

Wildlife Management and Muirburn (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- list of any amendments already debated;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Wildlife traps - training course content

180, 120, 13, 121, 14, 15, 16

Technical

59, 60, 69, 70

Section 16AA licences - offences

61, 17, 122, 123, 124

Section 16AA licences - conditions and grant

125, 128, 62, 129, 81, 63, 130, 131, 132, 133

Notes on amendments in this group

Amendments 81 and 63 are direct alternatives

Section 16AA licences - code of practice

83, 138, 139, 20

Section 16AA licenses - monitoring

85, 85B, 85C, 86, 87

Animal welfare inspectors' powers

71, 21, 141, 142

Requirement for a muirburn licence

181, 182

Removing Part 2 of the Bill

22, 24, 27, 29, 30, 35, 38, 42, 44, 46, 47

Muirburn licences - purposes

143, 88, 144, 23, 89, 90, 145, 146, 94, 149

Muirburn season

183, 25, 26, 184, 101, 102, 167, 39, 40, 168

Notes on amendments in this group

Amendment 184 pre-empts amendments 101, 102 and 167

Amendment 102 pre-empts amendment 167

Muirburn licences - conditions and grant

91, 92, 150, 95, 96, 97, 151, 98, 152, 153, 28, 154, 160, 99, 104

Notes on amendments in this group

Amendment 150 pre-empts amendments 95, 96 and 97

Muirburn - register and notice

31, 36, 37, 43

Muirburn code

32, 163, 164, 165, 166, 33, 34

Wildfires

174, 175

Muirburn - definitions

76, 169, 45, 171, 170, 77, 172

Notes on amendments in this group

Amendment 169 pre-empts amendments 45, 171 and 170

Amendments 45 and 171 are direct alternatives

Amendments already debated

Licensing principles

With 53 - 75

Wildlife traps - offences

With 177 - 57, 58

Consultation

With 78 - 80, 19, 84, 93, 100, 41, 103, 105

Licensing - fees

With 111 - 126, 2, 127, 147, 3, 148

Licensing - refusal, modification, suspension, revocation and appeals

With 179 - 49, 64, 134, 65, 66, 67, 135, 135A, 50, 68, 82, 136, 18, 137, 173, 140, 51, 72, 73, 155, 156, 157, 157A, 74, 158, 159, 52, 161, 162

Notes on amendments in this group

Amendment 51 pre-empts amendment 72

Amendment 158 pre-empts amendment 159

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Amendments in debating order

Wildlife traps - training course content

Edward Mountain

- 180 In section 4, page 6, line 11, at beginning insert <following consultation with such persons as they consider likely to be interested in or affected by wildlife trap licensing, including land managers,>

Colin Smyth

- 120 In section 4, page 6, line 13, after <trap> insert <(to include, in particular, independently validated guidance on the animal welfare impact of each type of trap)>

Edward Mountain

- 13 In section 4, page 6, line 13, after <trap,> insert <including the maximum number of days that courses may last,>

Colin Smyth

- 121 In section 4, page 6, line 13, at end insert—
- <(ia) standards for—
 - (A) assessing whether and when the use of traps is justified by evidence of harm caused by the species intended to be killed or taken, and
 - (B) determining that no method that is non-lethal or has a lower animal welfare impact would be effective to reduce that harm,>

Edward Mountain

- 14 In section 4, page 6, line 15, at end insert—
- <(aa) determine fees that may be charged to a person attending a course, which must be reasonable and an amount no higher than £200,>

Edward Mountain

- 15 In section 4, page 6, line 19, at end insert—
- <(2A) For the purposes of subsection (2)(a)(i), a course may last no more than a period of two days.>

Edward Mountain

- 16 In section 4, page 6, line 19, at end insert—
- <(2B) Before approving training courses in respect of the traps to which section 12A applies, the relevant authority must consult such persons as the relevant authority considers likely to be interested in and affected by the form and content of the courses.>

