

Wildlife Management and Muirburn (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Glue traps

106, 4, 107, 108, 5, 6, 7

Snaring prohibition

54, 54A, 54B, 54C, 54D, 54E, 54F, 54G, 54H, 54I, 54J

Licensing principles

53, 75

Wildlife traps - offences

109, 55, 110, 57, 58

Consultation

78, 80, 19, 84, 93, 100, 41, 103, 105

Licensing - fees

111, 1, 112, 126, 2, 127, 147, 3, 148

Wildlife trap licences - conditions and grant

56, 10, 113, 114, 8, 9, 115, 116, 11, 117, 118, 12

Notes on amendments in this group

Amendment 10 pre-empts amendments 113 and 114

Licensing - refusal, modification, suspension, revocation and appeals

48, 119, 79, 49, 64, 134, 65, 66, 67, 135, 50, 68, 82, 136, 18, 137, 140, 51, 72, 73, 155, 156, 157, 74, 158, 159, 52, 161, 162

Notes on amendments in this group
Amendment 51 pre-empts amendment 72
Amendment 158 pre-empts amendment 159

Wildlife traps - training course content

120, 13, 121, 14, 15, 16

Technical

59, 60, 69, 70

Section 16AA licences - offences

61, 17, 122, 123, 124

Section 16AA licences - conditions and grant

125, 128, 62, 129, 81, 63, 130, 131, 132, 133

Notes on amendments in this group
Amendments 81 and 63 are direct alternatives

Section 16AA licences - code of practice

83, 138, 139, 20

Section 16AA licenses - monitoring

85, 85A, 86, 87

Animal welfare inspectors' powers

71, 21, 141, 142

Removing Part 2 of the Bill

22, 24, 27, 29, 30, 35, 38, 42, 44, 46, 47

Muirburn licences - purposes

143, 88, 144, 23, 89, 90, 145, 146, 94, 149

Muirburn licences - conditions and grant

91, 92, 150, 95, 96, 97, 151, 98, 152, 153, 28, 154, 160, 99, 104

Notes on amendments in this group
Amendment 150 pre-empts amendments 95, 96 and 97

Muirburn season

25, 26, 101, 102, 167, 39, 40, 168

Notes on amendments in this group
Amendment 102 pre-empts amendment 167

Muirburn - register and notice

31, 36, 37, 43

Muirburn code

32, 163, 164, 165, 166, 33, 34

Muirburn - definitions

76, 169, 45, 171, 170, 77, 172

Notes on amendments in this group

Amendment 169 pre-empts amendments 45, 171 and 170

Amendments 45 and 171 are direct alternatives

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Amendments in debating order

Glue traps

Colin Smyth

- 106 In section 1, page 1, line 10, after <killing> insert <, restraining>

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*).>

Colin Smyth

- 107 In section 1, page 1, line 13, at end insert—
<(2A) It is an offence for a person to knowingly cause or permit another person to use a glue trap—
(a) for the purpose of killing, restraining or taking any animal other than an invertebrate, or
(b) in a manner that is likely to cause bodily injury to any animal other than an invertebrate that comes into contact with it.>

Colin Smyth

- 108 In section 1, page 1, line 14, leave out <or (2)> and insert <, (2) or (2A)>

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
()>

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

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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.>

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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.>

Snaring prohibition

Gillian Martin

54 After section 3, insert—

<Snares

Prohibition of use of snares

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- 5 (2) In section 11 (prohibition of certain methods of killing or taking wild animals)—
 - (a) for subsection (1)(a) and (aa) substitute—
 - “(ab) sets in position or otherwise uses a snare for the purpose of killing any animal other than a wild bird,
 - 10 (ac) sets in position or otherwise uses a snare, other than a snare that is operated by hand, for the purpose of taking any animal other than a wild bird,
 - (ad) uses a snare which is of a nature or is placed (or both) so as to be likely to cause bodily injury to any animal (other than a wild bird) coming into contact with it,”
 - (b) subsection (1A) is repealed,
 - 15 (c) in subsection (2)—
 - (i) in paragraph (a), the words “or snare” are repealed,
 - (ii) after paragraph (a), insert—
 - “(aa) uses a snare for the purpose of killing any wild animal included in Schedule 6 or 6ZA,
 - 20 (ab) uses a snare, other than a snare that is operated by hand, for the purpose of taking or restraining any wild animal included in Schedule 6 or 6ZA,”

