



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 2 **S**

MUIRBURN LICENSING

PROSPECTIVE

Muirburn licences

13 Application for muirburn licence **S**

- (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,

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- (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).

Commencement Information

II S. 13 not in force at Royal Assent, see [s. 35\(2\)](#)

14 Grant of muirburn licence **S**

- (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—

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- (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 \(1\)](#).

Commencement Information

I2 S. 14 not in force at Royal Assent, see [s. 35\(2\)](#)

15 Muirburn licences: content and conditions **S**

- (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,

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- (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.

Commencement Information

I3 S. 15 not in force at Royal Assent, see [s. 35\(2\)](#)

16 Modification, suspension and revocation of muirburn licence **S**

- (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.

Commencement Information

I4 S. 16 not in force at Royal Assent, see [s. 35\(2\)](#)

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17 Approved training courses **S**

- (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.

Commencement Information

I5 S. 17 not in force at Royal Assent, see [s. 35\(2\)](#)

Status:

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