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Technical

Gillian Martin

59 In section 4, page 7, line 35, leave out <; and>

Gillian Martin

60 In section 4, page 7, line 39, leave out <; and>

Gillian Martin

69 In section 7, page 13, line 39, leave out <; and>

Gillian Martin

70 In section 7, page 14, line 3, leave out <; or>

Section 16AA licences - offences

Gillian Martin

61 In section 6, page 8, line 35, at end insert—

<(1C) Where subsection (1D) applies, a person does not commit an offence under section 1 by reason of killing or taking a bird included in Part 1B of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

(1D) This subsection applies where—

- (a) the bird was killed or taken through the use of a bird of prey, or injured in an attempt to do so,
- (b) either—
 - (i) the person who killed or injured it had a legal right, or permission, to kill such a bird, or
 - (ii) the person who took it had a legal right, or permission, to take such a bird, and
- (c) in the case where the person subsequently killed the injured bird, the person took all reasonable steps to kill it in a way that caused it the minimum possible suffering.”>

Edward Mountain

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

<() In section 22 (power to vary schedules)—

(a) after subsection (2) insert—

“(2ZZA) If a bird is a game bird within the meaning of section 27, an order under subsection (1)(a) may only add that bird to Part 1B of Schedule 2 if the bird to be added is on the current United Kingdom Birds of Conservation Concern Red or Amber List.”,

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(b) after subsection (2A) insert—

“(2B) Before making an order under subsection (1)(a) to add a bird to Part 1B of Schedule 2, the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by the proposed order, including land managers.”.>

Rachael Hamilton

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

<() In section 22 (power to vary Schedules), in subsection (1)(a), after “Schedules A1 to 4” insert “, with the exception of Part 1B of Schedule 2”.>

Rachael Hamilton

123 In section 6, page 9, leave out subsection (3)

Rhoda Grant

124 In section 6, page 9, line 15, at end insert—

<() after subsection (4B) insert—

“(4C) Before making an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2, the Scottish Ministers must—

- (a) lay a draft of the order before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
- (b) before finalising the order, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to wildlife management for the time being appointed by virtue of the standing orders.

(4D) The Scottish Ministers must, when making the order to add any bird to, or remove any bird from, Part 1B of Schedule 2, lay a statement setting out—

- (a) details of the views mentioned in subsection (1)(b), and
- (b) the changes (if any) they have made to the order in response to such views and the reasons for those changes.”.>

Section 16AA licences - conditions and grant

Stephen Kerr

125 In section 7, page 9, leave out lines 29 to 35 and insert—

<(1) The relevant authority must grant a licence to the owner or occupier of an area of land for the purposes of the killing or taking of any type of bird included in Part 1B Schedule 2 on the land (a “section 16AA licence”) if it is satisfied that the person is a fit and proper person, having regard in particular to the applicant’s compliance with the code of practice made in accordance with section 16AC.>

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Stephen Kerr

128 In section 7, page 10, line 8, at end insert—

- <(4A) The relevant authority must determine each application for a section 16AA licence within the period of 3 months beginning with the date on which the application was made.
- (4B) Where the relevant authority fails to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (4A), the licence is deemed to have been granted or renewed on the date of such expiry.
- (4C) The deemed grant or renewal of a section 16AA licence under subsection (4B) has the same effect as a decision of the relevant authority to grant or renew a section 16AA licence.>

Rachael Hamilton

62 In section 7, page 10, line 15, after <any> insert <reasonable>

Stephen Kerr

129 In section 7, page 10, leave out line 17 and insert—

- <(b) takes effect on the earlier of—
 - (i) the date the application is granted by the relevant authority under subsection (1), or
 - (ii) the date the application is deemed to be granted by the relevant authority under subsection (4B).>

Jim Fairlie

81 In section 7, page 10, line 17, leave out <1 year> and insert <5 years>

Rachael Hamilton

63 In section 7, page 10, line 17, leave out <1 year> and insert <10 years>

Colin Smyth

130 In section 7, page 10, line 19, leave out from <have> to end of line and insert <comply with all aspects of a code of practice, made in accordance with section 16AC, that are relevant to management of the area of land in question.>

