



Wildlife Management and Muirburn (Scotland) Act 2024

2024 asp 4

PART 1

WILDLIFE MANAGEMENT

PROSPECTIVE

Regulation of certain wildlife traps

7 Regulation of certain wildlife traps

- (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) After section 12 insert—

“Wildlife trap licensing

12A Requirements for use of traps

- (1) A person who uses a trap to which this section applies, for the purpose of killing or taking a wild bird or wild animal that can otherwise be lawfully killed or taken by those means, must have a wildlife trap licence.
- (2) This section applies to the following traps—
 - (a) a trap for the purpose of taking wild birds,
 - (b) a trap approved by an order made under section 50 of the Agriculture (Scotland) Act 1948 for the purposes of that section (other than a trap of a description specified in an order made under subsection (7) of that section).
- (3) A person who fails to comply with subsection (1) is guilty of an offence.
- (4) A person who uses a trap to which this section applies must ensure—

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- (a) that the wildlife trap licence number of the person is displayed (in a manner in which it will remain readable at all times) either—
 - (i) directly on the trap, or
 - (ii) on a tag that is fitted on the trap in such a manner that it is not capable of being easily removed from the trap, and
 - (b) that the trap is used and monitored appropriately in accordance with the approved training course for such a trap.
- (5) A person who—
- (a) has a wildlife trap licence and uses a trap to which this section applies, but
 - (b) fails to comply with subsection (4) in any respect, is guilty of an offence.
- (6) A person who, without reasonable excuse—
- (a) tampers with a trap so that it no longer complies with the requirements of this section, or
 - (b) disarms or destroys a trap to which this section applies, is guilty of an offence.
- (7) A person who knowingly causes or permits another person to commit an offence under subsection (6) is guilty of an offence.
- (8) It is a defence for a person charged with an offence under this Part to show that—
- (a) the trap was used for the purpose of killing or taking a wild bird or wild animal which could be lawfully killed or taken by those means,
 - (b) the person had a wildlife trap licence and complied with subsection (4), and
 - (c) the person took all reasonable steps to prevent the killing, taking or injury of any other animal (other than an invertebrate) not intended to be taken by the trap.
- (9) The wildlife trap licence number which is displayed on a trap to which this section applies, or on a tag fitted to such a trap, is presumed in any proceedings to be the wildlife trap licence number of the person who used the trap.
- (10) The Scottish Ministers may by regulations amend subsection (2) to add, modify or remove traps (or descriptions of traps) to which this section applies.
- (11) Before making regulations under subsection (10), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.
- (12) In this section—
- “approved training course” means a course approved under section 12E,
 - “wildlife trap licence” means a licence granted under section 12C(1) and
 - “wildlife trap licence number” is to be construed accordingly.

12B Application for wildlife trap licence

- (1) An application for a wildlife trap licence must—

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- (a) be made to the relevant authority,
 - (b) be made in such manner and form as the relevant authority may require,
 - (c) contain or be accompanied by such information as the relevant authority may require,
 - (d) be accompanied by payment of such reasonable fee as the relevant authority may require,
 - (e) include evidence that the applicant has completed a training course approved under section 12E in respect of the type of trap in question.
- (2) The relevant authority must publicise any requirements which are for the time being set under subsection (1)(b), (c) or (d).
- (3) In this section, “relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

12C Grant and content of wildlife trap licence

- (1) The relevant authority may, on receipt of an application under section 12B, grant or renew a wildlife trap licence if—
 - (a) the applicant has completed an approved training course in respect of the type of trap in question, and
 - (b) it is satisfied that it is appropriate to do so.
- (2) A person may be issued with the same wildlife trap licence number—
 - (a) in respect of different types of traps (but must make an application and complete the approved training course in respect of each type), and
 - (b) in respect of the renewal of an existing wildlife trap licence.
- (3) A wildlife trap licence granted or renewed under subsection (1)—
 - (a) must—
 - (i) specify the person to whom the licence is granted,
 - (ii) specify the wildlife trap licence number,
 - (iii) identify the type (or types) of wildlife traps to which the licence applies,
 - (iv) specify any conditions the relevant authority considers appropriate to attach to the licence,
 - (b) may be granted or renewed for a period not exceeding 10 years.
- (4) In this section—
 - “approved training course” means a course approved under section 12E,
 - “relevant authority” means—
 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

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12D Modification, suspension and revocation of licence

- (1) The relevant authority may—
 - (a) modify a wildlife trap licence at any time,
 - (b) suspend or revoke a wildlife trap licence if—
 - (i) the licence holder fails to comply with any conditions attached to the licence,
 - (ii) the relevant authority is satisfied that the licence holder has committed a relevant offence.
- (2) The relevant authority must—
 - (a) notify the licence holder of the modification, suspension or revocation of the person's wildlife trap licence,
 - (b) specify in the notice the reason for the modification, suspension or revocation, and
 - (c) specify in the notice the date from which the modification, suspension or revocation is to have effect (which may be immediate).
- (3) A licence holder whose wildlife trap licence is suspended is to be treated as not having a wildlife trap licence for the duration of the suspension.
- (4) A court which convicts a person of a relevant offence must notify the relevant authority of the conviction.
- (5) In this section—

“relevant authority” means—

 - (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

“relevant offence” means an offence under—

 - (a) section 11 to 11C, 11E, 12A, 12F or 17 of this Act,
 - (b) section 50 or 50A of the Agriculture (Scotland) Act 1948,
 - (c) regulation 41 of The Conservation (Natural Habitats, &c.) Regulations 1994 ([S.I. 1994/2716](#)),
 - (d) the Wild Mammals Protection Act 1996,
 - (e) section 19 of the Animal Health and Welfare (Scotland) Act 2006,
 - (f) [section 1](#) or [2](#) of the Wildlife Management and Muirburn (Scotland) Act 2024.

