

# Natural Environment (Scotland) Bill

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## Marshalled List of Amendments selected for Stage 3

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

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(a) the “and” immediately following paragraph (a) is repealed,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

Supported by: Sarah Boyack

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),>

#### Tim Eagle

63 In section 1, page 1, line 18, at end insert—

<(2) In setting targets under this Part, the Scottish Ministers must have regard to the importance of local food production and domestic food security.

(3) For the avoidance of doubt, any targets set under this Part must not have the purpose of reducing beef and dairy herd numbers.>

#### Mercedes Villalba

46 In section 1, page 1, line 23, leave out <or extent>

#### Mercedes Villalba

47 In section 1, page 1, line 23, at end insert—  
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<(ia) the extent of any habitat,>

**John Mason**

24 In section 1, page 1, line 26, at end insert—

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

**Douglas Lumsden**

64 In section 1, page 1, line 26, at end 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,>

**Sarah Boyack**

65 In section 1, page 1, line 26, at end insert—

<(iv) the condition of designated natural features on protected sites and marine protected sites,>

**Ariane Burgess**

66 In section 1, page 2, line 2, at end insert—

<(1A) The Scottish Ministers must exercise the power under subsection (1) to set a target that restricts demersal mobile fishing gear in at least 30% of Scotland’s inshore waters.

(1B) The progress and achievement of the target under subsection (1A) is to be measured by—

- (a) the prioritisation of Scotland’s inshore areas for fishing techniques that have a reduced impact on the environment, including but not limited to static gear, lining and hand-diving collecting,
- (b) the installation of robust, tamper-proof and accurate vessel tracking and monitoring technology on all Scottish fishing vessels,
- (c) the support provided to affected fisheries sector to adapt.

(1C) For the purpose of subsection (1A), “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, for example, a dredge, beam trawl, demersal seine net or demersal trawl.>

**Sarah Boyack**

67 In section 1, page 2, line 13, leave out <coming into force> and insert <receiving Royal Assent>

**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,>

**Sarah Boyack**

- 68 In section 1, page 3, line 2, 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**

- 69 In section 1, page 3, line 6, after <meet> insert <within a period of 12 months beginning with the day on which the target in question was expected to be met>

**Mercedes Villalba**

- 70 In section 1, page 5, line 31, at end insert—  
<(4A) Regulations under this section must specify a public body or office holder 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**

- 5 (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.
- 10 (3) In this section, “habitats regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716).>

**Rhoda Grant**

- 31A As an amendment to amendment 31, line 5, leave out <12 months> and insert <2 years>

## **Rhoda Grant**

**31B** As an amendment to amendment 31, line 8, leave out from <consult> to end of line 9, and insert <establish an independent working group to advise the Scottish Ministers on the matters mentioned in subsection (2A).>

(2A) The matters are—

- (a) the information to be included in the guidance under subsection (1),
- (b) the efficacy of the law as it relates to the habitats regulations and the Scottish Ministers' ability to fulfil their duties in relation to biodiversity.

(2B) When preparing the guidance under subsection (1), the Scottish Ministers must have regard to any advice provided by the independent working group.

(2C) The Scottish Ministers may appoint such persons as they consider to have an interest in the habitats regulations as members of the independent working group.>

## **Section 5**

### **Emma Harper**

**48** In section 5, page 7, line 21, at end insert—

<(da) encouraging sustainable and regenerative agriculture,>

### **Tim Eagle**

**71** In section 5, page 7, line 23, after <sustainable> insert <economic growth and>

### **Sarah Boyack**

**72** In section 5, page 7, line 23, leave out from <improves> to the end of line 25 and insert—

- <(i) improves the health and wellbeing of individuals who visit, live and work in the area, and
- (ii) supports the prosperity of communities in the area, including in relation to the provision of housing for people to live and work in the area.>

## **After section 5A**

### **Sarah Boyack**

**73** After section 5A, insert—

*<National Park Proposals*

#### **Advice before making National Park proposals**

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

(2) In section 2, after subsection (2) insert—

“(2A) Before making a proposal under subsection (1) the Scottish Ministers must have regard to advice provided under section 2A.”.

(3) After section 2, insert—

**“2A Advice before making a National Park proposal**

- (1) Before making a National Park proposal, the Scottish Ministers must seek expert advice on the matters set out in subsection (2) from such persons as the Scottish Ministers consider to have expertise relevant to the National Park aims and the conditions for designation set out in section 2(2).
- (2) The matters are, in relation to the National Park aims and conditions for designation—
  - (a) the management needs of the area,
  - (b) whether designation as a National Park could—
    - (i) improve the management of the area, and
    - (ii) help to meet the special needs of the area, and
  - (c) such other matters relating to the designation of a National Park as the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers must, as soon as reasonably practicable after the expert advice has been provided, lay a copy of the advice before the Scottish Parliament.”.>

**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”.>

## **Section 6**

### **Sarah Boyack**

- 74 In section 6, page 8, line 24, after <subsection (1)> insert <—  
( )>

### **Sarah Boyack**

- 75 In section 6, page 8, line 28, at end insert—  
<( ) after the definition of “community council”, insert—  
““cultural development” includes the development of arts, tangible and intangible cultural heritage, creative industries, and activities which reflect the diversity and distinctiveness of the area and its communities.”.>

## **After section 6**

### **Ross Greer**

#### **Supported by: Jackie Baillie**

- 76 After section 6, 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 where the decision relates to a major or national development.”.
  - (3) In subsection (2), after “section” insert “—  
“major development” has the same meaning as in the schedule of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (S.S.I. 2009/51),

“national development” means the development or classes of development designated as such in the National Planning Framework under section 3A(4)(b) of the Town and Country Planning (Scotland) Act 1997.”.>

## Section 7

### Sarah Boyack

- 77 In section 7, page 8, line 34, leave out <facilitate the implementation of> and insert <actively implement>

## Section 10

### Edward Mountain

- 1 In section 10, page 13, line 2, after <Scotland> insert <(meaning fallow, red and roe deer)>

### Edward Mountain

- 2 In section 10, page 13, line 3, at end insert—  
<(iia) to ensure employment in the field of deer management,>

### Edward Mountain

- 3 In section 10, page 13, line 4, after <effective> insert <and humane>

### Edward Mountain

- 4 In section 10, page 13, line 6, at end insert—  
<(iva) to seek to prevent conflict between the public and those persons responsible for deer management or carrying out deer management practices,>

## Section 11

### Edward Mountain

- 5 In section 11, page 13, line 21, leave out <may> and insert <must>

### Edward Mountain

- 6 In section 11, page 13, line 22, at end insert—  
<(5) A member appointed under subsection (4) must attend any meeting of the panel.”.>

### Edward Mountain

- 7 In section 11, page 13, line 22, at end insert—  
<(5) A member appointed under subsection (4) must be involved in the planning of deer management in the locality of the panel.”.>

## After section 11

### Edward Mountain

78 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 20 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

### Edward Mountain

8 In section 12, page 13, line 26, leave out subsection (2)

### Tim Eagle

79 In section 12, page 13, line 27, leave out <will> and insert <may>

### Edward Mountain

9 In section 12, page 13, line 29, leave out subsection (3)

### Edward Mountain

10 In section 12, page 14, line 1, at end insert—

<( ) after subsection (1A) insert—

“(1B) When carrying out a review under subsection (1), SNH must consult—

- (a) persons who have an interest in deer management,
- (b) persons with practical experience of deer management.”>

**Edward Mountain**

11 In section 12, page 14, line 1, at end insert—

<( ) after subsection (1B) insert—

“(1C) SNH must publish—

- (a) details of the consultation undertaken under subsection (1B), including any consultation documents or materials,
- (b) the results of that consultation, including any views expressed by the persons mentioned in paragraphs (a) and (b) of subsection (1B).”,>

**Edward Mountain**

80 In section 12, page 14, line 4, leave out <10> and insert <5>

**Edward Mountain**

12 Leave out section 12

**Section 13**

**Edward Mountain**

81 In section 13, page 14, line 23, after <safety> insert <and SNH is satisfied that no other measure (such as the use of speed limits) would protect public safety>

**Tim Eagle**

82 In section 13, page 14, line 32, leave out <in relation to> and insert <on>

**Edward Mountain**

83 In section 13, page 14, line 34, after first <or> insert <materially>

**Tim Eagle**

84 In section 13, page 14, line 35, leave out <, enhances or otherwise improves> and insert <and enhances>

**Tim Eagle**

85 In section 13, page 15, line 2, after <enactment> insert <which primarily deals with deer management in Scotland>

**Tim Eagle**

86 In section 13, page 15, line 6, leave out <relating to> and insert <primarily relating to deer management in Scotland,>

## Section 14

### Tim Eagle

- 87 In section 14, page 15, line 14, after <applies,> insert <and having had regard to and acting in accordance with any requirements set out in the code of practice on deer management,>

### Edward Mountain

- 88 In section 14, page 15, line 29, leave out <3> and insert <6>

### Edward Mountain

- 13 In section 14, page 15, line 38, leave out <and occupiers> and insert <, occupiers and holders of any relevant shooting or sporting rights in relation to the area of land to which the plan relates>

### Edward Mountain

- 14 In section 14, page 16, line 1, leave out lines 1 to 4

### Edward Mountain

- 15 In section 14, page 16, line 3, leave out <SNH considers to have> and insert <has>