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- (d) in subsection (3C), in the closing words, for “an order under subsection (1)(a)” substitute “regulations under subsection (3CA)”,
- (e) after subsection (3C), insert—
- 25 “(3CA) The Scottish Ministers may by regulations specify types of snare for the purpose of subsection (3C).”.
- (3) Sections 11A to 11F are repealed.
- (4) In section 16 (power to grant licences)—
- (a) in subsection (3), in the opening words, the word “, 11C” is repealed,
- 30 (b) after subsection (3) insert—
- “(3ZZA) The appropriate authority must not grant a licence for any purpose mentioned in subsection (3) that permits the use of a snare.”,
- (c) in subsection (3ZA), in the opening words, in both places they occur, the words “or snare” are repealed,
- 35 (d) in subsection (3ZB)—
- (i) in paragraph (a), the words “or snare” are repealed,
- (ii) in paragraph (b), the words “or snare” are repealed,
- (iii) in paragraph (c), the words “or snare” are repealed,
- (e) in subsection (3ZC), in both places they occur, the words “or snare” are repealed,
- 40 (f) in subsection (3ZD), in both places they occur, the words “or snare” are repealed,
- (g) in subsection (3ZE), in paragraph (a), the words “and snares” are repealed,
- (h) in subsection (3ZG), in the opening words, the words “or snare” are repealed,
- (i) in subsection (3ZH), in paragraph (a), the words “or snare” are repealed,
- (j) in subsection (3ZI)—
- 45 (i) in paragraph (a), the words “or snares” are repealed,
- (ii) in paragraph (b), the words “or snares” are repealed,
- (iii) in paragraph (c), the words “or snares” are repealed.
- (5) In section 17—
- (a) in the opening words, the words “, an identification number under section 11A(4)” are repealed,
- 50 (b) the title of the section becomes “**False statements made for obtaining registration or licence etc.**”.
- (6) In section 21 (penalties)—
- (a) in subsection (1A), paragraphs (e) to (g) are repealed,
- 55 (b) in subsection (1C), paragraph (e) is repealed.
- (7) In section 26 (regulations, orders, notices etc.)—
- (a) in subsection (2), at the end of paragraph (e) (as inserted by section 7(5)(a) of this Act) insert “; and
- (f) regulations under section 11(3CA),”,

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- 60 (b) in subsection (3), at the end of paragraph (e) (as inserted by section 7(5)(b) of this Act) insert “; or
(f) regulations under section 11(3CA),”.>

Colin Smyth
Supported by: Christine Grahame

- 54A** As an amendment to amendment 54, line 7, after <snare> insert <, or other cable restraint,>

Colin Smyth
Supported by: Christine Grahame

- 54B** As an amendment to amendment 54, line 8, leave out <other than a wild bird>

Colin Smyth
Supported by: Christine Grahame

- 54C** As an amendment to amendment 54, line 9, after first <snare> insert <, or other cable restraint>

Colin Smyth
Supported by: Christine Grahame

- 54D** As an amendment to amendment 54, line 9, leave out <, other than a snare that is operated by hand,>

Colin Smyth
Supported by: Christine Grahame

- 54E** As an amendment to amendment 54, line 10, leave out <other than a wild bird>

Colin Smyth
Supported by: Christine Grahame

- 54F** As an amendment to amendment 54, line 11, after <snare> insert <, or other cable restraint,>

Colin Smyth
Supported by: Christine Grahame

- 54G** As an amendment to amendment 54, line 12, leave out <(other than a wild bird)>

Colin Smyth
Supported by: Christine Grahame

- 54H** As an amendment to amendment 54, line 18, after <snare> insert <, or other cable restraint,>

Colin Smyth
Supported by: Christine Grahame

- 54I** As an amendment to amendment 54, line 20, after first <snare> insert <, or other cable restraint>

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Colin Smyth

Supported by: Christine Grahame

- 54J** As an amendment to amendment 54, line 20, leave out <, other than a snare that is operated by hand,>

Licensing principles

Rachael Hamilton

- 53** After section 3, insert—

<Part 1 licensing principles

Licensing principles

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) After section 16 insert—

“16AZA Licensing principles

When exercising their functions under sections 12B, 12C, 12D, 12E, 12G, 16AA or 16AC, the Scottish Ministers (or, where the Scottish Ministers have delegated (by virtue of section 16A) their functions under any of those sections, Scottish Natural Heritage) must have regard to the following principles—

- (a) licensing should not place a disproportionate cost on applicants,
- (b) a licensing scheme should only be introduced where there is a legitimate need for one,
- (c) a licensing scheme should not put excessive pressure on Scottish Natural Heritage, or other relevant bodies,
- (d) the individual circumstances of those affected by a licensing scheme must be taken into account,
- (e) the licensing process should be constantly reviewed to ensure the application process is as efficient as possible.”>

Rachael Hamilton

- 75** Before section 9, insert—

<Principles to be applied

When exercising their functions under sections 10, 11, 12, and 13, the Scottish Ministers (or, where the Scottish Ministers have delegated (by virtue of section 17) their functions under any of those sections, Scottish Natural Heritage) must have regard to the following principles—

- (a) licensing should not place a disproportionate cost on applicants,
- (b) a licensing scheme should only be introduced where there is a legitimate need for one,
- (c) a licensing scheme should not put excessive pressure on Scottish Natural Heritage, or other relevant bodies,

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- (d) the individual circumstances of those affected by a licensing scheme must be taken into account,
- (e) the licensing process should be constantly reviewed to ensure the application process is as efficient as possible.>

Wildlife traps - offences

Colin Smyth

109 In section 4, page 3, line 11, at end insert—

- <(c) a trap for the purpose of taking wild mammals alive for the purpose of destruction.>

Gillian Martin

55 In section 4, page 3, line 25, at end insert—

<(5A) A person who, without reasonable excuse—

- (a) tampers with a trap so that it no longer complies with the requirements of this section, or
- (b) disarms or destroys a trap to which this section applies,

is guilty of an offence.

