

Net Zero, Energy and Transport Committee
Tuesday 11 November 2025
33rd 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](#). A summary of the evidence, produced by SPICe, is also available on the Committee's [website](#).

About the Bill

7. The Member's policy objectives in introducing the Bill are:
 - to ensure that environmental offences which meet the definition of ecocide are treated as criminal offences;
 - to deter companies and individuals from acting in ways that may cause ecocide; and
 - to maintain alignment with developments at the EU level.
8. The Bill creates a new criminal offence of ecocide, with maximum penalties of a custodial sentence of up to twenty years and an unlimited fine for individuals (and an unlimited fine in the case of an organisation).
9. The Bill also provides that individuals and organisations may be liable for the

offence of ecocide and sets out the circumstances where 'responsible individuals' of organisations may also be liable e.g. the director of a company.

10. In addition to the penalties available, the Bill enables courts to impose compensation orders (to fund environmental remediation for example) and publicity orders (requiring a convicted person or organisation to publicise the details of the conviction).
11. Scottish Ministers are also required to publish a report on the operation of the Act after five years (after consulting with various bodies), including information on the number of offences, prosecutions and associated sentences.

Scottish Government Memorandum

12. 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.

Previous evidence sessions

13. On [23 September](#), the Committee held an introductory evidence session on the Bill over two panels. Panel 1 focused on legal and environmental rights perspectives, and panel 2 focused on industry perspectives.
14. On 4 November, the Committee held its third evidence session with a single panel of key regulators and experts in the environmental regulatory landscape in Scotland.

Letter from Monica Lennon MSP

15. Following the Committee's introductory evidence session, the member in charge of the Bill, Monica Lennon MSP, [wrote to the Committee on 26 September](#). The letter highlights a willingness on the part of the member to consider amending the Bill at Stage 2. In particular, the letter highlights potential refinements to the drafting of section 2 (the defence of necessity) and section 4 (corporate and vicarious liability) to ensure that the Bill is fair, enforceable and proportionate. The letter also highlights that responsibility should fall on those making corporate or managerial decisions rather than on individual workers, citing paragraph 29 of the Explanatory Notes to clarify that ordinary employees cannot be held liable under the corporate offence.
16. The letter also corrects three minor drafting errors in the accompanying documents: in paragraph 86 of the Policy Memorandum, which had stated that a report on the operation of the Bill must be laid every five years. The letter clarifies that, section 10(6) of the Bill requires a single report to be laid once only within five years of commencement. In paragraph 9 of the Explanatory Notes the sentence "Provision is made for individual culpability where an organisation commits the offence and for the vicarious liability of employees and agents." should refer to "employers" rather than "employees"; and that minor adjustments

to costings in the Financial Memorandum slightly increase the total annual estimate but do not alter the overall conclusions.

Evidence session and next steps

17. At the meeting on 11 November, the Committee will hear from two panels of witnesses. The first will explore the definitions used in relation to the ecocide offence and enforcement issues. Where witnesses have provided written submissions, these are available at the hyperlinks below:

- Rachael Weir, Head of Policy and Engagement, Crown Office and Procurator Fiscal Service
- Dr Clare Frances Moran, Lecturer and Co-Director, [Aberdeen Centre for Constitutional and Public International Law](#), University of Aberdeen;
- Murdo MacLeod KC;

18. The second panel will explore the offence in the international context. Where witnesses have provided written submissions, these are available at the hyperlinks below:

- Dr Ricardo Pereira, Reader in Law, Cardiff University;
- [Dr Suwita Hani Randhawa](#), Senior Lecturer in Politics and International Relations, University of the West of England;
- Dr Rachel Kilean, Senior Lecturer, The University of Sydney Law School.

19. Following these evidence sessions, the Committee will consider what further evidence is required to inform its scrutiny at Stage 1. Once all evidence 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 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
November 2025