



Hill Farming Act 1946

1946 CHAPTER 73 9 and 10 Geo 6

Muirburn (Scotland)

[^{F1}23C Muirburn licences

- (1) The Scottish Ministers may grant a licence to a person to make muirburn (a “muirburn licence”) during any period, other than the muirburn season, specified in the licence.
- (2) A muirburn licence may, in particular, make provision for—
 - (a) the land on which the muirburn may be made; and
 - (b) the persons or types of persons who may make the muirburn.
- (3) A muirburn licence may—
 - (a) relate to only part of the land to which the application relates;
 - (b) be subject to any specified conditions (including conditions about the giving of notice).
- (4) A muirburn licence may be granted only for the purposes of—
 - (a) conserving, restoring, enhancing or managing the natural environment;
 - (b) research; or
 - (c) public safety.
- (5) The Scottish Ministers may modify or revoke a muirburn licence.
- (6) The Scottish Ministers may delegate their power to grant, modify and revoke muirburn licences to Scottish Natural Heritage.
- (7) A delegation—
 - (a) must be made by written direction; and
 - (b) may be, to any degree, general or specific and may in particular relate to—
 - (i) a particular licence or type of licence;
 - (ii) a particular area.

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

- (8) Unless it specifies otherwise, a delegation relating to a particular type of licence includes the power to modify or revoke licences of that type which were granted before the delegation.
- (9) The Scottish Ministers may modify or revoke a direction under subsection (7).
- (10) Where a direction is revoked, any existing licence granted under the direction continues to have effect (unless the revoking direction provides otherwise).
- (11) The Scottish Ministers may, by regulations, make further provision for, or in connection with, muirburn licences.
- (12) The power conferred by subsection (11) must be exercised by statutory instrument.
- (13) A statutory instrument containing regulations under subsection (11) is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

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 23C.