(5B) A person who knowingly causes or permits another person to commit an offence under subsection (5A) is guilty of an offence.>

Colin Smyth

110 In section 4, page 3, line 32, leave out <reasonable> and insert <practicable>

Rachael Hamilton

57 In section 4, page 6, line 33, at end insert—

<12FA Offence of damage to or removal of wildlife trap

A person who removes, intentionally damages or otherwise interferes with a wildlife trap used in accordance with the requirements of section 12A without the authorisation of the licence holder is guilty of an offence.>

Rachael Hamilton

58 In section 4, page 7, line 31, at end insert—

<(gc) section 12FA,”.>

Consultation

Finlay Carson

78 In section 4, page 3, line 42, at end insert—

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<(9A) The Scottish Ministers must publish the results of the consultation under subsection (9) and give reasons for any decision reached.>

Finlay Carson

80 In section 4, page 7, line 13, at end insert—

<(3A) The Scottish Ministers must publish the results of the consultation under subsection (3) and give reasons for any decision reached.>

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>

Finlay Carson

84 In section 7, page 13, line 4, at end insert—

<(5A) The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Finlay Carson

93 In section 10, page 15, line 31, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (6) and give reasons for any decision reached.>

Finlay Carson

100 In section 14, page 18, line 17, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Edward Mountain

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

Finlay Carson

103 In section 16, page 20, line 8, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (5) and give reasons for any decision reached.>

Finlay Carson

105 In section 18, page 21, line 6, at end insert—

<() The Scottish Ministers must publish the results of the consultation under subsection (3) and give reasons for any decision reached.>

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Licensing - fees

Rachael Hamilton

111 In section 4, page 4, leave out lines 11 and 12

John Mason

1 In section 4, page 4, line 12, at end insert—

<() Fees charged under subsection (1)(d) must be sufficient to cover any expenses and costs incurred by the relevant authority in carrying out its functions under sections 12A to 12G.>

Rachael Hamilton

112 In section 4, page 4, line 14, leave out <, (c) or (d)> and insert <or (c)>

Rachael Hamilton

126 In section 7, page 10, leave out lines 5 and 6

John Mason

2 In section 7, page 10, line 6, at end insert—

<() Fees charged under subsection (3)(e) must be sufficient to cover any expenses and costs incurred by the relevant authority in carrying out its functions under section 16AA.>

Rachael Hamilton

127 In section 7, page 10, line 8, leave out <(e)> and insert <(d)>

Rachael Hamilton

147 In section 10, page 15, leave out lines 21 and 22

John Mason

3 In section 10, page 15, line 22, at end insert—

<() Fees charged under subsection (3)(c) must be sufficient to cover any expenses and costs incurred by the Scottish Ministers in carrying out their functions under this Part.>

Rachael Hamilton

148 In section 10, page 15, line 24, leave out <, (b)(iii) or (c)> and insert <or (b)(iii)>

Wildlife trap licences - conditions and grant

Gillian Martin

56 In section 4, page 4, line 12, at end insert—

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- <(e) include evidence that the applicant has completed a training course approved under section 12E in respect of the type of trap in question.>

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.>

Colin Smyth

113 In section 4, page 4, line 23, at end insert—

- <(aa) it is satisfied that the primary purpose for which the licence would be used is not to maintain or increase the number of wild birds available to be shot for sport,>

Colin Smyth

114 In section 4, page 4, line 23, at end insert—

- <(ab) it is satisfied that the proposed use of traps is justified by evidence of harm caused by the species intended to be killed or taken, and that no method that is non-lethal or has a lower animal welfare impact would be effective to reduce that harm,>

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.>

Colin Smyth

115 In section 4, page 4, line 34, at end insert—

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- <(iia) specify the maximum number of traps for which the licence holder may be responsible at any one time,
- (iib) specify the location (or locations) where the traps may be used and the procedure for amending the permitted location (or locations) if required,>

Colin Smyth

- 116 In section 4, page 4, line 37, leave out <10> and insert <5>

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.>

Colin Smyth

- 117 In section 4, page 4, line 37, at end insert—
- <(3A) Every wildlife trap licence is subject to the condition that the licence holder must maintain records of the numbers and species of all wild birds and animals killed or taken in traps for which the holder is responsible and report these to the relevant authority on an annual basis.>

Colin Smyth

- 118 In section 4, page 4, line 37, at end insert—
- <(3B) Every wildlife trap licence is subject to the condition that the use of traps under the licence must be undertaken in accordance with the highest possible standards of animal welfare.>

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.>

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Licensing - refusal, modification, suspension, revocation and appeals

Gillian Martin

- 48 In section 4, page 5, leave out lines 15 to 22

Beatrice Wishart

- 119 In section 4, page 5, line 27, at end insert—

<(c) where a licence is being suspended, specify in the notice the estimated duration of the suspension which, having regard to all of the circumstance of the case, must be reasonable.>

Karen Adam

Supported by: Colin Smyth

- 79 In section 4, page 6, line 3, at end insert—

<(da) section 19 of the Animal Health and Welfare (Scotland) Act 2006,>

Gillian Martin

- 49 In section 7, page 10, line 35, leave out from beginning to end of line 2 on page 11

Rachael Hamilton

- 64 In section 7, page 11, line 2, at end insert—

<(8A) A section 16AA licence may be suspended for a period up to a maximum of 18 weeks.>

Stephen Kerr

- 134 In section 7, page 11, line 2, at end insert—

<(8A) Before deciding to—

- (a) refuse to grant a licence,
- (b) refuse to renew an existing licence, or
- (c) modify, suspend or revoke an existing licence,

the relevant authority must comply with subsection (8B).

