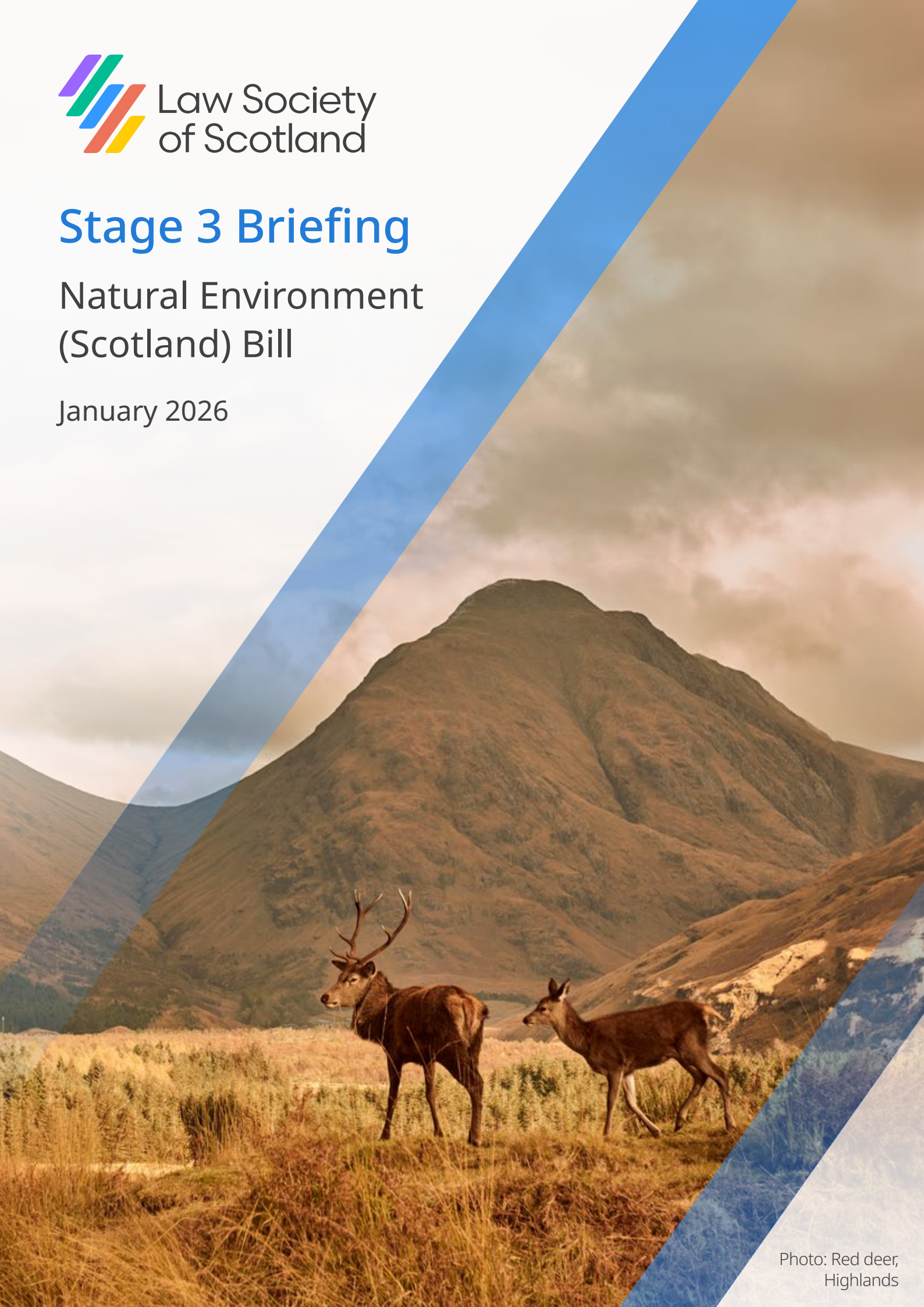


# Stage 3 Briefing

## Natural Environment (Scotland) Bill

January 2026



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## Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

The Natural Environment (Scotland) Bill (“the Bill”) was introduced by Mairi Gougeon MSP, the Cabinet Secretary for Rural Affairs, Land Reform and Islands on 19 February 2025. We submitted written evidence,<sup>1</sup> and provided oral evidence on 7 May 2025,<sup>2</sup> to the Rural Affairs and Islands Committee of the Scottish Parliament (“the lead committee”) as part of its Stage 1 consideration of the Bill. The lead committee’s Stage 1 Report on the Bill (“the Stage 1 Report”)<sup>3</sup> was published on 30 September 2025.

