



# Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

## PART 1

### WILDLIFE MANAGEMENT

PROSPECTIVE

#### *Regulation of certain wildlife traps*

#### **7 Regulation of certain wildlife traps**

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) After section 12 insert—

#### *“Wildlife trap licensing*

#### **12A Requirements for use of traps**

- (1) A person who uses a trap to which this section applies, for the purpose of killing or taking a wild bird or wild animal that can otherwise be lawfully killed or taken by those means, must have a wildlife trap licence.
- (2) This section applies to the following traps—
  - (a) a trap for the purpose of taking wild birds,
  - (b) a trap approved by an order made under section 50 of the Agriculture (Scotland) Act 1948 for the purposes of that section (other than a trap of a description specified in an order made under subsection (7) of that section).
- (3) A person who fails to comply with [subsection \(1\)](#) is guilty of an offence.
- (4) A person who uses a trap to which this section applies must ensure—

*Status: This version of this cross heading contains provisions that are prospective.*

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- (a) that the wildlife trap licence number of the person is displayed (in a manner in which it will remain readable at all times) either—
    - (i) directly on the trap, or
    - (ii) on a tag that is fitted on the trap in such a manner that it is not capable of being easily removed from the trap, and
  - (b) that the trap is used and monitored appropriately in accordance with the approved training course for such a trap.
- (5) A person who—
- (a) has a wildlife trap licence and uses a trap to which this section applies, but
  - (b) fails to comply with [subsection \(4\)](#) in any respect,
- is guilty of an offence.
- (6) A person who, without reasonable excuse—
- (a) tampers with a trap so that it no longer complies with the requirements of this section, or
  - (b) disarms or destroys a trap to which this section applies,
- is guilty of an offence.
- (7) A person who knowingly causes or permits another person to commit an offence under [subsection \(6\)](#) is guilty of an offence.
- (8) It is a defence for a person charged with an offence under this Part to show that—
- (a) the trap was used for the purpose of killing or taking a wild bird or wild animal which could be lawfully killed or taken by those means,
  - (b) the person had a wildlife trap licence and complied with [subsection \(4\)](#), and
  - (c) the person took all reasonable steps to prevent the killing, taking or injury of any other animal (other than an invertebrate) not intended to be taken by the trap.
- (9) The wildlife trap licence number which is displayed on a trap to which this section applies, or on a tag fitted to such a trap, is presumed in any proceedings to be the wildlife trap licence number of the person who used the trap.
- (10) The Scottish Ministers may by regulations amend [subsection \(2\)](#) to add, modify or remove traps (or descriptions of traps) to which this section applies.
- (11) Before making regulations under [subsection \(10\)](#), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.
- (12) In this section—
- “approved training course” means a course approved under [section 12E](#),
  - “wildlife trap licence” means a licence granted under [section 12C\(1\)](#) and
  - “wildlife trap licence number” is to be construed accordingly.

## **12B Application for wildlife trap licence**

- (1) An application for a wildlife trap licence must—

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- (a) be made to the relevant authority,
  - (b) be made in such manner and form as the relevant authority may require,
  - (c) contain or be accompanied by such information as the relevant authority may require,
  - (d) be accompanied by payment of such reasonable fee as the relevant authority may require,
  - (e) include evidence that the applicant has completed a training course approved under section 12E in respect of the type of trap in question.
- (2) The relevant authority must publicise any requirements which are for the time being set under [subsection \(1\)\(b\), \(c\) or \(d\)](#).
- (3) In this section, “relevant authority” means—
- (a) the Scottish Ministers, or
  - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

### **12C Grant and content of wildlife trap licence**

- (1) The relevant authority may, on receipt of an application under section 12B, grant or renew a wildlife trap licence if—
- (a) the applicant has completed an approved training course in respect of the type of trap in question, and
  - (b) it is satisfied that it is appropriate to do so.
- (2) A person may be issued with the same wildlife trap licence number—
- (a) in respect of different types of traps (but must make an application and complete the approved training course in respect of each type), and
  - (b) in respect of the renewal of an existing wildlife trap licence.
- (3) A wildlife trap licence granted or renewed under [subsection \(1\)](#)—
- (a) must—
    - (i) specify the person to whom the licence is granted,
    - (ii) specify the wildlife trap licence number,
    - (iii) identify the type (or types) of wildlife traps to which the licence applies,
    - (iv) specify any conditions the relevant authority considers appropriate to attach to the licence,
  - (b) may be granted or renewed for a period not exceeding 10 years.
- (4) In this section—
- “approved training course” means a course approved under [section 12E](#),
  - “relevant authority” means—
    - (a) the Scottish Ministers, or
    - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

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## **12D Modification, suspension and revocation of licence**

- (1) The relevant authority may—
  - (a) modify a wildlife trap licence at any time,
  - (b) suspend or revoke a wildlife trap licence if—
    - (i) the licence holder fails to comply with any conditions attached to the licence,
    - (ii) the relevant authority is satisfied that the licence holder has committed a relevant offence.
- (2) The relevant authority must—
  - (a) notify the licence holder of the modification, suspension or revocation of the person’s wildlife trap licence,
  - (b) specify in the notice the reason for the modification, suspension or revocation, and
  - (c) specify in the notice the date from which the modification, suspension or revocation is to have effect (which may be immediate).
- (3) A licence holder whose wildlife trap licence is suspended is to be treated as not having a wildlife trap licence for the duration of the suspension.
- (4) A court which convicts a person of a relevant offence must notify the relevant authority of the conviction.
- (5) In this section—
 

“relevant authority” means—

  - (a) the Scottish Ministers, or
  - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

“relevant offence” means an offence under—

  - (a) section 11 to 11C, 11E, 12A, 12F or 17 of this Act,
  - (b) section 50 or 50A of the Agriculture (Scotland) Act 1948,
  - (c) regulation 41 of The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716),
  - (d) the Wild Mammals Protection Act 1996,
  - (e) section 19 of the Animal Health and Welfare (Scotland) Act 2006,
  - (f) section 1 or 2 of the Wildlife Management and Muirburn (Scotland) Act 2024.