(8B) Before taking a decision under subsection (8A), the relevant authority must—

- (a) give to the applicant or licence holder, as the case may be, at least 14 days prior notice of its proposed decision and the reasons therefor, and
- (b) allow such person the opportunity to submit representations with respect to the proposed decision.>

Rachael Hamilton

- 65 In section 7, page 11, line 6, after <revocation,> insert <along with the reasons therefor>

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Rachael Hamilton

- 66 In section 7, page 11, leave out lines 9 to 12 and insert <the period within which an appeal under section 16AB(2)(c) may be made.>

Gillian Martin

- 67 In section 7, page 11, line 12, at end insert—
<(9A) A licence holder whose section 16AA licence is suspended is to be treated as not having a section 16AA licence for the duration of the suspension.>

Beatrice Wishart

- 135 In section 7, page 11, line 12, at end insert—
<(9A) Where the relevant authority has suspended a person's section 16AA licence, the notice given under subsection (9)(a) must specify the estimated duration of the suspension which, having regard to all of the circumstance of the case, must be reasonable.>

Gillian Martin

- 50 In section 7, page 11, leave out lines 17 to 20

Rachael Hamilton

- 68 In section 7 page 11, leave out lines 28 to 32

Karen Adam

Supported by: Colin Smyth

- 82 In section 7, page 11, line 31, at end insert—
<(da) section 19 of the Animal Health and Welfare (Scotland) Act 2006,>

Rachael Hamilton

- 136 In section 7, page 12, line 7, at end insert—
<(4A) Where an appeal is taken under this section the sheriff may—
(a) on the application of the appellant, and
(b) if satisfied on the balance of convenience that it is appropriate to do so,
recall the decision of the relevant authority pending determination of the appeal.>

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,

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

Rachael Hamilton

137 In section 7, page 12, line 28, at end insert—

<16ABA Section 16AA licence: compensation in respect of suspension

The Scottish Ministers must by regulations make a scheme for the making of payments by the Scottish Ministers to persons in respect of one or more of the following—

- (a) income losses incurred by persons as a result of their section 16AA licence being suspended under section 16AA(8),
- (b) non-income losses so incurred,
- (c) any other matters which relate either to the suspension or are provided for in the scheme.>

Rachael Hamilton

140 In section 7, page 14, line 4, at end insert—

<(f) regulations under section 16ABA.”.>

Gillian Martin

51 In section 13, page 17, leave out lines 12 to 18

Rachael Hamilton

72 In section 13, page 17, line 12, at beginning insert <subject to subsection (1A),>

Rachael Hamilton

73 In section 13, page 17, line 18, at end insert—

<(1A) Subsection (1)(c) does not apply where the offence relates to whether or not land is peatland.>

Stephen Kerr

155 In section 13, page 17, line 18, at end insert—

<(1A) Before deciding to—

- (a) refuse to grant a licence,
- (b) refuse to renew an existing licence, or
- (c) modify, suspend or revoke an existing licence,

the Scottish Ministers must comply with subsection (1B).

(1B) Before taking a decision under subsection (1A), the relevant authority must—

- (a) give to the applicant or licence holder, as the case may be, at least 14 days prior notice of its proposed decision and the reasons therefor, and

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- (b) allow such person the opportunity to submit representations with respect to the proposed decision.>

Beatrice Wishart

- 156 In section 13, page 17, line 21, after <must> insert <—
()>

Beatrice Wishart

- 157 In section 13, page 17, line 22, at end insert—
<() where a licence is being suspended, specify the estimated duration of the suspension which, having regard to all of the circumstance of the case, must be reasonable.>

Rachael Hamilton

- 74 In section 13, page 17, line 22, at end insert—
<() A muriburn licence may be suspended for a period up to a maximum of 8 weeks.>

Rachael Hamilton

- 158 In section 13, page 17, line 25, leave out from <of> to <given> in line 26 and insert <within which an appeal under section (*Appeals relating to muirburn licences*) may be made has elapsed>

Rachael Hamilton

- 159 In section 13, page 17, line 25, leave out <14> and insert <21>

Gillian Martin

- 52 In section 13, page 17, leave out lines 34 to 36

Rachael Hamilton

- 161 After section 13, insert—
<Appeals relating to muirburn licences
- (1) A person may appeal to the appropriate sheriff against a decision of the Scottish Ministers to—
 - (a) refuse to grant to the person a muirburn licence,
 - (b) attach a condition to the person's muirburn licence,
 - (c) modify, suspend or revoke the person's muirburn licence.
 - (2) An appeal under this section must be made within the period of 21 days beginning with the day on which the decision appealed against was made.
 - (3) An appeal under this section is to be determined on the merits rather than by way of review.
 - (4) The sheriff hearing the appeal may consider any evidence or other matter, whether or not it was available at the time the Scottish Ministers made the decision being appealed against.

