act 2000 (National Park proposals) is modified as follows.
- (2) In subsection (2), in paragraph (b), after <identity,> insert—

“(ba) that designating the area as a National Park would contribute to nature recovery targets being met.”.
- (3) After subsection (4), insert—

- “(5) For the purposes of subsection (2)(ba), “nature recovery targets” is to be construed in accordance with targets set under—
- (a) section 2C of the Nature Conservation (Scotland) Act 2004, or
  - (b) Part 1 of the Climate Change (Scotland) Act 2009.”.>

**Mark Ruskell**

**Supported by: Sarah Boyack**

**65** After section 5, insert—

*<National Park proposals*

**Reports on National Park proposals**

- (1) Section 3 of the National Parks (Scotland) Act 2000 (National Park proposals) is modified as follows.
- (2) In subsection (1)—
  - (a) in the opening words, after “require” insert “an independent person or persons with—
    - “(za) expertise relevant to the National Park aims, and
    - (zb) knowledge of National Park policy,”,
  - (b) paragraphs (a) and (b) are repealed.
- (3) In subsection (5), after paragraph (d)(i) insert—
  - “(ia) Scottish Natural Heritage,”.>

**Ross Greer**

**207** After section 5, insert—

*<Planning functions of National Park authorities*

**Planning functions of National Park authorities**

- (1) Section 10 of the National Parks (Scotland) Act 2000 (planning functions) is modified as follows.
- (2) After subsection (1), insert—
  - “(1A) Where a National Park authority is designated as a planning authority under subsection (1), the process for considering any appeal against a decision of that planning authority must include a public hearing.”.>

**Ross Greer**

**208** After section 5, insert—

*<National Park authorities to ensure public accountability*

**National Park authorities to ensure public accountability**

- (1) Schedule 1 of the National Parks (Scotland) Act 2000 (constitution etc. of National Park authorities) is modified as follows.
- (2) After paragraph 3, insert—

“3A A National Park authority must ensure that each member provides public-facing contact information.”.>

**Tim Eagle**

**316\*** After section 5, insert—

*<Policy statement on National Parks*

**Policy statement on National Parks**

(1) The National Parks (Scotland) Act 2000 is modified as follows.

(2) After section 1 (the National Park aims) insert—

**“1A Policy statements by the Scottish Ministers**

(1) The Scottish Ministers must, for each reporting period, prepare and publish a National Parks’ policy statement.

(2) The policy statement must in particular set out—

(a) the Scottish Ministers’—

(i) policy direction in relation to National Parks,

(ii) vision for National Parks, and

(iii) proposed outcomes resulting from the policy direction and vision,

(b) how new and existing duties on public bodies in relation to National Parks are expected to operate.

(3) In this section, the “reporting period” is the period of 10 years beginning with day on which section 5 of the Natural Environment (Scotland) Act 2016 comes into force and each subsequent period of 10 years.”.>

**Section 6**

**Sarah Boyack**

**126** In section 6, page 8, line 28, after <subsection (1)> insert <—

( )>

**Sarah Boyack**

**127** In section 6, page 8, line 32, at end insert—

<( ) after the definition of “community council”, insert—

““cultural development” means the development of arts, cultural heritage and creativity, including the Gaelic language, cultural organisations and the creative industries.”.>

**Tim Eagle**

**317\*** Leave out section 6

## After section 6

**Sarah Boyack**

128 After section 6, insert—

*<Scottish National Parks Policy Statement*

### **Scottish National Parks Policy Statement**

- (1) The National Parks (Scotland) Act 2000 is modified as follows.
- (2) After section 5, insert—

*“Scottish National Parks Policy Statement*

#### **5A Scottish National Parks Policy Statement**

- (1) The Scottish Ministers must publish and lay before the Parliament a Scottish National Parks Policy Statement—
  - (a) in the case of the first such policy statement, within 12 months of this section coming into force,
  - (b) in the case of each subsequent policy statement, within 10 years of the publication of the previous statement.
- (2) A policy statement under subsection (1) must, in particular, set out—
  - (a) the Scottish Ministers’ policies in relation to National Parks, including those areas which are to continue as National Parks and those areas which Scottish Ministers may consider proposing a designation under section 2(1),
  - (b) information as to how Scottish Ministers will assess whether the conditions in section 2(2) are, or may be, met,
  - (c) how any engagement with local communities and the public will be undertaken (if at all) when considering whether to propose a designation under section 2(1).
- (3) Before laying a policy statement under subsection (1) before the Scottish Parliament, the Scottish Ministers must—
  - (a) lay a draft of the policy statement before the Parliament for a period of 120 days, of which no fewer than 60 must be days on which the Parliament is not dissolved or in recess,
  - (b) request the views of such persons as they consider appropriate with—
    - (i) knowledge of international law or policy relating to national parks,
    - (ii) knowledge and experience of the operation of National Parks in Scotland and elsewhere, and
  - (c) have regard to—
    - (i) any representations on the draft policy statement made to them,
    - (ii) any views on the draft policy statement set out by a person whose views were requested in accordance with paragraph (b),
    - (iii) any resolution relating to the draft policy statement passed by the Parliament, and

