

Wildlife Management and Muirburn (Scotland) Bill

Fairer Scotland Duty Assessment

March 2023

Fairer Scotland Duty

Assessment not required declaration

Policy title	Wildlife Management and Muirburn (Scotland) Bill
Directorate: Division: Team:	Environment and Forestry (Enfor) Enfor: Nature Division NRD: Wildlife Legislation
Policy lead responsible for taking the decision	Leia Fitzgerald

Rationale for decision

An assessment under the Fairer Scotland Duty is not required because the provisions of the Bill should not have any direct or indirect implications on socio-economic inequalities.

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 the following individuals or groups of individuals:

- Anyone who holds the sporting rights to take red grouse;
- Anyone who wishes to shoot red grouse;
- Anyone undertaking muirburn;
- Individuals who use certain types of traps (including glue traps);
- Businesses which use glue trap;
- Businesses which supply or sell glue traps;

- Anyone who commits an offence under the Bill;
- Organisations involved in enforcing the legislation.

It is considered that the policy contained within the Bill provisions brings no discernible reduction or progress in socio-economic inequalities in Scotland or their wellbeing, and therefore an assessment under the Fairer Scotland Duty is not required.

The introduction of licensing for grouse moors will not impact on the ability of individuals to shoot red grouse, providing they do so in accordance with any licensing conditions. The impact of the licensing scheme on businesses is set out in the Business Regulatory Impact Assessment which accompanies the Bill.

No socio-economic impacts have been identified in relation to the changes to the regulations governing of muirburn or wildlife traps.

Likewise, no socio-economic impacts have been identified in relation to the ban of the use and purchase of glue traps. Although some alternative methods of rodent control may cost more, unlike glue traps which can only be used once, products such as spring traps are reusable and therefore although the initial outlay to an individual required to source an alternative type of trap may be slightly higher this will be offset by a decrease in future outlay.

The impact of the ban on glue traps on businesses is set out in the Business Regulatory Impact Assessment which accompanies the Bill.

The Bill will create several new offences including offences relating to the use of glue traps and taking red grouse without a licence. The penalties attached to these new offences include the setting of a fine.

The offences introduced by the Bill will not impact on socio-economic inequalities, therefore the proposals in the Bill shall not result in any direct or indirect inequalities of outcome.

It is acknowledged that people on lower incomes may struggle to pay a fine imposed by a court. These matters will not be addressed or altered by the provisions of this Bill. The criminal standard of proof is required to prosecute those charged with an offence under the Bill and it is still a matter for the courts to decide the appropriate sentence to impose, taking into account all the evidence and mitigating factors presented to them.

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

Name and job title of Deputy Director (or equivalent)	Date authorisation given
Cate Turton, Deputy Director, Nature Division	17/03/2023



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