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- (5) Where an appeal is taken against a decision of the Scottish Ministers mentioned in subsection (1), the sheriff may—
 - (a) on the application of the appellant, and
 - (b) if satisfied on the balance of convenience that it is appropriate to do so, recall the decision of the Scottish Ministers pending determination of the appeal.
- (6) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal, or
 - (b) give the Scottish Ministers such direction as the sheriff considers appropriate in respect of the decision that is the subject of the appeal.
- (7) The determination of the sheriff may be appealed against only on a point of law.
- (8) In this section “appropriate sheriff” means—
 - (a) in a case where the appellant resides in Scotland, a sheriff or summary sheriff of the sheriffdom in which the appellant resides, or
 - (b) in a case where the appellant resides outwith Scotland, a sheriff or summary sheriff of the sheriffdom or Lothian and Borders, sitting at Edinburgh.>

Rachael Hamilton

162 After section 13, insert—

<Compensation in respect of suspension of muirburn licences

- (1) The Scottish Ministers must by regulations make a scheme for the making of payments by the Scottish Ministers to persons in respect of one or more of the following—
 - (a) income losses incurred by persons as a result of their muirburn licence being suspended under section 13(1),
 - (b) non-income losses so incurred,
 - (c) any other matters which relate either to the suspension or are provided for in the scheme.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.>

Wildlife traps - training course content

Colin Smyth

120 In section 4, page 6, line 13, after <trap> insert <(to include, in particular, independently validated guidance on the animal welfare impact of each type of trap)>

Edward Mountain

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

Colin Smyth

121 In section 4, page 6, line 13, at end insert—

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<(ia) standards for—

- (A) assessing whether and when the use of traps is justified by evidence of harm caused by the species intended to be killed or taken, and
- (B) determining that no method that is non-lethal or has a lower animal welfare impact would be effective to reduce that harm,>

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.>

Technical

Gillian Martin

59 In section 4, page 7, line 35, leave out <; and>

Gillian Martin

60 In section 4, page 7, line 39, leave out <; and>

Gillian Martin

69 In section 7, page 13, line 39, leave out <; and>

Gillian Martin

70 In section 7, page 14, line 3, leave out <; or>

Section 16AA licences - offences

Gillian Martin

61 In section 6, page 8, line 35, at end insert—

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<(1C) Where subsection (1D) applies, a person does not commit an offence under section 1 by reason of killing or taking a bird included in Part 1B of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.

(1D) This subsection applies where—

- (a) the bird was killed or taken through the use of a bird of prey, or injured in an attempt to do so,
- (b) either—
 - (i) the person who killed or injured it had a legal right, or permission, to kill such a bird, or
 - (ii) the person who took it had a legal right, or permission, to take such a bird, and
- (c) in the case where the person subsequently killed the injured bird, the person took all reasonable steps to kill it in a way that caused it the minimum possible suffering.”,>

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—

“(2ZZA) 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.”.>

Rachael Hamilton

122 In section 6, page 9, line 7, at end insert—

<() In section 22 (power to vary Schedules), in subsection (1)(a), after “Schedules A1 to 4” insert “, with the exception of Part 1B of Schedule 2”.>

Rachael Hamilton

123 In section 6, page 9, leave out subsection (3)

Rhoda Grant

124 In section 6, page 9, line 15, at end insert—

<() after subsection (4B) insert—

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- “(4C) Before making an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2, the Scottish Ministers must—
- (a) lay a draft of the order before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the order, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to wildlife management for the time being appointed by virtue of the standing orders.
- (4D) The Scottish Ministers must, when making the order to add any bird to, or remove any bird from, Part 1B of Schedule 2, lay a statement setting out—
- (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the order in response to such views and the reasons for those changes.”.>

Section 16AA licences - conditions and grant

Stephen Kerr

125 In section 7, page 9, leave out lines 29 to 35 and insert—

- <(1) The relevant authority must grant a licence to the owner or occupier of an area of land for the purposes of the killing or taking of any type of bird included in Part 1B Schedule 2 on the land (a “section 16AA licence”) if it is satisfied that the person is a fit and proper person, having regard in particular to the applicant’s compliance with the code of practice made in accordance with section 16AC.>

Stephen Kerr

128 In section 7, page 10, line 8, at end insert—

- <(4A) The relevant authority must determine each application for a section 16AA licence within the period of 3 months beginning with the date on which the application was made.
- (4B) Where the relevant authority fails to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (4A), the licence is deemed to have been granted or renewed on the date of such expiry.
- (4C) The deemed grant or renewal of a section 16AA licence under subsection (4B) has the same effect as a decision of the relevant authority to grant or renew a section 16AA licence.>

Rachael Hamilton

62 In section 7, page 10, line 15, after <any> insert <reasonable>

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Stephen Kerr

- 129 In section 7, page 10, leave out line 17 and insert—
- <(b) takes effect on the earlier of—
 - (i) the date the application is granted by the relevant authority under subsection (1), or
 - (ii) the date the application is deemed to be granted by the relevant authority under subsection (4B).>

Jim Fairlie

- 81 In section 7, page 10, line 17, leave out <1 year> and insert <5 years>

Rachael Hamilton

- 63 In section 7, page 10, line 17, leave out <1 year> and insert <10 years>

Colin Smyth

- 130 In section 7, page 10, line 19, leave out from <have> to end of line and insert <comply with all aspects of a code of practice, made in accordance with section 16AC, that are relevant to management of the area of land in question.>