Colin Smyth

131 In section 7, page 10, line 19, at end insert—

- <(6A) Every section 16AA licence is subject to the condition that the licence holder must maintain records of the numbers and species of all wild birds and animals killed or taken on the land to which the licence relates and report these to the relevant authority on an annual basis.>

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Rachael Hamilton

- 132 In section 7, page 10, line 32, after <relates> insert <for the purposes of permitting the killing or taking of any type of bird included in Part 1B of Schedule 2 on the land>

Rhoda Grant

- 133 In section 7, page 10, line 32, after <relates> insert <who is under the direction of the licence holder>

Section 16AA licences - code of practice

Jim Fairlie

- 83 In section 7, page 12, line 35, after <plant> insert <(including the use of medicated grit for such purposes)>

Colin Smyth

- 138 In section 7, page 12, leave out line 36 and insert—
<(b) whether, when and how the taking or killing of any wild birds should be carried out, prioritising methods with the least negative animal welfare impact,>

Colin Smyth

- 139 In section 7, page 12, leave out line 37 and insert—
<(c) whether, when and how predator control should be carried out, prioritising methods with the least negative animal welfare impact.>

Edward Mountain

- 20 In section 7, page 13, line 17, at end insert—
<(1A) A direction under this section must include a requirement that, before preparing, reviewing or revising the code of practice, Scottish Natural Heritage must consult such persons as it considers likely to be interested in or affected by the code of practice, including land managers.>

Section 16AA licenses - monitoring

Jim Fairlie

- 85 In section 7, page 13, line 19, at end insert—
<16AE Monitoring of section 16AA licences and their effect
(1) The Scottish Ministers must, within 5 years of the day on which—
(a) this section comes into effect, or
(b) a report was last laid under this subsection,

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lay a report before the Scottish Parliament regarding the matters in subsections (2) and (4).

- (2) Those matters are—
- 10 (a) the number of licences issued under section 16AA and the area of land affected, in each year covered by the report,
 - (b) the number of such licences that have been, or are, subject to suspension or revocation under section 16AA(8), the duration of those suspensions or revocations, and the reasons for those suspensions or revocations,
 - 15 (c) the number and outcomes of any appeals undertaken under section 16AB, and
 - (d) the number and type of suspected or proven relevant offences associated with the land subject to section 16AA licences.
- (3) The Scottish Ministers must undertake, or support the undertaking of, appropriate monitoring to provide the information necessary to fulfil the reporting requirements of subsection (4).
- 20 (4) The report under subsection (1) must include an assessment of the conservation status, including population size and range, of the birds listed in subsection (5).
- (5) Those species are:
- 25 (a) Golden Eagle (*aquila chrysaetos*),
 - (b) Hen Harrier (*circus cyaneus*),
 - (c) Peregrine Falcon (*falco peregrinus*),
 - (d) Merlin (*falco columbarius*).
- (6) In this section, “relevant offence” has the meaning given to it in section 16AA.
- (7) The Scottish Ministers may delegate the functions in subsection (3) to Scottish Natural Heritage.
- 30 (8) The Scottish Ministers may by regulations amend the species listed in subsection (5).”.>

Rachael Hamilton

- 85B As an amendment to amendment 85, line 15, leave out <suspected or proven> and insert <convictions of>

Rachael Hamilton

- 85C As an amendment to amendment 85, line 15, leave out from <associated> to end of line 16 and insert <occurring on land to which section 16AA licences relate.>

Jim Fairlie

- 86 In section 7, page 14, line 1, at end insert—
<(f) regulations under section 16AE.”.>

Jim Fairlie

- 87 In section 7, page 14, line 4, at end insert—

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<(f) regulations under section 16AE.>

