POLICY NOTE

THE WILDLIFE MANAGEMENT AND MUIRBURN (SCOTLAND) ACT 2024 (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2026

SSI 2026/240

The above instrument was made in exercise of the powers conferred by section 34(1) of the Wildlife Management and Muirburn (Scotland) Act 2024 ("the 2024 Act"). The instrument is subject to negative procedure.

Summary Box

This instrument is made following the commencement of the muirburn licensing scheme under Part 2 the 2024 Act. It makes consequential amendments to secondary legislation necessary to ensure the continued effective operation of that legislation following the commencement of Part 2 of the 2024 Act.

Policy Objectives

There are consequential amendments which are required to be made to ensure the continued effective operation of certain secondary legislation as a result of the commencement of Part 2 of the 2024 Act.

Muirburn was previously regulated under the Hill Farming Act 1946 ("the 1946 Act"). Part 2 of the 2024 Act establishes a licensing scheme for the carrying out of muirburn. This scheme replaces the 1946 Act regime on 15 September 2026 when Part 2 of the 2024 Act comes fully into force and the majority of the muirburn provisions in the 1946 Act are repealed.

This SSI makes consequential amendments to secondary legislation relating to the environment in Scotland as a result of the commencement of Part 2 of the 2024 Act, updating references, for example from the Hill Farming Act to the 2024 Act.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 ("the Act"), the Scottish Ministers certify that, in their view, the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Our Wildlife Management and Muirburn (Scotland) Bill ("the Bill") consultation sought views on wildlife management and proposals included in the Bill. The consultation opened on 26 October 2022 and closed on 14 December 2022.

In total 4,863 standard responses were received, of which 129 were from groups or organisations and 4,734 from individual members of the public.

A majority of consultation respondents agreed that a licence should be required to undertake muirburn regardless of the time of year that it is undertaken (68% of those answering the question).

The consequential amendments relating to muirburn are technical in nature and will not require any further evidence gathering. They ensure the continued effective operation of the amended legislation following the commencement of Part 2 of the 2024 Act.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website.[1]

Impact Assessments

A Child Rights and Wellbeing impact assessment has been completed on the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 and is attached.

It is considered that the Wildlife Management and Muirburn (Scotland) Act 2024 (Consequential Amendments) Regulations 2026 as summarised above will bring no discernible reduction or progress in children's rights or their wellbeing.

Financial Effects

The Minister for Agriculture, Marine and the Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Environment and Forestry Directorate
Nature Division

August 2026

[1] https://www.gov.scot/publications/wildlife-management-scotland-analysis-responses-consultation-exercise-analysis-report/