- (iv) any report relating to the draft policy statement published by any committee of the Parliament for the time being appointed by virtue of standing orders.
- (4) The Scottish Ministers must publish a response to any—
  - (a) resolution of a kind mentioned in subsection (3)(c)(iii),
  - (b) report of a kind mentioned in subsection (3)(c)(iv),
 within 3 months of the resolution being passed or (as the case may be) the report being published.
- (5) The duty under subsection (4) may be fulfilled by laying a statement before the Scottish Parliament in accordance with subsection (6) that addresses the resolution or report in question.
- (6) The Scottish Ministers must, when laying a statement under subsection (1) before the Scottish Parliament, lay a policy statement setting out—
  - (a) the details of any representations, views, resolutions or reports mentioned in subsection (3),
  - (b) the changes (if any) they have made to the policy statement in response to such representations, views, resolutions or reports and the reasons for those changes.
- (7) Before laying a draft policy statement under subsection (3), the Scottish Ministers must consult—
  - (a) Scottish Natural Heritage,
  - (b) local authorities,
  - (c) persons they consider representative of the interests of land managers,
  - (d) persons they consider have expertise in environmental protection,
  - (e) any other persons they consider appropriate.”.>

**Sarah Boyack**

**129** After section 6, insert—

*<National Park proposals*

**Information accompanying National Park proposals**

- (1) The National Parks (Scotland) Act 2000 is modified as follows.
- (2) In section 2 (National Park proposals), in subsection (3)—
  - (a) in the opening words, the words “(in general terms)” are repealed,
  - (b) in paragraph (a), “and” is repealed,
  - (c) after paragraph (b), insert—
    - “(c) a draft of the designation order (including all required supporting documentation), and
    - (d) an accessible explanation of the proposals set out in the draft designation order.”.>

## Section 7

**Tim Eagle**

**209** In section 7, page 8, line 38, leave out subsection (3)

**Sarah Boyack**

**Supported by: Mark Ruskell**

**125\*** In section 7, page 8, line 38, leave out <facilitate the implementation of> and insert <actively implement>

**Douglas Lumsden**

**210** In section 7, page 9, line 6, at end insert—

<(2A) Where a National Park Plan designates a no-go corridor for overhead lines, a planning authority must refuse any permission sought for linear infrastructure unless there is an exceptional justification for doing so.

(2B) In determining whether there is an exceptional justification under subsection (2A), the planning authority must take into account any alternative assessment prepared in accordance with section (*alternatives assessment code*) of the Natural Environment (Scotland) Act 2026.>

**Tim Eagle**

**211** In section 7, page 9, line 13, leave out subsection (5)

**Sarah Boyack**

**130** In section 7, page 9, line 13, leave out <**facilitate implementation of**> and insert <**actively implement**>

**Tim Eagle**

**318\*** Leave out section 7

## Section 8

**Tim Eagle**

**319\*** Leave out section 8

## Section 9

**Mairi Gougeon**

**66** In section 9, page 10, line 33, at end insert—

<(ba) conferring powers to enter land (other than dwelling-houses) for or in connection with the issuing of a fixed penalty notice,>

**Ross Greer**

- 212 In section 9, page 11, line 1, leave out <the amount of the fixed penalty which is to apply to an offence> insert <a scale of fixed penalties which are to apply to the offences>

**Ross Greer**

- 213 In section 9, page 11, line 40, at end insert—
- <(5A) Regulations under this section must specify that a person committing the same offence for which that person has previously been issued a fixed penalty notice is liable to pay a higher penalty on the scale specified under subsection (5)(e).>

**Tim Eagle**

- 320\* Leave out section 9

**After section 9**

**Mark Ruskell**

- 27 After section 9, insert—

*<Review of National Park boundaries*

**Review of National Park boundaries**

- (1) The Scottish Ministers must, as soon as reasonably practicable, but before the expiry of the period of 12 months beginning with the day after Royal Assent, prepare and publish a report on the benefits of expanding the boundaries of Scotland's National Parks.
- (2) The report prepared under subsection (1) must include an assessment of the potential impact of expanding National Park boundaries on—
  - (a) public benefit,
  - (b) the aims of any National Park Plans produced under section 11 of the National Parks (Scotland) Act 2000,
  - (c) meeting biodiversity targets set under section 2C of the Nature Conservation (Scotland) Act 2004 (as inserted by section 1),
  - (d) such other matters as the Scottish Ministers consider appropriate.>

**Tim Eagle**

- 214 After section 9, insert—

*<Review of National Parks*

**Review of National Parks**

- (1) The Scottish Ministers must ensure that a review of the effectiveness of existing National Parks has been carried out before making a designation under section 6 of the National Parks (Scotland) Act 2000 for the creation of a new National Park.
- (2) A review under subsection (1) must assess—
  - (a) the extent to which existing National Parks have achieved the statutory aims set out in section 1 of the National Parks (Scotland) Act 2000,

- (b) the effectiveness of governance, management structures, and delivery of National Park Plans.
- (3) A review under subsection (1) must be conducted by a person or body independent of the Scottish Ministers and National Park authorities.
- (4) The Scottish Ministers must have regard to the findings and recommendations of the review when preparing any proposal for a new National Park designation.>

**Ariane Burgess**

67 After section 9, insert—

**<PART**

REVIEW OF PROTECTIONS FOR CERTAIN LAND

**Review of protections for certain land**

- (1) The Scottish Ministers must, before the expiry of the period of 2 years beginning with the day after Royal Assent, undertake a review of the measures that exist to protect land that has been restored or rewilded to improve biodiversity.
- (2) A review under subsection (1) must, in particular, include consideration of whether any changes (including legislative changes) should be made to the level of protection placed on such land when responsibility for that land changes through sale or transfer.
- (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.>

