



# Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

*Muirburn (Scotland)*

**[<sup>F1</sup>23B Extension of muirburn season under section 23A(1): further regulation**

- (1) Where the standard muirburn season or the extended muirburn season is extended for any land by an order under section 23A(1), the Scottish Ministers may by order make provision regulating the making of muirburn during the additional period.
- (2) Any provision so made applies in addition to the regulation by the provisions of this Act of the making of muirburn during the standard muirburn season or the extended muirburn season.
- (3) An order under subsection (1) may make provision—
  - (a) as to the giving of notice;
  - (b) as to the making, to the Scottish Ministers or a specified person, of representations or objections;
  - (c) as to the consideration by the Ministers or a specified person of any such representations or objections;
  - (d) requiring the approval of the Ministers or a specified person for the making of muirburn;
  - (e) as to such approval being able to be subject to conditions;
  - (f) as to the making of muirburn being subject to conditions specified in the order;
  - (g) creating offences;
  - (h) providing that any offence created is triable only summarily;
  - (i) providing for any offence created to be punishable by a fine not exceeding level 3 on the standard scale;
  - (j) as to such other regulation of the making of muirburn as the Scottish Ministers consider appropriate.
- (4) Conditions specified in pursuance of subsection (3)(f) may refer to matters specified elsewhere.
- (5) In—

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*Changes to legislation: There are currently no known outstanding effects for the Hill Farming Act 1946, Section 23B. (See end of Document for details)*

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- (a) subsection (1), “the additional period means the period for which the standard muirburn season or, as the case may be, the extended muirburn season is extended for the time being for any land by an order under section 23A(1);
  - (b) subsection (3), “ specified person ” means a person specified in the order.
- (6) The power conferred by subsection (1) is exercisable by statutory instrument.
- (7) A statutory instrument containing an order under subsection (1) is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

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#### **Textual Amendments**

- F1** Ss. 23B, 23C inserted (S.) (1.8.2011) by [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#), **ss. 34(4)**, 43(1) (with s. 41(1)); S.S.I. 2011/279, art. 2(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Hill Farming Act 1946, Section 23B.