Colin Smyth

- 131 In section 7, page 10, line 19, at end insert—
- <(6A) Every section 16AA licence is subject to the condition that the licence holder must maintain records of the numbers and species of all wild birds and animals killed or taken on the land to which the licence relates and report these to the relevant authority on an annual basis.>

Rachael Hamilton

- 132 In section 7, page 10, line 32, after <relates> insert <for the purposes of permitting the killing or taking of any type of bird included in Part 1B of Schedule 2 on the land>

Rhoda Grant

- 133 In section 7, page 10, line 32, after <relates> insert <who is under the direction of the licence holder>

Section 16AA licences - code of practice

Jim Fairlie

- 83 In section 7, page 12, line 35, after <plant> insert <(including the use of medicated grit for such purposes)>

Colin Smyth

- 138 In section 7, page 12, leave out line 36 and insert—

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- <(b) whether, when and how the taking or killing of any wild birds should be carried out, prioritising methods with the least negative animal welfare impact.>

Colin Smyth

139 In section 7, page 12, leave out line 37 and insert—

- <(c) whether, when and how predator control should be carried out, prioritising methods with the least negative animal welfare impact.>

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 16AA licenses - monitoring

Jim Fairlie

85 In section 7, page 13, line 19, at end insert—

<16AE Monitoring of section 16AA licences and their effect

(1) The Scottish Ministers must, within 5 years of the day on which—

(a) this section comes into effect, or

(b) a report was last laid under this subsection,

lay a report before the Scottish Parliament regarding the matters in subsections (2) and (4).

(2) Those matters are—

(a) the number of licences issued under section 16AA and the area of land affected, in each year covered by the report,

(b) the number of such licences that have been, or are, subject to suspension or revocation under section 16AA(8), the duration of those suspensions or revocations, and the reasons for those suspensions or revocations,

(c) the number and outcomes of any appeals undertaken under section 16AB, and

(d) the number and type of suspected or proven relevant offences associated with the land subject to section 16AA licences.

(3) The Scottish Ministers must undertake, or support the undertaking of, appropriate monitoring to provide the information necessary to fulfil the reporting requirements of subsection (4).

(4) The report under subsection (1) must include an assessment of the conservation status, including population size and range, of the birds listed in subsection (5).

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- (5) Those species are:
- (a) Golden Eagle (*aquila chrysaetos*),
 - (b) Hen Harrier (*circus cyaneus*),
 - 25 (c) Peregrine Falcon (*falco peregrinus*),
 - (d) Merlin (*falco columbarius*).
- (6) In this section, “relevant offence” has the meaning given to it in section 16AA.
- (7) The Scottish Ministers may delegate the functions in subsection (3) to Scottish Natural Heritage.
- 30 (8) The Scottish Ministers may by regulations amend the species listed in subsection (5).”>

Rachael Hamilton

85A As an amendment to amendment 85, line 15, leave out <suspected or>

Jim Fairlie

86 In section 7, page 14, line 1, at end insert—
<(f) regulations under section 16AE.”>

Jim Fairlie

87 In section 7, page 14, line 4, at end insert—
<(f) regulations under section 16AE.”>

Animal welfare inspectors’ powers

Gillian Martin

71 Leave out section 8 and insert—

<Powers to inspect and investigate certain wildlife offences

- (1) The Animal Health and Welfare (Scotland) Act 2006 is amended as follows.
- (2) In section 49 (vets, inspectors and constables)—
 - (a) after subsection (2) insert—

“(2A) A local authority may not appoint a person as an inspector under subsection (2)(b) for the purposes of paragraph 5A of schedule 1.”,
 - (b) in subsection (3), for “subsection (2)(b)” substitute “subsections (2)(b) and (2A)”.
- (3) In section 51 (regulations), after subsection (3) insert—

“(4) For the avoidance of doubt, in this section “this Part” includes schedule 1.”.
- (4) In schedule 1 (powers of inspectors and constables for Part 2), after paragraph 5 insert—

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“Supplementary powers of inspectors: evidence gathering in connection with wildlife offences

5A(1) An inspector, having entered non-domestic premises in exercise of a relevant power, may search for, examine and seize any thing tending to provide evidence of the commission of, or participation in, a relevant offence.

(2) In this paragraph—

“relevant offence” is an offence under—

(a) the following provisions of the Wildlife and Countryside Act 1981—

- (i) section 1 (protection of wild birds etc.),
- (ii) section 5 (prohibition of certain methods of killing or taking wild birds),
- (iii) section 6 (sale etc. of wild birds),
- (iv) section 7 (registration of certain captive birds),
- (v) section 8 (protection of captive birds),
- (vi) section 9 (protection of certain wild animals),
- (vii) section 10A (protection of wild hares),
- (viii) section 11 (prohibition of certain methods of killing or taking wild animals),
- (ix) section 11G (prevention of poaching: wild hares, rabbits etc.),
- (x) section 11I (sale, possession, etc. of wild hares, rabbits etc.),
- (xi) section 12A (requirements for use of traps),
- (xii) section 12F (authorisation from landowners etc. to use traps),
- (xiii) section 15A (possession of pesticides),

(b) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2024,

“thing” includes any animal (including the carcase of an animal), equipment or document.

