

Net Zero, Energy and Transport Committee
Tuesday 23 September 2025
28th Meeting, 2025 (Session 6)

Ecocide (Scotland) Bill

Introduction

1. The [Ecocide \(Scotland\) Bill](#) is a Member's Bill introduced by Monica Lennon MSP on 29 May 2025.
2. The Bill's accompanying documents are—
 - [Explanatory Notes](#)
 - [Policy Memorandum](#)
 - [Financial Memorandum](#)
 - [Delegated Powers Memorandum](#)
 - [Statements on Legislative Competence](#)
3. An [Equalities Impact Assessment](#) has also been produced for the Bill.
4. The Bill has been referred to the NZET Committee for Stage 1 scrutiny. At Stage 1, the lead Committee gathers evidence and information to decide whether to recommend support for the general principles of the Bill. The Parliament has not yet set a Stage 1 deadline.
5. The Scottish Parliament Information Centre (SPICe) has produced a [briefing](#) explaining the Bill.
6. The Committee launched a call for views on the Bill on 30 June, which closed on 9 September. Responses are available on the Committee's [website](#).

About the Bill

Section 1- Offence of ecocide

7. Section 1 of the Bill provides that a person commits the crime of ecocide by causing severe environmental harm with intent or by reckless action. Section 1(2) defines environmental harm, which is severe if it has serious adverse effects and is either widespread or long-term. Section 1(c) and (d) define the meanings of widespread and long term: "Widespread" is defined as damage which impacts beyond a limited geographic area, to impact upon an ecosystem or species or a significant number of human beings, either directly or indirectly. "Long-term" damage is defined as damage that is irreversible or is unlikely to be reversed through a process of natural recovery within a 12-month period.

Section 2- Defence of Necessity

8. Section 2 provides for the defence of necessity which a person may use if charged with ecocide. The defence is that a person's actions were carried out to prevent greater harm occurring (section 2(1)(a)) and the prevention of harm was necessary and reasonable (section 2(1)(b)). The person charged with ecocide is responsible for demonstrating, on the balance of probabilities, that they had such a defence (section 2(2)).

Section 3- Individual culpability

9. Section 3 sets out where personal culpability lies when an organisation commits the offence of ecocide. Where ecocide is committed by a relevant organisation ("a company, limited liability partnership, partnership or any other body of association" – section 3(3)(a)), a responsible individual within that organisation also commits ecocide where the actions of that individual involves consent or connivance. "Responsible individual" is defined as director, secretary or member for a company; as a member for a limited liability partnership; as a partner for a partnership; and as an individual who is in control of the affairs, for other bodies and associations (section 3(3)(b)).

Section 4- Vicarious liability

10. Section 4 provides for vicarious liability. An employer could be charged with ecocide where an employee commits the offence, subject to certain defences. Proceedings may be taken against the employer in respect of the offence whether or not proceedings are also taken against the employee.
11. It is a defence for the employer/principal to show that they did not know that their employee/agent was committing ecocide, that no reasonable person could have suspected that ecocide was being committed, and that the employer/principal took all reasonable precautions and exercised all due diligence to prevent ecocide from being committed.

Section 5- Penalties

12. Section 5 of the Bill sets out the penalties that courts may impose on anyone convicted of ecocide. The offence can be tried in the Sheriff Court or the High Court. Either court may impose an unlimited fine. The maximum custodial sentence that may be imposed by the Sheriff Court is 5 years. However, the Sheriff Court may remit a case to the High Court for sentencing if it is of the view that a higher prison sentence should be imposed. The maximum custodial sentence available to the High Court for the offence is 20 years.
13. Under section 5(2) an organisation found guilty of ecocide may receive a fine. The level of fine in each case will be for the court to determine, however as noted above the level of fine possible is unlimited.

Section 6- Regard to be had to financial benefit in determining fine amount

14. Section 6 makes provision such that the court must have regard to any financial benefit in consequence of the ecocide offence when determining the amount of fine to be imposed.

Section 7- Compensation orders

15. Section 7 makes provision to allow the court to make a compensation order requiring compensation to be paid by a person convicted of ecocide. This may include orders to cover costs incurred preventing, reducing or remediating the effects of harm to the environment or other associated harm.

Section 8- Publicity orders

16. Section 8 of the Bill provides that courts may, in addition to the penalties specified under section 5, make a publicity order which requires a person convicted of ecocide to publish information regarding an ecocide offence. This information includes that the person has been convicted of the offence, particulars of the offence and any other sentence passed by the court in respect of it (section 8(1)). Section 8(4) of the Bill sets out further requirements in respect of the order. Any person failing to comply with such an order may be fined up to £40,000 on summary conviction and for an unlimited amount on indictment.

Section 9 - Enforcement powers

17. Section 9 amends the Environment Act 1995 to ensure that enforcement powers are available to relevant authorities to investigate the offence of ecocide.

Section 10- Report on operation of the Act

18. Section 10 requires Scottish Ministers to publish a report on the operation of the Bill every five years and for this report to be laid before the Parliament. The report must include information on the number of reported crimes of ecocide, cases in which criminal proceedings are brought, convictions for ecocide in criminal proceedings and sentences that have been passed, an account of how much money has been recovered as a result of the Proceeds of Crime Act 2002 (or otherwise), and an assessment of the damage and costs of the damage caused by acts resulting in an ecocide conviction. In producing this report, Scottish Ministers must consult a range of stakeholders and consider their views (section 10(3)).

Scottish Government Memorandum

19. On 5 September, the Scottish Government provided a [memorandum](#) on the Bill to assist the Net Zero, Energy and Transport Committee and the Finance and Public Administration Committee in their consideration of the Bill. The memorandum outlines both policy and financial considerations.

Evidence session and next steps

20. At the meeting on 23 September, the Committee will take evidence from two panels of witnesses (where witnesses have provided written submissions, these are available at the hyperlinks below):

Panel 1

- [Jamie Whittle, Chair, Environmental Law Sub-committee, Law Society of Scotland;](#)
- Valerie Fogleman, Professor of Law, Cardiff University School of Law and Politics; Consultant, Stevens & Bolton LLP;
- [Sue Miller, Chief Networks Officer, Stop Ecocide International;](#)
- [Dr Shivali Fifield, Chief Officer, Environmental Rights Centre for Scotland;](#)

Panel 2

- Catherine McWilliam, Nations Director - Scotland, Institute of Directors Scotland;
- [Professor Simon Parsons, Director of Environment, Planning and Assurance, Scottish Water;](#)
- [Elspeth Macdonald, Chief Executive Officer, Scottish Fishermen's Federation;](#)
- [Jonnie Hall, Deputy Chief Executive Officer and Director of Policy, National Farmers Union Scotland](#)

21. On 30 September, the Committee will consider the evidence heard and the written evidence it has received and agree its approach to further scrutiny of the Bill at Stage 1.

22. Once all evidence and information has been gathered, and after considering reports from the Delegated Powers and Law Reform Committee (on delegated power provisions in the Bill) and from the Finance and Public Administration Committee (on estimates in the Bill's Financial Memorandum), the Committee will report to the Parliament on whether the Bill's general principles should be approved. The Parliament will then vote on a Scottish Government motion to approve the general principles. If these are agreed, the Bill moves to Stage 2, when the Bill may be amended.

**Clerks to the Committee
September 2025**