The Stage 1 debate on the Bill took place on 30 October 2025, and Parliament agreed to the general principles of the Bill on the same date. We issued a briefing to MSPs ahead of the Stage 1 debate.<sup>4</sup> The Bill completed Stage 2 on 10 December 2025, following consideration by the Rural Affairs and Islands Committee during its meetings on 19 November 2025, 26 November 2025, 3 December 2025 and 10 December 2025. The Bill as amended at Stage 2 was published on 11 December 2025.<sup>5</sup>

We welcome the opportunity to consider and provide comment on the Bill ahead of the Stage 3 debate scheduled for 27 January 2026. Our briefing includes the following key points:

- We highlight extensive legislative and policy reform within the wider agricultural and environmental legal landscape, and the importance of considering the interplay between such reforms to ensure a consistent approach which ensures certainty and legal clarity.
- We welcome amendments made to the Bill to introduce further accountability for statutory nature targets.

We welcome the introduction of the Bill. The Bill covers four main policy areas: statutory nature targets, environmental impact assessments (EIA), and habitats regulations (HR), national parks and deer management. We note that the first area forms part of the Scottish Government’s overarching strategic framework for biodiversity policy.<sup>6</sup> We further note that the Bill no longer contains provisions focussing on EIA and HR, as Part 2 of the Bill was removed by amendment at Stage 2.

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<sup>1</sup> [Law Society of Scotland | Written Evidence- Natural Environment \(Scotland\) Bill](#)

<sup>2</sup> [Rural Affairs and Islands Committee | Scottish Parliament TV](#)

<sup>3</sup> [Stage 1 report on the Natural Environment \(Scotland\) Bill](#)

<sup>4</sup> [Natural Environment \(Scotland\) Bill Stage 1 Briefing](#)

<sup>5</sup> [Natural Environment \(Scotland\) Bill as amended](#)

<sup>6</sup> [Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland](#)

We note the significant level of ongoing and prospective legislative and policy reform within the wider legal landscape. For example, legislation which interacts with aspects of the Bill currently before the Parliament or being implemented includes the Crofting and Scottish Land Court Bill, the Land Reform (Scotland) Act 2025, the Wildlife Management and Muirburn (Scotland) Act 2024, the Agriculture and Rural Communities (Scotland) Act 2024 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024. We highlight the importance of considering the legal interplay and overlap between such legislation to ensure a consistent and aligned approach and ensuring that these do not contradict or conflict with one another.

For the purposes of this briefing, we have focused on changes made to the Bill at Stage 2, and amendments lodged ahead of Stage 3.

## Comments on sections of the Bill

### Part 1- Statutory Nature Targets

#### Section 1

Section 1 of the Bill modifies the Nature Conservation (Scotland) Act 2004 (“the 2004 Act”) to create statutory nature targets.

In principle, we support the introduction of statutory nature targets. They can act as useful tools and align with existing measures on climate emissions. We also note that many public bodies have nature targets within their annual operating plans.

However, we highlight potential difficulties with these targets. There are numerous examples in recent years of statutory targets being missed by the Scottish Government, including the interim climate targets.<sup>7</sup> As a result, the Scottish Government brought forward the Climate Change (Emissions Reductions Target) Act 2024, overhauling the carbon emissions reductions framework and replacing it with a system of carbon budgeting.<sup>8</sup> Statutory nature targets will have little legitimacy if the Scottish Government simply legislates to replace them if the targets cannot be achieved.

Several amendments were lodged at Stage 2 concerning the proposed power for Scottish Ministers to set statutory nature targets, including enabling targets to deal with the status of any species and requiring Scottish Ministers to prepare a statement when setting any targets, detailing:

- how they intend to meet the targets;
- the cost of approach;
- anticipated timeline;
- partner organisations;
- how the targets support other relevant policies or strategies;

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<sup>7</sup> [Official Report](#), pages 60-64

<sup>8</sup> [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2024](#)



- how Scottish Ministers intend to monitor and evaluate progress towards meeting the targets; and
- the potential implications and consequences if the targets are not met, and the actions the Scottish Ministers intend to take if the targets are not met.

Given our previously raised concerns regarding Ministerial accountability for targets in our written evidence,<sup>9</sup> we welcome the amendment made at Stage 2 to section 1 requiring a statement to be laid alongside the regulations, and specifically that this statement (a) includes details as to how Scottish Ministers intend to monitor and evaluate progress towards meeting the targets, (b) highlights potential implications and consequences if the targets are not met and (c) and notes what actions Scottish Ministers intend to take if the targets are not met.

Furthermore, the Bill was amended at Stage 2 to require Scottish Ministers to consult individuals and organisations that may have an interest in, or are affected by, the regulations. We consider this amendment appropriate.

The Bill also now contains two new sections in Part 1, sections 1A and 1B. Section 1A inserts a new section into the 2004 Act and requires specified public bodies to prepare and publish reports concerning compliance with biodiversity duty. Section 1B requires that any secondary legislation published using the powers introduced under section 1 to create statutory targets must not reduce existing overall standards of environmental protection.

We note that section 1B was originally meant to apply to Part 2 of the Bill but following the removal of Part 2 from the Bill, has remained in the Bill within Part 1. We further note that **amendment 30**, in the name of the Cabinet Secretary for Climate Action and Energy, proposes removing the section 1B. Given this inconsistency, we consider this amendment appropriate and welcome it.