(3) The Scottish Ministers may by regulations modify the definition of “relevant offence” in sub-paragraph (2).”.>

Edward Mountain

21 Leave out section 8

Rhoda Grant

141 After section 8, insert—

<Animal welfare inspectors’ powers: review

- (1) This section applies where the Scottish Ministers make regulations under section 8.
- (2) Within one year of the regulations coming into force, the Scottish Ministers must review the operation of the regulations.

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- (3) The review must consider in particular whether, in relation to the offences mentioned in section 8(1)—
 - (a) the exercise of powers added by regulations made under section 8 has resulted in convictions,
 - (b) the exercise of powers added by regulations made under section 8 has resulted in investigations or proceedings relating to an offence being compromised as a result of the involvement of a third sector body, and
 - (c) there is a need for additional policing resource as an alternative to the use of powers added by regulations made under section 8.
- (4) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (5) In this section, “third sector body” means a body (whether or not formally constituted) established for purposes which consist of, or consist mainly of, providing benefits for society (but does not include a body established under an enactment).>

Rhoda Grant

142 After section 8, insert—

<Powers to inspect and investigate certain wildlife offences: review

- (1) Within one year of section (*Powers to inspect and investigate certain wildlife offences*) coming into force, the Scottish Ministers must review the operation of the section.
- (2) On completion of the review, the Scottish Ministers must—
 - (a) prepare and publish a report of the review,
 - (b) lay a copy of the report before the Scottish Parliament,
 - (c) take such action as they consider appropriate.
- (3) Where the Scottish Ministers do not intend to take any action in consequence of the review, the report must include a statement to this effect and the reasons why.>

Removing Part 2 of the Bill

Edward Mountain

22 Leave out section 9

Edward Mountain

24 Leave out section 10

Edward Mountain

27 Leave out section 11

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Edward Mountain

29 Leave out section 12

Edward Mountain

30 Leave out section 13

Edward Mountain

35 Leave out section 14

Edward Mountain

38 Leave out section 15

Edward Mountain

42 Leave out section 16

Edward Mountain

44 Leave out section 17

Edward Mountain

46 Leave out section 18

Edward Mountain

47 Leave out section 19

Muirburn licences - purposes

Colin Smyth

143 In section 10, page 14, line 34, leave out <moorland game or>

Kate Forbes

88 In section 10, page 14, line 36, at end insert—

<() preventing, or reducing the risk of, wildfires causing damage to habitats,>

Rhoda Grant

144 In section 10, page 15, line 1, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Edward Mountain

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

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

THIS IS NOT THE MARSHALLED LIST

Kate Forbes

- 89 In section 10, page 15, line 5, leave out <restoring> and insert <conserving, restoring, enhancing or managing>

Alasdair Allan

- 90 In section 10, page 15, line 5, at end insert—
<() as part of a reseedling plan by crofters to provide or improve grazing.>

Rhoda Grant

- 145 In section 10, page 15, line 6, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Rhoda Grant

- 146 In section 10, page 15, line 7, leave out <preventing, or reducing> and insert <managing fuel loads to prevent, or to reduce>

Alasdair Allan

- 94 In section 10, page 15, line 37, at end insert—
<() In this section, “crofter” has the meaning given in section 61 of the Crofters (Scotland) Act 1993.>

Rhoda Grant

- 149 After section 10, insert—
- <Modifying purposes for muirburn: pre-laying procedure**
- (1) Before laying regulations to modify the purposes for muirburn under section 10(5), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
 - (2) The Scottish Ministers must, when laying regulations to amend the purposes for muirburn, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

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Muirburn licences - conditions and grant

Kate Forbes

- 91 In section 10, page 15, line 20, leave out <and>

Kate Forbes

- 92 In section 10, page 15, line 22, at end insert <, and
() must include evidence that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

Stephen Kerr

- 150 In section 11, page 16, leave out subsection (1) and insert—
<(1) The Scottish Ministers must determine each application for a muirburn licence within the period of 3 months beginning with the date on which the application was made.
(1A) Where the Scottish Ministers fail to reach a final decision on the application before the expiry of the 3 month period referred to in subsection (1), the muirburn licence is deemed to have been granted on the date of such expiry.
(1B) The deemed grant of a muirburn licence under subsection (1A) has the same effect as a decision of the Scottish Ministers to grant a muirburn licence.>

Kate Forbes

- 95 In section 11, page 16, leave out lines 2 to 6 and insert—
<() The Scottish Ministers must grant a licence permitting muirburn to be made on land to which an application under section 10 relates for a purpose specified in the application if—
(a) they are satisfied that the person is a fit and proper person, having regard in particular to the applicant's compliance with the Muirburn Code,>

Kate Forbes

- 96 In section 11, page 16, line 6, leave out <and>

Alasdair Allan

- 97 In section 11, page 16, line 9, leave out <available> and insert <practicable>

Rhoda Grant

- 151 In section 11, page 16, line 9, after <available> insert <, taking into account the need to manage fuel loads to prevent, or to reduce the risk of, wildfires>

Kate Forbes

- 98 In section 11, page 16, line 9, at end insert <, and
() they are satisfied that the person who will make muirburn has completed a training course approved under section (*Approved training courses*).>

