SCOTTISH STATUTORY INSTRUMENTS

2026 No. 200 (C. 20)

NATURE CONSERVATION

The Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 4, Transitional and Saving Provisions) and the Natural Environment (Scotland) Act 2026 (Commencement No. 1) Regulations 2026

Made - - - -	*4th June 2026*
Laid before the Scottish Parliament	*8th June 2026*
Coming into force - -	*18th June 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 35(2) and (3) of the Wildlife Management and Muirburn (Scotland) Act 2024(**a**) and section 59(2) of the Natural Environment (Scotland) Act 2026(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Wildlife Management and Muirburn (Scotland) Act 2024 (Commencement No. 4, Transitional and Saving Provisions) and the Natural Environment (Scotland) Act 2026 (Commencement No. 1) Regulations 2026 and come into force on 18 June 2026.

(2) In these Regulations—

"the 1946 Act" means the Hill Farming Act 1946(**c**),

"the 2024 Act" means the Wildlife Management and Muirburn (Scotland) Act 2024.

Natural Environment (Scotland) Act 2026 - appointed day

2. 18 June 2026 is the day appointed for the coming into force of the following provisions of the Natural Environment (Scotland) Act 2026—

(a) section 55 (muirburn licensing: making muirburn for purpose of approved training course),

(b) section 56 (muirburn licensing: grounds for grant of licence).

(**a**) 2024 asp 4.
(**b**) 2026 asp 6.
(**c**) 1946 c. 73.

Wildlife Management and Muirburn (Scotland) Act 2024 - appointed day

3.—(1) 15 July 2026 is the day appointed for the coming into force of the provisions of the 2024 Act specified in column 1 of the table in Part 1 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(2) 15 September 2026 is the day appointed for the coming into force of the provisions of the 2024 Act specified in column 1 of the table in Part 2 of the schedule (the subject matter of which is described in the corresponding entry in column 2 of that table).

(3) Where a purpose is specified in column 3 of the table in Part 1 or Part 2 of the schedule, the corresponding provision in column 1 of that table comes into force in accordance with paragraph (1) or (2) only for that purpose.

Transitional provision: section 14 of the Wildlife Management and Muirburn (Scotland) Act 2024

4.—(1) Any licence granted under section 14 (grant of muirburn licence) of the 2024 Act will not have effect until—

(a) 15 September 2026, or

(b) such later date as specified in the licence.

(2) For the purposes of section 15(1)(d) (muirburn licences: content and conditions) of the 2024 Act, the period for which the licence has effect, as specified in the licence, is to be treated as beginning on the date on which the licence first has effect in accordance with paragraph (1).

Saving and transitional provision: muirburn under the Hill Farming Act 1946

5.—(1) Paragraph (2) applies where, prior to 15 September 2026, either—

(a) an application for a licence under section 23C(**a**) of the 1946 Act was made but not determined, or

(b) a licence was granted under section 23C of the 1946 Act.

(2) Despite the coming into force of section 23 of the 2024 Act, the provisions of the 1946 Act referred to in paragraph (3) continue to have effect on and after 15 September 2026 as they did immediately before that day for the purposes of—

(a) the determination of any such application, and

(b) making muirburn in accordance with any such licence.

(3) Those provisions are—

(a) section 23(**b**) (muirburn season),

(b) section 23C (muirburn licences),

(c) section 24(**c**) (right of tenant to make muirburn notwithstanding terms of lease),

(d) section 25(**d**) (regulation of muirburn),

(e) section 26(**e**) (notice as to muirburn: general requirement),

(f) section 26A(**f**) (giving of muirburn notices under section 24(2) or 26),

(**a**) Section 23C of the Hill Farming Act 1946 (c. 73) ("the 1946 Act") was inserted by section 34(4) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6) ("the 2011 Act").
(**b**) Section 23 of the 1946 Act was inserted by section 34(2) of the 2011 Act.
(**c**) Section 24 of the 1946 Act was amended by section 34(5) of the 2011 Act and Part 1 of schedule 2 of the Agriculture and Rural Communities (Scotland) Act 2024 (asp 11).
(**d**) Section 25 of the 1946 Act was amended by section 34(6)(a) and 34(6)(b) of the 2011 Act.
(**e**) Section 26 of the 1946 Act was substituted by section 34(7)(a) and 34(7)(b) of the 2011 Act.
(**f**) Section 26A of the 1946 Act was inserted by the section 34(8) of the 2011 Act.

(g) section 27(**a**) (penalties etc. for offences as to muirburn),

(h) section 27A(**b**) (crown application: sections 23 to 27).

(4) Where paragraph (2) applies, Part 2 of the 2024 Act does not apply for the purposes of—

(a) the determination of an application to make muirburn under the 1946 Act,

(b) making muirburn in accordance with a licence granted under the 1946 Act.

GILLIAN MARTIN
A member of the Scottish Government

St Andrew's House,
Edinburgh
4th June 2026

(**a**) Section 27 of the Hill Farming Act 1946 (c. 73) was amended by section 34(9)(a) and 34(9)(b) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6).

(**b**) Section 27A of the 1946 Act was inserted by section 41(2) of the 2011 Act.

