

# **WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **THE ACT – BACKGROUND AND OVERVIEW**

#### **Part 4 – Other wildlife etc.**

12. [Section 33](#) of the Act amends the Protection of Badgers Act 1992.
13. The 1992 Act prohibits a range of activities in relation to badgers, including the killing, taking and sale of badgers, and disturbance to their setts. Some of these activities can be licensed for certain purposes. The Act creates a number of new offences under the 1992 Act and provides for certain offences to be triable on indictment as well as under summary procedure. It makes provision for the delegation of licensing functions under the 1992 Act. It provides for the 1992 Act to apply to the Crown.
14. [Sections 34](#) and [35](#) of the Act amend the Hill Farming Act 1946.
15. Sections 23 to 27 of the 1946 Act regulate the practice of muirburn in Scotland, which is defined in section 39 of that Act as including “setting fire to or burning heath or muir”. The Act replaces periods during which muirburn is prohibited with a positive season during which it is permitted. It also expands the power to amend muirburn seasons by order, and provides a power to make regulations during an extended season. It provides for a new licensing regime in respect of out of season muirburn. It reforms requirements to inform neighbours of intentions to make muirburn. It provides for offences by bodies corporate, Scottish partnerships and others under the 1946 Act. It provides for sections 23 to 27 of the 1946 Act to apply to the Crown.