## **12E Approved training courses**

- (1) The relevant authority is to approve training courses in respect of the traps to which section 12A applies.
- (2) For the purposes of subsection (1) (and subject to any regulations made under section 12G), the relevant authority may—
  - (a) determine training requirements, such as—

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- (i) the form and content of courses for the appropriate use of different types of trap,
  - (ii) requiring a person providing training to meet certain criteria (such as having relevant experience or holding a particular qualification),
  - (b) require that any fee payable in connection with a course is reasonable,
  - (c) accredit courses and the persons providing courses,
  - (d) determine the minimum criteria for successful completion of courses, and
  - (e) determine how successful completion of such courses is to be recorded.
- (3) In this section, “relevant authority” means—
- (a) the Scottish Ministers, or
  - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

#### **12F Authorisation from landowners etc. to use traps**

- (1) Subject to the other provisions of this Part, a person who without reasonable excuse—
- (a) while on any land has in the person’s possession a trap without the authorisation of the owner or occupier of the land, or
  - (b) uses a trap on any land without the authorisation of the owner or occupier of the land,
- is guilty of an offence.
- (2) In this section, a reference to a trap is a reference to a trap to which [section 12A](#) applies.

#### **12G Further provision**

- (1) The Scottish Ministers may by regulations make provision—
- (a) about the use of a wildlife trap to which [section 12A](#) applies,
  - (b) about how the licence number of the person using such a trap is to be displayed directly on the trap or on a tag fitted on it, and
  - (c) relating to approved training courses.
- (2) Regulations under subsection (1) may, in particular, include provision—
- (a) relating to the training course (or courses) that a person must complete in relation to the correct and appropriate use of a trap of the type the person wishes to use,
  - (b) about the manner in which a tag is to be fitted for the purposes of [section 12A\(4\)](#) and the material from which a tag is to be made,
  - (c) about the manner in which a wildlife trap licence number (and any additional information required) is to appear on a trap or tag,
  - (d) amending the definition of “relevant offence” in [section 12D\(5\)](#).

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- (3) Before making regulations under [subsection \(1\)](#), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.”.
- (3) In section 16 (power to grant licences), in subsection (3), after “11G(1)” insert “, [12F](#)”.
- (4) In section 16A (delegation of licence-granting power: Scotland)—
- (a) after subsection (1) insert—
- “(1A) The Scottish Ministers may delegate their functions in sections [12B](#), [12C](#), [12D](#) and [12E](#) to Scottish Natural Heritage.”,
- (b) after subsection (5)(a) insert—
- “(ab) Scottish Natural Heritage under [subsection \(1A\)](#) is to be made by written direction;”,
- (c) after subsection (5) insert—
- “(5B) A direction under subsection (5)(ab) may include provision allowing Scottish Natural Heritage to modify or revoke licences that were granted before the direction.”,
- (d) in subsection (7), after “subsection (5)(a)” insert “or [\(ab\)](#)”.
- (5) In section 17 (false statements made for obtaining registration, identification number or licence etc.), in the opening words, before “16” insert “[12C](#)”.
- (6) In section 21 (penalties, forfeitures etc.), after subsection (1A)(g) insert—
- “(ga) section [12A](#),
- (gb) section [12F](#)”.
- (7) In section 26 (regulations, orders, notices etc.)—
- (a) in subsection (2)—
- (i) the “and” immediately following paragraph (a) is repealed,
- (ii) at the end of paragraph (b) insert—
- “(c) regulations under section [12A\(8\)](#) or [12G\(1\)](#)”,
- (b) in subsection (3)—
- (i) the “or” immediately following paragraph (a) is repealed,
- (ii) at the end of paragraph (b) insert—
- “(c) regulations under section [12A\(8\)](#) or [12G\(1\)](#)”.
- (8) In section 27 (interpretation of Part I), in subsection (1), after the definition of “wild plant” insert—
- ““wildlife trap licence” has the meaning given in [section 12A\(12\)](#),
- “wildlife trap licence number” is to be construed in accordance with [section 12A\(12\)](#)”.

#### Commencement Information

**II** S. 7 not in force at Royal Assent, see [s. 35\(2\)](#)

## 8 Penalties relating to use of spring traps

- (1) The Agriculture (Scotland) Act 1948 is amended as follows.

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- (2) In section 50 (prohibition of night shooting, and use of spring traps)—
- (a) in subsection (2), for “the foregoing subsection” substitute “subsection (1)(a)”,
  - (b) after subsection (2) insert—
    - “(2A) A person guilty of an offence under subsection (1)(b), (c) or (d) is liable—
    - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
    - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”.

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**Commencement Information**

**I2** S. 8 not in force at Royal Assent, see [s. 35\(2\)](#)

**Status:**

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