## Section 15

### Tim Eagle

- 89 In section 15, page 16, line 11, leave out subsection (3) and insert—  
<( ) In subsection (3), after second “to” insert “and acting in accordance with any requirements set out in”.>

### Rhoda Grant

- 49 In section 15, page 16, line 34, at end insert—  
<“(7A) As soon as reasonably practicable after completing a review under subsection (7), SNH must publish the outcome of the review.>

## After section 15

### Rhoda Grant

- 50 After section 15, insert—  
<**Right to request action where deer are not being managed**  
(1) The 1996 Act is modified as follows.  
(2) After section 7 (control agreements) insert—

**“7A Right to request action where deer are not being managed**

- (1) A person may request SNH to exercise its functions under section 6A or 7 if the person—
    - (a) believes that the grounds in section 6ZA(2) and (3) are met, and
    - (b) is, or is likely to be, directly affected by damage, injury, or danger of the type described in section 6ZA(2).
  - (2) A request under subsection (1) must include reasons for the belief that the grounds in section 6ZA(2) and (3) are met.
  - (3) The Scottish Ministers may, by regulations, modify subsection (2) to add, remove or adjust the information which is to be included in a request under subsection (1).
  - (4) SNH must, following a request under subsection (1)—
    - (a) decide whether it is satisfied that the grounds in section 6ZA(2) and (3) are met,
    - (b) if it decides that the grounds are met, decide whether to exercise its functions under section 6A or 7, and
    - (c) inform the person who made the request of its decisions and the action, if any, SNH proposes to take.
  - (5) Regulations under subsection (3) are subject to the affirmative procedure”.
- (3) In section 47 (order, regulations etc.), in subsection (1), for “section” substitute “sections 7A(3) and”.>

**Section 16**

**Tim Eagle**

- 90 In section 16, page 17, leave out lines 6 and 7 and insert—  
<( ) after “to” insert “and acting in accordance with any requirements set out in”,>

**Beatrice Wishart**

- 51 In section 16, page 18, line 3, after <requirement> insert <, and  
(iii) an owner or occupier for the time being of land upon whom no requirement is (or is proposed to be) imposed under a control scheme but who, in the opinion of SNH, is (or is likely to be) significantly affected by the proposal>

**Edward Mountain**

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

**Edward Mountain**

- 92 In section 16, page 20, line 20, after <SNH> insert—

- <(b) such persons as the Scottish Ministers consider to represent the interests of relevant persons,  
(c)>

**Beatrice Wishart**

- 52 In section 16, page 20, line 29, after <person> insert <falling within paragraph 2(c)(i) or (ii)>

**Beatrice Wishart**

- 53 In section 16, page 21, line 4, after <person> insert <falling within paragraph 2(c)(i) or (ii)>

**After section 16**

**Mark Ruskell**

- 93 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 subsection (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).”>

## **Section 17**

### **Edward Mountain**

- 16** In section 17, page 21, line 18, at beginning insert—

<( ) The 1996 Act is modified as follows.  
( )>

### **Edward Mountain**

- 17** In section 17, page 21, line 18, leave out <of the 1996 Act>

### **Edward Mountain**

- 18** In section 17, page 22, line 6, at end insert—

- <(5A) An owner or occupier provided with a statement under subsection (2) or (5) may, within the period of 28 days beginning with the day on which the statement was provided, request SNH to refer the statement for independent scrutiny by a panel established under subsection (5B).
- (5B) The Scottish Ministers must, by regulations, make provision for the establishment and operation of panels to scrutinise statements referred following requests made under subsection (5A).
- (5C) A panel established under subsection (5B) must comprise persons who—
- (a) are independent of SNH and of the owner or occupier making the request,
  - (b) have relevant expertise—
    - (i) the practical management of deer, and
    - (ii) public audit or accountancy.
- (5D) SNH must, on receipt of a request under subsection (5A)—
- (a) refer the statement to an independent panel established under subsection (5B), and
  - (b) suspend any recovery or enforcement action until such time as the panel has made a determination.
- (5E) A panel, having received a referral under subsection (5D)—
- (a) must consider the information detailed in the statement, and
  - (b) may—
    - (i) confirm the statement, or

(ii) vary, in whole or in part, any amount detailed in the statement.

(5F) Where, following the panel’s determination, SNH and the owner or occupier remain in dispute about the recovery of costs and expenses, the parties may agree to refer that dispute to arbitration under the Arbitration (Scotland) Act 2010.

(5G) Nothing in subsections (5A) to (5F) affects any right of appeal to the Scottish Land Court under subsection (6).

(5H) Regulations under subsection (5B) are subject to the affirmative procedure.>

**Edward Mountain**

19 In section 17, page 22, line 17, at end insert—

<( ) In section 47 (orders, regulations etc.), in subsection (1), for “section” substitute “sections 9(5H) and”.>

**Section 19**

**Edward Mountain**

94 In section 19, page 22, leave out lines 36 and 37

**Edward Mountain**

95 In section 19, page 22, leave out line 38

**Section 20**

**Edward Mountain**

96 Leave out section 20

**After section 20**

**Jim Fairlie**

20 After section 20, insert—

*<National deer management and venison plan*

**National deer management and venison plan**

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

5 *“National deer management and venison plan*

**40B National deer management and venison plan**

(1) The Scottish Ministers must, within the period of 5 years beginning with the day on which this section comes into force, prepare a plan about the management of deer and the promotion of venison in Scotland.

10 (2) The plan prepared under subsection (1) must include—

(a) a statement of priorities in relation to deer management in Scotland,

- 15
- (b) the measures and actions that the Scottish Ministers intend to take in relation to—
- (i) the management of deer found in Scotland’s lowland areas (as defined in the plan),
- (ii) current and emerging deer management concerns, including any species specific concerns,
- (iii) the venison industry, key venison facilities and venison supply chains,
- 20 (iv) identifying financial support for deer management, including how it can be most efficiently used,
- (c) data which the Scottish Ministers consider relevant to the management of deer, including deer and urban deer population information, and national spread information,
- 25 (d) any other matter relating to deer management or promotion of venison that the Scottish Ministers consider appropriate.
- (3) The Scottish Ministers must review and update the plan—
- (a) before the end of the period of 10 years beginning with the date on which the first plan was published under subsection (5), and
- (b) before the end of each subsequent period of 10 years.
- 30 (4) When preparing a plan under subsection (1), or reviewing and updating a plan under subsection (3), the Scottish Ministers must consult—
- (a) SNH,
- (b) such persons as they consider represent the interests of—
- (i) persons undertaking deer management, and
- 35 (ii) the venison industry, and
- (c) such other persons as they consider appropriate.
- (5) The Scottish Ministers must, as soon as reasonably practicable after preparing a plan under subsection (1), or reviewing and updating a plan under subsection (3)—
- 40 (a) lay the plan before the Scottish Parliament, and
- (b) publish the plan.
- (6) In this section, “venison” means any part of the carcase of a deer which is edible by humans.
- (7) The Scottish Ministers may by regulations modify subsection (2) to add, adjust or remove information that must be included in a plan.
- 45 (8) Regulations under subsection (7) are subject to the affirmative procedure.”.>

**Mark Ruskell**

**20A** As an amendment to amendment 20, line 22, leave out from second <deer> to end of line 23 and insert <—

- (i) the latest population estimate for deer, of all species, in Scotland,

- (ii) the latest population estimate for deer, of all species, broken down by appropriate geographic unit,
- (iii) 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,
- (iv) 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>

**Mark Ruskell**

**20B** As an amendment to amendment 20, line 23, at end insert—

<(ca) polices and proposals, including those for funding, by which SNH will ensure that the cull targets under paragraphs (c)(iii) and (iv) are met.>

**Tim Eagle**

**20C** As an amendment to amendment 20, line 23, at end insert—

<(ca) the introduction of a pilot for community larders and wider processing infrastructure for the purpose of increasing production capacity for venison,>

**Tim Eagle**

**20D** As an amendment to amendment 20, line 25, at end insert—

<(2A) When preparing the plan under subsection (1), the Scottish Ministers must consider whether the plan should make provision for the introduction of a pilot for community larders and wider processing infrastructure for the purpose of increasing production capacity for venison.>

**Mark Ruskell**

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

<(iii) the environmental and nature restoration sector,>

**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.”.>

**Rachael Hamilton**

97 After section 20, insert—

**<National deer management and venison plan: initial consideration of matters relating to venison**

After section 40A of the 1996 Act, insert—

**“40D National deer management and venison plan: initial consideration of matters relating to venison**

- (1) Before preparing a plan or reviewing and updating a plan under section 40B, the Scottish Ministers must consider what barriers (if any) exist in relation to the effective operation of venison processing facilities.
- (2) When considering the matter in subsection (1), the Scottish Ministers must consult—
  - (a) such persons as they consider represent the interests of the venison industry, and
  - (b) such other persons as they consider appropriate.
- (3) Any consultation under subsection (2) which would to any extent have satisfied sub-paragraph (ii) of section 40B(4)(b), that sub-paragraph may to that extent be taken to have been satisfied.”.>

**Mark Ruskell**

98 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 21**

### **Edward Mountain**

**99** In section 21, page 23, leave out line 32

### **Edward Mountain**

**100** In section 21, page 23, line 34, after <person> insert <who is qualified in practical deer management and is>

### **Edward Mountain**

**101** In section 21, page 23, line 35, leave out <all reasonable times> and insert <a reasonable time, and as previously agreed with the owner or occupier,>

### **Edward Mountain**

**102** In section 21, page 24, line 11, at end insert—

<( ) after subsection (3) insert—

“(3A) Where a person is authorised by SNH for the purpose described in subsection (3)(a), SNH must, within the period of 3 months beginning with the day on which the information was recorded share with the owner—

(a) the recorded information on the number and characteristics of deer in the area, and

(b) the assessment of the impact those deer have on the area.