**Section 10**

**Tim Eagle**

215 In section 10, page 13, line 4, leave out <promote> and insert <further>

**Tim Eagle**

216 In section 10, page 13, leave out lines 6 and 7

**Edward Mountain**

131 In section 10, page 13, line 7, at end insert—

<(iva) to protect and promote employment in relation to deer management,>

**Tim Eagle**

217 In section 10, page 13, leave out line 12

## After section 10

### Mark Ruskell

28 After section 10, insert—

#### <Transfer of deer functions

- (1) The 1996 Act is modified as follows.
- (2) In section 1 (the Deer Commission for Scotland), after subsection (2) insert—
  - “(2A) The Scottish Ministers may by regulations transfer SNH’s deer functions, conferred on it by or under this Act or any other enactment, to any other person or body.
  - (2B) Before laying draft regulations under subsection (2A) before the Scottish Parliament, the Scottish Ministers must—
    - (a) publish a draft of the regulations they propose to lay under subsection (2A), and
    - (b) consult such persons as they consider likely to be interested in or affected by the proposed transfer of functions.
  - (2C) The Scottish Ministers must, on the same day as laying draft regulations under subsection (2A) before the Scottish Parliament, publish a statement setting out the Scottish Ministers reasons for the proposed transfer of functions.
  - (2D) A statement under subsection (2C) must include a summary of—
    - (a) any representations made on the draft of the regulations during the consultation under subsection (2B)(b), and
    - (b) the changes, if any, that have been made to the regulations as a consequence of the consultation.
  - (2E) Regulations under subsection (2A) are subject to the affirmative procedure.”.
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 1(2E) and”.>

## Section 11

### Douglas Ross

218 Leave out section 11

## After section 11

### Edward Mountain

132 After section 11, insert—

#### <Close seasons

#### Close seasons

- (1) The Deer (Close Seasons) (Scotland) Order 2011 (S.S.I. 2011/417) is modified as follows.
- (2) For the table in the schedule (close seasons), substitute—

<i>Species</i>	<i>Sex</i>	<i>Period</i>
Fallow deer (Damadama)	Male	1 May to 31 July
	Female	16 February to 20 October
Red deer (Cervus elaphus)	Male	21 October to 30 June
	Female	16 February to 20 October
Red/sika deer hybrid	Male	21 October to 30 June
	Female	16 February to 20 October
Roe deer (Capreolus capreolus)	Male	21 October to 31 March
	Female	1 April to 20 October
Sika deer (Cervus nippon)	Male	21 October to 30 June
	Female	16 February to 20 October”.>

## Section 12

### Tim Eagle

- 219 In section 12, page 13, line 27, after <management> insert <—  
( )>

### Tim Eagle

- 220 In section 12, page 13, line 28, leave out <will> and insert <may>

### Tim Eagle

- 221 In section 12, page 13, line 29, at end insert—  
<( ) in subsection (12), in paragraph (b), for “have regard to” substitute “must comply with”.>

### Beatrice Wishart

- 222 In section 12, page 14, line 7, leave out <10> and insert <5>

## Section 13

### Tim Eagle

- 223 In section 13, page 14, line 15, leave out <in relation to> and insert <on>

### Tim Eagle

- 224 In section 13, page 14, line 27, leave out <in relation to> and insert <on>

### Edward Mountain

- 133 In section 13, page 14, line 32, leave out from beginning to end of line 13 on page 15

**Beatrice Wishart**

225 In section 13, page 15, line 3, after first <or> insert <materially>

**Tim Eagle**

226 In section 13, page 15, line 3, leave out <, a project or natural process> and insert <or projects>

**Tim Eagle**

227 In section 13, page 15, line 4, after <restores,> insert <and>

**Tim Eagle**

228 In section 13, page 15, line 4, leave out <, enhances or otherwise improves> and insert <and enhances>

**Tim Eagle**

229 In section 13, page 15, line 4, leave out <, enhances or otherwise improves> and insert <or enhances>

**Tim Eagle**

230 In section 13, page 15, line 5, leave out <or environment>

**Section 14**

**Edward Mountain**

134 In section 14, page 15, line 21, leave out <or 6ZB>

**Rhoda Grant**

68 In section 14, page 15, line 23, at end insert—

<(1A) If section 6ZA applies in respect of an area of land that a farmer or crofter occupies, that farmer or, as the case may be, crofter, may request that SNH give notice under subsection (1) to the owners of that land.>

**Tim Eagle**

231 In section 14, page 15, line 27, leave out <the land> and insert <a particular area of the land>

**Beatrice Wishart**

232 In section 14, page 15, line 36, leave out <3> and insert <6>

**Rhoda Grant**

69 In section 14, page 16, line 10, at end insert—

<( ) After section 6A, insert—

**“6B Lowland deer management plans**

- (1) The Scottish Ministers must prepare, publish and implement a lowland deer management plan.
- (2) The plan must set out—
  - (a) the measures that the Scottish Ministers consider should be taken in relation to the management of deer found in Scotland’s lowland areas,
  - (b) how those measures could be taken,
  - (c) who those measures should be taken by,
  - (d) any other matter which appears to the Scottish Ministers to be necessary.
- (3) In preparing and implementing the plan, the Scottish Ministers must consult such persons as they consider appropriate.”.>

