

## Written submission from RSPB Scotland

### Summary

RSPB Scotland supports the petition lodged by Logan Steele on behalf of the Scottish Raptor Study Group calling for the implementation of a state regulated system of licensing for gamebird hunting.

The broad level of support this petition has garnered demonstrates the frustration of people across Scotland with crimes against birds of prey. Such crimes have been causing serious damage to some of their overall populations, and therefore harming the reputation of Scotland as a place which cares for its important natural heritage. RSPB Scotland recognises that good sporting practice is taking place in Scotland. This is welcome and should be commended. However, the particular failure of game management interests to self-regulate and stamp out illegal practices over many decades requires the Scottish Government to now intervene.

We encourage the Committee to recommend that an inquiry takes place into the best-fit licencing system model for Scotland, which would be a way of ensuring that the right to shoot is dependant on legal and sustainable land management practices, as well as increasing transparency and accountability. Any system to deter wildlife crime should be considered as part of the wider package of enforcement measures, such as “vicarious liability”, and bring the sector into line with regulation on other natural resource extraction sectors.

### Background

Scotland is widely recognised as having some of the best wildlife protection laws in Europe, but they are difficult to enforce, with many occurring in remote areas with no witnesses and easy disposal of evidence. It is further compounded by some in the game management industry not heeding repeated Scottish Government warnings about levels of wildlife crime against birds of prey. Further, peer pressure from others in the gamebird shooting industry has been shown to be inadequate in preventing illegal and unsustainable behaviours amongst a significant number in the sector. There is an overwhelming weight of scientific evidence illustrating that illegal killing of protected birds of prey in areas intensively managed for game bird shooting continues to adversely impact both the populations and range of protected birds of prey such as the iconic golden eagle, hen harrier, peregrine and red kite.

**RSPB Scotland recognises that good management practice is taking place in Scotland. This is welcome and should be commended. However, we believe that all gamebird shoot managers need to continue to adapt to twenty-first century public expectations, especially with regards to their responsibilities as custodians of wildlife and their habitats. A right to shoot gamebirds should be dependant on land management practices that are both legal and sustainable.**

Gamebirds are probably the only part of Scotland’s rich natural resources where exploitation and management is not subject to a form of public policy oversight to ensure the public interest is protected. Our soils, water and air are all protected and their use/exploitation is controlled by agricultural or forestry rules (including cross-

compliance), by pollution legislation or abstraction licences. Wild plants and animals are in general protected, as are natural habitats. However, this legislation recognises that hunting and capture of wild animals and birds for food and/or sport is a legitimate activity. In so doing, public policy (generally regulation) exists to ensure the public interest (that is prevention of over-exploitation, appropriate welfare issues, indirect impacts on other species and habitats, etc) is protected.

As the work programme of the Committee demonstrates, the hunting and management of wild deer Scotland is moving firmly in the direction of recognising the public as well as the private interest. The capture of wild fish at sea has long been managed in the public interest by Governments (individually and collectively), and the Scottish Government's recent review of freshwater fisheries suggests a new form of public oversight to ensure sustainable management. Indeed, gamebird shooting is currently the only extractive industry involving natural resources, that we are aware of that is largely without Scottish Government oversight, or the possibility of intervention if the public interest is endangered.

### **What would the license look like?**

**RSPB Scotland would encourage the committee to recommend that an inquiry takes place into the best-fit licencing system model for Scotland**, learning from the current SNH review of Gamebird Licensing systems in other European countries which is due to be published shortly<sup>1</sup>. Such an inquiry might be led by, or commissioned by the Committee itself or it may call on the Scottish Government to establish such an inquiry. It should engage with, and take into account, all interests: industry, environmental, public and private. The inquiry should consider how provisions could be made to ensure full cost recovery of the administration of a licensing system (cf: SEPAs full cost recovery duties for various licences) and to ensure that smaller, less intensive forms of gamebird hunting, are not unduly regulated.

RSPB Scotland believes an inquiry should look into what a licensing system would look like, though some suggestions could be:

The applicant for a gamebird shooting licence might be required to produce an estate gamebird hunting plan, including details for proposed management in protected areas and other relevant public interests. This Plan would form the basis of a hunting licence, authorised by SNH.

It should also be a requirement to submit details of planned numbers of gamebird species to be hunted; gamebag returns following hunting activity; and other relevant data such as statistics relating to predator control or culls of mountain hares, to SNH each year.

---

<sup>1</sup> [Parliamentary Question and Answer S5W-05983](#)

The provision of this data would help inform future conservation requirements and set sustainable hunting quotas, as well as ensuring adherence to up-to-date best practice guidelines.

In the evidence of criminal activity and/or breach of terms and conditions of a gamebird hunting licence, enforcement would entail the suspension of the right to hunt gamebirds over a particular geographical area; general licence restrictions; revocation of firearms certificates; or prosecution.

**RSPB Scotland does not support calls for a ban on driven grouse shooting, because we believe that licensing is a more workable and proportionate system, recognising both the legitimate interests of society in expecting the laws to be adhered to, as well as protecting the interests of those who have legitimate gamebird hunting businesses.** Thus, estates and land managers who already operate legally and sustainably should have nothing to fear, and will be used to this kind of approach in other forms of natural resource management. However, those who continue to disregard the law, irrespective of public opinion, should finally be provided with a reason to comply.

RSPB Scotland will maintain our advocacy on this subject, using peer reviewed scientific evidence to support our advice on the status and threats to bird of prey populations in Scotland. We will campaign for better protection for birds of prey, and will continue to work positively with landowners who follow best practice, whilst also continuing to monitor and document illegal activity through providing technical and expert assistance to the statutory investigating authorities.

For these reasons and for those explained above, we support this petition and believe that a positive next step would be an inquiry that investigated licensing options in more detail.

**Duncan Orr-Ewing**, Head of Species and Land Management, Email: [duncan.orr-ewing@rspb.org.uk](mailto:duncan.orr-ewing@rspb.org.uk)

RSPB Scotland, 2 Lochside View, Edinburgh Park, EH12 9DH  
*Registered Charity England and Wales Number 207076, Scotland Number SC037654*