



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 1

WILDLIFE MANAGEMENT

PROSPECTIVE

Glue traps

1 Offence of using glue trap

- (1) It is an offence for a person, without reasonable excuse, to use a glue trap for the purpose of killing or taking any animal other than an invertebrate.
- (2) It is an offence for a person, without reasonable excuse, to use a glue trap in a manner that is likely to cause bodily injury to any animal other than an invertebrate that comes into contact with it.
- (3) It is an offence for a person to knowingly cause or permit an unauthorised person to commit an offence under subsection (1) or (2).
- (4) A person does not commit an offence under subsection (1) or (2) if the person is an authorised person.
- (5) A person who commits an offence under [this section](#) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
- (6) The Wildlife and Countryside Act 1981 is amended as follows—
 - (a) in section 5 (prohibition of certain methods of killing or taking wild birds), in subsection (1)(a), after “trap” insert “(other than a glue trap within the

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meaning of [section 1](#) of the Wildlife Management and Muirburn (Scotland) Act 2024)”,

- (b) in section 11 (prohibition of certain methods of killing or taking wild animals), after subsection (2) insert—

“(2A) In subsection (2), “trap” does not include a glue trap within the meaning of [section 1](#) of the Wildlife Management and Muirburn (Scotland) Act 2024.”.

- (7) In this section—

“authorised person” means a person—

- (a) authorised by the scheme made under section 5, and
(b) acting in accordance with the person’s authorisation,

and references to the authorisation of a person are to be construed accordingly,

“glue trap” means a trap that—

- (a) is designed, or is capable of being used, to catch an animal other than an invertebrate, and
(b) uses an adhesive substance as the means, or one of the means, of capture.

Commencement Information

II S. 1 not in force at Royal Assent, see [s. 35\(2\)](#)

2 Offence of supplying glue trap

- (1) It is an offence for a person, without reasonable excuse, to supply, or offer to supply, a glue trap.
- (2) It is an offence for a person to knowingly cause or permit an unauthorised person to commit an offence under subsection (1).
- (3) A person does not commit an offence under subsection (1) if the person is an authorised person.
- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000 (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
- (5) In this section—
- “authorised person” has the meaning given in section 1(7),
- “glue trap” has the meaning given in section 1(7),
- “supply” of a glue trap includes—
- (a) selling it,
- (b) exchanging it for a consideration other than money,
- (c) giving it as a prize or otherwise making a gift of it,
- (d) otherwise making the glue trap available.

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Commencement Information

I2 S. 2 not in force at Royal Assent, see [s. 35\(2\)](#)

3 Offence of possessing glue trap

- (1) It is an offence for a person, without reasonable excuse, to possess a glue trap.
- (2) A person does not commit an offence under subsection (1) if the person is an authorised person.
- (3) A person who commits an offence under [subsection \(1\)](#) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
- (4) In this section—
 - “authorised person” has the meaning given in [section 1\(7\)](#),
 - “glue trap” has the meaning given in [section 1\(7\)](#).

Commencement Information

I3 S. 3 not in force at Royal Assent, see [s. 35\(2\)](#)

4 Forfeiture and disposal of glue traps

- (1) Where a person is convicted of an offence under [section 1, 2 or 3](#), the court may make an order for the forfeiture or disposal of a glue trap—
 - (a) to which the offence relates, or
 - (b) that is in the possession of the person.
- (2) A constable may seize and retain a glue trap which may be the subject of an order for forfeiture under this section.
- (3) Where a court orders the disposal of a glue trap seized and retained under this Act by a constable, the glue trap may be disposed of in such manner as the chief constable considers appropriate.
- (4) A sheriff or summary sheriff may, on an application of the chief constable, order the disposal (by any means the chief constable considers appropriate) of any glue trap seized and detained under [section 1, 2 or 3](#).
- (5) In this section—
 - “chief constable” has the same meaning as in [section 99\(1\)](#) of the Police and Fire Reform (Scotland) Act 2012,
 - “constable” has the same meaning as in [section 99\(1\)](#) of the Police and Fire Reform (Scotland) Act 2012,
 - “glue trap” has the meaning given in [section 1\(7\)](#).