**After section 14**

**Rachael Hamilton**

233 After section 14, insert—

**<Management of deer by local authorities**

- (1) After section 6A of the 1996 Act, insert—

**“6B Management of deer by local authorities**

- (1) A local authority must manage the deer on any land owned, leased or otherwise under its control and, in particular, on any roads in the local authority area.
  - (2) In exercising the duty under subsection (1), a local authority must—
    - (a) prepare and publish a deer management plan for any such land,
    - (b) from time to time review the plan, and
    - (c) ensure that deer management is conducted in a manner that is safe, sustainable and consistent with the Scottish Ministers’ objectives in relation to forestry, agriculture and ecological and nature restoration.
  - (3) Before preparing a deer management plan, a local authority must consult—
    - (a) Transport Scotland,
    - (b) BEAR Scotland,
    - (c) such other persons as the local authority considers to have expertise in road traffic accidents involving deer.
  - (4) A deer management plan must include any available information on the number of road traffic accidents involving deer.
  - (5) The Scottish Ministers may, by regulations, make further provision in relation to the preparation, content, monitoring, review and implementation of deer management plans under this section.
  - (6) Regulation under subsection (5) are subject to the affirmative procedure.”.
- (2) In section 47 (orders, regulations, etc.), in subsection (1) for “section” substitute “sections 6B(1) and”.>

## Section 15

### Edward Mountain

135 In section 15, page 16, line 14, leave out <or 6ZB>

### Rhoda Grant

136 In section 15, page 16, line 20, leave out <Once> and insert <No later than 3 months after>

### Tim Eagle

234 In section 15, page 16, line 20, leave out <must> and insert <may>

### Rhoda Grant

137 In section 15, page 16, line 27, at end insert—

<(4A) SNH must publish, in the manner it considers appropriate—

- (a) any notice given under subsection (4)(a),
- (b) the evidence which formed the basis for the view given in that notice,
- (c) the proposed measures to be included in the draft control agreement mentioned in subsection (4)(b).

(4B) Publication under subsection (4A) may include publication on SNH's website.>

### Edward Mountain

138 In section 15, page 16, line 31, leave out <or 6ZB>

### Tim Eagle

235 In section 15, page 17, line 2, leave out <must> and insert <may>

## Section 16

### Tim Eagle

236 In section 16, page 17, line 9, at end insert—

<( ) in subsection (A1), after paragraph (b) insert—

“(c) a control scheme independent advisory panel has, after receiving and considering the views of both SNH and the landowner, decided that a control scheme must be implemented; and”,

( ) after subsection (A1) insert—

“(A1A) For the purposes of subsection (A1)(c), a control scheme independent advisory panel is a panel of three or more persons with relevant experience in deer management, selected by the Scottish Ministers for the purpose of deciding whether a particular control scheme should be implemented.”.>

**Mark Ruskell**

29 In section 16, page 17, line 9, at end insert—

<( ) after subsection (A1), insert—

“(A2) This subsection applies where SNH has not given notice under subsection (4) of section 7, but—

(a) SNH considers that, due to the nature and character of the land, measures should be taken, and

(b) SNH is satisfied that it is not possible to secure a control agreement or a control agreement is not being carried out.”,>

**Mark Ruskell**

30 In section 16, page 17, line 10, at end insert—

<( ) after “(A1)” insert “or (A2)”,>

**Edward Mountain**

139 In section 16, page 17, line 14, leave out <or 6ZB>

**Rhoda Grant**

140 In section 16, page 17, line 15, at end insert—

<( ) for “subsection (3)” substitute “subsection (3) or (8)”,>

**Tim Eagle**

237 In section 16, page 17, leave out line 23

**Tim Eagle**

238 In section 16, page 17, line 37, leave out <register in the Land Register of Scotland or (as the case may be) record in the General Register of Sasines> and insert <publish on SNH’s website>

**Beatrice Wishart**

239 In section 16, page 18, line 9, after <requirement> insert <, or

(iii) an owner or occupier for the time being of land reasonably expected to be affected by the terms of the scheme referred to in sub-paragraph (i) or (ii).>

**Emma Harper**

240 In section 16, page 18, line 15, leave out <, if appropriate,>

**Emma Harper**

241 In section 16, page 18, line 23, at end insert—

<(ia) stating the date of first publication of the notice,>

### **Rhoda Grant**

141 In section 16, page 19, line 32, at end insert—

- <7A The Scottish Ministers must confirm or reject the proposal under paragraph 7 no later than 6 months after the expiry of the period mentioned in paragraph 3(b)(iii).
- 7B The Scottish Ministers may give notice to SNH and any relevant person extending the period mentioned in paragraph 7A.
- 7C Any notice given under paragraph 7B must set out—
  - (a) the Scottish Ministers reasons for extending the period,
  - (b) an indicative date by which the Scottish Ministers will reach a decision under paragraph 7.>

### **Edward Mountain**

142 In section 16, page 20, line 9, leave out <may> and insert <must>

### **Edward Mountain**

143 In section 16, page 20, line 11, leave out <they consider to have> and insert <are recognised in the industry as having>

### **Beatrice Wishart**

242 In section 16, page 20, line 16, after <consult> insert <—  
(a)>

### **Beatrice Wishart**

243 In section 16, page 20, line 16, after <SNH> insert—  
<(b) such persons as the Scottish Ministers consider to represent the interests of relevant persons,  
(c)>

## **After section 16**

### **Emma Roddick**

144 After section 16, insert—

#### **<Control agreements and control schemes: further provision**

- (1) The 1996 Act is modified as follows.
- (2) After section 8, insert—

#### **“8A Control agreements and control schemes: further provision**

- (1) This section applies where the conditions in subsections (2) are met.

