SCOTTISH STATUTORY INSTRUMENTS

2024 No. 267 (C. 22)

NATURE CONSERVATION

The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024

Made - - - -	*26th September 2024*
Laid before the Scottish Parliament	*30th September 2024*
Coming into force - -	*17th October 2024*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 35(2) of the Wildlife Management and Muirburn (Scotland) Act 2024(**a**).

Citation and commencement

1. These Regulations may be cited as the Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 2 and Saving Provision) Regulations 2024 and come into force on 17 October 2024.

Appointed days

2.—(1) 17 October 2024 is the appointed day for the coming into force of the following provisions of the Wildlife Management and Muirburn (Scotland) Act 2024—

(a) section 11 (powers to inspect and investigate certain wildlife offences),

(b) section 33 (regulations),

(c) section 34 (ancillary provision).

(2) 25 November 2024 is the appointed day for the coming into force of section 6 (prohibition of use of snares) of the Wildlife Management and Muirburn (Scotland) Act 2024.

Saving provision

3. An appointment or authorisation by the Scottish Ministers under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006(**b**) before 17 October 2024 will continue to have effect as it did immediately before that date.

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
26th September 2024

(**a**) 2024 asp 4.
(**b**) 2006 asp 11.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Bill for the Wildlife Management and Muirburn (Scotland) Act 2024 ("the Act") received Royal Assent on 30 April 2024. Sections 35 and 36 of the Act came into force the following day. These Regulations commence sections 11, 33 and 34 on 17 October 2024, and section 6 on 25 November 2024.

Under the Wildlife and Countryside Act 1981 ("the 1981 Act") setting in position or otherwise using snares in certain circumstances (including when this did not cause unnecessary suffering to any animal coming into contact with it or under licence issued under section 16(3) of the 1981 Act) was still permitted in Scotland. Section 6 of the 2024 Act amends the 1981 Act to make it an offence to: set in position or otherwise use a snare for the purposes of killing any animal (other than a wild bird); set in position or otherwise use a snare (other than a snare that is operated by hand) for the purposes of capturing or taking any animal (other than a wild bird); use a snare which is of a nature or so placed (or both) so as to be likely to injure any animal (other than a wild bird); knowingly cause or permit any person to set or otherwise use a snare for the purpose of capturing or killing any animal (other than a wild bird). Snares operated by hand are still permitted for use on any animal (other than a wild bird) and by their nature would require a person to monitor and manually operate the snare. Section 6 also repeals sections 11A to 11F of the 1981 Act.

The Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act") contains powers for inspectors appointed under section 49(2)(a) of that Act. Such powers relate to the investigation of animal welfare offences (with which that Act is principally concerned). Section 11 amends the 2006 Act to enable such inspectors authorised or appointed by Scottish Ministers to search for, examine and seize evidence of a relevant offence, but only when they are already exercising their other powers under the 2006 Act. Regulation 3 is a saving provision the effect of which is that any appointments made or authorisations granted before 17 October 2024 will continue to operate as they did immediately before that date.

Section 33 brings into force powers to make different provisions for different purposes and incidental, supplementary, consequential, transitional, transitory or saving provision.

Section 34 brings into force powers to make ancillary provision.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Wildlife Management and Muirburn (Scotland) Act 2024 have been brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.S.I. No.*
Section 10 (for limited purposes)	1 July 2024	S.S.I. 2024/168
Section 18 and 21	1 July 2024	S.S.I. 2024/168
Section 9	22 July 2024	S.S.I. 2024/168
Section 10 (so far as not already in force)	22 July 2024	S.S.I. 2024/168

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