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Commencement Information

I4 S. 4 not in force at Royal Assent, see [s. 35\(2\)](#)

5 Authorisation for use, supply or possession of glue trap

- (1) The Scottish Ministers may, by regulations, make a scheme for the authorisation of the use, supply or possession of glue traps (“the scheme”)—
 - (a) by specified persons,
 - (b) in specified circumstances.
- (2) Regulations under [subsection \(1\)](#) must provide that a person may only be authorised under the scheme to use, supply or possess a glue trap if—
 - (a) it is necessary or expedient to do so for the purpose of protecting public health, and
 - (b) no other method of rodent control is practicable.
- (3) Regulations under [subsection \(1\)](#) may in particular—
 - (a) make provision about the application for authorisation under the scheme, including the payment of such reasonable fee as the Scottish Ministers may require in connection with an application,
 - (b) make provision for the form and content of an application, including the information that must be provided,
 - (c) make provision relating to the grant of an authorisation, including the criteria for granting an authorisation,
 - (d) specify the maximum period for which an authorisation may be granted,
 - (e) enable conditions to be attached to authorisations,
 - (f) create an offence in connection with the provision of false statements for the purposes of obtaining an authorisation,
 - (g) make provision relating to the modification, suspension and revocation of an authorisation,
 - (h) provide for an appeal to be made against a decision to refuse to grant authorisation, or to modify, suspend or revoke an authorisation,
 - (i) require an applicant to complete a training course,
 - (j) make provision relating to training courses, including—
 - (i) determining training requirements, such as—
 - (A) the form and content of the training course,
 - (B) requiring a person providing training to meet specified criteria (such as having relevant experience or holding a particular qualification),
 - (ii) accrediting courses and the persons providing courses,
 - (iii) determining the minimum criteria for successful completion and how successful completion is to be recorded,
 - (k) enable the Scottish Ministers to delegate their functions under the scheme to local authorities.
- (4) The maximum penalty that may be provided for in regulations under [subsection \(1\)](#) creating an offence is, on summary conviction, imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale (or both).

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- (5) Before making regulations under [subsection \(1\)](#), the Scottish Ministers must consult—
- (a) local authorities, and
 - (b) such other persons as they consider likely to be interested in, or affected, by the authorisation of the use, supply or possession of glue traps.
- (6) Regulations under [subsection \(1\)](#) are subject to the affirmative procedure.
- (7) In this section—
- “glue trap” has the meaning given in [section 1\(7\)](#),
 - “specified” means specified in regulations made under subsection (1),
 - “supply” has the meaning given in [section 2\(5\)](#).

Commencement Information

I5 S. 5 not in force at Royal Assent, see [s. 35\(2\)](#)

PROSPECTIVE

Snares

6 Prohibition of use of snares

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (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,
 - (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,
 - (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,
 - (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,”
 - (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—

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“(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 (1A)—

(i) the word “and” immediately following paragraph (a) is repealed,

(ii) after paragraph (b) insert—

“(c) must not grant a licence for any purpose mentioned in subsection (1) that permits the use of a snare to kill a wild bird, and

(d) must not grant a licence for any purpose mentioned in subsection (1)(cb) to (k) that permits the use of a snare to take a wild bird.”,

(b) in subsection (3), in the opening words, the word “, 11C” is repealed,

(c) 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.”,

(d) in subsection (3ZA), in the opening words, in both places they occur, the words “or snare” are repealed,

(e) 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,

(f) in subsection (3ZC), in both places they occur, the words “or snare” are repealed,

(g) in subsection (3ZD), in both places they occur, the words “or snare” are repealed,

(h) in subsection (3ZE), in paragraph (a), the words “and snares” are repealed,

(i) in subsection (3ZG), in the opening words, the words “or snare” are repealed,

(j) in subsection (3ZH), in paragraph (a), the words “or snare” are repealed,

(k) in subsection (3ZI)—

(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,

(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,

(b) in subsection (1C), paragraph (e) is repealed.

(7) In section 26 (regulations, orders, notices etc.)—

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- (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),”;
- (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),”.