- (2) The conditions are that, in relation to a specified area of land—
  - (a) it is, or forms part of, an area of land which is—
    - (i) subject to an SSSI notification within the meaning of section 3(4) of the Nature Conservation (Scotland) Act 2004,
    - (ii) designated as a special area of conservation under regulation 7 of the Conservation (Natural Habitats, &c.) Regulations (S.I. 1994/2716),
    - (iii) classified as a special protection area under regulation 9 of the Conservation (Natural Habitats, &c.) Regulations (S.I. 1994/2716),
    - (iv) recognised to be on the Ancient Woodland Inventory,
    - (v) Atlantic rainforest,
    - (vi) the Flow Country World Heritage Site, or
    - (vii) peatland of a depth greater than 30 centimetres, and
  - (b) monitoring by SNH demonstrates that the land is in an unfavourable condition due, in whole or in part, to grazing by deer.
- (3) Where this section applies, SNH must—
  - (a) form—
    - (i) the preliminary view mentioned in section 7(1), or
    - (ii) the view mentioned in section 7(3), and
  - (b) give notice and consult in accordance with section 7(4).
- (4) Where SNH has given notice under section 7(4) and either—
  - (a) SNH is satisfied that it is not possible to secure a control agreement or that a control agreement is not being carried out, or
  - (b) 6 months have elapsed since SNH gave the notice and no agreement has been reached on the matters mentioned in section 7(4),

SNH must make a control scheme in accordance with section 8(3) to (8).”>

### **Edward Mountain**

**145** After section 16, insert—

#### **<Assessment of financial and socio-economic impact**

- (1) The 1996 Act is modified as follows.
- (2) After section 8, insert—

#### **“8A Assessment of financial and socio-economic impact**

- (1) Before exercising any functions under sections 7 and 8, SNH must carry out an assessment of the likely financial and socio-economic impacts of any proposed action.
- (2) The assessment under subsection (1) must, in particular—
  - (a) consider the likely cost of enhanced deer management measures required by the proposed action,

- (b) assess any potential impact on employment and local economic activity, including deer management and stalking operations on neighbouring land, and
    - (c) identify any existing or potential sources of private or public investment relevant to deer management in the affected area.
  - (3) Before completing the assessment under subsection (1), SNH must consult persons likely to be affected by the proposed action, including owners and occupiers of neighbouring land.
  - (4) The assessment must be taken into account by SNH or, as the case may be, the Scottish Ministers when imposing a control agreement or control scheme.
  - (5) The Scottish Ministers may, by regulations, make further provision about the form, content and publication of assessments under this section.
  - (6) Regulations under subsection (5) are subject to the affirmative procedure.”.
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 8A(6) and”.>

### **Edward Mountain**

**146** After section 16, insert—

#### **<Scrutiny of control agreements and control schemes**

- (1) The 1996 Act is modified as follows.
- (2) After section 8, insert—

#### **“8A Assessment of financial and socio-economic impact**

- (1) Before exercising any functions under sections 7 and 8, SNH must carry out an assessment of the likely financial and socio-economic impacts of any proposed action.
- (2) The assessment under subsection (1) must, in particular—
  - (a) consider the likely cost of enhanced deer management measures required by the proposed action,
  - (b) assess any potential impact on employment and local economic activity, including deer management and stalking operations on neighbouring land, and
  - (c) identify any existing or potential sources of private or public investment relevant to deer management in the affected area.
- (3) Before completing the assessment under subsection (1), SNH must consult persons likely to be affected by the proposed action, including owners and occupiers of neighbouring land.
- (4) The assessment must be—
  - (a) provided to the Panel established under section 8B, and
  - (b) taken into account by SNH or, as the case may be, the Scottish Ministers when imposing a control agreement or control scheme.
- (5) The Scottish Ministers may, by regulations, make further provision about the form, content and publication of assessments under this section.

- (6) Regulations under subsection (5) are subject to the affirmative procedure.

**8B Scrutiny of control agreements and control schemes**

- (1) The Scottish Ministers must establish an independent panel (“the Panel”) to provide oversight and scrutiny of any control agreement or control scheme imposed under this Act.
  - (2) Membership of the Panel shall consist of no fewer than four and no more than ten members appointed by SNH, one of whom shall act as chair.
  - (3) The chair and members of the Panel must be—
    - (a) independent of SNH, and
    - (b) have practical and professional experience in deer management.
  - (4) The Panel—
    - (a) must review any control agreement or control scheme proposed by SNH, and
    - (b) may make recommendations as to the necessity, proportionality and appropriateness of the proposed agreement or scheme.
  - (5) SNH must take into account any recommendations from the Panel before finalising the agreement or scheme.
  - (6) In respect of each financial year, the Panel must submit an annual report to SNH on its activities, including—
    - (a) the number of control agreements and control schemes reviewed,
    - (b) any recommendations made to SNH.
  - (7) SNH must—
    - (a) publish an annual report submitted to it under subsection (6),
    - (b) lay a copy of the report before the Scottish Parliament.”.
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 8A(6) and”.>

**Rhoda Grant**

147 After section 16, insert—

**<Control agreements and control schemes: information from public**

- (1) The 1996 Act is modified as follows.
- (2) After section 8, insert—

**“8A Control agreements and control schemes: information from public**

- (1) SNH must establish a procedure by which a person may submit information or evidence demonstrating that SNH should form—
  - (a) the preliminary view under section 7(1), or
  - (b) the view under section 7(3).