Animal welfare inspectors' powers

Gillian Martin

71 Leave out section 8 and insert—

<Powers to inspect and investigate certain wildlife offences

- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.
- (2) In section 49 (vets, inspectors and constables)—
 - (a) after subsection (2) insert—
 - “(2A) A local authority may not appoint a person as an inspector under subsection (2)(b) for the purposes of paragraph 5A of schedule 1.”,
 - (b) in subsection (3), for “subsection (2)(b)” substitute “subsections (2)(b) and (2A)”.
- (3) In section 51 (regulations), after subsection (3) insert—
 - “(4) For the avoidance of doubt, in this section “this Part” includes schedule 1.”.
- (4) In schedule 1 (powers of inspectors and constables for Part 2), after paragraph 5 insert—

“Supplementary powers of inspectors: evidence gathering in connection with wildlife offences

 - 5A(1) An inspector, having entered non-domestic premises in exercise of a relevant power, may search for, examine and seize any thing tending to provide evidence of the commission of, or participation in, a relevant offence.
 - (2) In this paragraph—

“relevant offence” is an offence under—

 - (a) the following provisions of the Wildlife and Countryside Act 1981—
 - (i) section 1 (protection of wild birds etc.),
 - (ii) section 5 (prohibition of certain methods of killing or taking wild birds),
 - (iii) section 6 (sale etc. of wild birds),
 - (iv) section 7 (registration of certain captive birds),
 - (v) section 8 (protection of captive birds),
 - (vi) section 9 (protection of certain wild animals),
 - (vii) section 10A (protection of wild hares),
 - (viii) section 11 (prohibition of certain methods of killing or taking wild animals),
 - (ix) section 11G (prevention of poaching: wild hares, rabbits etc.),
 - (x) section 11I (sale, possession, etc. of wild hares, rabbits etc.),
 - (xi) section 12A (requirements for use of traps),
 - (xii) section 12F (authorisation from landowners etc. to use traps),

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(xiii) section 15A (possession of pesticides),

(b) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2024,

“thing” includes any animal (including the carcase of an animal), equipment or document.

(3) The Scottish Ministers may by regulations modify the definition of “relevant offence” in sub-paragraph (2).”.>

Edward Mountain

21 Leave out section 8

Rhoda Grant

141 After section 8, insert—

<Animal welfare inspectors’ powers: review

- (1) This section applies where the Scottish Ministers make regulations under section 8.
- (2) Within one year of the regulations coming into force, the Scottish Ministers must review the operation of the regulations.
- (3) The review must consider in particular whether, in relation to the offences mentioned in section 8(1)—
 - (a) the exercise of powers added by regulations made under section 8 has resulted in convictions,
 - (b) the exercise of powers added by regulations made under section 8 has resulted in investigations or proceedings relating to an offence being compromised as a result of the involvement of a third sector body, and
 - (c) there is a need for additional policing resource as an alternative to the use of powers added by regulations made under section 8.
- (4) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (5) In this section, “third sector body” means a body (whether or not formally constituted) established for purposes which consist of, or consist mainly of, providing benefits for society (but does not include a body established under an enactment).>

Rhoda Grant

142 After section 8, insert—

<Powers to inspect and investigate certain wildlife offences: review

- (1) Within one year of section (*Powers to inspect and investigate certain wildlife offences*) coming into force, the Scottish Ministers must review the operation of the section.
- (2) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,

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- (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (3) Where the Scottish Ministers do not intend to take any action in consequence of the review, the report must include a statement to this effect and the reasons why.>

Requirement for a muirburn licence

Edward Mountain

- 181 In section 9, page 14, line 17, after <land> insert <that is moorland>

Edward Mountain

- 182 In section 18, page 20, line 30, at end insert—
 <“moorland” is any land other than—
 (a) improved grassland, or
 (b) land suitable for arable cropping,>