12E Approved training courses

- (1) The relevant authority is to approve training courses in respect of the traps to which section 12A applies.
- (2) For the purposes of subsection (1) (and subject to any regulations made under section 12G), the relevant authority may—
 - (a) determine training requirements, such as—

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- (i) the form and content of courses for the appropriate use of different types of trap,
 - (ii) requiring a person providing training to meet certain criteria (such as having relevant experience or holding a particular qualification),
 - (b) require that any fee payable in connection with a course is reasonable,
 - (c) accredit courses and the persons providing courses,
 - (d) determine the minimum criteria for successful completion of courses, and
 - (e) determine how successful completion of such courses is to be recorded.
- (3) In this section, “relevant authority” means—
- (a) the Scottish Ministers, or
 - (b) where the Scottish Ministers have delegated (by virtue of section 16A) their functions under this section, Scottish Natural Heritage.

12F Authorisation from landowners etc. to use traps

- (1) Subject to the other provisions of this Part, a person who without reasonable excuse—
- (a) while on any land has in the person’s possession a trap without the authorisation of the owner or occupier of the land, or
 - (b) uses a trap on any land without the authorisation of the owner or occupier of the land,
- is guilty of an offence.
- (2) In this section, a reference to a trap is a reference to a trap to which section 12A applies.

12G Further provision

- (1) The Scottish Ministers may by regulations make provision—
- (a) about the use of a wildlife trap to which section 12A applies,
 - (b) about how the licence number of the person using such a trap is to be displayed directly on the trap or on a tag fitted on it, and
 - (c) relating to approved training courses.
- (2) Regulations under subsection (1) may, in particular, include provision—
- (a) relating to the training course (or courses) that a person must complete in relation to the correct and appropriate use of a trap of the type the person wishes to use,
 - (b) about the manner in which a tag is to be fitted for the purposes of section 12A(4) and the material from which a tag is to be made,
 - (c) about the manner in which a wildlife trap licence number (and any additional information required) is to appear on a trap or tag,
 - (d) amending the definition of “relevant offence” in section 12D(5).

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- (3) Before making regulations under subsection (1), the Scottish Ministers must consult Scottish Natural Heritage and such persons as they consider likely to be interested in or affected by wildlife trap licensing.”.
- (3) In section 16 (power to grant licences), in subsection (3), after “11G(1)” insert “, 12F”.
- (4) In section 16A (delegation of licence-granting power: Scotland)—
 - (a) after subsection (1) insert—
 - “(1A) The Scottish Ministers may delegate their functions in sections 12B, 12C, 12D and 12E to Scottish Natural Heritage.”,
 - (b) after subsection (5)(a) insert—
 - “(ab) Scottish Natural Heritage under subsection (1A) is to be made by written direction;”,
 - (c) after subsection (5) insert—
 - “(5B) A direction under subsection (5)(ab) may include provision allowing Scottish Natural Heritage to modify or revoke licences that were granted before the direction.”,
 - (d) in subsection (7), after “subsection (5)(a)” insert “or (ab)”.
- (5) In section 17 (false statements made for obtaining registration, identification number or licence etc.), in the opening words, before “16” insert “12C”.
- (6) In section 21 (penalties, forfeitures etc.), after subsection (1A)(g) insert—
 - “(ga) section 12A,
 - “(gb) section 12F.”.
- (7) In section 26 (regulations, orders, notices etc.)—
 - (a) in subsection (2)—
 - (i) the “and” immediately following paragraph (a) is repealed,
 - (ii) at the end of paragraph (b) insert—
 - “(c) regulations under section 12A(8) or 12G(1),”,
 - (b) in subsection (3)—
 - (i) the “or” immediately following paragraph (a) is repealed,
 - (ii) at the end of paragraph (b) insert—
 - “(c) regulations under section 12A(8) or 12G(1),”.
- (8) In section 27 (interpretation of Part I), in subsection (1), after the definition of “wild plant” insert—
 - ““wildlife trap licence” has the meaning given in section 12A(12),
 - ““wildlife trap licence number” is to be construed in accordance with section 12A(12).”.

Commencement Information

11 S. 7 not in force at Royal Assent, see [s. 35\(2\)](#)

8 Penalties relating to use of spring traps

- (1) The Agriculture (Scotland) Act 1948 is amended as follows.

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- (2) In section 50 (prohibition of night shooting, and use of spring traps)—
- (a) in subsection (2), for “the foregoing subsection” substitute “subsection (1) (a)”,
 - (b) after subsection (2) insert—

“(2A) A person guilty of an offence under subsection (1)(b), (c) or (d) is liable—

 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both),
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”.

Commencement Information

I2 S. 8 not in force at Royal Assent, see [s. 35\(2\)](#)

Status:

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Changes to legislation:

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