

Stage 3 Briefing

Wildlife Management and Muirburn (Scotland) Bill

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Wildlife Management and Muirburn (Scotland) Bill¹ (the **Bill**) was introduced on 21 March 2023 by the then Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson MSP.

Our Rural Affairs Sub-committee previously submitted written evidence on the Bill to the Rural Affairs and Islands Committee of the Scottish Parliament² and we provided oral evidence as part of the Committee's Stage 1 consideration of the Bill on 21 June 2023.³ The Rural Affairs and Islands Committee's Stage 1 Report on the Bill was published on 29 November 2023.⁴

The Stage 1 debate on the Bill took place on 30 November 2023. We issued a briefing ahead of the Stage 1 debate. Parliament agreed to the general principles of the Bill on 30 November 2023.

The Rural Affairs and Islands Committee considered the Bill at Stage 2 at two meetings on 7 February 2024 and 21 February 2024. We issued amendments and amendments with effects and reasons ahead of Stage 2 consideration. The Bill completed Stage 2 on 21 February 2024, and the Bill as amended was published on the same date.⁵

We welcome the opportunity to consider and provide brief comment on the Bill ahead of the Stage 3 debate scheduled for 19 March 2024. Our comments below highlight the general remarks in our earlier engagement on the Bill, and further comments following the changes made to the Bill at Stage 2 and the amendments tabled ahead of Stage 3.⁶

General Remarks

The law relating to wildlife in Scotland is fragmented over a number of statutes, often themselves amended on multiple occasions, and as a result, is particularly complex. Legislative efforts in this area to consolidate the law, make it clearer, and provide certainty for individuals and businesses are welcomed.

¹ [Wildlife Management and Muirburn \(Scotland\) Bill](#)

² Further information on our engagement on the Bill to date, including the links to the relevant documents, can be found on our website, accessible [here](#).

³ The evidence session can be viewed [here](#), and the Official Report can be found [here](#).

⁴ [Stage 1 Report on the Bill](#)

⁵ [Bill as amended at Stage 2](#)

⁶ [Marshalled List of Amendments for Stage 3](#); [Groupings of Amendments for Stage 3](#); [Supplement to the Marshalled List of Amendments for Stage 3](#)

We have highlighted, as a recurring comment throughout our engagement on the Bill, that additional legislative or regulatory measures in this area should be informed and supported by a robust evidence base, policy analysis, and be a proportionate response to the intended aims.

We consider that changes to the policy and legislative framework in this area would merit an appropriate awareness-raising campaign so as to make individuals and businesses aware of the revised requirements, and help support industry compliance.

We previously noted, in relation to sections 6 and 7 of the Bill, that licensing itself may not act as a deterrent for raptor persecution and wildlife crime – although it will turn greater attention on landowners, which may help to bring these issues into focus. We do not consider that the introduction of a licensing regime will fully resolve these issues, and this will need to be supported by enforcement and information sharing generally. In addition, we consider it remains important to consider the whole way in which the grouse moorland landscape is managed, not just in the context of grouse and wildlife crime.

We note the range of changes made to the Bill at Stage 2 – including those concerning the use of snares, and the powers of the Scottish Society for the Prevention of Cruelty to Animals (**Scottish SPCA**) in relation to the investigation of wildlife crime under the Bill. We responded to preceding Scottish Government consultation on these proposals.⁷ In our response we highlighted that we consider the most appropriate bodies for law enforcement and prosecution in Scotland of the offences under the Bill to be Police Scotland and the Crown Office and Procurator Fiscal Service respectively. Whilst we note the current investigation powers of the Scottish SPCA in relation to specific animal welfare issues, we would not generally consider it appropriate that wider criminal investigation powers be extended to it, particularly given its role and function as a registered charity.

We previously raised concerns at Stage 1 in relation to the proposed duration of licences under the new section 16AA, provided for at section 7 of the Bill – noting that a maximum one-year period for a licence had the potential to be unduly burdensome and bureaucratic for the licensing authority, applicants seeking a licence and potential consultees. We suggested that a longer period, such as three or five years, may be more appropriate and provide greater certainty for those operating in the sector. We therefore welcome the relevant changes made to Bill at Stage 2, increasing the respective timescales to five years.

More generally, we reiterate our previous comments regarding the ongoing and prospective legislative and policy reform within the wider agricultural, environmental, and land management legal landscape. We highlight the importance of considering the interplay and overlap between such reforms to ensure a consistent and aligned approach across all policy affecting the rural sector.

⁷ [Wildlife Management and Muirburn \(Scotland\) Bill: use of snares and powers of Scottish SPCA inspectors: Consultation](#)

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