



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 2

MUIRBURN LICENSING

Miscellaneous

21 Delegation

- (1) The Scottish Ministers may delegate the following functions to Scottish Natural Heritage—
 - (a) the application and granting of muirburn licences under sections 13, 14 and 15,
 - (b) the modification, suspension and revocation of muirburn licences under section 16,
 - (c) the approval of training courses under section 17,
 - (d) the preparation, publication, review and revision of the Muirburn Code under section 18,
 - (e) the functions in relation to the methods by which notice of the making of muirburn may be given conferred by section 19(3)(b) and (4).
- (2) Any delegation must be made by written direction.
- (3) Unless it specifies otherwise, a delegation under this section includes power to modify, suspend or revoke licences granted before the direction is made.
- (4) The Scottish Ministers may modify or revoke a direction.
- (5) Any licence which is in effect at the time a direction is revoked continues in effect following the revocation of the direction (unless the revocation specifies otherwise).

22 Interpretation of Part

- (1) In this Part—

“Muirburn Code” is to be construed in accordance with [section 18\(1\)](#) and includes any supplementary material,

“muirburn licence” has the meaning given in [section 14\(4\)](#),

“muirburn season” is to be construed in accordance with [section 20\(1\)](#),

“peat” means soil which has an organic content (that is, content consisting of living and dead plant and animal material) of more than 60%,

“peatland” means land where the soil has a layer of peat with a thickness of more than 40 centimetres.

- (2) 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.
- (3) The Scottish Ministers may, by regulations, amend the definition of “peat” and “peatland” in [subsection \(1\)](#).
- (4) Before making regulations under [subsection \(3\)](#), the Scottish Ministers must consult—
 - (a) Scottish Natural Heritage, and
 - (b) such other persons as they consider likely to be interested in or affected by the making of muirburn.
- (5) Regulations under [subsection \(3\)](#) are subject to the affirmative procedure.

23 Repeals and consequential amendments

- (1) The Hill Farming Act 1946 is amended as follows.
- (2) Sections 23 to 23C are repealed.
- (3) In section 24 (right of tenant to make muirburn notwithstanding terms of lease)—
 - (a) in subsection (1), after “Act” insert “and [Part 2](#) of the Wildlife Management and Muirburn (Scotland) Act 2024”,
 - (b) in subsection (4), after “Act” insert “and [Part 2](#) of the Wildlife Management and Muirburn (Scotland) Act 2024”.
- (4) Sections 25 and 26 are repealed.
- (5) In section 26A—
 - (a) in subsection (1), the words “or 26” are repealed,
 - (b) subsection (2) is repealed,
 - (c) the title to the section becomes “**Giving of muirburn notices under section 24(2)**”.
- (6) Section 27 is repealed.
- (7) In section 27A—
 - (a) in subsection (1), for “23 to 27 (including orders made under section 23B)” substitute “24 and 26A”,
 - (b) in subsection (2), for “23 to 27” substitute “24 and 26A”,
 - (c) in subsection (3), for “23 to 27 (including orders made under section 23B)” substitute “24 and 26A”,
 - (d) the title to the section becomes “**Crown application: sections 24 and 26A**”.