- (2) As soon as reasonably practicable after receiving information or evidence under the procedure established by subsection (1), SNH must—
  - (a) publish the information or evidence, and
  - (b) seeks views on the information or evidence from—
    - (i) any owner or occupier of the land which may be affected by any control agreement or control scheme,
    - (ii) any neighbouring owner or occupier of land who may be affected by any control agreement or control scheme,
    - (iii) any other person SNH considers appropriate.
- (3) Information or evidence must be published under subsection (2)(a) on an anonymous basis where that is requested by the person who has submitted it.
- (4) SNH may require any person whose views are sought under subsection (2)(b), to provide those views no later than 6 weeks from the date of publication of the information or evidence.
- (5) SNH must, no later than 6 months after seeking the views of the persons mentioned in subsection (2)(b), and having assessed both the information or evidence and any views provided to it, determine that—
  - (a) measures are necessary,
  - (b) further information or evidence is required, or
  - (c) no measures are necessary.
- (6) Where subsection (5)(a) applies, SNH must act in accordance with section 7(4).
- (7) Where subsection (5)(b) applies, SNH must seek and publish the further information or evidence it requires.
- (8) Where subsection (5)(b) or (c) applies, SNH must publish reasons for that determination.
- (9) SNH must, as soon as reasonably practicable after making a determination under subsection (5), notify the person who submitted the information or evidence in accordance with the procedure under subsection (1).
- (10) The person who submitted the information or evidence may appeal to the Scottish Land Court against a determination by SNH under subsection (5).
- (11) An appeal under subsection (10) must be made within the period of 21 days beginning with the day on which notice of the determination being appealed against was provided under subsection (9) notified to the person.
- (12) An appeal under subsection (10) is to be determined on the merits rather than by way of review.
- (13) The Scottish Land Court may consider any evidence or other matter, whether or not it was available at the time SNH made the determination being appealed against.”>

## Section 17

### Tim Eagle

- 244 In section 17, page 22, line 10, leave out <registration in the Land Register of Scotland or (as the case may be) recording in the General Register of Sasines> and insert <publishing on SNH’s website>

## Section 19

### Tim Eagle

- 245 In section 19, page 22, line 31, leave out <environment,>

### Rhoda Grant

- 70 In section 19, page 22, line 34, at end insert—

- <( ) In section 26 (right of occupier in respect of deer causing damage to crops etc. on certain ground)—
- (a) in subsection (1)—
    - (i) the words “found, as the case may be, on—” are repealed,
    - (ii) paragraphs (a) and (b) are repealed,
  - (b) in subsection (2), the words “(other than moorland)” are repealed.>

## After section 20

### Mark Ruskell

- 246 After section 20, insert—

*<National Deer Management Programme*

#### **National Deer Management Programme**

- (1) The 1996 Act is modified as follows.
- (2) After section 11, insert—

#### **“11A National Deer Management Programme**

- (1) The Scottish Ministers must, within two years of the date that this section comes into force, publish and lay before the Scottish Parliament, a National Deer Management Programme.
- (2) A National Deer Management Programme must include—
  - (a) the latest population estimate for deer, of all species, in Scotland,
  - (b) the latest population estimate for deer, of all species, broken down by appropriate geographic unit,
  - (c) the total numbers of deer, of all species, that should be culled in Scotland for each year of the five year duration of the programme,
  - (d) the total numbers of deer, of all species, that should be culled in Scotland for each year of the five year duration of the programme, broken down by appropriate geographic unit, and

- (e) policies and proposals, including those for funding, by which SNH will ensure that the cull targets under paragraphs (c) and (d) are met.
- (3) The numbers of deer to be culled, set out under subsection (2)(c) and (d), that should be sufficient, in the opinion of the Scottish Ministers, to ensure that the targets set under section 2C of the Nature Conservation (Scotland) Act 2004 are met.
- (4) Before publishing a National Deer Management Programme, the Scottish Ministers must publish a draft and consult with—
  - (a) SNH,
  - (b) representatives of land owning and land management bodies,
  - (c) representatives of community interests in areas of Scotland where deer culls are to be carried out,
  - (d) representatives of those concerned with nature conservation and restoration, and
  - (e) any other person or body they consider has an interest in deer management.
- (5) The Scottish Ministers must, when laying a National Deer Management Programme under subsection (1) before the Parliament, lay a statement setting out—
  - (a) details of the consultation carried out under subsection (4),
  - (b) a summary of the responses to the consultation, and
  - (c) the changes (if any) they have made as a result of the consultation process and the reasons for those changes.
- (6) The Scottish Ministers must, five years following the publication of the first National Deer Management Programme, and every five years thereafter, review and update it.
- (7) The provisions of this section apply to a review under subsection (6) in the same manner as they apply to the first National Deer Management Programme.”.>

## **Section 22**

### **Edward Mountain**

**148** In section 22, page 24, line 16, leave out <or 6ZB>

## **Section 24**

### **Edward Mountain**

**149** In section 24, page 25, line 33, leave out <or 6ZB(2) (grounds for intervention: nature restoration)>

## **Section 25**

### **Edward Mountain**

**150** In section 25, page 26, line 16, leave out <or 6ZB(2) (grounds for intervention: nature restoration)>

## Section 27

### Edward Mountain

- 151 In section 27, page 27, line 4, leave out <or 6ZB(2) (grounds for intervention: nature restoration)>

### Jim Fairlie

- 71 In section 27, page 27, line 16, leave out from <45(1)> to end of line 18 and insert <45 (interpretation)—

- (a) in subsection (1), after the definition of “shoot”, insert—

““shotgun” means a firearm of such description as may be specified as constituting a shotgun for the purposes of this Act in regulations made by the Scottish Ministers,”

