

subject: Animals and Wildlife (Penalties, Protections and Powers)(Scotland) Bill

Dear XXXXXX

As a constituent of yours I am writing to urge you, please, to vote for the following amendments to the Animals and Wildlife (Penalties, Protections and Powers)(Scotland) Bill, which will be debated on Wednesday 17th June:

1 Alison Johnstone's amendment, that mountain hares should be a protected species.

2 The amendments below, proposed by Mark Ruskell and Claudia Beamish, to protect whales, dolphins and porpoises from disturbance and harm caused by the extremely loud Acoustic Deterrent Devices fitted to many fish farms.

All cetaceans are legally protected from any deliberate or reckless disturbance. In 2017 SNH wrote to Ministers to confirm that ADDs can cause disturbance (letter attached).

Yours Sincerely,

XXXXX

proposed by Mark Ruskell:

29A As an amendment to amendment 29, line 4, at end insert—

<() In section 107 (offence: killing, injuring or taking seals)—

(a) the existing text becomes subsection (1), and

(b) after that subsection so formed, insert—

“(2) In subsection (1), “injuring” includes exposing to an acoustic deterrent device.”.>

55 After section 10A insert—

<Acoustic deterrent devices: requirement to report Acoustic deterrent devices: requirement to report

(1) The Scottish Ministers must as soon as practicable, and no later than 1 March 2021, lay a report before the Scottish Parliament on whether existing provision in relation to animals and wildlife is sufficient to manage the use of acoustic deterrent devices on land constituting a fish farm.

(2) A report under subsection (1) must include—

(a) information on the use made of acoustic deterrent devices on Scottish fish farms,

(b) any known impacts that the use of acoustic deterrent devices have on marine mammals,

(c) consideration of whether the use of acoustic deterrent devices on Scottish fish farms is sufficiently monitored,

(d) consideration of the circumstances in which Scottish fish farm operators using acoustic deterrent devices may commit an offence under regulation 39 of the Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716), and

(e) any future plans for regulation of the use of acoustic deterrent devices.>

proposed by Claudia Beamish:

61 After section 10A, insert—

<Marine (Scotland) Act 2010: penalties for offences Marine (Scotland) Act 2010: penalties for offences

(1) The Marine (Scotland) Act 2010 is amended as follows.

(2) In section 94 (offences: contravening a marine conservation order), for subsection (2) substitute—

“(2) A person who is guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £50,000 (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”.

(3) In section 95 (offences relating to protected features of a Nature Conservation MPA), for subsection (4) substitute—

“(4) A person who is guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £50,000 (or both),

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).”.>