

## **POLICY NOTE**

### **THE CORONAVIRUS (SCOTLAND) ACT 2020 (SUSPENSION: MUIRBURN) REGULATIONS 2020**

**SSI 2020/260**

The above instrument will be made in exercise of the powers conferred by section 11(1)(a) of the Coronavirus (Scotland) Act(2020). The instrument is subject to the negative procedure. For the purposes of this note, the instrument will be referred to as ‘the Coronavirus Act Suspension Regulations (Muirburn)’.

#### **Purpose of the instrument.**

This Instrument suspends the operation of paragraphs 32 and 33 (muirburn) of schedule 7 of the Coronavirus (Scotland) Act 2020 such that the practice of muirburn may commence on 1 October 2020.

#### **Policy Objectives**

The practice of muirburn is undertaken as a land management tool to encourage new growth to support red grouse and livestock and can also be used to control vegetative fuel loads to prevent wildfires. Provision is made under the Hill Farming Act 1946 (as amended for Scotland) and the muirburn season runs from 1 October to 15 April inclusive (or the 30 April if undertaken by the proprietor of the land or person(s) authorised in writing by the proprietor of the land).

Paragraphs 32 and 33 of schedule 7 of the Coronavirus (Scotland) Act 2020 modify section 23 of the Hill Farming Act 1946 with the effect of suspending the muirburn season during the period in which paragraph 33 has effect. This suspended the muirburn season and prevented muirburn taking place when it would otherwise have been lawful until the 15 April 2020 (or the 30 April 2020 if undertaken by the proprietor of the land or person(s) authorised in writing by the proprietor of the land). The provisions were brought in on a precautionary and temporary basis to address the small risk (according to available data) that the emergency services could be called upon to deal with incidents associated with muirburn.

Whilst the Scottish Government does not envisage that the provisions relating to muirburn will be required beyond 30 September, should the Coronavirus response again require Scotland to revert to a complete lockdown phase, the provisions may need to be revived. The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 will therefore extend Paragraphs 32 and 33 of schedule 7 of the Coronavirus (Scotland) Act 2020 until 31 March 2021. However, the Coronavirus Act Suspension Regulations (Muirburn) will immediately suspend this extension from 1 October thus allowing the muirburn season to commence as normal (whilst keeping the facility for the removal of the suspension at short notice by bringing forward a future instrument should it be necessary).

#### **Consultation**

It has not been possible to consult in the time available but some awareness-raising has been undertaken with relevant stakeholders.

## **Impact Assessments**

No impact assessments have been undertaken. The Coronavirus Act Suspension Regulations (Muirburn) represent no change in policy and provide for the continued practice of muirburn as provided for under the Hill Farming Act 1946.

## **Financial Effects**

The Cabinet Secretary for the Rural Economy and Tourism confirms that no BRIA is necessary as the instrument is expected to have no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Environment and Forestry Directorate  
26 August 2020