Removing Part 2 of the Bill

Edward Mountain

- 22 Leave out section 9

Edward Mountain

- 24 Leave out section 10

Edward Mountain

- 27 Leave out section 11

Edward Mountain

- 29 Leave out section 12

Edward Mountain

- 30 Leave out section 13

Edward Mountain

- 35 Leave out section 14

Edward Mountain

- 38 Leave out section 15

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Edward Mountain

42 Leave out section 16

Edward Mountain

44 Leave out section 17

Edward Mountain

46 Leave out section 18

Edward Mountain

47 Leave out section 19

Muirburn licences - purposes

Colin Smyth

143 In section 10, page 14, line 34, leave out <moorland game or>

Kate Forbes

88 In section 10, page 14, line 36, at end insert—

<() preventing, or reducing the risk of, wildfires causing damage to habitats,>

Rhoda Grant

144 In section 10, page 15, line 1, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Edward Mountain

23 In section 10, page 15, line 4, at end insert—

<() managing the habitats of moorland game or wildlife,>

Kate Forbes

89 In section 10, page 15, line 5, leave out <restoring> and insert <conserving, restoring, enhancing or managing>

Alasdair Allan

90 In section 10, page 15, line 5, at end insert—

<() as part of a reseedling plan by crofters to provide or improve grazing,>

Rhoda Grant

145 In section 10, page 15, line 6, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

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Rhoda Grant

- 146 In section 10, page 15, line 7, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Alasdair Allan

- 94 In section 10, page 15, line 37, at end insert—
- <() In this section, “crofter” has the meaning given in section 61 of the Crofters (Scotland) Act 1993.>

Rhoda Grant

- 149 After section 10, insert—
- <Modifying purposes for muirburn: pre-laying procedure**
- (1) Before laying regulations to modify the purposes for muirburn under section 10(5), the Scottish Ministers must—
- (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to amend the purposes for muirburn, lay a statement setting out—
- (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Muirburn season

Rachael Hamilton

- 183 In section 10, page 15, line 9, at end insert—
- <() where muirburn is to be made in the extended muirburn season—
- (i) conserving, restoring, enhancing and managing the natural environment,
 - (ii) preventing, or reducing the risk of, wildfires causing damage to habitats,
 - (iii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
 - (iv) research,
 - (v) training.>

Edward Mountain

- 25 In section 11, page 16, line 10, at beginning insert <Subject to subsection (2A),>

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Edward Mountain

26 In section 11, page 16, line 11, at end insert—

<(2A) The Scottish Ministers may grant a licence under subsection (1) outwith the muirburn season only for the purposes of—

- (a) conserving, restoring, enhancing or managing the natural environment,
- (b) research, or
- (c) public safety.>

Rachael Hamilton

184 In section 16, page 19, line 28, leave out from <is> to end of line 29 and insert <consists of—

- () the standard muirburn season, which is the period of time from 1 October in any year to 31 March in the following year, and
- () the extended muirburn season, which is the period of time from 1 April to 30 April in any year.>

Kate Forbes

101 In section 16, page 19, line 28, leave out <1 October> and insert <15 September>

Kate Forbes

Supported by: Colin Smyth

102 In section 16, page 19, line 29, leave out <15 April> and insert <31 March>

Ariane Burgess

167 In section 16, page 19, line 29, leave out <April> and insert <March>

Edward Mountain

39 In section 16, page 19, line 29, at end insert—

<() The period in subsection (1) can be extended to 30 April with the permission of the landowner.>

Edward Mountain

40 In section 16, page 19, line 38, at end insert—

<() taking into account conditions in particular geographic areas.>

Rhoda Grant

168 After section 16, insert—

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<Amendment to Muirburn season: pre-laying procedure

- (1) Before laying regulations to amend the dates of the muirburn season under section 16(2), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to amend the dates of the muirburn season, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Muirburn licences - conditions and grant

Kate Forbes

- 91** In section 10, page 15, line 20, leave out <and>

Kate Forbes

- 92** In section 10, page 15, line 22, at end insert <, and
- () must include evidence that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

