

## Wildlife Management and Muirburn (Scotland) Act 2024 2024 asp 4

## PART 1

### WILDLIFE MANAGEMENT

Licensing of land for killing and taking of certain birds

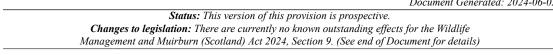
PROSPECTIVE

# 9 Killing and taking of certain birds permitted only on land with section 16AA licence

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) In section 2 (exception to s. 1: acts by certain persons outside close season)—
  (a) for subsection (1A) substitute—

"(1A) This subsection applies where—

- (a) whatever the kind of bird in question—
  - (i) the person who killed or injured it had a legal right, or permission, to kill such a bird; or
  - (ii) the person who took it had a legal right, or permission, to take such a bird; and
- (b) in the case of a bird included in Part 1B of Schedule 2—
  - (i) an owner or occupier of the land on which the bird was killed, injured or taken held an unsuspended section 16AA licence; or
  - (ii) the person who killed, injured or took the bird reasonably believed that an owner or occupier held an unsuspended section 16AA licence in relation to that land.



- (1B) In subsection (1A), "permission" means permission from a person who has a right to give it.
- (1C) Where subsection (1D) applies, a person does not commit an offence under section 1 by reason of killing or taking a bird included in Part 1B of Schedule 2 outside the close season for that bird, or the injuring of such a bird outside that season in the course of an attempt to kill it.
- (1D) This subsection applies where-
  - (a) the bird was killed or taken through the use of a bird of prey, or injured in an attempt to do so,
  - (b) either—
    - (i) the person who killed or injured it had a legal right, or permission, to kill such a bird, or
    - (ii) the person who took it had a legal right, or permission, to take such a bird, and
  - (c) in the case where the person subsequently killed the injured bird, the person took all reasonable steps to kill it in a way that caused it the minimum possible suffering.",
- (b) in subsection (3C)-
  - (i) in paragraph (a), the "and" immediately following sub-paragraph (ii) is repealed,
  - (ii) at the end of paragraph (b)(ii) insert "; and
    - (c) either—
      - (i) an owner or occupier of the land on which the bird was taken held an unsuspended section 16AA licence in relation to the land; or
      - (ii) the person reasonably believed that an owner or occupier held an unsuspended section 16AA licence in relation to that land.".
- (3) In section 26 (regulations, orders, notices etc.)—
  - (a) in subsection (2) at the end of paragraph (c) (as inserted by section 7(7)(a) of this Act) insert—
    - "(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2,",
  - (b) in subsection (3), at the end of paragraph (c) insert—
    - "(d) an order under section 22(1)(a) which adds any bird to, or removes any bird from, Part 1B of Schedule 2,".
- (4) In section 27 (interpretation of Part I), in subsection (1), after the definition of "sale" insert—

"section 16AA licence" has the meaning given by section 16AA(1).".

(5) In schedule 2, after Part IA insert-

Status: This version of this provision is prospective. Changes to legislation: There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Section 9. (See end of Document for details)

#### "PART 1B

#### BIRDS INCLUDED IN PART 1 WHICH MAY ONLY BE KILLED OR TAKEN ON LAND WITH SECTION 16AA LICENCE

Common name

Scientific name

Grouse, red

Lagopus lagopus scoticus".

**Commencement Information** 

I1 S. 9 not in force at Royal Assent, see s. 35(2)

#### Status:

This version of this provision is prospective.

#### Changes to legislation:

There are currently no known outstanding effects for the Wildlife Management and Muirburn (Scotland) Act 2024, Section 9.