(3B) Information shared under subsection (3A) must be shared in an accessible format.”.>

### **Edward Mountain**

**103** In section 21, page 24, line 11, at end insert—

<( ) after subsection (3B) insert—

“(3C) SNH must comply with subsections (3A) and (3B) before taking any further action under this Act.”.>

### **Edward Mountain**

**104** In section 21, page 24, line 11, at end insert—

<( ) after subsection (4), insert—

“(5) SNH must compensate the owner or occupier of land for any damage caused to that land resulting from the exercise of any power of entry conferred by this section.”.>

## **Section 22**

### **Edward Mountain**

**105** In section 22, page 24, line 27, leave out <SNH believes is or may be relevant to its> and insert <is relevant to SNH's>

## **Section 24**

### **Edward Mountain**

**106** In section 24, page 25, line 28, at end insert—

<( ) After subsection (1) insert—

“(1A) An order under subsection (1) must include a restriction on the taking or killing of a female deer where it is feeding a calf, unless the calf is killed or taken first.”.>

### **Edward Mountain**

**107** In section 24, page 25, line 28, at end insert—

<( ) After subsection (1) insert—

“(1A) An order under subsection (1) must include a restriction on the taking or killing of a male calf from 31 May to 20 October, unless the mother of the calf is also killed or taken.”.>

## **Section 27**

### **Edward Mountain**

**108** In section 27, page 27, line 6, after <deer> insert <(with the exception of red deer)>

### **Edward Mountain**

**109** In section 27, page 27, line 15, at end insert—

<(4A) A shotgun authorised for use under this section may only be used with ammunition—  
(a) containing powder of no less than 36g, and  
(b) not containing steel shot.”.>

## **Section 28**

### **Edward Mountain**

**110** In section 28, page 28, line 11, at end insert—

<( ) After subsection (2) insert—

“(2A) Regulations under subsection (1) must not require any person to complete any training or qualification in order to be a registered person.”.>

### **Edward Mountain**

**111** In section 28, page 28, line 11, at end insert—

<( ) After subsection (2) insert—

“(2A) Regulations under subsection (1) must provide that where a person meeting the requirement in subsection (2B) makes an application for registration, that person must be determined to be fit and competent to shoot deer.

(2B) The requirement is that the person has continuously possessed a firearms certificate under the Firearms Act 1968 since 1 January 1975.”.>

### **Edward Mountain**

**112** In section 28, page 28, line 11, at end insert—

<( ) After subsection (2) insert—

“(2A) Regulations under subsection (1) must provide that where a person meeting the requirement in subsection (2B) makes an application for registration, that person must be determined to be fit and competent to shoot deer.

(2B) The requirement is that the person was born on or before 31 December 1975.”.>

### **Edward Mountain**

**113** In section 28, page 28, line 11, at end insert—

<( ) After subsection (2) insert—

“(2A) Regulations under subsection (1) must provide that where a person meeting the requirement in subsection (2B) makes an application for registration, that person must be determined to be fit and competent to shoot deer.

(2B) The requirement is that the person can provide a reference confirming that the person is fit and competent to shoot deer.

(2C) A reference under subsection (2B) must confirm that the person giving the reference—

(a) considers that the applicant is capable of carrying out deer stalking in a safe, humane and lawful manner,

(b) accepts limited supervisory responsibility.”.>

### **Edward Mountain**

**114** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) the Chief Constable of the Police Service of Scotland,

(b)”,

(b) after “such” insert “other”.>

### **Edward Mountain**

**115** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) the Police Federation for Scotland,

(b)”,

(b) after “such” insert “other”.>

### **Edward Mountain**

**116** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) Scottish Natural Heritage,

(b)”,

(b) after “such” insert “other”.>

**Edward Mountain**

**117** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) the Secretary of State for the Home Department,

(b)”,

(b) after “such” insert “other”.>

**Edward Mountain**

**118** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) all regional police forces of England and Wales,

(b)”,

(b) after “such” insert “other”.>

**Edward Mountain**

**119** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) the Police Service of Northern Ireland,

(b)”,

(b) after “such” insert “other”.>

**Edward Mountain**

**120** In section 28, page 28, line 11, at end insert—

<( ) In subsection (3)—

(a) after “consult” insert “—

(a) the National Police Chiefs’ Council,

(b)”,

(b) after “such” insert “other”.>

**Edward Mountain**

**121** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) Before making regulations under subsection (1) which would introduce a mandatory training requirement for a person to be considered fit and competent

to shoot deer, the Scottish Ministers must, in addition to consulting under subsection (3), undertake—

- (a) an analysis of the numbers of people from—
  - (i) Scotland,
  - (ii) the rest of the UK,
  - (iii) any other country,carrying out deer management (either professionally or recreationally),
- (b) an analysis of the availability of training providers and resources, with a view to considering whether there is sufficient capacity to cope with demand for training,
- (c) an analysis of the available scientific evidence relating to—
  - (i) wounding rates,
  - (ii) second shot placement,
  - (iii) other welfare factors,
- (d) a full impact assessment on the impact of a mandatory training requirement on country sports tourism.”.>

#### **Edward Mountain**

**122** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) Before making regulations under subsection (1) which would introduce a mandatory training requirement for a person to be considered fit and competent to shoot deer, the Scottish Ministers must, in addition to consulting under subsection (3), undertake an assessment of the impact of introducing a mandatory training requirement in relation to the financial burden on deer management practitioners.”.>

#### **Edward Mountain**

**123** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) Before making regulations under subsection (1) which would introduce a mandatory training requirement for a person to be considered fit and competent to shoot deer, the Scottish Ministers must publish and lay before the Scottish Parliament a statement setting out why, in their view, the conditions in subsection (3B) have been met.

(3B) The conditions are that—

- (a) the proposed regulations are supported by robust, objective, proportionate and scientific evidence,
- (b) the competence, training or certification requirements to be introduced in the regulations are clearly defined and necessary to achieve improvements in deer welfare, deer management or public safety outcomes,

- (c) adequate training, qualification or certification provision is available, or will be available prior to the regulations coming into force, and is reasonably accessible and affordable to persons likely to be affected,
- (d) sufficient resources are available to ensure the effective implementation, monitoring and enforcement of the proposed regulations, and
- (e) the proposed regulations are proportionate, practicable and enforceable.”.>

**Edward Mountain**

**124** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) Before making regulations under subsection (1) which would introduce a mandatory training requirement for a person to be considered fit and competent to shoot deer, the Scottish Ministers must, as part of or in addition to the consultation required under subsection (3), consult such persons or organisations as they consider have an interest in the regulations on the recognition of international qualifications for deer management.”.>

**Edward Mountain**

**125** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) At the same time as beginning the consultation required under subsection (3), the Scottish Ministers must publish a statement setting out—

- (a) the scientific evidence relied upon in support of the proposed regulations, including evidence relating to deer welfare, deer population management and public safety,
- (b) an assessment of—
  - (i) the training, qualifications or certification that would be required under the proposed regulations,
  - (ii) the availability, accessibility, geographic coverage and affordability of any such training, qualifications or certification,
  - (iii) the resources required for the effective implementation, monitoring and enforcement of the proposed regulations, and
  - (iv) the likely impact of the proposed regulations on deer welfare, deer management outcomes and persons lawfully engaged in the shooting of deer.

(3B) Where the Scottish Ministers publish a consultation document for the purposes of subsection (3), the obligation in subsection (3A) may be met by including the information mentioned in paragraphs (a) and (b) of that subsection in the consultation document.”.>

**Edward Mountain**

**126** In section 28, page 28, line 11, at end insert—

<( ) After subsection (3) insert—

“(3A) Where regulations under subsection (1) would introduce a mandatory training requirement for a person to be considered fit and competent to shoot deer, those regulations must also provide for the establishment of a fund for the purpose of meeting the costs of persons undertaking such mandatory training.”>

### **Section 31A**

#### **Jim Fairlie**

**54** In section 31A, page 29, line 10, at end insert—

<( ) In section 5A (code of practice on deer management), in subsection (2), after paragraph (c) insert—

“(ca) make provision about the exercise of rights under sections 26 and 26ZA (and any regulations made under section 26ZB);”>

#### **Jim Fairlie**

**55** In section 31A, page 29, line 10, at end insert—

<( ) In section 17 (unlawful killing, taking and injuring of deer), after subsection (3) insert—

“(4) Subject to sections 25 and 25A, any person who knowingly causes or permits another person to take or kill a deer on any land—

(a) without permission from a person having the right to take or kill the deer,  
or

(b) in circumstances to which section 26(1) or section 26ZA(1) do not apply,  
is guilty of an offence.