Commencement Information

I6 S. 6 not in force at Royal Assent, see [s. 35\(2\)](#)

PROSPECTIVE

Regulation of certain wildlife traps

7 Regulation of certain wildlife traps

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) After section 12 insert—

“Wildlife trap licensing

12A Requirements for use of traps

- (1) A person who uses a trap to which this section applies, for the purpose of killing or taking a wild bird or wild animal that can otherwise be lawfully killed or taken by those means, must have a wildlife trap licence.
- (2) This section applies to the following traps—
 - (a) a trap for the purpose of taking wild birds,
 - (b) a trap approved by an order made under section 50 of the Agriculture (Scotland) Act 1948 for the purposes of that section (other than a trap of a description specified in an order made under subsection (7) of that section).
- (3) A person who fails to comply with [subsection \(1\)](#) is guilty of an offence.
- (4) A person who uses a trap to which this section applies must ensure—
 - (a) that the wildlife trap licence number of the person is displayed (in a manner in which it will remain readable at all times) either—
 - (i) directly on the trap, or
 - (ii) on a tag that is fitted on the trap in such a manner that it is not capable of being easily removed from the trap, and
 - (b) that the trap is used and monitored appropriately in accordance with the approved training course for such a trap.
- (5) A person who—

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- (a) has a wildlife trap licence and uses a trap to which this section applies, but
 - (b) fails to comply with [subsection \(4\)](#) in any respect,
- is guilty of an offence.
- (6) 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.
- (7) A person who knowingly causes or permits another person to commit an offence under [subsection \(6\)](#) is guilty of an offence.
- (8) It is a defence for a person charged with an offence under this Part to show that—
- (a) the trap was used for the purpose of killing or taking a wild bird or wild animal which could be lawfully killed or taken by those means,
 - (b) the person had a wildlife trap licence and complied with [subsection \(4\)](#), and
 - (c) the person took all reasonable steps to prevent the killing, taking or injury of any other animal (other than an invertebrate) not intended to be taken by the trap.
- (9) The wildlife trap licence number which is displayed on a trap to which this section applies, or on a tag fitted to such a trap, is presumed in any proceedings to be the wildlife trap licence number of the person who used the trap.
- (10) The Scottish Ministers may by regulations amend [subsection \(2\)](#) to add, modify or remove traps (or descriptions of traps) to which this section applies.
- (11) Before making regulations under [subsection \(10\)](#), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.
- (12) In this section—
- “approved training course” means a course approved under [section 12E](#),
 - “wildlife trap licence” means a licence granted under [section 12C\(1\)](#) and
 - “wildlife trap licence number” is to be construed accordingly.

12B Application for wildlife trap licence

- (1) An application for a wildlife trap licence must—
- (a) be made to the relevant authority,
 - (b) be made in such manner and form as the relevant authority may require,
 - (c) contain or be accompanied by such information as the relevant authority may require,
 - (d) be accompanied by payment of such reasonable fee as the relevant authority may require,
 - (e) include evidence that the applicant has completed a training course approved under [section 12E](#) in respect of the type of trap in question.

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- (2) The relevant authority must publicise any requirements which are for the time being set under [subsection \(1\)\(b\), \(c\) or \(d\)](#).
- (3) In this section, “relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

12C Grant and content of wildlife trap licence

- (1) The relevant authority may, on receipt of an application under section [12B](#), grant or renew a wildlife trap licence if—
 - (a) the applicant has completed an approved training course in respect of the type of trap in question, and
 - (b) it is satisfied that it is appropriate to do so.
- (2) A person may be issued with the same wildlife trap licence number—
 - (a) in respect of different types of traps (but must make an application and complete the approved training course in respect of each type), and
 - (b) in respect of the renewal of an existing wildlife trap licence.
- (3) A wildlife trap licence granted or renewed under [subsection \(1\)](#)—
 - (a) must—
 - (i) specify the person to whom the licence is granted,
 - (ii) specify the wildlife trap licence number,
 - (iii) identify the type (or types) of wildlife traps to which the licence applies,
 - (iv) specify any conditions the relevant authority considers appropriate to attach to the licence,
 - (b) may be granted or renewed for a period not exceeding 10 years.
- (4) In this section—

“approved training course” means a course approved under [section 12E](#),

“relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

12D Modification, suspension and revocation of licence

- (1) The relevant authority may—
 - (a) modify a wildlife trap licence at any time,
 - (b) suspend or revoke a wildlife trap licence if—
 - (i) the licence holder fails to comply with any conditions attached to the licence,
 - (ii) the relevant authority is satisfied that the licence holder has committed a relevant offence.

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- (2) The relevant authority must—
- (a) notify the licence holder of the modification, suspension or revocation of the person’s wildlife trap licence,
 - (b) specify in the notice the reason for the modification, suspension or revocation, and
 - (c) specify in the notice the date from which the modification, suspension or revocation is to have effect (which may be immediate).
- (3) A licence holder whose wildlife trap licence is suspended is to be treated as not having a wildlife trap licence for the duration of the suspension.
- (4) A court which convicts a person of a relevant offence must notify the relevant authority of the conviction.
- (5) In this section—
- “relevant authority” means—
- (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.
- “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 19 of the Animal Health and Welfare (Scotland) Act 2006,
 - (f) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2024.

