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Convener
Rural Affairs and Islands Committee
The Scottish Parliament,
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05 October 2023

Wildlife Management and Muirburn (Scotland) Bill

Dear Convener,

I understand that on the 12 September you received a copy of a letter from Scottish Land and Estates outlining a number of their concerns about the Wildlife Management and Muirburn (Scotland) Bill. I have now responded to this letter and include a copy of my response below.

Yours sincerely,



GILLIAN MARTIN

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Ross Ewing,
Scottish Land & Estates
Stuart House
Eskmills Business Park
Musselburgh
EH21 7PB

Our ref: 202300375329
«Date»

Dear Mr Ewing,

Thank you for your letter of the 5 September on the Wildlife Management and Muirburn (Scotland) Bill.

I understand the concerns raised by you and the other signatories to your letter and I would like to address each of them in turn below.

My intention is that the Bill will provide for a practical, proportionate and targeted licensing regime which will support those carrying out the taking of red grouse where that activity is carried out appropriately and in accordance with the law, while ensuring that there are appropriate consequences for those that don't.

Licence duration

Since the Bill was introduced, I have received and heard representations from a wide range of stakeholders that the current licence duration of 1 year may impact on the ability of businesses to undertake long-term planning.

As I said out when I gave evidence on the Bill to the Scottish Parliament's Rural Affairs and Islands (RAI) Committee on the 28 June, I am open to suggestions on how long the licences should run for. I am carefully considering all of the views and evidence that have been presented to me, including those set out in your letter, on this matter.

NatureScot's discretion to grant licences

The Bill sets out that the licensing authority may grant a licence for the taking of red grouse if it is satisfied that it is appropriate to do so. The effect of the provisions in the Bill mirror the effect of provisions for the other licensing schemes, including the scheme set out in section 16 of the Wildlife and Countryside Act 1981, that are also administered by NatureScot.

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In my evidence at Stage 1 of the bill to the RAI Committee, I made clear my intention that a licence should be straightforward to obtain. If an individual meets all of the licencing requirements and provides all the necessary information, then there should not be any undue difficulty for them in obtaining a licence.

As with the other licensing schemes that they currently manage, when considering applications for licences, NatureScot will work within an agreed licensing framework that will be developed in conjunction with stakeholders and I would very much encourage you and indeed, all stakeholders to contribute to that process.

Suspension of licences

In response to your third point, as the Scottish Government set out in its letter of [11 August 2023](#) to the RAI Committee, the Bill sets out that NatureScot may suspend or revoke a licence if they are satisfied that:

- a) the licence holder or a person involved in managing the land to which the licence applies, has committed an offence; or
- b) the licence holder or a person involved in managing the land to which the licence applies has knowingly caused or permitted another person to commit an offence.

The Bill further provides that where these conditions do not apply, the licensing authority may suspend a licence on the following grounds:

- where there is an official investigation or proceedings taking place in relation to a suspected relevant offence on the land to which the licence relates; and
- the licensing authority is satisfied that if the suspect of the official investigation were to be convicted of the relevant offence then the conditions set out in a) or b) above would apply.

However, the Bill places no obligation on the licensing authority to suspend a licence in these cases. It will be for the licensing authority to determine the appropriate course of action in these circumstances on a case-by-case basis after careful consideration of all the evidence presented to them.

In such cases, they could elect to take no further action at that time, or to modify or suspend a licence. However, I expect a decision to suspend a licence under these provisions will only be done in very exceptional circumstances, for example in egregious cases where there is compelling reason to suggest that a wildlife offence has been committed and that suspension of a licence is necessary to prevent further risks to wildlife.

Relevant offences

With regards to the list of relevant offences included in the Bill, the Bill implements the recommendations of the Werritty review. As the members of the Grouse Moor Management Group explained during their appearance at the RAI Committee on 14 June, the remit of the review was not just to look at raptor persecution; it was to look at grouse moor management more widely. They also expressed the view that the list of relevant offences in the Bill is proportionate.

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I accept that not all the listed offences will be relevant in every situation but the provisions in the Bill will enable NatureScot to consider any offences that directly relate to the mismanagement of grouse moors, when making decisions about whether to suspend or revoke a licence.

As I have set out earlier in this letter, such decisions will be made by NatureScot on an individual, case-by-case basis and after considering all the relevant information.

In recognition of the potential economic impacts on grouse moor businesses, their employees and the surrounding community that it may have, the Bill provides a right for a person to appeal to the sheriff against a decision made by NatureScot to:

- refuse to grant a licence
- attach a condition to the person's licence
- modify, suspend or revoke a licence.

Finally, I would like to take this opportunity to thank you for all the evidence that you have provided so far regarding the Wildlife Management and Muirburn (Scotland) Bill. I understand that you met with my officials on the 25 September to discuss your concerns in more detail.

I note that you sent a copy of your letter to the Rural Affairs and Islands Committee for information and so I have also provided them with a copy of my response.

«**Signature**»

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