

Wildlife Management and Muirburn (Scotland) Bill — Stage 2

Section 1

Edward Mountain

- 4 In section 1, page 1, line 13, at end insert—
- <() Subsection (1) or (2) does not apply if the glue trap is used under, and in accordance with the terms of, a glue trap licence (see section *Glue trap licences*).>

Section 2

Edward Mountain

- 5 In section 2, page 2, line 8, after <where> insert—
- <() the glue trap is purchased (or otherwise acquired) for use in accordance with the terms of a glue trap licence, or
- ()>

After section 2

Edward Mountain

- 6 After section 2, insert—
- <Glue trap licences**
- (1) The Scottish Ministers may grant a licence under this section (a “glue trap licence”) authorising a pest controller specified or described in the licence to engage in conduct for the purpose of preserving public health or public safety which would otherwise amount to an offence under section 1 or 2.
- (2) The Scottish Ministers may not grant a glue trap licence for a purpose mentioned in subsection (1), unless the Scottish Ministers are satisfied that, as regards that purpose, there is no other satisfactory solution.
- (3) The Scottish Ministers may not grant a glue trap licence under subsection (1) unless the pest controller or controllers to be specified in the licence have completed an approved training course in respect of glue traps (see section *Glue trap licences: approved training courses*).
- (4) A glue trap licence—
- (a) may be general or specific,
 - (b) may be subject to any conditions specified in the licence,
 - (c) may be modified or revoked at any time by the Scottish Ministers (whether or not on an application from the pest controller or controllers authorised by the licence),
 - (d) may be for a specified period of time.
- (5) The Scottish Ministers may require an application for the grant or modification of a glue trap licence, or of a glue trap licence of a particular description, to be made in such form,

and to be accompanied by such documentation or information, as the Scottish Ministers consider appropriate.

- (6) The Scottish Ministers may by regulations—
 - (a) make provision about the display of the glue trap licence number on the glue trap,
 - (b) make provision about the evidence to be provided by a licence holder when purchasing (or otherwise acquiring) a glue trap,
 - (c) make provision for the charging of fees or other charges in relation to an application for the grant or modification of a glue trap licence (and such fees or other charges may be set by reference to any costs incurred, or expected to be incurred, by the Scottish Ministers in connection with this section),
 - (d) make provision for, or in connection with, appeals in respect of—
 - (i) a decision to refuse an application for the grant or modification of a glue trap licence,
 - (ii) a decision to modify or revoke a glue trap licence,
 - (e) make provision for offences in connection with an application for a glue trap licence.
- (7) Regulations under subsection (6) may, in particular, make provision about—
 - (a) the grounds upon which an appeal may be made,
 - (b) when an appeal may be made,
 - (c) the court, tribunal or other person who is to determine the appeal,
 - (d) the procedure for making, or determining, an appeal.
- (8) Regulations under subsection (6) are subject to the affirmative procedure.
- (9) In this section, “pest controller” means a person—
 - (a) who—
 - (i) in the course of a business, provides a service which consists of, or involves, pest control, or
 - (ii) is employed by a public authority to carry out pest control, and
 - (b) is licensed to carry out pest control.
- (10) For the purposes of this section, a public authority is a person who carries out functions of a public nature.>

Edward Mountain

7 After section 2, insert—

<Glue trap licences: approved training courses

- (1) The Scottish Ministers are to approve training courses in respect of glue traps.
- (2) For the purposes of subsection (1), the Scottish Ministers may—
 - (a) determine training requirements, such as—
 - (i) the form and content of courses,
 - (ii) requiring a person providing training to meet certain 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.>

Section 4

Edward Mountain

8 In section 4, page 4, line 24, at end insert—

- <(1B) The relevant authority may not, on receipt of an application under section 12B, grant or renew a wildlife trap licence if the relevant authority is satisfied that the applicant has committed a relevant offence.>

Edward Mountain

9 In section 4, page 4, line 24, at end insert—

- <(1B) The relevant authority may not, on receipt of an application under section 12B, grant a wildlife trap licence if the relevant authority is satisfied that the applicant has, at any time, committed an offence under section 12A.>

Edward Mountain

10 In section 4, page 4, leave out lines 20 to 24 and insert—

- <(1) Subject to subsection (1B), the relevant authority must, on receipt of an application under section 12B grant or renew a wildlife trap licence if the requirements in subsection (1A)(a) or (b) are met.
 - (1A) The requirements are that—
 - (a) the applicant has completed an approved training course (see section 12E), or
 - (b) the applicant—
 - (i) was born on or before 31st December 1983, and
 - (ii) has used the type of trap in question in a professional capacity for a period of at least 10 years consecutively.>

Edward Mountain

11 In section 4, page 4, line 37, at end insert—

- <(3A) The Scottish Ministers may by regulations make further provision about the evidence that may be required for the purposes of subsection (1A)(b)(ii).
- (3B) Regulations under subsection (3A) are subject to the negative procedure.>

Edward Mountain

12 In section 4, page 5, line 6, at end insert—

- <“relevant offence” means an offence under—
 - (a) section 11 to 11C, 11E, 12A, 12F or 17 of this Act,
 - (b) section 50 or 50A of the Agriculture (Scotland) Act 1948,

- (c) regulation 41 of The Conservation (Natural Habitats &c.) Regulations 1994 (S.I 1994/2716),
- (d) the Wild Mammals Protection Act 1996,
- (e) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2023.>

Edward Mountain

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

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.>

Section 6

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—
“(ZZZA) 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.”,
(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.”.>

Section 7

Edward Mountain

18 In section 7, page 12, line 11, at end insert—

<(5A) Where—

- (a) a person appeals to the appropriate sheriff against a decision of a relevant authority to refuse to grant to the person a section 16AA licence, and
- (b) on determining the appeal, the sheriff directs the relevant authority to grant a section 16AA licence to the person,

the sheriff must make an award of expenses against the relevant authority.>

Edward Mountain

19 In section 7, page 13, line 4, leave out <appropriate> and insert <likely to be interested in or affected by the code of practice, including land managers>

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 8

Edward Mountain

21 Leave out section 8

Section 9

Edward Mountain

22 Leave out section 9

Section 10

Edward Mountain

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

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

Edward Mountain

24 Leave out section 10

Section 11

Edward Mountain

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

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.>

Edward Mountain

- 27 Leave out section 11

Section 12

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>

Edward Mountain

- 29 Leave out section 12

Section 13

Edward Mountain

- 30 Leave out section 13

After section 13

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.>

Section 14

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.>

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>

Edward Mountain

- 35 Leave out section 14

Section 15

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

- 38 Leave out section 15

Section 16

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.>

Edward Mountain

- 41 In section 16, page 20, line 8, after <muirburn> insert <, including land managers>

Edward Mountain

- 42 Leave out section 16

Section 17

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,>

Edward Mountain

- 44 Leave out section 17

Section 18

Edward Mountain

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

Edward Mountain

- 46 Leave out section 18

Section 19

Edward Mountain

- 47 Leave out section 19