

Child Rights and Wellbeing Screening Sheet for the Wildlife Management and Muirburn (Scotland) Bill

March 2023

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Disclaimer

This **draft** document is an **initial assessment** of the impact of the Wildlife Management and Muirburn (Scotland) Bill and Scottish Government will continue to review and update this document where required during the parliamentary decision making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 1 – Screening

1. Brief Summary

The Wildlife Management and Muirburn (Scotland) Bill (“the Bill”) is being introduced to address raptor persecution and ensure that the management of grouse moors and related activities are undertaken in an environmentally sustainable and welfare conscious manner. The Bill will do this by implementing the recommendations of the independent review of grouse moor management.

The Bill will introduce measures to:

- Ban the use and purchase of glue traps;
- Introduce licensing and training requirements for certain types of wildlife traps;
- Introduce a licensing regime for land used for the shooting of red grouse; and
- Extend licensing regime for all muirburn, regardless of the time of year that it is undertaken. Muirburn on peatland will only be permitted in very limited circumstances.

The Bill will make it an offence to:

- Set a glue trap for the purpose of catching any animal (other than an invertebrate);
- Use a glue trap in a manner that is likely to cause bodily injury to any animal (other than an invertebrate); and
- Purchase a glue trap that is designed to capture any animal (other than an invertebrate) unless this is purchased for use outwith Scotland and is delivered outwith Scotland.

The Bill inserts provisions into Wildlife and Countryside Act 1981 (“the 1981 Act”) making it an offence for anyone who wishes to use live capture bird traps or traps listed in an order made under section 50 of the Agriculture (Scotland) Act 1948 (“the 1948 Act”) (which is currently only the Spring Traps Approval (Scotland) Order 2011 (“the STAO”)) to do so without a licence or failing to comply with the following conditions:

- complete training by an approved body each time they apply for or renew their licence;
- register with the relevant authority (Scottish Ministers or if delegated Scottish Natural Heritage (known as “NatureScot”) for a unique licence number;
- display this unique licence number on each trap they use; and
- use the trap in accordance with the training.

The Bill also inserts provisions into the 1981 Act to require that the shooting of red grouse will only be permitted if the landowner or occupier has a licence which covers the land on which the shooting takes place. If a person does so without such a

licence, they will have committed an offence under section 1 of the 1981 Act and the penalties for such an offence will apply.

Lastly, the Bill repeals the muirburn provisions in the Hill Farming Act 1946 (“the 1946 Act”) and replaces it with provisions to require that any muirburn should be unlawful unless carried out under a licence, for limited purposes, with further limitation on muirburn on peatland.

The provisions of the Bill will affect those who wish to lawfully own and maintain grouse moors and those that undertake muirburn. It will also impact those involved in the selling and use of traps and snares, including glue traps. Finally, it will impact on those who commit offences under the Bill and those involved in enforcing the legislation.

2. Which aspects of the relevant proposal currently affects or will affect young children and young people up to the age of 18?

The Bill will affect children in the following ways:

- They will not be able to use or purchase glue traps;
- They will not be able to operate certain types of wildlife traps unless they have completed certain training requirements, obtained and complied with the conditions of a licence;
- They will not be able to shoot red grouse on land where there is not a licence to do so; and
- They will be unable to undertake muirburn without obtaining and adhering to a licence.

It will also affect children who commit an offence under the Bill, and therefore enter the justice system, where they will be treated accordingly and with all the associated relevant safeguards.

The standard of proof required to prosecute those charged with an offence under the Bill is in keeping with other Scottish laws. The courts will decide the appropriate sentence to impose, based on guidelines for dealing with children and young people, and will take into account all the evidence and mitigating factors presented to them.

Children will be impacted by the Bill in the same way as adults.

3. Which groups of children and young people are currently or will be affected by the relevant proposal?

The Bill will affect children and young people in the way outlined above. It is anticipated that the impact of the Bill will be minor as, while we have no data on the number of children in Scotland who regularly:

- Use or purchase glue traps;

- Use wildlife traps;
- Shoot red grouse or own land on which grouse shooting occurs;
- Undertake muirburn;

It is considered that this number is low.

There may be a small number of young people employed as gamekeepers on grouse shooting estates whose employment may be impacted if the estate fails to obtain or loses its licence.

The Bill will directly impact children and young people if they commit an offence. If a child commits an offence, social services will have a role in dealing with the consequences of their actions.

No particular groups of children will be affected by the Bill provisions.

Declaration

4. Is a Children's Rights and Wellbeing Impact Assessment required?

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required Please explain why below and contact the children's rights unit to discuss this decision crwia@gov.scot

Explanation of why CRWIA is not required:

It is considered that the Bill as summarised above will bring no discernible reduction or progress in children's rights or their wellbeing, and therefore a Child Rights and Wellbeing Impact Assessment (CRWIA) is not required.

The Bill introduces a new set of offences, however the Bill will only affect those who commit these new offences. For the new offences created by the Bill, there will be no additional impact on children's rights compared to the standard legal process.

It is hoped that children and wider society will benefit from the message that animal cruelty and wildlife crime are not to be tolerated in our modern and progressive society, and that those who perpetrate these offences will face proportionate and expedient justice.

5. Sign & Date

Policy Lead Signature & Date of Sign Off: Leia Fitzgerald, 14/03/2023

CRWIA author, if different from policy lead, Signature & Date of Sign Off: N/A

Deputy Director Signature & Date of Sign Off: Cate Turton, Deputy Director, Natural Resources, 17/03/2023

Date SGLD contacted: 06/03/2023

Once signed off, please send to CRWIA@gov.scot and publish on gov.scot or relevant Executive Agency website.



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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80525-677-9 (web only)

Published by The Scottish Government, March 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1267642 (03/23)

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