- (b) after subsection (2), insert—

“(3) Before making regulations under subsection (1) in relation to the meaning of “shotgun”, the Scottish Ministers must consult such persons as they consider may have an interest in, or otherwise be affected by, the regulations.”.>

## Section 28

### Edward Mountain

- 152 In section 28, page 27, line 29, leave out <fit and>

### Alasdair Allan

- 37 In section 28, page 27, line 31, leave out <section 26(2)(d)> and insert <sections 26(4)(d) and 26ZA(3)>

### Edward Mountain

- 153 In section 28, page 27, leave out line 33

### Jim Fairlie

- 72 In section 28, page 27, line 33, at end insert—

<( ) in sub-paragraph (x), for “the” substitute “any additional”,>

### Alasdair Allan

- 38 In section 28, page 27, line 36, at end insert—

<( ) after “26” insert “, 26ZA”>

### Edward Mountain

- 154 In section 28, page 27, line 36, at end insert—

<( ) After subsection (2), insert—

- “(2A) Before making regulations under subsection (2) to change the criteria to be used to determine whether a person is fit and competent to shoot deer, the Scottish Ministers must lay before the Scottish Parliament a statement setting out—
- (a) the scientific, ecological or welfare grounds that justify the proposed change or changes,
  - (b) the consultation that has been undertaken,
  - (c) why the Scottish Ministers consider the proposed change or changes are a necessary and proportionate means of achieving the stated aims.
- (2B) The Scottish Ministers must not make regulations under subsection (2) that would have the effect of imposing additional training, qualification, or certification requirements beyond those recognised immediately before the date that the Bill for the Natural Environment (Scotland) Act 2026 receives Royal Assent, unless such regulations would be consistent with any statement made under subsection (2A).
- (2C) Regulations under subsection (2) may provide for more than one level or category of fitness and competence for entry on the register.”>

**Edward Mountain**

155 In section 28, page 27, line 36, at end insert—

<( ) After subsection (2), insert—

“(2A) Regulations under subsection (2) must not require any person to undertake specific training in order to be a registered person.”>

**Tim Eagle**

247 In section 28, page 27, line 36, at end insert—

<( ) After subsection (2), insert—

“(2A) Regulations under subsection (2) must provide that a person who has been actively carrying out the practice of deer management or deer stalking for a period specified in the regulations can be determined to be fit and competent without having undertaken any particular training.”>

**Tim Eagle**

248 In section 28, page 27, line 36, at end insert—

<( ) After subsection (2), insert—

“(2A) Regulations under subsection (2) must provide that a person need not complete any particular training that might otherwise be required to demonstrate that the person is fit and competent if that person can provide a reference as to the person’s ability to professionally kill deer.”>

**Jim Fairlie**

73 In section 28, page 27, line 36, at end insert—

<( ) In subsection (7)—

- (a) in paragraph (a), after “been” insert “taken or”,
- (b) in paragraph (b)(ii)—
  - (i) after “be” insert “taken or”,
  - (ii) for “in the following year” substitute “for a period not exceeding five years”.>

#### **After section 28**

#### **Beatrice Wishart**

**249** After section 28, insert—

##### **<Training to become authorised person**

- (1) The 1996 Act is modified as follows.
- (2) After section 17A, insert—

##### **“17AA Training to become authorised person**

- (1) The Scottish Ministers must, by regulations, introduce a training scheme for persons seeking to become authorised persons for the purposes of section 17A.
- (2) Regulations under subsection (1) must make provision for—
  - (a) a transition period during which persons must undertake any necessary training,
  - (b) the level of training required for persons who are new entrants to deer stalking to become authorised persons,
  - (c) the level of training required for persons who have professional experience of deer stalking to become authorised persons,
  - (d) such other matters as the Scottish Ministers consider appropriate.
- (3) Before laying regulations under subsection (1), the Scottish Ministers must consult—
  - (a) persons with experience of deer stalking,
  - (b) persons appearing to the Scottish Ministers to represent the interests of the persons mentioned in paragraph (a),
  - (c) such other persons as the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (1) are subject to the affirmative procedure.”.
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 17AA(4) and”.>

#### **Tim Eagle**

**250** After section 28, insert—

##### **<Training fund for authorised persons**

- (1) The 1996 Act is modified as follows.
- (2) After section 17A, insert—

**“17AA Training fund for authorised persons**

- (1) The Scottish Ministers must, by regulations, establish a fund for the purpose of meeting the costs for persons who are, or are seeking to be, authorised persons in undertaking any mandatory training to meet the requirements of fitness and competence under section 17A.
  - (2) Regulations under subsection (1) may make such further provision in relation to the establishment and operation of the fund as the Scottish Ministers consider appropriate, including in relation to—
    - (a) applications to the fund, and
    - (b) the determination such applications (including the criteria to be used to determine whether a person’s costs will be met from the fund).
  - (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 17AA(1) and”.>

**After section 31**

**Alasdair Allan**

**39** After section 31, insert—

**<Right of occupier or grazings committee to prevent damage by deer**

- (1) The 1996 Act is modified as follows.
- (2) For section 26 (right of occupier in respect of deer causing damage to crops etc. on certain ground), substitute—

**“26 Right of occupier to prevent damage by deer**

- (1) An occupier of any agricultural land or woodland, or a person mentioned in subsection (4) authorised in writing by the occupier, may take or kill, and sell or otherwise dispose of, any deer found on the land or woodland if the occupier has reasonable grounds to believe that the taking or killing of deer is necessary to prevent—
  - (a) damage—
    - (i) to agricultural production (including any crops or human or animal foodstuffs) on the land,
    - (ii) to the woodland, or
    - (iii) whether directly or indirectly, to the natural heritage or environment generally, or
  - (b) injury to livestock kept on the land, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or otherwise.
- (2) Subsection (1) applies notwithstanding anything contained in any agreement between an occupier of the land or woodland and the owner.
- (3) Subsection (1) does not apply during any period fixed by order under section 5(1) (taking, killing or injuring deer in close season) in relation to the sex and species of the deer concerned.