12E Approved training courses

- (1) The relevant authority is to approve training courses in respect of the traps to which section 12A applies.
- (2) For the purposes of subsection (1) (and subject to any regulations made under section 12G), the relevant authority may—
- (a) determine training requirements, such as—
 - (i) the form and content of courses for the appropriate use of different types of trap,
 - (ii) requiring a person providing training to meet certain criteria (such as having relevant experience or holding a particular qualification),
 - (b) require that any fee payable in connection with a course is reasonable,
 - (c) accredit courses and the persons providing courses,
 - (d) determine the minimum criteria for successful completion of courses, and
 - (e) determine how successful completion of such courses is to be recorded.

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- (3) In this section, “relevant authority” means—
- (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

12F Authorisation from landowners etc. to use traps

- (1) Subject to the other provisions of this Part, a person who without reasonable excuse—
- (a) while on any land has in the person’s possession a trap without the authorisation of the owner or occupier of the land, or
 - (b) uses a trap on any land without the authorisation of the owner or occupier of the land,
- is guilty of an offence.
- (2) In this section, a reference to a trap is a reference to a trap to which section 12A applies.

12G Further provision

- (1) The Scottish Ministers may by regulations make provision—
- (a) about the use of a wildlife trap to which section 12A applies,
 - (b) about how the licence number of the person using such a trap is to be displayed directly on the trap or on a tag fitted on it, and
 - (c) relating to approved training courses.
- (2) Regulations under subsection (1) may, in particular, include provision—
- (a) relating to the training course (or courses) that a person must complete in relation to the correct and appropriate use of a trap of the type the person wishes to use,
 - (b) about the manner in which a tag is to be fitted for the purposes of section 12A(4) and the material from which a tag is to be made,
 - (c) about the manner in which a wildlife trap licence number (and any additional information required) is to appear on a trap or tag,
 - (d) amending the definition of “relevant offence” in section 12D(5).
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.”.
- (3) In section 16 (power to grant licences), in subsection (3), after “11G(1)” insert “, 12F”.
- (4) In section 16A (delegation of licence-granting power: Scotland)—
- (a) after subsection (1) insert—

“(1A) The Scottish Ministers may delegate their functions in sections 12B, 12C, 12D and 12E to Scottish Natural Heritage.”,
 - (b) after subsection (5)(a) insert—

“(ab) Scottish Natural Heritage under subsection (1A) is to be made by written direction;”,

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- (c) after subsection (5) insert—
- “(5B) A direction under subsection (5)(ab) may include provision allowing Scottish Natural Heritage to modify or revoke licences that were granted before the direction.”,
- (d) in subsection (7), after “subsection (5)(a)” insert “or (ab)”.
- (5) In section 17 (false statements made for obtaining registration, identification number or licence etc.), in the opening words, before “16” insert “12C”.
- (6) In section 21 (penalties, forfeitures etc.), after subsection (1A)(g) insert—
- “(ga) section 12A,
(gb) section 12F.”.
- (7) In section 26 (regulations, orders, notices etc.)—
- (a) in subsection (2)—
- (i) the “and” immediately following paragraph (a) is repealed,
(ii) at the end of paragraph (b) insert—
- “(c) regulations under section 12A(8) or 12G(1),”
- (b) in subsection (3)—
- (i) the “or” immediately following paragraph (a) is repealed,
(ii) at the end of paragraph (b) insert—
- “(c) regulations under section 12A(8) or 12G(1),”.
- (8) In section 27 (interpretation of Part 1), in subsection (1), after the definition of “wild plant” insert—
- ““wildlife trap licence” has the meaning given in section 12A(12),
“wildlife trap licence number” is to be construed in accordance with section 12A(12).”.

Commencement Information

I7 S. 7 not in force at Royal Assent, see s. 35(2)

8 Penalties relating to use of spring traps

- (1) The Agriculture (Scotland) Act 1948 is amended as follows.
- (2) In section 50 (prohibition of night shooting, and use of spring traps)—
- (a) in subsection (2), for “the foregoing subsection” substitute “subsection (1)(a)”,
- (b) after subsection (2) insert—
- “(2A) A person guilty of an offence under subsection (1)(b), (c) or (d) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”.