(5) It is a defence for a person charged with an offence under subsection (1) to show that the person reasonably believed that—

(a) the taking or killing was permitted by a person having the right to take or kill deer on the land, or

(b) section 26(1) or, as the case may be, section 26ZA(1) applied to the taking or killing of the deer on the land.”>

#### **Edward Mountain**

**127** In section 31A, page 29, line 32, at end insert—

<(3A) The occupier, or person mentioned in subsection (4) authorised in writing by the occupier, must not take any action under subsection (1) without the agreement of the owner of any sporting rights in relation to the land.>

#### **Edward Mountain**

**128** In section 31A, page 29, leave out lines 38 and 39

#### **Edward Mountain**

**129** In section 31A, page 30, line 24, at end insert—

<(2A) The person authorised under subsection (1) must not take any action under that subsection without the agreement of the owner of any sporting rights in relation to the land.>

**Jim Fairlie**

**56** In section 31A, page 30, line 31, at end insert—

**<26ZB Further provision about exercise of rights to prevent damage by deer**

- (1) The Scottish Ministers may by regulations make further provision in connection with the exercise of rights under section 26 and 26ZA.
- (2) Regulations under this section may, in particular—
  - (a) require a person to take specific action (such as to give notice) before the rights may be exercised,
  - (b) set out the consequences for failing to comply with any requirements set out in the regulations, which may include—
    - (i) disapplying section 26(1) or 26ZA(1),
    - (ii) creating offences and penalties in connection with such a failure.
- (4) Before making regulations under this section, the Scottish Ministers must consult such persons as they consider represent persons likely to be interested in or affected by the regulations.
- (5) The maximum penalties which may be imposed in respect of an offence created under the regulations are, on summary conviction, a fine of level 4 on the standard scale for each deer in respect of which the offence is committed or 3 months imprisonment or both.
- (6) Regulations under this section are subject to the affirmative procedure.”.>

**Jim Fairlie**

**57** In section 31A, page 30, line 33, at end insert—

<( ) In section 47 (orders, regulations etc.), in subsection (1), for “section 21(4)” substitute “sections 21(4) and 26ZB(1)”.>

**Jim Fairlie**

**58** In section 31A, page 30, line 33, at end insert—

<( ) In schedule 3 (penalties), after the entry relating to section 17(3), insert—

“17(4) Knowingly causing or permitting a person to kill or take a deer without permission or in circumstances where it is not necessary to prevent damage	a fine of level 4 on the standard scale for each deer in respect of which the offence is committed or 3 months imprisonment or both”.>
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**Edward Mountain**

**130** Leave out section 31A

## Section 32

### Edward Mountain

131 Leave out section 32

## After section 32

### Beatrice Wishart

59 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**

**Edward Mountain**

**132** Leave out section 33

### **After section 33**

**Rachael Hamilton**

**133** 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 under subsection (1) must set out how—
  - (a) deer larders,
  - (b) butchery facilities, and
  - (c) distributors,
 can be utilised to accelerate and increase the processing and supply of venison available for human consumption.
- (3) In preparing the action plan under subsection (1), the Scottish Ministers must—
  - (a) review the current capacity of venison processing,
  - (b) consider what barriers, if any, exist in the processing of venison, and

- (c) consult—
  - (i) such persons as they consider represent the interests of the venison industry, and
  - (ii) such other persons as they consider appropriate.
- (4) The Scottish Ministers may delegate parts of the action plan under subsection (1) to bodies they deem appropriate to undertake the—
  - (a) design,
  - (b) enforcement,of the action plan.>

**Rachael Hamilton**

**134** 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 under subsection (1) must set out steps the 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 the demand and supply of venison available for human consumption,
  - (c) ensure venison becomes a widely available product.
- (3) In preparing the action plan under subsection (1), the Scottish Ministers must consult—
  - (a) such persons as they consider represent the interests of the venison industry, and
  - (b) such other persons as they consider appropriate.
- (4) The Scottish Ministers may delegate parts of the action plan under subsection (1) to bodies they deem appropriate to undertake the—
  - (a) design,
  - (b) enforcement,of the action plan.>

**Rachael Hamilton**

**135** After section 33, insert—

**<Recovery and donation of surplus venison meat**

- (1) The Scottish Ministers must promote and encourage—
  - (a) the recovery of surplus venison meat,

- (b) the donation of that surplus venison meat to appropriate persons or organisations.
- (2) In complying with the duty under subsection (1), the Scottish Ministers must—
  - (a) assess the percentage of Scottish venison meat put into the supply market which is destroyed,
  - (b) establish a fund to provide incentives for surplus venison meat to be donated,
  - (c) establish a group to make recommendations as to what incentives should be provided under paragraph (b),
  - (d) raise awareness of the availability of donated venison meat amongst the general public.>

### **Section 33A**

#### **Tim Eagle**

- 136** In section 33A, page 32, line 15, leave out <10> and insert <5>

#### **Tim Eagle**

- 137** In section 33A, page 32, line 24, at end insert—  
<( ) The report prepared under subsection (1) must include information on whether any provision of the 1996 Act as modified by this Part has not been used during the period covered by the report.>

#### **Edward Mountain**

- 138** In section 33A, page 32, line 26, at end insert—  
<( ) persons with practical experience of deer management,>

#### **Edward Mountain**

- 139** In section 33A, page 32, line 26, at end insert—  
<( ) persons who have an interest in deer management,>

#### **Tim Eagle**

- 140** In section 33A, page 32, line 32, after <Parliament> insert <and, at the same time, send a copy of the report to a committee of the Parliament whose remit includes matters relating to deer management for the time being appointed by virtue of the standing orders of the Parliament>

### **Section 33B**

#### **Mark Ruskell**

- 141** Leave out section 33B, and insert—  
<**Swift nest boxes**  
The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day on which this section comes into force, make regulations under section 1 of the

Building (Scotland) Act 2003 to make provision for the installation of swift nest boxes in such buildings as described in the regulations where reasonably practicable and appropriate.>

### Before section 33C

**Sarah Boyack**

**142** Before section 33C, insert—

#### <National Marine Plan: nature recovery

- (1) The Marine (Scotland) Act 2010 is modified as follows.
- (2) In section 5 (national marine plan and regional marine plans), after subsection (3) insert—
  - “(3A) A national marine plan or (as the case may be) a regional marine plan must set out how the plan contributes to—
    - (a) nature recovery, and
    - (b) meeting the biodiversity targets set under section 2C of the Nature Conservation (Scotland) Act 2004.”>

### 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.”.>

## **Maurice Golden**

**Supported by: Sarah Boyack**

**21** After section 33C, insert—

*<Report on penalties in sea fisheries legislation*

### **Report on penalties in sea fisheries legislation**

- (1) The Aquaculture and Fisheries (Scotland) Act 2013 is modified as follows.
- (2) After section 60, insert—

*“Report on penalties*

#### **60A Report on penalties in sea fisheries legislation**

- (1) The Scottish Ministers must publish a report on the effectiveness of relevant penalties in ensuring compliance with the sea fisheries legislation—
  - (a) within the Scottish enforcement area, and
  - (b) by Scottish fishing boats (wherever they are operating).

- (2) The report must, in particular—
    - (a) set out the relevant penalties covered by the report,
    - (b) explain why those penalties have been selected,
    - (c) assess the effectiveness of those penalties in ensuring compliance with the sea fisheries legislation, and
    - (d) identify any changes to the penalties that the Scottish Ministers consider likely to improve compliance with the sea fisheries legislation.
  - (3) The report may include any other matters related to the sea fisheries legislation that the Scottish Ministers consider appropriate.
  - (4) In preparing the report, the Scottish Ministers must consult such persons as they consider appropriate
  - (5) The Scottish Ministers must—
    - (a) publish the report within the period of 2 years beginning with the day on which this section comes into force, and
    - (b) before publishing the report, lay the report before the Scottish Parliament.
  - (6) The Scottish Ministers may by regulations modify a penalty in the sea fisheries legislation in connection with a change identified under subsection (2)(d).
  - (7) In this section—
    - (a) a “relevant penalty” is a penalty—
      - (i) contained in the legislation, and
      - (ii) which the Scottish Ministers consider appropriate to review.
    - (b) “Scottish enforcement area” and “sea fisheries legislation” are to be construed in accordance with section 53.”.
- (3) In section 62(2)(a), at end insert—
- “(ab) regulations under section 60A(6),”.>

**Sarah Boyack**

**143** After section 33C, insert—

**<Inshore fishing: meaning of marine environmental purposes**

- (1) The Inshore Fishing (Scotland) Act 1984 is modified as follows.
- (2) In section 2A (powers to restrict fishing, or to prohibit the carriage of specified types of net, for marine environmental purposes), in subsection (3), after paragraph (b) insert—
  - “(c) of mitigation of climate change,
  - (d) of adaptation to climate change,
  - (e) of supporting ecosystem recovery.”.>

**Sarah Boyack**

**144** After section 33C, insert—

**<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.”.>

**Sarah Boyack**

- 145** After section 33C, insert—

**<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.>

**Sarah Boyack**

**146** After section 33C, insert—

**<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.>

**Douglas Ross**

147 After section 33C, insert—

**<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.>

**Section 33D**

**Jim Fairlie**

60 Leave out section 33D and insert—

**<Report on gull population**

- (1) Scottish Natural Heritage (in this section referred to as “SNH”) must, in respect of each reporting period, prepare and publish a report on the gull population in coastal and urban areas of Scotland.
 

