



# Climate Change (Scotland) Act 2009

## 2009 asp 12

### PART 5

#### OTHER CLIMATE CHANGE PROVISIONS

### CHAPTER 2

#### LAND USE

#### *Muirburn*

#### **58 Variation of permitted times for making muirburn**

After section 23 of the Hill Farming Act 1946 (c. 73) (prohibition of muirburn at certain times), insert—

#### **“23A Power to vary permitted times for making muirburn**

- (1) The Scottish Ministers may, by order, modify section 23 so as to substitute for any of the dates for the time being mentioned in subsection (1), (2) or, as the case may be, (3) of that section such other dates as they consider appropriate as the dates before which or after which it is lawful to make muirburn in any year.
- (2) The Scottish Ministers may make an order under subsection (1) only if they consider it necessary or expedient to do so in relation to climate change.
- (3) An order under subsection (1) may not modify any of the dates for the time being mentioned in section 23 if the modification would result in a period during which it is lawful to make muirburn in any year being shorter than the corresponding period which applied immediately before the coming into force of section 58 of the Climate Change (Scotland) Act 2009 (asp 12).
- (4) The power conferred by subsection (1) is exercisable by statutory instrument.

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*Status: This is the original version (as it was originally enacted).*

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- (5) No statutory instrument containing an order under subsection (1) may be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.”.