

**Written submission from Scottish Land & Estates, British Association for Shooting and Conservation, Scottish Gamekeepers Association and Scottish Moorland Group**

Dear Member of the Environment, Climate Change and Land Reform Committee

We have seen the papers published for the meeting on Tues 23<sup>rd</sup> with three possible Options for dealing with the Shoot Licensing Petition. While we believe that existing stringent legislation is being effective, we recognise the Committee's concern about raptor crime and our sector is equally keen for it to be resolved. We understand public concern about evidence gathering and detection of wildlife crime incidents. That is why we believe the most effective strategy is a potent combination of punishment and prevention. Police Scotland make very clear that prevention is essential in tackling all forms of crime.

Therefore, the shooting sector would ask the committee to consider an option that would build on successful existing legislation and would improve on the non-regulatory measures that have resulted in substantial decline in wildlife crime incidents.

In effect, we are asking that the committee invites the Cabinet Secretary to discuss with stakeholders a range of non-legislative measures that could be agreed with the industry and introduced promptly to address specific areas of concern. These measures would not prevent any consideration of a licensing scheme or a trial scheme and could provide tangible evidence of their effectiveness before any decision is taken on licensing.

Measures the shooting sector supports include:

- **A more effective PAWS Partnership**

The strengthening of regional PAWS groups would provide the more detailed local focus which is what will help prevent raptor crime at "shop floor" level, leaving a revised national PAWS body to cover its other functions. This local approach is working in the Highland region where there is good cooperation and regular meetings run by the police. We understand that the police favour prevention where possible as the most effective way to deal with this issue. Regional PAWS group effort could be focused in geographical such as intensive grouse moors where raptor crime remains a concern.

- **A new warning sanction for shoots under suspicion.**

A new partnership protocol could be developed under PAWS quickly where a 'yellow card' could be issued to estates where there is suspicion of bad practice but insufficient evidence to warrant a criminal investigation. Where an estate has been told it is being monitored it has in the past led to changes and improvement in practices and therefore prevention. For example, where RSPB are alerted to a problem which the police are not treating as a crime, a protocol can be developed among organisations which can then take action on the ground and effect change. For example, cases of non-functioning sat tags. In time this would build up a partnership, as has already been developed on national raptor surveys

(protocol). There would be a central PAWS role to supervise adherence to the protocol(s).

- **Adoption by Scottish Government of the Poustie report**

Adoption of revised “tariff” for wildlife crime sentences would also help prevent raptor crime by being a deterrent, and we urge that it should be implemented soon.

- **A “due diligence” package which shoots would be expected to adopt**

“Due diligence” encouraged by the WANE Act is an effective preventative measure that many shoots already have in place and more could adopt. BASC are already working on a vicarious liability self-assessment tool for smaller shoots and the SGA have offered a shoot inspection service for some years to help compliance with all aspects of the law. A formal due diligence dossier – which would be agreed as a standard across the industry and signed up to by all organisations - is a reminder of all the regulation, it prevents misunderstandings between employer/owner and employee/agent, it provides for training and legal updating and clarifies employment terms and what parties expect of each other. The pack of documents could be checked by police or an independent assessor and would be available if problems occur.

The above measures would complement both Wildlife Estates Scotland accreditation, and the Code of Good Shooting Practice which has been adopted by the sector for many years and is being updated/relaunched this year. We would respectfully suggest that the very substantial efforts that have been made to tackle wildlife crime are bearing fruit and whichever course of action is chosen the outcome does not undermine the very considerable progress that has been made.

Yours sincerely,

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**Tim Baynes, Director, Scottish Moorland Group**