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- (2) A report under subsection (1) must—
  - (a) provide information about the gull population in coastal and urban areas,
  - (b) set out (so far as possible) any shift or trend in the distribution of gulls between coastal and urban areas,
  - (c) include any other matter relating to the gull population in coastal and urban areas as SNH consider appropriate.
 

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- (3) In subsection (1), “reporting period” means—  
(a) in the case of the first report, the period of 5 years beginning with the day after Royal Assent,

15 (b) each subsequent period of 5 years.

- (4) In this section, “gull” means gulls of the species—

(a) black-headed gull (*Chroicocephalus ridibundus*),

(b) common gull (*Larus canus*),

(c) great black-backed gull (*Larus marinus*),

20 (d) herring gull (*Larus argentatus*), and

(e) lesser black-backed gull (*Larus fuscus*).>

### **Douglas Ross**

**60A** As an amendment to amendment 60, line 6, at end insert—

<( ) include information from a survey including the numbers of urban and coastal gulls,>

### **After section 33D**

### **Douglas Ross**

**148** After section 33D, insert—

#### **<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**

**149** After section 33D, insert—

**<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**

**150** After section 33D, insert—

**<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**

**151** After section 33D, insert—

**<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.>

**Rachael Hamilton**

**152** After section 33D, insert—

**<Review of licences for gull management**

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning undertake a review of the use of licensing and licensing conditions in relation to the management of gulls.
- (2) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare and publish a report on the review.
- (3) The report under subsection (1) must set out—
  - (a) the annual number of licence applications for each of the 5 years preceding the review,
  - (b) the number of applications rejected and approved in each of those years,
  - (c) information on the conditions attached to any licences given,
  - (d) an assessment of the problems faced by urban and coastal communities in relation to the management of gulls,
  - (e) an assessment of whether the licence conditions address any of those problems.>

**Section 33E**

**Emma Harper**

**153** Leave out section 33E and insert—

### <Guidance about scallops

- (1) The Scottish Ministers must issue guidance in relation to the by-products conditions and the end-of-waste conditions for scallop shells.
- (2) The waste regulation authority is to have regard to any guidance issued under this section in relation to the exercise of its functions.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult—
  - (a) the Scottish Environment Protection Agency,
  - (b) Food Standards Scotland,
  - (c) such other persons as they consider appropriate.
- (4) The Scottish Ministers must—
  - (a) issue guidance under subsection (1) within the period of 1 year beginning with the date this section comes into force, and
  - (b) publish any guidance issued.
- (5) In this section—
  - (a) a reference to the by-products conditions is a reference to the conditions listed in regulation 15(3) of the Waste and Agriculture (Legislative Functions) Regulations 2022 (S.S.I. 2022/190),
  - (b) a reference to the end-of-waste conditions is a reference to the conditions listed in regulation 16(3) of the Waste and Agriculture (Legislative Functions) Regulations 2022 (S.S.I. 2022/190),
  - (c) the waste regulation authority is to be construed in accordance with section 30(1)(b) of the Environmental Protection Act 1990,
  - (d) “scallop shells” means the shells of king scallops (*Pecten maximus*) and queen scallops (*Aequipecten opercularis*).>

### Finlay Carson

154 Leave out section 33E and insert—

#### <Scallop shells: designation as by-products and permitted temporary storage ahead of resale

- (1) For the purposes of—
  - (a) the Environmental Protection Act 1990 (and subordinate legislation under that Act),
  - (b) the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226),
  - (c) the Waste (Scotland) Regulations 2012 (S.S.I. 2012/148), and
  - (d) the Environmental Authorisations (Scotland) Regulations 2018 (S.S.I. 2018/219),clean, tissue-free shells of King scallops (*Pecten maximus*) and Queen scallops (*Aequipecten opercularis*) which satisfy the conditions in subsection (3) are to be treated as by-products (and accordingly are not waste) when placed on the market or transferred for a qualifying further use.
- (2) In this section, “by-product” has the meaning given by Article 5 of Directive 2008/98/EC on waste (the Waste Framework Directive), as that Article has effect in Scots law.

- (3) The conditions referred to in subsection (1) are that—
  - (a) the shells result from a production process, the primary aim of which is not the production of shells,
  - (b) further use is certain,
  - (c) the shells can be used directly without any further processing other than normal industrial practice, and
  - (d) the further use is lawful and the shells satisfy all relevant—
    - (i) product,
    - (ii) public health,
    - (iii) animal health, and
    - (iv) environmental protection,requirements applicable to that use.
- (4) For the purposes of subsection (3)(c), “normal industrial practice” includes—
  - (a) cleaning,
  - (b) drying,
  - (c) grading,
  - (d) physical size reduction, including crushing, and
  - (e) comparable conditioning steps.
- (5) In this section, “clean, tissue-free shells” means shells—
  - (a) from which all animal tissue and organic matter have been completely removed, and
  - (b) that have been cleaned, processed and handled so as to prevent risks to animal or public health, having regard to Regulation (EC) No 1069/2009 and Commission Regulation (EU) No 142/2011, as those instruments have effect in Scots law.
- (6) Nothing in this section affects the status of shellfish shells with residual soft tissue or flesh attached, which remain Category 3 animal by-products and are subject to existing controls.
- (7) The temporary storage, handling and transport of shells that meet the definition in subsection (5), pending their sale, supply or transfer for a qualifying further use, does not, by reason only of such storage, handling, transport, sale or supply, require an authorisation under the Environmental Authorisations (Scotland) Regulations 2018, provided that—
  - (a) storage is limited to such period as is reasonably necessary to facilitate aggregation, marketing and transfer for a qualifying further use,
  - (b) the quantity stored at any one place is limited to that which is reasonably necessary having regard to the scale and seasonality of the production operation, the frequency of collections or onward transport, and the foreseeable demand for the intended qualifying further uses, and
  - (c) records are kept identifying the producer, the date(s) the shells became tissue-free, the quantities stored (by estimate if necessary), and the destination and intended qualifying further use.
- (8) In determining, for the purposes of subsection (7)(a) and (b), what is reasonably necessary, regard is to be had, among other matters, to—
  - (a) the scale and seasonality of landing or processing,

- (b) the availability and frequency of collections and onward transport,
  - (c) the nature of the intended qualifying further uses and foreseeable market demand, and
  - (d) any relevant constraints arising from animal or public health, environmental protection or planning controls.
- (9) For the purposes of subsection (8)(c), “qualifying further use” includes, without limitation—
- (a) soil improvement or conditioning,
  - (b) habitat restoration or enhancement (including marine and coastal projects),
  - (c) erosion control or shoreline protection,
  - (d) construction or landscaping applications,
  - (e) aquaculture or shellfish bed regeneration,
  - (f) ornamental, decorative or horticultural use, and
  - (g) educational, artistic or craft uses.
- (10) Placing on the market, sale or supply of shells for a qualifying further use does not, by reason only of such placing on the market, sale or supply, require an authorisation under the Environmental Authorisations (Scotland) Regulations 2018.
- (11) The Scottish Ministers may by regulations make further provision for the purposes of this section, including—
- (a) standards and certification for cleaning and processing,
  - (b) record-keeping, traceability and labelling requirements, and
  - (c) conditions or limitations on use to protect the environment and public and animal health.
- (12) Before making regulations under subsection (11), the Scottish Ministers must consult—
- (a) the Scottish Environment Protection Agency,
  - (b) the Animal and Plant Health Agency,
  - (c) Food Standards Scotland,
  - (d) local authorities, and
  - (e) such other persons as they consider appropriate.
- (13) Regulations under subsection (11) are subject to the affirmative procedure.>

**After section 33E**

**Jamie Halcro Johnston**

**155** After section 33E, insert—

**<PART**

SINGLE FARM PAYMENTS

**Islands: reduced application of ecological focus areas**

- (1) Regulation (EU) No1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes

within the framework of the common agricultural policy is amended in accordance with subsection (2).

(2) In article 46, after paragraph 10, insert—

“11 Where the arable land of a holding is located on an inhabited island or is uninhabited but part of a holding on an inhabited island archipelago—

(a) the percentage referred to in paragraph 1 shall be taken to be 5% and the second unnumbered subparagraph of paragraph 1 shall not have effect,

(b) paragraph 1 shall not apply to holdings—

(i) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses,

(ii) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses.

12 In paragraph 11 “inhabited island” has the same meaning as in the Islands (Scotland) Act 2016.”>

### **Jamie Halcro Johnston**

156 After section 33E, insert—

#### **<PART**

##### **ENVIRONMENTAL FARMING SCHEMES**

#### **Reporting on environmental farming schemes**

(1) The Scottish Ministers must, for each financial year, prepare and publish a report setting out the basis on which applications to any environmental farming scheme were—

(a) awarded funding,

(b) refused funding.

(2) A report under subsection (1) must include all permissible data relating to the—

(a) criteria and weightings used for the formal assessment and scoring of applications,

(b) total number of—

(i) applications received,

(ii) applications selected for funding, and

(iii) applications rejected,

(c) geographical distribution, size of holding, and nature of farming activity of both successful and unsuccessful applicants, aggregated and anonymised so as to comply with the Data Protection Act 2018,

(d) average and median scores awarded to successful and unsuccessful applications, and

(e) reasons for the rejection of applications, categorised by the specific eligibility or assessment criteria that were not met.