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Commencement Information

18 S. 8 not in force at Royal Assent, see [s. 35\(2\)](#)

Licensing of land for killing and taking of certain birds

VALID FROM 22/07/2024

9 Killing and taking of certain birds permitted only on land with section 16AA licence

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) In section 2 (exception to s. 1: acts by certain persons outside close season)—
- (a) for subsection (1A) substitute—
- “(1A) This subsection applies where—
- (a) whatever the kind of bird in question—
- (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
- (b) in the case of a bird included in Part 1B of Schedule 2—
- (i) an owner or occupier of the land on which the bird was killed, injured or taken held an unsuspended section 16AA licence; or
- (ii) the person who killed, injured or took the bird reasonably believed that an owner or occupier held an unsuspended section 16AA licence in relation to that land.
- (1B) In [subsection \(1A\)](#), “permission” means permission from a person who has a right to give it.
- (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

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<p style="text-align: center;">(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.”,</p> <p>(b) in subsection (3C)—</p> <p style="padding-left: 20px;">(i) in paragraph (a), the “and” immediately following sub-paragraph (ii) is repealed,</p> <p style="padding-left: 20px;">(ii) at the end of paragraph (b)(ii) insert “; and</p> <p style="padding-left: 40px;">(c) either—</p> <p style="padding-left: 60px;">(i) an owner or occupier of the land on which the bird was taken held an unsuspended section 16AA licence in relation to the land; or</p> <p style="padding-left: 60px;">(ii) the person reasonably believed that an owner or occupier held an unsuspended section 16AA licence in relation to that land.”.</p> <p>(3) In section 26 (regulations, orders, notices etc.)—</p> <p style="padding-left: 20px;">(a) in subsection (2) at the end of paragraph (c) (as inserted by section 7(7)(a) of this Act) insert—</p> <p style="padding-left: 40px;">“(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2,”,</p> <p style="padding-left: 20px;">(b) in subsection (3), at the end of paragraph (c) insert—</p> <p style="padding-left: 40px;">“(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2,”.</p> <p>(4) In section 27 (interpretation of Part I), in subsection (1), after the definition of “sale” insert—</p> <p style="padding-left: 20px;">““section 16AA licence” has the meaning given by section 16AA(1).”.</p> <p>(5) In schedule 2, after Part IA insert—</p> <p style="text-align: center;">“PART 1B</p> <p style="text-align: center;">BIRDS INCLUDED IN PART 1 WHICH MAY ONLY BE KILLED OR TAKEN ON LAND WITH SECTION 16AA LICENCE</p>				
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 50%;"><i>Common name</i></th> <th style="text-align: left; width: 50%;"><i>Scientific name</i></th> </tr> </thead> <tbody> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Grouse, red</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Lagopus lagopus scoticus”.</td> </tr> </tbody> </table>	<i>Common name</i>	<i>Scientific name</i>	Grouse, red	Lagopus lagopus scoticus”.
<i>Common name</i>	<i>Scientific name</i>			
Grouse, red	Lagopus lagopus scoticus”.			

Commencement Information

19 S. 9 not in force at Royal Assent, see [s. 35\(2\)](#)

10 Licensing: land on which certain birds may be killed or taken

(1) The Wildlife and Countryside Act 1981 is amended as follows.

(2) After section 16 insert—

“16AA Licensing: land on which certain birds may be killed or taken

- (1) The relevant authority may, on the application of an owner or occupier of an area of land, grant a licence for the purposes of permitting the killing or taking of any type of bird included in Part 1B of Schedule 2 on the land (a “section 16AA licence”), if it is satisfied that it is appropriate to do so.
- (2) In determining whether it is appropriate to grant a section 16AA licence the relevant authority must have regard in particular to the applicant’s compliance with a code of practice made in accordance with section 16AC.
- (3) Where the relevant authority refuses to grant a licence to an applicant, the relevant authority must give written notice to the applicant of the reasons for doing so.
- (4) An application for a section 16AA licence must—
 - (a) be made to the relevant authority,
 - (b) be made in such manner and form as the relevant authority may require,
 - (c) specify the area of land to which the licence is to relate,
 - (d) contain or be accompanied by such information as the relevant authority may require, and
 - (e) be accompanied by payment of such reasonable fee as the relevant authority may require.
- (5) The relevant authority must publicise any requirements which are for the time being set under [subsection \(4\)\(b\)](#) to [\(e\)](#).
- (6) A section 16AA licence—
 - (a) must—
 - (i) specify the person to whom the licence is granted (“the licence holder”),
 - (ii) identify the area of land, by reference to a map, to which the licence relates,
 - (iii) specify any reasonable conditions the relevant authority considers appropriate to attach to the licence, and
 - (b) may be granted or renewed for a period not exceeding 5 years.
- (7) Every section 16AA licence is subject to the condition that the licence holder must have regard to a code of practice made in accordance with section 16AC.
- (8) Conditions which may be specified under subsection (6)(a)(iii) include, in particular, conditions drawn from a code of practice made in accordance with section 16AC.
- (9) The relevant authority may—
 - (a) modify a section 16AA licence at any time,
 - (b) suspend or revoke a section 16AA licence if—
 - (i) the licence holder—

