

Rural Affairs Committee
Wednesday 9 September 2026
3rd Meeting, 2026 (Session 7)

Note by the Clerk on the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 (SSI 2026/240)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to the negative procedure. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

Title of instrument: [Wildlife Management and Muirburn \(Scotland\) Act 2024 \(Consequential Amendments\) Regulations 2026](#) (SSI 2026/240)

Laid under: power conferred by section 34(1) of the [Wildlife Management and Muirburn \(Scotland\) Act 2024](#)

Laid on: 24 August 2026

Procedure: Negative

Deadline for committee consideration: 5 October 2026 (Advisory deadline for any committee report to be published)

Deadline for Chamber consideration: 9 October 2026 (Statutory 40-day deadline for any decision whether to annul the instrument)

Commencement: 10 October 2026

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 1 September 2026 and reported on it in its [2nd Report, 2026](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. Muirburn (the practice of setting fire to, or burning, any heath or muir), was previously regulated under the Hill Farming Act 1946 ("the 1946 Act"). Part 2 of the Wildlife Management and Muirburn (Scotland) Act 2024 ("the 2024 Act") establishes a licensing scheme for the carrying out of muirburn. This scheme replaces the 1946 Act regime on 15 September 2026 when Part 2 of the 2024 Act comes fully into force and the majority of the muirburn provisions in the 1946 Act are repealed.
9. These Regulations make consequential amendments to secondary legislation relating to the environment in Scotland as a result of the commencement of Part 2 of the 2024 Act. It does so in two ways:
 - In nine Environmentally Sensitive Areas orders (Loch Lomond, Breadalbane, Central Southern Uplands, Western Southern Uplands, Cairngorms Straths, Central Borders, Stewartry, Argyll Islands, Shetland), land management agreements require muirburn to follow a named code. The instrument replaces the old Farming and Wildlife Advisory Group leaflet and the old SNH leaflet, and puts in the new statutory Muirburn Code instead.
 - In three other instruments (the 1994 habitats regulations, a 2014 environmental harm order, and a 2016 authorised operations order) it replaces citations of the 1946 Act with the equivalent provisions of the 2024 Act.
10. The Policy Note accompanying the instrument is included in the annexe.

Committee consideration

11. So far, no motion recommending annulment has been lodged.
12. The Committee will note that the new licensing scheme takes effect from 15 September 2026 with the consequential amendments made by this instrument not taking effect until 10 October 2026. The Committee may wish to consider whether it would wish to seek confirmation from the Scottish Government that there would be no practical or legal consequences arising between these two dates.

13. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

14. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

15. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
September 2026

Annexe A: Scottish Government Policy Note

POLICY NOTE

THE WILDLIFE MANAGEMENT AND MUIRBURN (SCOTLAND) ACT 2024 (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2026

SSI 2026/240

The above instrument was made in exercise of the powers conferred by section 34(1) of the Wildlife Management and Muirburn (Scotland) Act 2024 (“the 2024 Act”).

The instrument is subject to negative procedure.

Summary Box

This instrument is made following the commencement of the muirburn licensing scheme under Part 2 the 2024 Act. It makes consequential amendments to secondary legislation necessary to ensure the continued effective operation of that legislation following the commencement of Part 2 of the 2024 Act.

Policy Objectives

There are consequential amendments which are required to be made to ensure the continued effective operation of certain secondary legislation as a result of the commencement of Part 2 of the 2024 Act.

Muirburn was previously regulated under the Hill Farming Act 1946 (“the 1946 Act”). Part 2 of the 2024 Act establishes a licensing scheme for the carrying out of muirburn. This scheme replaces the 1946 Act regime on 15 September 2026 when Part 2 of the 2024 Act comes fully into force and the majority of the muirburn provisions in the 1946 Act are repealed.

This SSI makes consequential amendments to secondary legislation relating to the environment in Scotland as a result of the commencement of Part 2 of the 2024 Act, updating references, for example from the Hill Farming Act to the 2024 Act.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (“the Act”), the Scottish Ministers certify that, in their view, the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

Our Wildlife Management and Muirburn (Scotland) Bill (“the Bill”) consultation sought views on wildlife management and proposals included in the Bill. The consultation opened on 26 October 2022 and closed on 14 December 2022.

In total 4,863 standard responses were received, of which 129 were from groups or organisations and 4,734 from individual members of the public.

A majority of consultation respondents agreed that a licence should be required to undertake muirburn regardless of the time of year that it is undertaken (68% of those answering the question).

The consequential amendments relating to muirburn are technical in nature and will not require any further evidence gathering. They ensure the continued effective operation of the amended legislation following the commencement of Part 2 of the 2024 Act.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.¹

Impact Assessments

A Child Rights and Wellbeing impact assessment has been completed on the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 and is attached.

It is considered that the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 as summarised above will bring no discernible reduction or progress in children’s rights or their wellbeing.

Financial Effects

The Minister for Agriculture, Marine and the Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Environment and Forestry Directorate
Nature Division

August 2026

¹ <https://www.gov.scot/publications/wildlife-management-scotland-analysis-responses-consultation-exercise-analysis-report/>