

Natural Environment (Scotland) Bill — Stage 3

Section 1

Beatrice Wishart

22 In section 1, page 1, line 10, at end insert—

<() In section 1 (duty to further the conservation of biodiversity), in subsection (2)—

(a) the “and” immediately following paragraph (a) is repealed,

(b) after paragraph (b) insert “, and

(c) the need to act in the way best calculated to contribute to targets set in regulations made under section 2C.”.>

Lorna Slater

23 In section 1, page 1, line 17, leave out <and> and insert—

<(aa) the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or any United Nations Convention replacing that Convention),>

John Mason

24 In section 1, page 1, line 26, after “regeneration,” insert—

<(iv) the management of feral species for the purposes of ecological restoration and animal welfare,>

John Mason

25 In section 1, page 2, line 13, at end insert—

<(3A) The Scottish Ministers must exercise the power under subsection (1) so as to set a target in respect of the topic described in subsection (1)(a)(iv) relating to the sheep population on the archipelago of St Kilda.

(3B) For the purpose of meeting a target set in accordance with subsection (3A), sheep on the archipelago of St Kilda are to be considered as a feral species.

(3C) Before laying a draft of a Scottish statutory instrument containing regulations setting a target in relation to subsection (3A), the Scottish Ministers must—

(a) consult such persons as they consider to have an interest in the management of the sheep population of St Kilda, including—

(i) Scottish Natural Heritage,

(ii) the National Trust for Scotland,

(iii) animal welfare organisations, and

(b) have regard to the desirability of—

(i) improving the welfare of the sheep population, and

- (ii) mitigating the impact of the sheep population on the natural heritage of St Kilda.>

John Mason

26 In section 1, page 2, line 15, at end insert—

<() For the purposes of this section—

“feral species”—

(a) means an animal of a kind which is commonly domesticated, including all sheep even where those sheep are living a wild state, and

(b) is to be construed in accordance with section 17 (1) of the Animal Health and Welfare (Scotland) Act 2006,

“natural heritage” is to be construed in accordance with section 1(3) of the Natural Heritage (Scotland) Act 1991,

“St Kilda” is to be understood as the archipelago situated 100 miles off the west coast of Scotland, consisting of the islands of—

(a) Boreray

(b) Dùn,

(c) Hirta

(d) Soay, and

(e) Levenish sea stacks.>

Mark Ruskell

27 In section 1, page 2, leave out line 21 and insert—

<(b) how it is intended that the approach set out under paragraph (a) be funded,>

Mercedes Villalba

28 In section 1, page 5, line 31, at end insert—

<(4A) Regulations under this section must specify a person who is independent of the Scottish Ministers.>

Gillian Martin

29 In section 1, page 5, line 35, at end insert—

<2H **Application of this Part**

This Part applies only in relation to the exercise of functions by public bodies or office-holders in or as regards Scotland which do not relate to reserved matters.”.>

Section 1B

Gillian Martin

30 Leave out section 1B

After section 1B

Mark Ruskell

31 After section 1B, insert—

<PART

HABITATS REGULATIONS: GUIDANCE

Interpretation of habitats regulations

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, publish guidance on the interpretation and implementation of the habitats regulations.
- (2) Before publishing guidance under subsection (1), the Scottish Ministers must consult such persons as they consider may have an interest in the regulations.
- (3) In this section, “habitats regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716).>

After section 5A

Mark Ruskell

32 After section 5A, insert—

<Reports on National Park proposals

Choice of reporter for National Park proposals

- (1) Section 3 of the National Parks (Scotland) Act 2000 (Reports on National Park proposals) is modified as follows.
- (2) For subsection (1), substitute—
 - “(1) The Scottish Ministers may appoint a person or body appearing to them to have expertise relevant to the National Park aims (the “reporter”) to consider and report on a National Park proposal.
 - (1A) In an appointment under subsection (1), the Scottish Ministers may require the reporter to report to them—
 - (a) by such date as may be specified in the appointment, and
 - (b) on such matters set out in subsection (2) as may be specified in the appointment.”.
- (3) In subsection (2)(e), for “the requirement may specify” substitute “may be specified in the appointment”.
- (4) In subsection (3)—
 - (a) for “impose a requirement” substitute “make an appointment”,
 - (b) for “person who is to provide the report (the “reporter”)” substitute “reporter”.
- (5) For subsection (4), substitute—

- “(4) The Scottish Ministers may appoint more than one reporter under subsection (1), and if so—
 - (a) may impose different requirements on different reporters,
 - (b) may modify the application of subsection (5) in relation to any reporter, but
 - (c) must require the reporters to provide their reports in a single document.”.
- (6) In subsection (5)—
 - (a) in paragraph (a), for “requirement” substitute “appointment”,
 - (b) in paragraph (b), for “requirement” substitute “appointment”.
- (7) In subsection (7), for “requirement” substitute “appointment”.
- (8) In subsection (9)(a), for “requirement” substitute “appointment”.>

