



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 6

#### CONSERVATION OF SEALS

##### *Seal licences*

#### 110 Seal licences

- (1) The Scottish Ministers may grant a licence (a “seal licence”) authorising the killing or taking of seals—
- (a) for scientific, research or educational purposes,
  - (b) to conserve natural habitats,
  - (c) to conserve seals or other wild animals (including wild birds) or wild plants,
  - (d) in connection with the introduction of seals, other wild animals (including wild birds) or wild plants to particular areas,
  - (e) to protect a zoological or botanical collection,
  - <sup>F1</sup>(f) .....
  - <sup>F1</sup>(g) .....
  - (h) to prevent the spread of disease among seals or other animals (including birds) or plants,
  - (i) to preserve public health or public safety, or
  - (j) for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

<sup>F2</sup>(2) .....

<sup>F2</sup>(3) .....

#### Textual Amendments

- F1** S. 110(1)(f)(g) repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\)](#), ss. **14(2)(a)**, 22(2); S.S.I. 2020/379, reg. 2(2)

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Seal licences. (See end of Document for details)*

**F2** S. 110(2)(3) repealed (1.2.2021) by [Animals and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020 \(asp 14\), ss. 14\(2\)\(b\), 22\(2\)](#); S.S.I. 2020/379, reg. 2(2)

**Commencement Information**

**I1** S. 110 in force at 1.9.2010 by [S.S.I. 2010/230, art. 3\(a\)](#)

**111 Methods of killing or taking seals under seal licence**

- (1) A seal licence must specify the method which the licensee must use to kill or take seals.
- (2) The Scottish Ministers must not grant a seal licence authorising a person to kill seals by shooting unless they are satisfied that the person has adequate skills and experience in using firearms.
- (3) A seal licence must not authorise a person to do anything which would contravene regulation 41 of the Conservation (Natural Habitats, &c.) Regulations. This subsection does not restrict the things for which a licence may be granted under regulation 44 of those Regulations.

**Commencement Information**

**I2** S. 111 in force at 1.9.2010 by [S.S.I. 2010/230, art. 3\(a\)](#)

**112 Seal licence conditions**

- (1) A seal licence must impose conditions—
  - (a) specifying the maximum number of seals which may be killed or taken, and
  - (b) specifying steps which must be taken in relation to any seal injured when attempting to kill or take it in accordance with the seal licence in order to reduce the risk of it suffering unnecessarily.
- (2) A seal licence which authorises the killing of seals by shooting must impose conditions—
  - (a) specifying the type of firearm which must be used,
  - (b) specifying the weather conditions in which a person may attempt to shoot a seal,
  - (c) specifying how close a person must be to a seal before attempting to shoot it,
  - (d) prohibiting a person from attempting to shoot a seal from an unstable platform, and
  - (e) about the recovery of carcasses.
- (3) A seal licence may impose other conditions.
- (4) Conditions may, for example, specify—
  - (a) the area in which seals may be killed or taken,
  - (b) the species of seal which may be killed or taken,
  - (c) the circumstances in which seals may be killed or taken,
  - (d) any period during which seals may not be killed or taken, for example, when females of the species of seal for which the licence has been issued are likely to be in an advanced stage of pregnancy or have dependent pups.

*Changes to legislation: There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Seal licences. (See end of Document for details)*

- (5) Failure to comply with a condition imposed is an offence.
- (6) In any proceedings for such an offence, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

**Commencement Information**

**I3** S. 112 in force at 1.9.2010 by S.S.I. 2010/230, art. 3(a)

### 113 Seal licence reports

- (1) A person to whom a seal licence is granted must send a seal licence report to the Scottish Ministers within 10 days of the end of each reporting period.
- (2) A seal licence report is a report which—
  - (a) states how many seals have, during the reporting period concerned, been—
    - (i) killed in accordance with the seal licence,
    - (ii) taken in accordance with the seal licence,
    - (iii) killed when attempting to take them in accordance with the seal licence,
    - (iv) injured when attempting to kill or take them in accordance with the seal licence, or
  - (b) where no seals have been so killed, taken or injured during the reporting period concerned, states that fact.
- (3) A reporting period is—
  - (a) in the case of a seal licence which has effect for 3 months or longer—
    - (i) each period of 3 months following the granting of the seal licence, and
    - (ii) any shorter period beginning at the end of such a 3 month period and ending when the seal licence is revoked or otherwise ceases to have effect,
  - (b) in the case of a seal licence which has effect for fewer than 3 months, the period for which the seal licence has effect.
- (4) Failure, without reasonable excuse, to send a seal licence report in accordance with subsection (1) is an offence.

**Commencement Information**

**I4** S. 113 in force at 31.1.2011 by S.S.I. 2010/230, art. 4(b)

### 114 Variation or revocation of seal licence

A seal licence may be varied or revoked at any time.

**Commencement Information**

**I5** S. 114 in force at 1.9.2010 by S.S.I. 2010/230, art. 3(b)

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## 115 Seal licence fees

- (1) The Scottish Ministers may require an application for a seal licence or a variation of a seal licence to be accompanied by such fee as may be determined by, or in accordance with, regulations made by them.
- (2) Regulations may provide for different fees for different descriptions of applications.

### Commencement Information

**I6** S. 115 in force at 1.9.2010 by [S.S.I. 2010/230](#), [art. 3\(b\)](#)

## 116 Consultation and consent

- (1) The Scottish Ministers must consult [<sup>F3</sup>United Kingdom Research and Innovation] before granting or varying a seal licence.
- (2) The Scottish Ministers must obtain the consent of Scottish Natural Heritage before granting or varying a seal licence authorising the killing or taking of seals in a protected area for a purpose mentioned in any of paragraphs (b) to (e) of section 110(1). “protected area” means—
  - (a) a Nature Conservation MPA,
  - (b) a Demonstration and Research MPA,
  - (c) a Historic MPA,
  - (d) a site of special scientific interest,
  - (e) an area in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect,
  - (f) a nature reserve (within the meaning of Part 3 of the National Parks and Access to the Countryside Act 1949 (c.97)), or
  - (g) a European site (within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations).

### Textual Amendments

**F3** Words in [s. 116\(1\)](#) substituted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), [s. 124\(5\)](#), [Sch. 12 para. 25](#); [S.I. 2018/241](#), [reg. 2\(t\)](#) (with transitional and savings provisions in [S.I. 2018/245](#), [regs. 2, 3, 26](#))

### Commencement Information

**I7** S. 116 in force at 1.9.2010 by [S.S.I. 2010/230](#), [art. 3\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross  
Heading: Seal licences.