- (3) The report must be—
  - (a) published no later than six months after the end of the financial year to which it relates, and
  - (b) laid before the Scottish Parliament.
- (4) The report under subsection (1) must be published in such manner as the Scottish Ministers consider appropriate to ensure accessibility to Parliament, stakeholders and the public.>

**Jamie Halcro Johnston**

**157** After section 33E, insert—

**<Right of applicants to access information**

- (1) The Scottish Ministers shall, on request from an applicant to an environmental farming scheme, report to that applicant the basis for granting or refusing the relevant application.
- (2) A report under subsection (1)—
  - (a) may include any permissible data,
  - (b) shall include information on if the application was considered eligible,
  - (c) may be given verbally with the agreement of the applicant,
  - (d) shall include any scoring conducted on the application against specific eligibility and assessment criteria, and
  - (e) shall be made and communicated to the applicant within a period of not more than 60 days from a request being received.
- (3) An application under subsection (1) may be made at any area office of the Scottish Government’s Rural Payments and Inspections Directorate RPID.>

**Jamie Halcro Johnston**

**158** After section 33E, insert—

**<Application and definitions**

- (1) For the purposes of this Part—

“environmental farming scheme” includes—

  - (a) the Future Farm Investment Scheme,
  - (b) any other environmental farming scheme that the Scottish Ministers consider relevant,

“permissible data” means data that can be disclosed without contravening—

  - (a) the Data Protection Act 2018 or any such other enactment relating to the protection of personal data,
  - (b) any duty of confidentiality owed to an applicant.>

**Before section 33F**

**Mercedes Villalba**

**61** Before section 33F, insert—

### <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.”.>

### Beatrice Wishart

159 Before section 33F, insert—

#### <Invasive non-native species

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) In section 2 (Scottish Biodiversity Strategy), after subsection (3), insert—
  - “(3A) A strategy designated under subsection (1) must include a commitment, within such timescale as must be specified by the Scottish Ministers, to publish an action plan on invasive non-native species.”.
- (3) After section 2 (Scottish Biodiversity Strategy), insert—

#### “2AA Invasive non-native species: action plan

- (1) The action plan referred to in section 2(3A) must—
  - (a) specify the Scottish Ministers’ policies and proposals for action in relation to—
    - (i) securing biosecurity and other actions to prevent the establishment of non-native species in Scotland,
    - (ii) the surveillance, identification and monitoring of non-native species in Scotland, and
    - (iii) the control or elimination of non-species considered to be invasive and harmful to the environment,
  - (b) include an assessment of any issues arising from—
    - (i) the need for Scottish Natural Heritage and their licensed operators to access land for the monitoring or control of mobile non-native species,
    - (ii) the use and seeding spread of non-native trees for forestry, and
    - (iii) the release of common pheasants and red-legged partridges,
  - (c) include an analysis of the efficacy of legislation in respect of the matters detailed in paragraph (b) of this subsection,
  - (d) set out the Scottish Ministers consideration of, and any proposals for, legislative change in relation to invasive non-native species.
- (2) In preparing the action plan under section 2(3A), the Scottish Ministers must have due regard to the guiding principles on the environment, referred to in section 13 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

- (3) The Scottish Ministers must, for the first iteration of the action plan—
  - (a) publish the action plan within 12 months beginning with the day on which the Natural Environment (Scotland) Act 2026 receives Royal Assent, and
  - (b) at the same time, lay a copy of the action plan before the Scottish Parliament.
- (4) Before publishing the action plan under subsection (3), the Scottish Ministers must carry out a public consultation to inform the content of the action plan.
- (5) The Scottish Ministers must, when laying a copy of the action plan before the Scottish Parliament under subsection(3)(b), also lay before the Scottish Parliament a statement setting out—
  - (a) details of the consultation carried out under subsection (4),
  - (b) a summary of any views expressed in response to that consultation, and
  - (c) the Scottish Ministers’ recommendations in response to those views.”.>

**Edward Mountain**

**160** Before section 33F, insert—

**<Reporting on wild salmon in Scotland**

- (1) The Scottish Ministers must, in respect of each reporting period, prepare and publish a report on the progress that has been made towards meeting the—
  - (a) objectives outlined in the Scottish wild salmon strategy, and
  - (b) actions detailed in the associated wild salmon strategy implementation plan.
- (2) A report under subsection (1) must include—
  - (a) an assessment of whether the identified pressures are increasing or decreasing,
  - (b) an assessment of whether there are emerging or new pressures on wild Atlantic salmon populations,
  - (c) an assessment of whether the implementation plan continues to meet priorities for wild salmon conservation, in light of paragraphs (a) and (b),
  - (d) an assessment of any new actions which may be required to mitigate already identified or emerging threats to wild Atlantic salmon,
  - (e) a delivery plan and timescales for actions to mitigate already identified or emerging threats to wild Atlantic salmon in relation to ongoing re-assessment of wild salmon population data.
- (3) For the purposes of this section, “reporting period” means—
  - (a) the period of 12 months beginning with the day of Royal Assent, and
  - (b) each subsequent period of 12 months.>

**Willie Rennie**

**164** Before section 33F, insert—

**<Licensing: 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 to kill or take mountain hares (*Lepus Timidus*) during the period beginning with 1 October and ending with the last day of February;”.
- (3) After subsection (3) insert—

“(3ZZZA) For the avoidance of doubt, no offence is committed if the activities described in subsection (3)(ea) are executed within the terms of the licence issued by the appropriate licensing authority.”.>

**Willie Rennie**

**165** Before section 33F, insert—

**<Licensing: 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 to kill or take mountain hares (*Lepus Timidus*) during the period beginning with 1 October and ending with the last day of February;”.>

**John Mason**

**166** Before section 33F, insert—

**<Protection of Ptarmigan**

- (1) The Wildlife and Countryside Act 1981 is modified as follows.
- (2) In Schedule 2, Part I (birds which may be killed or taken outside the close season), the following entries are repealed—

“Ptarmigan	Lagopus mutus”.>
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**Tim Eagle**

**167** Before section 33F, insert—

**<Wildfire response unit**

- (1) The Scottish Ministers must review the ability of the Scottish Fire and Rescue Service (SFRS) to respond to wildfires.
- (2) A review under subsection (1) must consider—
  - (a) the preparedness of SFRS to respond to wildfires,
  - (b) the equipment available to SFRS to respond to wildfires,
  - (c) the training SFRS personnel receive on responding to wildfires,

- (d) the suitability of funding provided to SFRS to enable it to adequately respond to wildfires,
  - (e) the suitability of establishing a Wildfire Response Unit within SFRS, and
  - (f) such other matters as the Scottish Ministers consider appropriate.
- (3) In carrying out a review under subsection (1), the Scottish Ministers must consult—
- (a) such persons as they consider to have an interest in the prevention and management of wildfires, and
  - (b) such persons who have been directly affected by wildfires.
- (4) The Scottish Ministers must—
- (a) prepare a report on the review under subsection (1), and
  - (b) lay a copy of that report before the Scottish Parliament.
- (5) If the report under subsection (4)(a) determines that the establishment of a Wildfire Response Unit would be of benefit, the Scottish Ministers must establish such a unit as soon as reasonably practicable.>

**Tim Eagle**

**168** Before section 33F, insert—

**<Wildlife co-existence fund**

- (1) The Scottish Ministers must, by regulations, establish and maintain a fund to be known as the ‘Wildlife Co-Existence Fund’ (in this section referred to as “the Fund”).
- (2) The Fund must be available to—
  - (a) farmers, and
  - (b) land managers,
 that have been negatively impacted by beavers (*Castor fiber*) and sea eagles (*Haliaeetus leucoryphus* or *Haliaeetus pelagicus*).
- (3) Regulations under subsection (1) must specify a process for annual applications to be made to the Fund.
- (4) The Scottish Ministers—
  - (a) must ensure there is sufficient financial resource to develop and maintain the Fund, and
  - (b) may make such other provision as they consider appropriate in relation to the Fund.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.>

**Douglas Ross**

**169** Before section 33F, insert—

### **<Reporting on Future Farm Investment Scheme**

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

- (b) each subsequent period of 1 year where the Future Farm Investment Scheme is in operation.>

**Rachael Hamilton**

170 Before section 33F, insert—

**<General marine code of conduct**

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, prepare and publish a general marine code of conduct.
- (2) The general marine code of conduct must—
  - (a) promote awareness of safety, including tidal and weather conditions,
  - (b) promote awareness of other users,
  - (c) support educational opportunities to promote respect for wildlife,
  - (ca) promote education on the feeding of wild animals,
  - (e) promote awareness of fishing activity and associated legislation,
  - (f) encourage the removal of rubbish and litter,
  - (g) promote awareness of local access restrictions, including closing gates and staying on designated paths,
  - (h) encourage compliance with seasonal access restrictions,
  - (i) encourage respect for wildlife in beach environments,
  - (j) promote awareness that dogs should not be allowed to chase birds,
  - (k) encourage dog walkers to carry a short lead and control their dog.>

**Rachael Hamilton**

171 Before section 33F, insert—

**<Reporting in relation to red squirrels**

- (1) The Scottish Ministers must, for each reporting period, prepare and publish a report on the impact and effectiveness of measures to protect red squirrels.
- (2) A report under subsection (1) must, in particular, include an assessment of the effectiveness of the work of any organisation receiving funding from the Scottish Ministers.
- (3) For the purposes of subsection (1), “reporting period” means—
  - (a) in the case of the first report, the period of 2 years beginning with the day after Royal Assent, and
  - (b) each subsequent period of 2 years.>

**Rachael Hamilton**

172 Before section 33F, insert—

**<National Energy Convention**

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, establish a National Energy Convention (“the Convention”).