Status: Point in time view as at 01/07/2024. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Part 1. (See end of Document for details)

- (A) fails to comply with any conditions attached to the licence, or
 - (B) ceases to be in a position to ensure compliance with the conditions,
 - (ii) the relevant authority is satisfied that the licence holder or a person involved in managing the land to which the licence relates—
 - (A) has committed a relevant offence on the land, or
 - (B) has knowingly caused or permitted another person to do so.
- (10) Where the relevant authority has modified, suspended or revoked a person’s section 16AA licence—
- (a) the relevant authority must give written notice to the person of the modification, suspension or revocation and specify in the notice the reason for the modification, suspension or revocation, and
 - (b) the modification, suspension or revocation may not take effect until the end of—
 - (i) the period of 14 days beginning with the day on which the notice is given, or
 - (ii) such other period as the relevant authority considers appropriate and specifies in the notice.
- (11) 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.
- (12) A court which convicts a person of a relevant offence must notify the Scottish Ministers (or Scottish Natural Heritage if the functions under this section have been delegated to that body) of the conviction.
- (13) In this section—
- “relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions in relation to section 16AA licences, Scottish Natural Heritage,
 - “relevant offence” means an offence under—
 - (a) Part 1 of this Act,
 - (b) the Protection of Badgers Act 1992,
 - (c) Part 3 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716),
 - (d) section 1 of the Wild Mammals (Protection) Act 1996,
 - (e) section 19 of the Animal Health and Welfare (Scotland) Act 2006,
 - (f) the Hunting with Dogs (Scotland) Act 2023.
- (14) The Scottish Ministers may by regulations modify the definition of “relevant offence” in [subsection \(13\)](#).

Status: Point in time view as at 01/07/2024. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Part 1. (See end of Document for details)

16AB Appeals relating to section 16AA licences

- (1) A person may appeal to the appropriate sheriff against a decision of the relevant authority to—
 - (a) refuse to grant to the person a section 16AA licence,
 - (b) attach a condition to the person’s section 16AA licence,
 - (c) modify, suspend or revoke the person’s section 16AA licence.
- (2) An appeal under this section must be made within the period of 21 days beginning with the day on which notice of the decision being appealed against was given.
- (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 relevant authority made the decision being appealed against.
- (5) Where a summary sheriff is hearing an appeal, the summary sheriff is to have the same power to make an interim order under section 88(1) of the Courts Reform (Scotland) Act 2014 as a sheriff hearing the appeal would have.
- (6) On determining the appeal, the sheriff may—
 - (a) dismiss the appeal, or
 - (b) give the relevant authority 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 of Lothian and Borders, sitting at Edinburgh,

“relevant authority” means—

 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions in relation to licences, Scottish Natural Heritage,

“section 16AA licence” is to be construed in accordance with [section 16AA\(1\)](#).

16AC Section 16AA Licence: code of practice

- (1) The Scottish Ministers must prepare a code of practice for the purpose of providing guidance about managing land to which a section 16AA licence relates.

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- (2) A code of practice may, in particular, provide guidance on—
 - (a) how land should be managed to reduce disturbance of and harm to any wild animal, wild bird and wild plant (including the use of medicated grit for such purposes),
 - (b) how the taking or killing of any wild birds should be carried out,
 - (c) how predators should be controlled.
- (3) The Scottish Ministers must review the current code of practice by the end of every review period.
- (4) Following a review, the Scottish Ministers may revise the current code of practice.
- (5) Before making, reviewing or revising a code of practice the Scottish Ministers must consult—
 - (a) Scottish Natural Heritage,
 - (b) such other persons as they consider likely to be interested in or affected by the management of land to which a section 16AA licence relates.
- (6) Subsection (5)(a) does not apply during any period for which the functions under this section are delegated to Scottish Natural Heritage under section 16AD.
- (7) As soon as practicable after the latest version of the code of practice is made, it must be made publicly available.
- (8) In this section, “review period” means—
 - (a) in relation to the first review, the period of 5 years starting on the day on which subsection (1) is complied with, and
 - (b) each subsequent period of 5 years.