Stephen Kerr

- 150** In section 11, page 16, leave out subsection (1) and insert—
- <(1) The Scottish Ministers must determine each application for a muirburn licence within the period of 3 months beginning with the date on which the application was made.
- (1A) Where the Scottish Ministers fail to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (1), the muirburn licence is deemed to have been granted on the date of such expiry.
- (1B) The deemed grant of a muirburn licence under subsection (1A) has the same effect as a decision of the Scottish Ministers to grant a muirburn licence.>

Kate Forbes

- 95** In section 11, page 16, leave out lines 2 to 6 and insert—
- <() The Scottish Ministers must grant a licence permitting muirburn to be made on land to which an application under section 10 relates for a purpose specified in the application if—
- (a) they are satisfied that the person is a fit and proper person, having regard in particular to the applicant's compliance with the Muirburn Code,>

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Kate Forbes

- 96 In section 11, page 16, line 6, leave out <and>

Alasdair Allan

- 97 In section 11, page 16, line 9, leave out <available> and insert <practicable>

Rhoda Grant

- 151 In section 11, page 16, line 9, after <available> insert <, taking into account the need to manage fuel loads to prevent, or to reduce the risk of, wildfires>

Kate Forbes

- 98 In section 11, page 16, line 9, at end insert <, and
() they are satisfied that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

Stephen Kerr

- 152 In section 11, page 16, line 10, after <subsection (1)> insert <or (1A)>

Stephen Kerr

- 153 In section 12, page 16, line 25, at end insert—
<() take effect on the earlier of—
(i) the date the application is granted by the relevant authority under subsection (1), or
(ii) the date the application is deemed to be granted by the relevant authority under subsection (1A).>

Edward Mountain

- 28 In section 12, page 16, line 26, after <effect> insert <, being—
() 10 years, or
() a period less than 10 years if the Scottish Ministers consider it necessary for environmental reasons>

Ariane Burgess

- 154 In section 12, page 16, line 31, at end insert—
<(2A) A muirburn licence granted to a person—
(a) where the land to which the licence relates is peatland, and
(b) for purpose of—
(i) preventing, or reducing the risk of, wildfires causing damage to habitats or
(ii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,>

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is subject to the condition in subsection (2B).

- (2B) The condition is that the muirburn must be carried out in a way that minimises damage to the peatland.>

Rachael Hamilton

- 160** In section 13, page 17, line 40, after <relates> insert <for the purposes of making muirburn under the licence>

Kate Forbes

- 99** After section 13, insert—

<Approved training courses

- (1) The Scottish Ministers are to approve training courses on muirburn and the Muirburn Code.
- (2) The Scottish Ministers may—
 - (a) determine training requirements, such as—
 - (i) the form and content of the training course,
 - (ii) require a person providing training to meet specified criteria (such as having relevant experience or holding a particular qualification),
 - (b) accredit courses and the persons providing courses,
 - (c) determine the minimum criteria for successful completion of courses, and
 - (d) determine how successful completion of such courses is to be recorded.>

Kate Forbes

- 104** In section 17, page 20, line 16, at end insert—

<() the approval of training courses under section (*Approved training courses*),>

Muirburn - register and notice

Edward Mountain

- 31** After section 13, insert—

<13A Register of muirburn licences

- (1) The Scottish Ministers must establish and maintain a register containing information relating to muirburn licences and notices of muirburn activity.
- (2) The Scottish Ministers may by regulations make provision as to—
 - (a) information which the register is to contain, and
 - (b) the form and manner in which the register is to be kept.
- (3) The Scottish Ministers must make the register available for public inspection at all reasonable times.
- (4) Regulations under subsection (2) are subject to the affirmative procedure.>

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Edward Mountain

- 36 In section 15, page 18, leave out lines 36 and 37 and insert—
<() by placing a notice in the register established under section 13A, or>

Edward Mountain

- 37 In section 15, page 18, line 39, after <otherwise> insert <having regard to the need for the cost of giving notice to be reasonable to a person who intends to make muirburn>

Edward Mountain

- 43 In section 17, page 20, line 16, at end insert—
<() the establishment and maintenance of the register of muirburn licences under section 13A,>

