



Finlay Carson MSP
Convenor
Rural Affairs & Islands Committee
Scottish Parliament
Edinburgh
EH99 1SP

BY EMAIL ONLY: rural.committee@parliament.scot

18 August 2023

Dear Convenor,

Wildlife Management and Muirburn (Scotland) Bill

We write further to providing evidence on the Wildlife Management and Muirburn (Scotland) Bill (the “**Bill**”) to the Rural Affairs & Islands Committee at its meeting of 21 June 2023.

At the meeting, Jamie Whittle, a member of our Rural Affairs Sub-Committee who gave evidence on behalf of the Law Society of Scotland, was asked whether the Law Society of Scotland shared concerns raised by other stakeholders in respect of whether certain provisions of the Bill are in compliance with the requirements of the European Convention on Human Rights (“**ECHR**”). We undertook to respond to the Committee on this point in writing.

We are aware of the points raised in relation to ECHR compliance by other stakeholders at the evidence session and in their written evidence on the Bill. We are also mindful that concerns regarding the ECHR compatibility of the Bill also pertain to the question of whether the relevant provisions of the Bill are within the legislative competence of the Scottish Parliament.

We note in this context that both the Presiding Officer and the Cabinet Secretary for Net Zero, Energy and Transport published the necessary [statements](#) that they consider the Bill to be within the legislative competence of the Scottish Parliament. We also note paragraphs 233-237 of the [Policy Memorandum](#) for the Bill, which provide that the Scottish Government considers the Bill to be compliant with the ECHR and details further information on its assessment of the relevant rights engaged by the provisions of the Bill.

Whether the provisions are outwith the legislative competence of the Scottish Parliament is a matter ultimately for the Supreme Court.

We will continue to monitor the progress of the Bill in the meantime. If we can be of any further assistance, please let us know.

Yours sincerely,

Robbie Forbes

Policy Executive & Secretary to the Rural Affairs Sub-Committee
Law Society of Scotland