16AD Section 16AA Licence: delegation of power in relation to code of practice

- (1) The Scottish Ministers may delegate the preparation, publication, review and revision of the code of practice under [section 16AC](#) to Scottish Natural Heritage.
- (2) Any delegation must be made by written direction.
- (3) The Scottish Ministers may modify or revoke a direction.

16AE Report on operation and effect of section 16AA licences

- (1) The Scottish Ministers must, for each reporting period, prepare a report on the operation and effect of section 16AA licences.
- (2) The report must include an assessment of the conservation status, including population size and range, of the following species—
 - (a) golden eagle (*aquila chrysaetos*),
 - (b) hen harrier (*circus cyaneus*),
 - (c) peregrine falcon (*falco peregrinus*),

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- (d) merlin (*falco columbarius*).
- (3) The report may include—
- (a) the number of licences issued under section 16AA and the area of land affected,
 - (b) the number of licences that have been, or are, subject to suspension or revocation, 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) such other matters as the Scottish Ministers consider appropriate.
- (4) As soon as practicable after each reporting period, the Scottish Ministers must lay the report before the Scottish Parliament.
- (5) The Scottish Ministers may by regulations amend [subsection \(2\)](#) to add or remove species of birds.
- (6) In this section, “reporting period” means—
- (a) in relation to the first report, the period of 5 years beginning on the day on which section 16AA comes into force, and
 - (b) in relation to each subsequent report, the period of 5 years beginning on the day after the expiry of the previous reporting period.

16AF Report on operation and effect of section 16AA licences: delegation

- (1) The Scottish Ministers may delegate the preparation and publication of the report under section 16AE to Scottish Natural Heritage.
 - (2) Any delegation must be made by written direction.
 - (3) The Scottish Ministers may modify or revoke a direction.”.
- (3) In section 16A (delegation of licence-granting power: Scotland)—
- (a) after subsection (1) insert—

“(1B) The Scottish Ministers may delegate their functions in relation to licences under section 16AA (other than the function in [section 16AA\(14\)](#)) to Scottish Natural Heritage.”,
 - (b) in subsection (3), in the opening words, after “delegation” insert “under subsection (1)”,
 - (c) in subsection (5), after paragraph (a) insert—

“(aa) Scottish Natural Heritage under [subsection \(1B\)](#) is to be made by written direction.”,
 - (d) after subsection (5) insert—

“(5A) A direction under subsection (5)(aa) may include provision allowing Scottish Natural Heritage to modify or revoke licences that were granted before the direction.”,
 - (e) in subsection (7), after “subsection (5)(a)” insert “or (5)(aa)”.
- (4) In section 17 (false statements made for obtaining registration, identification number or licence etc.), in the opening words, after “section 16” insert “or 16AA”.

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- (5) In section 26 (regulations, orders, notices etc.)—
- (a) in subsection (2), at the end of paragraph (d) (as inserted by [section 9\(3\)\(a\)](#) of this Act) insert—
- “(e) regulations under [section 16AA\(14\)](#) or [16AE\(5\)](#).”,
- (b) in subsection (3), at the end of paragraph (d) (as inserted by [section 9\(3\)\(b\)](#) of this Act) insert—
- “(e) regulations under [section 16AA\(14\)](#) or [16AE\(5\)](#).”.

Commencement Information

I10 S. 10 not in force at Royal Assent, see [s. 35\(2\)](#)

I11 S. 10 in force at 1.7.2024 for specified purposes by [S.S.I. 2024/168](#), [sch. Pt. 1](#)

PROSPECTIVE

Investigation of wildlife offences

11 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—

“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.),

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- (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 carcass of an animal), equipment or document.
- (3) The Scottish Ministers may by regulations modify the definition of “relevant offence” in sub-paragraph (2).”.

Commencement Information

I12 S. 11 not in force at Royal Assent, see [s. 35\(2\)](#)

Status:

Point in time view as at 01/07/2024. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Part 1.