SCHEDULE

Regulation 3

Provisions of the Wildlife Management and Muirburn (Scotland) Act 2024 coming into force on the day appointed

PART 1

Provisions of the 2024 Act coming into force on 15 July 2026

Column 1 *Provisions of the 2024 Act*	*Column 2* *Subject Matter*	*Column 3* *Purpose*
Section 13	Application for muirburn licence	
Section 14	Grant of muirburn licence	
Section 15	Muirburn licences: content and conditions	
Section 16	Modification, suspension and revocation of muirburn licence	
Section 17	Approved training courses	
Section 19	Notice of muirburn activity	Giving notice where a person intends to make muirburn on or after 15 September 2026 in accordance with a licence granted under section 14 of the 2024 Act
Section 20	Muirburn season	
Section 22	Interpretation of Part	

PART 2

Provisions of the 2024 Act coming into force on 15 September 2026

Column 1 *Provisions of the 2024 Act*	*Column 2* *Subject Matter*	*Column 3* *Purpose*
Section 12	Requirement for muirburn licence	
Section 19	Notice of muirburn activity	For all remaining purposes
Section 23	Repeals and consequential amendments	
Section 24	Powers of entry, search and seizure with warrant	For all remaining purposes

Column 1	*Column 2*	*Column 3*
Provisions of the 2024 Act	*Subject Matter*	*Purpose*
Section 29	Individual culpability where organisation commits an offence	For all remaining purposes

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Bill for the Wildlife Management and Muirburn (Scotland) Act 2024 ("the 2024 Act") received Royal Assent on 30 April 2024. Sections 35 and 36 of the 2024 Act came into force the following day.

The Bill for the Natural Environment (Scotland) Act 2026 ("the 2026 Act") received Royal Assent on 12 March 2026. Sections 57, 58, 59 and 60 came into force the following day.

Regulation 2 brings into force sections 55 and 56 (muirburn) of the 2026 Act. These sections amend Part 2 (muirburn licensing) of the 2024 Act by making changes to the licensable purposes for muirburn, the circumstances in which muirburn is prohibited during the off season and the licensing test to be applied where muirburn is being made on peatland. As these provisions amend the muirburn licensing regime under the 2024 Act they are commenced on 18 June 2026 ahead of Part 2 of the 2024 Act being commenced.

Part 2 of the 2024 Act establishes a new licensing scheme for carrying out muirburn. Section 20 of the 2024 Act provides that, for the purposes of Part 2, the muirburn season is the period of time from 15 September in any year to 31 March the following year. These Regulations bring into force sections 13, 14, 15, 16, 17, 19 (for a specific purpose), 20 and 22 on 15 July 2026. This will enable the submission, consideration and determination of licences ahead of the commencement of section 12 which makes it an offence for a person to make muirburn without a licence.

These Regulations also commence sections 12, 19 (for all remaining purposes), 23, 24 (for all remaining purposes) and 29 (for all remaining purposes) on 15 September 2026. Section 23 of the 2024 Act repeals the relevant provisions of the Hill Farming Act 1946 ("the 1946 Act"), which make provision for the previous muirburn regime, including the ability to apply for out of season muirburn licences, which is being replaced by Part 2 of the 2024 Act.

Regulation 4 is a transitional provision, the effect of which is that muirburn licences granted under section 14 of the 2024 Act will not have effect until 15 September 2026 or such later date as specified on the licence.

Regulation 5 is a saving and transitional provision that applies in relation to applications for licences under the 1946 Act that were made but not determined prior to 15 September 2026, and licences granted under the 1946 Act prior to 15 September 2026. The effect of this provision is that the muirburn licensing scheme under the 1946 Act continues to operate as it did immediately prior to 15 September 2026 for the purposes of the determination of any such application and for the making of muirburn in accordance with any such licence. Applications to make muirburn before 15 September 2026 will continue to be required under the 1946 Act licensing regime. Applications to make muirburn on or after 15 September could be made either under the 1946 Act (until 14 September 2026) or under the 2024 Act (from 15 July 2026). Where the 1946 Act continues to be relied upon, in accordance with regulation 5, Part 2 of the 2024 Act will not apply. However, if an application is made under the 2024 Act, the 2024 Act will apply and the 1946 Act will not.

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, or are to be, brought into force by commencement regulations made before the date of these Regulations.

Provision	*Date of Commencement*	*S.S.I. No.*
Section 1	1 July 2026	S.S.I. 2026/127
Section 2	1 July 2026	S.S.I. 2026/127
Section 3	1 July 2026	S.S.I. 2026/127
Section 4	1 July 2026	S.S.I. 2026/127
Section 5	1 July 2026	S.S.I. 2026/127
Section 6	25 November 2024	S.S.I. 2024/267
Section 9	22 July 2024	S.S.I. 2024/168
Section 10 (for limited purposes)	1 July 2024	S.S.I. 2024/168
Section 10 (so far as not already in force)	22 July 2024	S.S.I. 2024/168
Section 11	17 October 2024	S.S.I. 2024/267
Section 18	1 July 2024	S.S.I. 2024/168
Section 21	1 July 2024	S.S.I. 2024/168
Section 24 (so far as it relates to sections 1, 2 and 3 of the 2024 Act)	1 July 2026	S.S.I. 2026/127
Section 25	1 July 2026	S.S.I. 2026/127
Section 26	1 July 2026	S.S.I. 2026/127
Section 27	1 July 2026	S.S.I. 2026/127
Section 28	1 July 2026	S.S.I. 2026/127
Section 29 (so far as it relates to sections 1, 2 and 3 of the 2024 Act)	1 July 2026	S.S.I. 2026/127
Section 30	1 July 2026	S.S.I. 2026/127
Section 31	1 July 2026	S.S.I. 2026/127
Section 33	17 October 2024	S.S.I. 2024/267
Section 34	17 October 2024	S.S.I. 2024/267
Schedule	1 July 2026	S.S.I. 2026/127

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, the King's Printer for Scotland.

ISBN 978-0-11-106661-4

£8.90

http://www.legislation.gov.uk/id/ssi/2026/200

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