



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 1

WILDLIFE MANAGEMENT

Licensing of land for killing and taking of certain birds

PROSPECTIVE

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.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Section 9. (See end of Document for details)

- (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
 - (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.”
- (b) in subsection (3C)—
- (i) in paragraph (a), the “and” immediately following sub-paragraph (ii) is repealed,
 - (ii) at the end of paragraph (b)(ii) insert “; and
 - (c) either—
 - (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
 - (ii) the person reasonably believed that an owner or occupier held an unsuspended section 16AA licence in relation to that land.”
- (3) In section 26 (regulations, orders, notices etc.)—
- (a) in subsection (2) at the end of paragraph (c) (as inserted by section 7(7)(a) of this Act) insert—
 - “(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2,”
 - (b) in subsection (3), at the end of paragraph (c) insert—
 - “(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2.”
- (4) In section 27 (interpretation of Part I), in subsection (1), after the definition of “sale” insert—
- ““section 16AA licence” has the meaning given by [section 16AA\(1\)](#).”.
- (5) In schedule 2, after Part IA insert—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Section 9. (See end of Document for details)

“PART 1B

**BIRDS INCLUDED IN PART 1 WHICH MAY ONLY BE KILLED
OR TAKEN ON LAND WITH SECTION 16AA LICENCE**

| <i>Common name</i> | <i>Scientific name</i> |
|--------------------|----------------------------|
| Grouse, red | Lagopus lagopus scoticus”. |

Commencement Information

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

Status:

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Changes to legislation:

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