- (2) The Convention must meet at least once in every 12 month period to—
  - (a) consider the impact of any proposed renewable and non-renewable energy structure on biodiversity, the natural environment and food production from land in the area affected by the proposed structure,
  - (b) hear from the local community in the area affected by the proposed structure.
- (3) The Convention must include members who are representative of all areas of Scotland.>

**Rachael Hamilton**

**173** Before section 33F, insert—

**<Energy planning impact assessment**

- (1) The Scottish Ministers must, before the expiry of the period of 12 months beginning with the day after Royal Assent, provide for a planning authority to undertake an energy planning impact assessment of any application for energy infrastructure development.
- (2) An energy planning impact assessment must consider the impact of the proposed energy infrastructure development on—
  - (a) the natural environment,
  - (b) natural heritage,
  - (c) biodiversity,
  - (d) the availability of good quality farmland,
  - (e) tourism,
  - (f) rural communities,
  - (g) any other matter the planning authority considers relevant to the assessment.
- (3) In preparing an energy planning impact assessment, the planning authority must consult—
  - (a) local communities,
  - (b) land owners,
  - (c) any other persons the authority considers may be affected by major energy infrastructure developments.>

**Rachael Hamilton**

**174** Before section 33F, insert—

**<Moratorium on major energy infrastructure planning applications**

- (1) Unless and until the Scottish Ministers publish a national energy strategy which considers the impact of energy infrastructure on the natural environment, no application for planning permission can be made under any enactment in relation to a major energy infrastructure development.
- (2) For the purposes of this section, “major energy infrastructure developments” means those that must be submitted to the Energy Consents Unit for consideration by the Scottish Ministers.>

**Rachael Hamilton**

175 Before section 33F, insert—

**<Regional energy groups**

Before the expiry of the period of one month beginning with the day after Royal Assent, the Scottish Ministers must meet with all regional energy convention groups to consider the impact of any proposed renewable and non-renewable energy structure on biodiversity, the natural environment and food production from land in the area affected by the proposed structure.>

**Jamie Halcro Johnston**

176 Before section 33F, insert—

**<Sporting rates: protection of non-domestic rates relief**

- (1) The Scottish Ministers must ensure that, in determining eligibility for non-domestic rates relief, including the Small Business Bonus Scheme, no person is treated as carrying on a sporting activity solely by virtue of—
  - (a) exercising sporting rights only for the purpose of preventing or controlling damage by pest species, or
  - (b) holding sporting rights which are not exercised for commercial sporting purposes.
- (2) For the purposes of subsection (1)(a), a pest species is any species whose control is necessary for the protection of agricultural production, environmental outcomes, or public safety, including but not limited to—
  - (a) deer,
  - (b) vermin, and
  - (c) geese.
- (3) In exercising functions relating to non-domestic rates and associated reliefs, the Scottish Ministers must have regard to—
  - (a) the proportionality of any financial impact arising from the exercise or non-exercise of sporting rights, and
  - (b) the contribution made by land-based businesses to food production, climate mitigation, biodiversity restoration, and rural economic sustainability.>

**Jamie Halcro Johnston**

177 Before section 33F, insert—

**<Goose management schemes**

- (1) The Scottish Ministers may establish and fund schemes for the purpose of supporting the management of goose populations where geese have caused, are causing, or are likely to cause significant damage to—
  - (a) agricultural land or agricultural production,
  - (b) grassland used for the grazing of livestock, or
  - (c) the economic sustainability of rural or island communities.

- (2) A scheme under subsection (1) may, in particular, make provision for—
  - (a) financial assistance to land managers for measures taken to manage goose populations,
  - (b) support for collaborative or area-based goose management arrangements,
  - (c) the provision of equipment, services, training or advice,
  - (d) monitoring and evaluation of the effectiveness of goose management measures, and
  - (e) coordination with existing licensing arrangements relating to geese.
- (3) In establishing a scheme under this section, the Scottish Ministers must have regard to—
  - (a) the cumulative impacts of geese on agricultural systems,
  - (b) the particular circumstances of island and remote rural areas, and
  - (c) the need to ensure that goose management measures are proportionate and evidence-based.
- (4) For the avoidance of doubt, nothing in this section—
  - (a) alters the protection afforded to wild birds under the Wildlife and Countryside Act 1981, or
  - (b) removes any requirement for compliance with licensing or other legal controls relating to the killing or taking of geese.>

### **Section 33F**

**Rachael Hamilton**

**178** In section 33F, page 35, line 20, leave out <describe> and insert <specify>

**Rachael Hamilton**

**179** In section 33F, page 35, line 24, at beginning insert <where it considers it reasonable and appropriate to do so,>

**Rachael Hamilton**

**180** In section 33F, page 35, line 24, after <propose> insert <to the applicant>

**Rachael Hamilton**

**181** In section 33F, page 35, line 25, leave out <described> and insert <specified>

**Rachael Hamilton**

**182** In section 33F, page 35, line 25, after <application,> insert <together with reasons for such a proposal,>

**Rachael Hamilton**

**183** In section 33F, page 35, line 28, at end insert—

<( ) In subsection (9)(b)(ii), in the opening words, for “involved in managing” substitute “authorised to manage”.>

**Rachael Hamilton**

184 In section 33F, page 35, line 28, at end insert—

<( ) In subsection (9)(b)(ii), in the opening words, after “relates” insert “over whom the licence holder exercised, or was entitled to exercise control.”>

**Rachael Hamilton**

185 In section 33F, page 35, line 29, after <that> insert <directly>

**After section 33F**

**Emma Roddick**

62 After section 33F, insert—

**<Wildfires: enabling local authorities to issue fixed penalty notices**

- (1) The Local Government (Scotland) Act 1973 is modified as follows.
- (2) In section 201 (byelaws for good rule and government)—
  - (a) in subsection (3), at the beginning, insert “Subject to subsection (4),”,
  - (b) after subsection (3) insert—
    - “(4) Without limit to the generality of subsection (1), a local authority may make byelaws in connection with the prevention of wildfire (including, in particular, by prohibiting or regulating the lighting and control of a fire or any activity likely to cause a fire).”.
- (3) After section 204 insert—

**“204A Byelaws: fixed penalty notices to prevent or suppress wildfires**

- (1) The Scottish Ministers may by regulations make provision for and in connection with the issuing of fixed penalty notices in respect of any byelaws made under section 201 which relate to the prevention or suppression of wildfires.
- (2) Regulations under this section must specify—
  - (a) the byelaws in relation to which fixed penalty notices may be issued, and
  - (b) the persons who may issue fixed penalty notices.
- (3) The persons who may be specified for the purposes of subsection (2)(b) are—
  - (a) the persons, or categories of persons, that a local authority has authorised in writing for the purpose of issuing fixed penalty notices, and
  - (b) such other persons, or categories of persons, as the Scottish Ministers consider appropriate.
- (4) 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 person to whom payment may be made and the person's address,
  - (f) the payment period,
  - (g) the method by which payment may be made,
  - (h) the effect of paying the fixed penalty within the payment period and the consequences of not paying the fixed penalty within that period,
  - (i) details of any procedure for challenging or appealing the fixed penalty notice.
- (5) Regulations under this section may, in particular, include provision—
- (a) specifying the form and content of a fixed penalty notice,
  - (b) specifying how a person or category of persons may be authorised to issue fixed penalty notices,
  - (c) conferring powers to enter land (other than dwelling-houses) for or in connection with the issuing of a fixed penalty notice,
  - (d) about the circumstances in which fixed penalty notices may or may not be issued (including any test which must be satisfied before a person authorised to issue such notices may do so),
  - (e) about the withdrawal of fixed penalty notices including when it is permissible, the effects of such withdrawal and the procedure by which the withdrawal is effected,
  - (f) specifying the amount of the fixed penalty which is to apply to an offence (including different amounts for different purposes), being not more than level 2 on the standard scale,
  - (g) specifying the person to whom payment may be made (who need not be the person who issued the fixed penalty notice),
  - (h) specifying the payment period,
  - (i) about the circumstances in which a person to whom a fixed penalty notice is issued may decline the notice or otherwise object to or challenge it (including the period within which the person may do so and the procedure for doing so),
  - (j) about the effects of failing to decline or otherwise object to or challenge a fixed penalty notice before the end of the period specified for doing so (including that such failure is deemed to be acceptance of the notice),
  - (k) conferring on the person who issued the fixed penalty notice or the person to whom payment may be made the power to extend the payment period in any particular case if the person considers it appropriate to do so,
  - (l) about the methods by which fixed penalties may be paid,
  - (m) for the amount of a fixed penalty to be discounted or increased by an amount or percentage in circumstances specified by the regulations (but not so as to make the amount payable more than level 2 on the standard scale),
  - (n) specifying the effect of paying a fixed penalty within the payment period (for example, that no proceedings may be brought in respect of the offence to which the fixed penalty notice relates),

