



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 2

MUIRBURN LICENSING

Muirburn licences

13 Application for muirburn licence

- (1) An owner or occupier of land may apply for a licence permitting muirburn to be made, for a purpose mentioned in [subsection \(2\)](#), on the land to which the application relates.
- (2) The purposes are—
 - (a) where the land to which the application relates is not peatland—
 - (i) managing the habitats of moorland game or wildlife,
 - (ii) improving the grazing potential of moorland for livestock,
 - (iii) conserving, restoring, enhancing or managing the natural environment,
 - (iv) preventing, or reducing the risk of, wildfires causing damage to habitats,
 - (v) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
 - (vi) research,
 - (b) where the land to which the application relates is peatland—
 - (i) restoring the natural environment,
 - (ii) preventing, or reducing the risk of, wildfires causing damage to habitats,
 - (iii) preventing, or reducing the risk of, wildfires causing harm to people or damage to property,
 - (iv) research.
- (3) An application under [subsection \(1\)](#)—

- (a) must be made—
 - (i) to the Scottish Ministers, and
 - (ii) in such manner and form as the Scottish Ministers may require,
 - (b) must—
 - (i) identify the land to which the application relates, specifying whether the land is or is not peatland,
 - (ii) specify for which of the purposes mentioned in [subsection \(2\)\(a\)](#) or, as the case may be, [\(b\)](#) muirburn is proposed to be made, and
 - (iii) include or be accompanied by such other information as the Scottish Ministers may require,
 - (c) must be accompanied by payment of such reasonable fee as the Scottish Ministers may require, and
 - (d) must include evidence that the person who will make muirburn has completed a training course approved under [section 17](#).
- (4) The Scottish Ministers must publicise any requirements which are for the time being set under [subsection \(3\)\(a\)\(ii\)](#), [\(b\)\(iii\)](#) or [\(c\)](#).
- (5) The Scottish Ministers may, by regulations, modify the lists of purposes in paragraphs [\(a\)](#) and [\(b\)](#) of [subsection \(2\)](#) so as to amend, remove or add to the purposes for the time being mentioned in those lists.
- (6) Before making regulations under [subsection \(5\)](#), 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 licensing of muirburn.
- (7) Regulations under [subsection \(5\)](#) are subject to the affirmative procedure.
- (8) It is an offence for a person to knowingly or recklessly make any statement which is false in any material particular for the purpose of obtaining a muirburn licence.
- (9) A person who commits an offence under [subsection \(8\)](#) is liable, on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

14 Grant of muirburn licence

- (1) Subject to [subsection \(2\)](#), the Scottish Ministers must grant a licence permitting muirburn to be made on land to which an application under [section 13](#) relates for a purpose specified in the application if—
- (a) they consider it appropriate to do so, having regard in particular to the applicant's compliance with the Muirburn Code,
 - (b) where the land to which the application relates is peatland, they are satisfied that—
 - (i) the making of muirburn is necessary for the specified purpose, and
 - (ii) no other method of vegetation control is practicable, and
 - (c) they are satisfied that the person who will make muirburn has completed a training course approved under [section 17](#).
- (2) The Scottish Ministers—

- (a) must not grant a licence permitting muirburn to be made outwith the muirburn season for the purpose mentioned in section 13(2)(a)(i) or (ii),
 - (b) may grant a licence permitting muirburn to be made outwith the muirburn season for any of the purposes mentioned in section 13(2)(a)(iii) to (vi) only if they are satisfied that it is necessary to do so.
- (3) The Scottish Ministers may, if they consider it appropriate to do so, grant a licence under [subsection \(1\)](#) in relation to only some of the—
- (a) land to which the application relates,
 - (b) purposes specified in the application.
- (4) In [this Part](#), “muirburn licence” means a licence granted under [subsection \(1\)](#).

15 Muirburn licences: content and conditions

- (1) A muirburn licence must—
- (a) specify the person to whom it is granted,
 - (b) identify, by reference to a map, the land to which the licence relates,
 - (c) specify—
 - (i) whether the land to which the licence relates is not peatland or is peatland, and
 - (ii) for which of the purposes mentioned in [section 13\(2\)\(a\)](#) or, as the case may be, [\(b\)](#) the licence permits muirburn to be made, and
 - (d) specify the period for which the licence is to have effect.
- (2) Every muirburn licence is subject to the following conditions—
- (a) the person to whom the licence is issued must have regard to the Muirburn Code,
 - (b) a person intending to make muirburn on land to which the licence relates must—
 - (i) complete a training course approved under section 17 before making muirburn,
 - (ii) have regard to the Muirburn Code, and
 - (iii) comply with the requirements of [section 19](#).
- (3) The Scottish Ministers may, if they consider it appropriate to do so, specify in a muirburn licence additional conditions to which the licence is subject.
- (4) Conditions which may be specified under [subsection \(3\)](#) include, in particular—
- (a) provisions of the Muirburn Code,
 - (b) conditions as to the persons, or types of person, who may make muirburn on the land to which the licence relates,
 - (c) conditions as to the reporting of activities carried out under the licence,
 - (d) further conditions as to the giving of notice prior to the making of muirburn on the land to which the licence relates.
- (5) Different conditions may be specified under [subsection \(3\)](#) for different purposes, including in particular—
- (a) different conditions for different times of the year, and
 - (b) different conditions for different land.

16 Modification, suspension and revocation of muirburn licence

- (1) The Scottish Ministers may—
 - (a) modify a muirburn licence at any time,
 - (b) suspend or revoke a muirburn licence if they are satisfied that a relevant person has committed an offence under this Part.
- (2) The Scottish Ministers must give the person to whom the muirburn licence was issued written notice of the modification, suspension or revocation of the licence.
- (3) Notice under [subsection \(2\)](#) must give reasons for the modification, suspension or revocation of the muirburn licence.
- (4) The modification, suspension or revocation of the licence may not take effect until the end of—
 - (a) the period of 14 days beginning with the day on which notice under [subsection \(2\)](#) is given, or
 - (b) such other period as the Scottish Ministers consider appropriate and specify in the notice.
- (5) A muirburn licence is of no effect while suspended.
- (6) A court which convicts a person of an offence under this Part must notify the Scottish Ministers (or Scottish Natural Heritage if the functions under this section have been delegated to that body under [section 21](#)) of the conviction.
- (7) In this section, “relevant person” means—
 - (a) the person to whom the muirburn licence was issued,
 - (b) any other person involved in managing the land to which the muirburn licence relates.

17 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,
 - (ii) requiring a person providing training to meet specified 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.