After section 20

Emma Harper

33 After section 20, insert—

<National deer management and venison plan: matters which may be considered

(1) After section 40A of the 1996 Act, insert—

“40C National deer management and venison plan: matters which may be considered

The Scottish Ministers, when preparing a plan or reviewing and updating a plan under section 40B, may in particular have regard to—

- (a) the different circumstances in which deer are managed,
- (b) the challenges of managing deer in different circumstances including the terrain, species of deer present, and cost,
- (c) the characteristics and numbers of deer present, including differences in behaviour between species,
- (d) in relation to the priorities identified in the plan, the importance of balancing social, economic, environmental and deer welfare considerations.”.>

After section 33C

Emma Harper

34 After section 33C, insert—

<Salmon and freshwater 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)—
- (a) in subsection (6)—
 - (i) at the beginning, insert “Subject to subsection (7),”,
 - (ii) for “level 4 on the standard scale” substitute “the statutory maximum”,
 - (b) after subsection (6), insert—

“(7) Where the commission of an offence under this section results in the taking of more than one salmon, the person who committed the offence is liable on summary conviction to a fine not exceeding the statutory maximum in respect of each salmon taken.”.
- (3) In section 2 (methods of fishing: freshwater fish)—
- (a) in subsection (1)—
 - (i) after “subsections” insert “(1A),”,
 - (ii) for “level 4 on the standard scale” substitute “the statutory maximum”,
 - (b) after subsection (1), insert—

“(1A) Where the commission of an offence under this section results in the taking of more than one freshwater fish, the person who committed the offence is liable on summary conviction to a fine not exceeding the statutory maximum in respect of each freshwater fish taken.”.
- (4) In section 5 (prohibition against using explosive and other noxious substances for the destruction or taking of fish)—
- (a) in subsection (3)(a)—
 - (i) at the beginning, insert “Subject to subsection (4),”,
 - (ii) for “the statutory maximum” substitute “£40,000”,
 - (b) after subsection (3), insert—

“(4) Where the commission of an offence under this section results in the taking, destruction or stunning of more than one fish, the person who committed the offence is liable on summary conviction to a fine not exceeding the maximum fine in respect of each fish taken, destroyed or stunned.”.
- (5) In section 6 (fishing for salmon without right or permission)—
- (a) in subsection (1), the words “and liable on summary conviction to a fine not exceeding level 3 on the standard scale” are repealed,
 - (b) after subsection (1), insert—

“(1A) A person found guilty of an offence under subsection (1) is, on summary conviction, liable—

 - (a) where the offence results in the taking of a salmon, subject to subsection (1B), to a fine not exceeding the statutory maximum,
 - (b) otherwise, to a fine not exceeding level 3 on the standard scale.

(1B) Where the commission of an offence under this section results in the taking of more than one salmon, the person who committed the offence is liable on summary conviction to a fine not exceeding the statutory maximum in respect of each salmon taken.”.

- (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)—
 - (i) at the beginning, insert “subject to subsection (2)”,
 - (ii) for “the statutory maximum” substitute “£40,000”,
 - (c) after that subsection, insert—

“(2) Where the commission of an offence under this section results in the taking of more than one salmon or freshwater fish, the person who committed the offence is liable on summary conviction to a fine not exceeding the maximum fine in respect of each fish taken.”.
- (7) In section 10 (offences in relation to passage of salmon)—
- (a) in subsection (1)—
 - (i) at the beginning, insert “Subject to subsection (1A),”,
 - (ii) for “level 4 on the standard scale” substitute “the statutory maximum”,
 - (b) after subsection (1), insert—

“(1A) Where the commission of an offence under this section results in the taking of more than one salmon, the person who committed the offence is liable on summary conviction to a fine not exceeding the statutory maximum in respect of each salmon taken.”.
- (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 “level 3 on the standard scale” 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)—
- (a) in subsection (7), the words “and liable on summary conviction to a fine not exceeding level 4 on the standard scale” are repealed,
 - (b) after subsection (7), insert—

“(7A) A person found guilty of an offence under subsection (7) is, on summary conviction, liable—

 - (a) where the offence results in the taking, killing or otherwise harming of a salmon, subject to subsection (7B), to a fine not exceeding the statutory maximum,
 - (b) otherwise, to a fine not exceeding level 4 on the standard scale.