- (o) about the consequences of not paying a fixed penalty within the payment period (including the ability to refer offences for prosecution and how liability to pay the penalty may be enforced),
  - (p) for additional procedure relating to fixed penalty notices (for example to make provision for hearings or appeals),
  - (q) for the destination of funds, the keeping of accounts and the preparation and publication of statements of account relating to fixed penalties provided for under the regulations,
  - (r) specifying persons who may prepare and publish guidance on issuing fixed penalty notices (including when prosecution is more appropriate),
  - (s) creating offences relating to—
    - (i) the obstruction of a person who is exercising functions in relation to fixed penalty notices,
    - (ii) a failure to provide information requested in connection with a fixed penalty notice.
- (6) 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.
- (7) Before making regulations under this section, the Scottish Ministers must consult—
- (a) persons that they consider to be representative of local authorities, and
  - (b) such other persons as they consider to be interested in or affected by the issuing of fixed penalty notices in respect of any byelaws made under section 201 which relate to the prevention or suppression of wildfires.
- (8) Regulations under this section—
- (a) are subject to the negative procedure if the regulations are only—
    - (i) removing a reference to a byelaw which has been revoked, or
    - (ii) specifying, for the purpose of subsection (2)(a), a byelaw which has been made to replace a byelaw (with or without modification) which was previously specified and which has substantially the same effect,
  - (b) are otherwise subject to the affirmative procedure.
- (9) Regulations under this section may also make—
- (a) incidental, supplemental, consequential, transitional, transitory or saving provision that the Scottish Ministers think necessary or expedient,
  - (b) different provision for different purposes.
- (10) 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,
- “payment period” means the period of time within which a fixed penalty may or must be paid.”.>

## 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

### Ariane Burgess

- 186 After section 34, insert—

#### <Further provision about Ramsar sites

- (1) The Nature Conservation (Scotland) Act 2004 is modified as follows.
- (2) After section 38, insert—

#### “38A Ramsar sites: power to make further provision

- (1) The Scottish Ministers must by regulations make provision for and in connection with the preservation and protection of designated wetlands.
- (2) Without limit to the generality of subsection (1), regulations under this section may—
  - (a) make provision about—
    - (i) the identification and listing of wetlands,
    - (ii) the conservation of designated wetlands, including by setting conservation objectives, and
    - (iii) monitoring designated wetlands,
  - (b) modify the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716) (“the habitats regulations”),

- (c) apply particular provisions of the habitats regulations to designated wetlands,
  - (d) modify or apply any other enactment (including this Act),
  - (e) create or apply offences and penalties,
  - (f) confer a power of entry to land (other than a dwelling-house).
- (3) The maximum penalty that may be provided for in regulations under this section creating an offence is—
- (a) on summary conviction, a fine not exceeding level 5 on the standard scale,
  - (b) on indictment, a fine.
- (4) Before making regulations under this section, the Scottish Ministers must—
- (a) consult—
    - (i) SNH,
    - (ii) Environmental Standards Scotland, and
    - (iii) any other persons that the Scottish Ministers consider likely to be affected by or interested in the regulations, and
  - (b) be satisfied that making the regulations will maintain or improve the level of environmental protection existing in law at the time the statement is made.
- (5) The Scottish Ministers must, at the same time as laying any regulations under subsection (1), lay before the Scottish Parliament a statement explaining why they are satisfied that the regulations will maintain or improve the level of environmental protection existing in law at the time the statement is made.
- (6) Regulations under this section must be made within the period of 5 years beginning with the day on which the Bill for the Natural Environment (Scotland) Act 2026 receives Royal Assent.
- (7) In this section, “designated wetlands” means wetlands designated as described in section 38(1).
- (8) Regulations under subsection (1) are subject to the affirmative procedure.”.
- (3) In section 53 (orders and regulations: general), in subsection (4), after “2G,” (inserted by section 1(4) of this Act), insert “38A.”>

### **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.>

**Edward Mountain**

**161\*** After section 34A, insert—

**<Muirburn licences**

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is modified as follows.
- (2) In section 14 (grant of muirburn licence), in subsection (1)(b)(i), for “necessary” substitute “appropriate”.>

**Tim Eagle**

**162\*** After section 34A, insert—

**<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**

**163\*** After section 34A, insert—

**<Muirburn licence scheme: consultation and report**

- (1) The Wildlife Management and Muirburn (Scotland) Act 2024 is modified as follows.
- (2) In section 35 (commencement), after subsection (3) insert—
  - “(4) Before laying regulations to commence sections 12, 13, 14, 15, 16, 17, 19, 20, 22 and 23 of this Act, the Scottish Ministers must—
    - (a) undertake a review of the impact of the licensing scheme on wildfire management,
    - (b) consult—
      - (i) the Scottish Fire and Rescue Service,
      - (ii) such persons as they consider to have expertise in wildfire prevention and management, and
      - (iii) such other persons as they consider appropriate,
    - (c) prepare a report setting out the findings of action under paragraphs (a) and (b) above,

- (d) lay a copy of the report under paragraph (c) before the Scottish Parliament.
- (5) If the findings of the report under subsection (4)(c) indicate that muirburn licensing will have a detrimental impact on wildfire prevention and management, the Scottish Ministers must not commence the sections detailed in subsection (4).”>

**Douglas Lumsden**

**187** After section 34A, insert—

**<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.>

**Douglas Lumsden**

**188** After section 34A, insert—

**<Alternative assessments code**

- (1) The Scottish Ministers must prepare an alternative assessments code for electricity infrastructure.
- (2) The code must set out how underground and subsea alternatives to overhead transmission lines and related above-ground infrastructure are to be assessed against cost, biodiversity net-impact, resilience, and landscape, including—
  - (a) the methodology to be used,
  - (b) the comparators to be used,
  - (c) the minimum evidence base required for decision making, and
  - (d) how decisions should be independently reviewed.
- (3) The code must be approved by resolution of the Scottish Parliament.
- (4) Scottish Ministers must not grant consent for new overhead transmission lines above 400,000 volts until a resolution under subsection (3) has been agreed.>

**Douglas Lumsden**

**189** After section 34A, insert—

**<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.>

**Tim Eagle**

**190** After section 34A, insert—

**<Non-domestic rates relief for shootings and deer forests**

- (1) The Non-Domestic Rates (Scotland) Act 2020 is modified as follows.
- (2) After section 20, insert—

**“20A Shootings and deer forests: rates relief**

Any land holding which—

- (a) is entered separately on the valuation roll as a shooting or deer forest under section 1A of the Local Government (Scotland) Act 1975, and
- (b) contributes, whether exclusively or not, to—
  - (i) deer management,
  - (ii) land management,
  - (iii) nature conservation

is eligible for any relief from the payment of non-domestic rates.”>

**Tim Eagle**

**191** After section 34A, insert—

**<Non-domestic rates relief for shootings and deer forests: small business bonus scheme**

- (1) The Non-Domestic Rates (Scotland) Act 2020 is modified as follows.
- (2) After section 20, insert—

**“20A Shootings and deer forests: rates relief**

- (1) Any land holding which is entered separately on the valuation roll as a shooting or deer forest under section 1A of the Local Government (Scotland) Act 1975 is eligible for relief, through schemes established by the Scottish Ministers such as the small business bonus scheme, from the payment of non-domestic rates.
- (2) For the purpose of subsection (1), “schemes established by the Scottish Ministers” means any scheme established by the Scottish Ministers which helps owners of non-domestic properties, including businesses, with a lower rateable value to claim non-domestic rates relief.”>

**Tim Eagle**

**192** After section 34A, insert—

**<Non-domestic rates relief for shootings and deer forests**

- (1) The Non-Domestic Rates (Scotland) Act 2020 is modified as follows.
- (2) After section 20, insert—

**“20A Shootings and deer forests: rates relief**

Any land holding which is entered separately on the valuation roll as a shooting or deer forest under section 1A of the Local Government (Scotland) Act 1975 is eligible for any relief from the payment of non-domestic rates.”>

**Tim Eagle**

**193** After section 34A, insert—

**<Non-domestic rates relief for shootings and deer forests**

- (1) The Non-Domestic Rates (Scotland) Act 2020 is modified as follows.
- (2) After section 20, insert—

**“20A Shootings and deer forests: rates relief**

- (1) The Scottish Ministers may by regulations make provision for relief from the payment of non-domestic rates in respect of any landholding which is entered separately on the valuation roll as a shooting or deer forest under section 1A of the Local Government (Scotland) Act 1975.
- (2) Regulations under subsection (1) may make—
  - (a) different provision for different purposes,
  - (b) incidental, supplementary, consequential, transitional, transitory or saving provision.
- (3) Regulations under subsection (1) are subject to the negative procedure.”.>

**Rachael Hamilton**

**194** After section 34A, insert—

**<Relief from non-domestic rates: non-commercial venison producers**

- (1) The Non-Domestic Rates (Scotland) Act 2020 is modified as follows.
- (2) After section 20, insert—

**“Non-commercial venison producers: rates relief**

- (1) The Scottish Ministers must by regulations provide that any land holding which produces venison and is—
  - (a) a butchery facility directly associated with the deer forest on which the venison is harvested, or
  - (b) a processing, chilling lardering or small direct sales outlet,should be eligible for rates relief as a small business.
- (2) Regulations under subsection (1) are subject to the negative procedure.”.>

**Section 36**

**Douglas Lumsden**

**195** In section 36, page 37, line 14, 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 section (*electricity infrastructure*).>

## Section 37

### Rachael Hamilton

- 196 In section 37, page 37, line 20, after <sections> insert <(Moratorium on major energy infrastructure planning applications)>

## 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;>

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