- (4) The persons referred to in subsection (1) are—
  - (a) the owner of the land or woodland,
  - (b) the owner’s employees,
  - (c) the occupier’s employees, or any other person normally resident, on the land,
  - (d) any other person approved in writing by SNH as a fit and competent person to take or kill deer for the purpose referred to in subsection (1).
- (5) Any authorisation given by an occupier of land to take or kill deer expires—
  - (a) at the end of such period as the occupier may specify in it,
  - (b) in relation to a person mentioned in paragraphs (b) or (c) of subsection (4), the person ceases to be in the employment of the owner or, as the case may be, the occupier, or ceases to be normally resident on the land,
  - (c) in relation to a person mentioned in paragraph (d) of that subsection, when the person ceases to be so approved, or
  - (d) if the occupier revokes it.

**26ZA Right of grazings committee to prevent damage by deer**

- (1) A person authorised in writing by a grazings committee of any particular common grazing, and who meets the condition mentioned in subsection (3), may take or kill, and sell or otherwise dispose of, any deer found on the common grazing if the committee has reasonable grounds to believe that the taking or killing of deer is necessary to prevent—
    - (a) damage—
      - (i) to woodland forming part of the common grazing, or
      - (ii) whether directly or indirectly, to the natural heritage or environment generally, or
    - (b) injury to livestock kept on the common grazing, whether by serious overgrazing of pastures, competing with any such livestock for supplementary feeding, or otherwise.
  - (2) Subsection (1) does not apply during any period fixed by order under section 5(1) (taking, killing or injuring deer in close season) in relation to the sex and species of the deer concerned.
  - (3) The condition referred to in subsection (1) is that the person is approved in writing by SNH as a fit and competent person to take or kill deer for the purpose referred to in that subsection.
  - (4) Any authorisation given by a grazings committee to a person to take or kill deer expires—
    - (a) at the end of such period as the committee may specify in it, or
    - (b) if the committee revokes it.”.
- (3) In section 42 (information to be supplied to owner of certain land), for “or 26(2)” substitute “, 26(4) or 26ZA(3)”.>

## After section 32

**Beatrice Wishart**

251 After section 32, insert—

*<Recording and publishing deer management data*

### **Deer management dashboard**

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

*“Deer management dashboard*

#### **16A Deer management dashboard**

- (1) The Scottish Ministers must record and publish data in relation to deer management in a database to be known as a national deer management dashboard (“the dashboard”).
- (2) The dashboard must be publicly accessible in an electronic or web-based format.
- (3) The data published on the dashboard must include—
  - (a) the estimated number of deer, of all species, in Scotland,
  - (b) the estimated number of deer, of all species, in each geographic unit,
  - (c) the total numbers of deer, of all species, culled in Scotland each year,
  - (d) the total numbers of deer, of all species, culled each year, in each geographic unit,
  - (e) details of any proposed or agreed control agreements under section 7,
  - (f) details of any control schemes under section 8,
  - (g) any other matter that the Scottish Ministers consider appropriate.
- (4) SNH may advise the Scottish Ministers on an appropriate geographic unit by which to publish the information described in subsection (3).
- (5) The Scottish Ministers may by regulations amend or modify the information to be included under subsection (3).
- (6) The Scottish Ministers may delegate their functions under this section to SNH by written direction.
- (7) The Scottish Ministers may modify or revoke a direction under subsection (6).
- (8) Where a direction under subsection (6) is revoked, the Scottish Ministers must continue to record, collate and publish data in accordance with this section and any actions taken by SNH continue to have effect (unless the revoking direction provides otherwise).
- (9) The Scottish Ministers or, as the case may be, SNH, must—
  - (a) in the case of the first dashboard, publish the dashboard before the expiry of the period of 5 years beginning with the day after the Bill for the Natural Environment (Scotland) Act 2026 receives Royal Assent, and

- (b) in the case of each subsequent dashboard, review the dashboard before the expiry of the period of 5 years beginning with day after publication of the previous dashboard.
- (10) Before publishing the first dashboard, or reviewing the dashboard, the Scottish Ministers or, as the case may be, SNH, must consult such persons as they consider to have relevant expertise, an interest in, or otherwise be affected by—
  - (a) the matters to be included in the dashboard under subsection (3),
  - (b) how the data for the dashboard is to be collected, collated and published.
- (11) Regulations under subsection (5) are subject to the affirmative procedure if they modify or repeal any provision in subsection (3).”
- (3) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 16A(10) and”.>

### **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.>

### **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.
- 15 (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.
- (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—
- 30 (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 2028.
- (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**

94 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) the words “the mitigation of” are repealed,
  - (c) for “change” substitute “adaptation”.>

**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 the 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.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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,
  - 25 (v) a scheduled monument within the meaning of the Ancient Monuments and 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.>

**<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.>

**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 (2) to (5).  
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.”.

15 (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—

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

25 (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

### **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. >

## Section 38

### Mark Ruskell

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



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