## Part 3- National Parks

We note that Part 3 of the Bill largely reinforces the existing aims around national parks, which we welcome.

### Section 9

Section 9 introduces a power for Scottish Ministers to make regulations for the issuing of fixed penalty notices (FPN) by national park authorities.

Section 9 was amended at Stage 2 to allow for the regulations to make provision for conferring powers to enter onto land for or in connection with the issuing of a FPN.

We highlight the need for consistency in the creation of fixed penalty schemes, with several of these schemes already being operational in Scotland. We consider that any fixed penalty scheme introduced under the proposed delegated powers should consider mirroring or adopting existing procedures so as to avoid a proliferation of separate or different procedures that may drift apart if future amendments are not rigorously applied across all relevant areas.

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<sup>9</sup> [Written Evidence](#)

## Part 4 – Deer management

As we highlighted in our general comments, we note the ongoing and prospective legislative and policy reform within the wider agricultural, environmental, and land management legal landscape - including the Crofting and Scottish Land Court Bill and the implementation of the Land Reform (Scotland) Act 2025, the Wildlife Management and Muirburn (Scotland) Act 2024, the Agriculture and Rural Communities (Scotland) Act 2024 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024. Deer management impacts many aspects of rural land management.

Due to a complex matrix of land ownership and stakeholders, it is difficult to enforce consistent deer management across the country. We consider it essential that the interaction between the provisions here and those in section 20 of the Land Reform (Scotland) Act 2025 (compensation for damage by game) must be clear to ensure joined-up legislation that matches powers and liabilities.

### Section 13

Section 13 introduces a new section to the 1996 Act to give NatureScot the power to intervene by way of a deer management plan, control agreement or control scheme in instances where deer are deemed to impact nature restoration activities or deer are causing damage to agriculture, public interest or livestock.

We have concerns about the drafting of proposed section 6ZB of the Deer (Scotland) Act 1996 (section 13 of the Bill), which potentially makes it unclear and opens up space for legal challenge.

We note that NatureScot<sup>10</sup> and the Minister for Agriculture and Connectivity provided case studies and examples setting out how the new grounds for intervention in Section 6ZB was intended to be exercised.<sup>11</sup> We welcome the Minister's commitment made during oral evidence to the lead committee stating that the development of criteria relating to the new grounds for interventions would be subject to consultation with stakeholders, and confirmed this would be developed and set out in the deer code.<sup>12</sup>

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<sup>10</sup> [NatureScot | Letter to the RAI Committee 29 May 2025 | Natural Environment \(Scotland\) Bill](#)

<sup>11</sup> [Minister for Agriculture and Connectivity | Letter to the RAI Committee 9 June 2025 | Natural Environment \(Scotland\) Bill](#)

<sup>12</sup> [Official Report | Meeting of the Rural Affairs and Islands Committee- 4 June 2025](#)- page 57

## Section 27

Section 27 of the Bill creates a new offence of shooting a deer with a shotgun, along with a corresponding ability for NatureScot to authorise the activity in appropriate circumstances. It does so by inserting a new section 17ZA into the 1996 Act.

Section 27 was amended at Stage 2, giving Scottish Ministers the power to define what is classified as a shotgun via regulations, subject to stakeholder consultation. We consider this amendment appropriate and we stress the importance of there being appropriate levels of parliamentary scrutiny for such regulations.

## Section 31

Section 31 of the Bill repeals section 41(2) of the 1996 Act concerning a legal right to take deer on any land.

This section was amended at Stage 2 to insert a new section 26 in the 1996 Act to make provision for a right of occupiers or a grazings committee to prevent damage by deer. We consider this amendment appropriate, as we previously raised concerns during Stage 1 regarding the lack of clarity as to the Bill's impact on crofters.<sup>13</sup> We note the ongoing parliamentary scrutiny of the Crofting and Scottish Land Court Bill and would strongly recommend that the Scottish Government ensure that this Bill aligns with any amendments lodged during Stage 2 and Stage 3 of the Crofting and Scottish Land Court Bill.

## Part 5- Miscellaneous and General provisions

### Section 34A

We note **amendment 187** in the name of Douglas Lumsden MSP, which seeks to insert a new section 34A into the Bill concerning access to justice in environmental matters.

Whilst we have no comment on the intention of the amendment to establish a scheme for the purpose of ensuring access to justice in environmental matters, we highlight that finding civil legal aid representation is becoming increasingly difficult, particularly in specialised areas of law such as environmental law. Effective access to justice requires attention to be paid to the formal procedures for resolving disputes, as well as timely access to expert advice. We consider a well-resourced and funded legal aid system to be vital to supporting access to justice in environmental matters.

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<sup>13</sup> [Natural Environment \(Scotland\) Bill Stage 1 Briefing](#)



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