THIS IS NOT THE MARSHALLED LIST

Stephen Kerr

- 152 In section 11, page 16, line 10, after <subsection (1)> insert <or (1A)>

Stephen Kerr

- 153 In section 12, page 16, line 25, at end insert—
- <() take effect on the earlier of—
- (i) the date the application is granted by the relevant authority under subsection (1), or
 - (ii) the date the application is deemed to be granted by the relevant authority under subsection (1A).>

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>

Ariane Burgess

- 154 In section 12, page 16, line 31, at end insert—
- <(2A) A muirburn licence granted to a person—
- (a) where the land to which the licence relates is peatland, and
 - (b) for purpose of—
 - (i) preventing, or reducing the risk of, wildfires causing damage to habitats or
 - (ii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
- is subject to the condition in subsection (2B).
- (2B) The condition is that the muirburn must be carried out in a way that minimises damage to the peatland.>

Rachael Hamilton

- 160 In section 13, page 17, line 40, after <relates> insert <for the purposes of making muirburn under the licence>

Kate Forbes

- 99 After section 13, insert—
- <Approved training courses
- (1) The Scottish Ministers are to approve training courses on muirburn and the Muirburn Code.
 - (2) The Scottish Ministers may—
 - (a) determine training requirements, such as—
 - (i) the form and content of the training course,

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- (ii) require a person providing training to meet specified 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.>

Kate Forbes

104 In section 17, page 20, line 16, at end insert—

<() the approval of training courses under section (*Approved training courses*),>

Muirburn season

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.>

Kate Forbes

101 In section 16, page 19, line 28, leave out <1 October> and insert <15 September>

Kate Forbes

Supported by: Colin Smyth

102 In section 16, page 19, line 29, leave out <15 April> and insert <31 March>

Ariane Burgess

167 In section 16, page 19, line 29, leave out <April> and insert <March>

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—

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<() taking into account conditions in particular geographic areas.>

Rhoda Grant

168 After section 16, insert—

<Amendment to Muirburn season: pre-laying procedure

- (1) Before laying regulations to amend the dates of the muirburn season under section 16(2), the Scottish Ministers must—
 - (a) lay a draft of the regulations before the Scottish Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
 - (b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
- (2) The Scottish Ministers must, when laying regulations to amend the dates of the muirburn season, lay a statement setting out—
 - (a) details of the views mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

Muirburn - register and notice

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.>

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>

THIS IS NOT THE MARSHALLED LIST

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,>

Muirburn code

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.>

Rhoda Grant

163 In section 14, page 18, line 13, at end insert—

<(4A) The Scottish Ministers must lay the Muirburn Code prepared under subsection (1) and any revised code under subsection (3) before the Scottish Parliament.>

Rhoda Grant

164 In section 14, page 18, line 15, leave out from <and> to end of line 17

Rhoda Grant

165 In section 14, page 18, line 18, leave out <(5)(a)> and insert <(5)>

Rhoda Grant

166 In section 14, page 18, line 19, at end insert—

<(6A) Before complying with subsection (4A), the Scottish Ministers must publish a draft of the Muirburn Code or revised code (as the case may be) and consult such persons as they consider likely to be interested in or affected by the making of muirburn.

(6B) The Scottish Ministers must, at the same time as complying with subsection (4A), lay before the Scottish Parliament a statement setting out—

(a) the consultation process undertaken in order to comply with subsection (6A), and

(b) the ways in which views expressed during that process have been taken account of in preparing the Muirburn Code (or stating that no account has been taken of such views).>

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>

THIS IS NOT THE MARSHALLED LIST

Muirburn - definitions

Gillian Martin

76 In section 18, page 20, leave out lines 29 and 30

Ariane Burgess

169 In section 18, page 20, line 37, leave out from <has> to end of line 38 and insert <is composed of a layer of peat.>

Edward Mountain

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

Colin Smyth

171 In section 18, page 20, line 38, leave out <40> and insert <30>

Rachael Hamilton

170 In section 18, page 20, line 38, leave out <40 centimetres> and insert <50 centimetres—
<() in a single area of 0.5 hectares or more, or
() in two or more areas within 5 metres of each other with a combined area of 0.5 hectares or more.>

Gillian Martin

77 In section 18, page 20, line 38, at end insert—
<() In this Part, references to the making of muirburn include references to the setting of fire to, or the burning of, any heath or muir.>

Rhoda Grant

172 After section 18, insert—
<Amendments to the definition of “peat” and “peatland”: pre-laying procedure
(1) Before laying regulations to amend the definition of “peat” or “peatland” under section 18(2), the Scottish Ministers must—
(a) lay a draft of the regulations before the Parliament for a period of 120 days, of which no fewer than 60 days must be days which the Scottish Parliament is not dissolved or in recess, and
(b) before finalising the regulations, seek the views of a committee of the Scottish Parliament whose remit includes matters relating to muirburn management for the time being appointed by virtue of the standing orders.
(2) The Scottish Ministers must, when laying regulations to amend the definition of “peat” or “peatland”, lay a statement setting out—
(a) details of the views mentioned in subsection (1)(b), and
(b) the changes (if any) they have made to the regulations in response to such views and the reasons for those changes.>

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