(7B) Where the commission of an offence under this section results in the taking, killing or otherwise harming of more than one salmon, the person who committed the offence is liable on summary conviction to a fine not exceeding the statutory maximum in respect of each salmon taken, killed or otherwise harmed.”.>

Section 34

Gillian Martin

- 35 In section 34, page 36, line 16, leave out <includes a reference to> and insert <is a reference to (any of)>

Gillian Martin

- 36 In section 34, page 36, line 19, leave out from <(but> to <matters)> in line 20

Gillian Martin

- 37 In section 34, page 36, line 23, after <include> insert <—
(i)>

Gillian Martin

- 38 In section 34, page 36, line 24, after <state> insert <, or
(ii) any body to which paragraph 3(2) of Part III of schedule 5 of the Scotland Act 1998 applies.>

Gillian Martin

- 39 In section 34, page 36, leave out lines 25 to 27

After section 34

Mercedes Villalba

- 40 After section 34, insert—

<Sustainable forest management

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) After section 8, insert—

“Power to make further provision in relation to sustainable forest management

8A Sustainable forest management: further provision

- (1) The Scottish Ministers may by regulations make further provision in connection with sustainable forest management (including the implementation of the forestry strategy).
- (2) Regulations under this section may, in particular—
 - (a) require specified persons to comply with specified requirements of the UK Forestry Standard,
 - (b) provide for the issuing of a remedial notice under section 54(1) in respect of a failure to comply with such a specified requirement,
 - (c) make provision about circumstances in which the specified requirements do not apply.

- (3) Before making regulations under this section, the Scottish Ministers must consult—
 - (a) persons that they consider are representative of the forestry sector in Scotland, and
 - (b) such other persons as they consider appropriate.
- (4) In the event that there is a new edition of the UK Forestry Standard endorsed by the Scottish Ministers, the Scottish Ministers must—
 - (a) review any regulations made under this section, and
 - (b) if appropriate, lay a draft of a Scottish statutory instrument containing regulations updating the regulations before Parliament.
- (5) For the purpose of this section—
 - (a) “the UK Forestry Standard” means—
 - (i) the fifth edition of the technical standard for sustainable forest management, published in 2023 and endorsed by the Scottish Ministers,
 - (ii) the most recently published subsequent edition of such standard which is endorsed by the Scottish Ministers, or
 - (iii) in the event of there being no published UK Forestry Standard which is endorsed by the Scottish Ministers, such other document as the Scottish Ministers consider most similar to the UK Forestry Standard,
 - (b) “specified” means specified in the regulations.”.
- (3) In section 22 (key terms in Part 4), after the definition of “temporary stop notice” insert—

““UKFS requirement” means a requirement specified in regulations made under section 8A(1).”.
- (4) In section 53 (power of entry: failure to comply)—
 - (a) in subsection (1)—
 - (i) the “or” immediately following paragraph (e) is repealed,
 - (ii) after paragraph (f), insert “, or
 - (g) a UKFS requirement.”,
 - (b) in subsection (2), for “or (as the case may be) the notice” substitute “, the notice or (as the case may be) the UKFS requirement”,
 - (c) in subsection (3), after paragraph (c) insert—

“(d) in the case of a UKFS requirement, the land on which the particular forestry activity to which the UKFS requirement relates is taking place.”.
- (5) In section 54 (remedial notices)—
 - (a) in subsection (1)—
 - (i) the “or” immediately following paragraph (c) is repealed,
 - (ii) after paragraph (d), insert “, or
 - (e) a UKFS requirement.”,

- (b) in subsection (3), for “or (as the case may be) registered notice to comply” substitute “, registered notice to comply or (as the case may be) UKFS requirement”.
- (6) In section 76 (regulations), in subsection (2), before paragraph (a) insert—
- “(za) section 8A(1),”.
- (7) In schedule 3 (index of defined expressions), at the appropriate place insert—

“UKFS requirement	Section 22”.>
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Mairi Gougeon

41 After section 34, insert—

<Forestry: offence of unauthorised felling

- (1) The Forestry and Land Management (Scotland) Act 2018 is modified as follows.
- (2) In section 23 (offence of unauthorised felling)—
- (a) in subsection (1) after “fells” insert “or knowingly causes or permits another person to fell”,
- (b) after subsection (3), insert—
- “(4) It is a defence for a person charged with an offence under subsection (1) to show that the person reasonably believed that the felling was carried out in accordance with a permission, direction or notice mentioned in paragraph (b)(i) to (vi) of that subsection.”.>

After section 34A

Beatrice Wishart

42 After section 34A, insert—

<Muirburn licensing: making muirburn for purpose of approved training course

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is amended as follows.
- (2) In section 13 (application for muirburn licence), in subsection (2)—
- (a) in paragraph (a), after sub-paragraph (vi) insert—
- “(vii) training as part of a training course approved under section 17,”,
- (b) in paragraph (b), after sub-paragraph (iv) insert—
- “(v) training as part of a training course approved under section 17.”.
- (3) In section 14 (grant of muirburn licence), in subsection (2)—
- (a) in paragraph (a), after “(ii)” insert “or (b)(i) to (iii)”,
- (b) in paragraph (b), for “(vi)” substitute “(vii) or (b)(iv) or (v)”.>

Beatrice Wishart

43 After section 34A, insert—

<Muirburn licensing: grounds for grant of licence

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

Long Title

Gillian Martin

- 44** In the long title, page 1, line 2, leave out <to confer on the Scottish Ministers a power to modify certain legislation in relation to environmental impact assessments and habitats;>

Gillian Martin

- 45** In the long title, page 1, line 4, after <deer;> insert <to make certain other miscellaneous provisions relating to environmental matters;>