Muirburn code

Edward Mountain

- 32 In section 14, page 18, line 8, at end insert—
<() The first Muirburn Code must be the Muirburn Code produced for the Scottish Government by Scotland's Moorland Forum and published on 22nd September 2017.>

Rhoda Grant

- 163 In section 14, page 18, line 13, at end insert—
<(4A) The Scottish Ministers must lay the Muirburn Code prepared under subsection (1) and any revised code under subsection (3) before the Scottish Parliament.>

Rhoda Grant

- 164 In section 14, page 18, line 15, leave out from <and> to end of line 17

Rhoda Grant

- 165 In section 14, page 18, line 18, leave out <(5)(a)> and insert <(5)>

Rhoda Grant

- 166 In section 14, page 18, line 19, at end insert—
<(6A) Before complying with subsection (4A), the Scottish Ministers must publish a draft of the Muirburn Code or revised code (as the case may be) and consult such persons as they consider likely to be interested in or affected by the making of muirburn.
(6B) The Scottish Ministers must, at the same time as complying with subsection (4A), lay before the Scottish Parliament a statement setting out—
(a) the consultation process undertaken in order to comply with subsection (6A), and

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- (b) the ways in which views expressed during that process have been taken account of in preparing the Muirburn Code (or stating that no account has been taken of such views).>

Edward Mountain

- 33 In section 14, page 18, line 21, leave out <5> and insert <10>

Edward Mountain

- 34 In section 14, page 18, line 23, leave out <5> and insert <10>

Wildfires

Rachael Hamilton

- 174 Before section 17, insert—

<Muirburn training

Muirburn training: fire-fighting

- (1) The Fire (Scotland) Act 2005 is amended as follows.
- (2) In section 9 (fire-fighting), in subsection (2)(b), after “personnel” insert “including in relation to issues arising from the making of muirburn”.
- (3) In section 52 (interpretation of Part 2), after the definition of “Inspector” insert—

““making muirburn” has the meaning given in section 18 of the Wildlife Management and Muirburn (Scotland) Act 2024,”.>

Rachael Hamilton

- 175 Before section 17, insert—

<Report on wildfires

Report on wildfires

- (1) The Scottish Ministers must, in respect of each reporting period, prepare and publish a report on the role of muirburn in relation to wildfires in Scotland.
- (2) The report must consider in particular the role of muirburn and the impact of and damage caused by wildfires on—
 - (a) habitats of wildlife,
 - (b) conservation of the natural environment,
 - (c) property, and
 - (d) any other matters that the Scottish Ministers consider appropriate.
- (3) For the purposes of this section, a reporting period is—
 - (a) the period of two years beginning with the day of Royal Assent, and
 - (b) each subsequent period of two years.>

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Muirburn - definitions

Gillian Martin

- 76 In section 18, page 20, leave out lines 29 and 30

Ariane Burgess

- 169 In section 18, page 20, line 37, leave out from <has> to end of line 38 and insert <is composed of a layer of peat.>

Edward Mountain

- 45 In section 18, page 20, line 38, leave out <40> and insert <60>

Colin Smyth

- 171 In section 18, page 20, line 38, leave out <40> and insert <30>

Rachael Hamilton

- 170 In section 18, page 20, line 38, leave out <40 centimetres> and insert <50 centimetres—
<() in a single area of 0.5 hectares or more, or
() in two or more areas within 5 metres of each other with a combined area of 0.5 hectares or more.>

Gillian Martin

- 77 In section 18, page 20, line 38, at end insert—
<() In this Part, references to the making of muirburn include references to the setting of fire to, or the burning of, any heath or muir.>

Rhoda Grant

- 172 After section 18, insert—
<Amendments to the definition of “peat” and “peatland”: pre-laying procedure
- (1) Before laying regulations to amend the definition of “peat” or “peatland” under section 18(2), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
 - (2) The Scottish Ministers must, when laying regulations to amend the definition of “peat” or “peatland”, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

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