

Petitioner submission of 16 September 2023

PE1859/M: Retain falconers' rights to practise upland falconry in Scotland

In her evidence given in person to the committee, the then Minister for Environment, Biodiversity and Land Reform quoted that she had no intent or desire to ban falconry. However, by sleight of hand and political manoeuvring, she has effectively made the heritage pastime of upland falconry illegal in Scotland.

Between the then Minister, Police, Crown Office and Procurator Fiscal Service (COPFS), and NatureScot such an insurmountable level of precaution is now expected of a falconer that it is impossible for them to properly fly, let alone enjoy the practice of falconry in the mountains.

First, a falconer has to find a landowner who has suitable mountain terrain and is willing to host a falconer.

Next, they have to obtain permission to explore the land for its suitability for falconry (fenced areas, woodland, power lines and pylons, wind turbines, and inaccessible steep terrain all make it too dangerous for the birds and the terrestrial falconer) and carry out a survey to understand the hare population.

What duration and intensity of survey is expected to satisfy the Police and COPFS?

What submission of data system is in place for the falconer to provide the survey results to?

What hare counting method is acceptable - that which has been relied upon by government to establish hare populations to justify their illegal legislation has already been proven to be inaccurate by as much as 400%.

If the population is high as is the case on most safe and suitable land, the falconer has to desist with any plan to fly there or be at risk of prosecution. The time, effort and money invested to that point would be lost, and this process may need to be repeated many times over - enough to bankrupt most falconers without their birds ever opening their wings.

If hare numbers are low or appear absent, the falconer may now plan to rent the land for a few weeks - the minimum time necessary to give perhaps an eagle, suitable time to begin to gain some fitness and demonstrate some tremendous flying in the mountains. Having invested perhaps £2,000 in land rent, taken holidays from work, another £1,500 in cottage rental, and then move a Land Rover and all the myriad ancillary equipment and birds to the location, the falconer can now enjoy an evening dram, dreaming of high flying the next day.

The scenario up to this point already means that falconers are being crushed out of their life's work and passion. What normal working person could possibly put all this together?

However, assuming we have reached this impossible point, the falconer, on the first morning of their trip, takes his or her eagle as far on the access tracks as the Land Rover will take them. From there, a steep hike, eagle on the fist, ready and waiting, the snow and wind on feathers exciting her as she feels the energy of the environment acting on her wings, tail and feathers, letting her feel the purpose of evolving for this place surge through her again, as it has for the past 20 winters or more. The falconers' legs burn as they carry falconer and eagle to ever higher and wilder places. Perhaps two hours later, the falconer and eagle reach the ridge, 3,500 feet up, facing a gale, frozen snow stinging their face, but bouncing off the eagles perfectly formed plumage. The eagle is held aloft and on vast wings, immediately climbs into the impossible gale, mastering the wind, the terrain and this place that she is built for. She makes a pitch of perhaps 2,500 feet above the ridge and starts to survey the land below, quartering the ridge and loyally keeping the falconer at the centre of her range. An hour since she last alighted, suddenly the eagle pulls in her sails, rolls over on one wing and describing the scimitar shape that makes her most aerodynamic, she lets gravity pull her hurtling at terrifying speed back to ground.

She vanishes behind a hump in the landscape. Now feeling unbearably slow, reassured by the beep of the receiver receiving information from directional tracking transmitter that the eagle carries, the falconer heads for the spot that the eagle is estimated to be in.

When their eyes finally fall on the eagle, she has her head held high, her crest up, wings spread mantling over the quarry she has taken. Now, for the first time in 40 years of falconry, the falconer hopes the eagle has not taken her natural quarry, a mountain hare.

If she has taken some other quarry item, this scene may repeat itself tomorrow.

If she has taken a hare, the falconer's day is done, the eagle has fulfilled her evolutionary purpose, the falconer has the satisfaction that he or she has the eagle flying as well as her wild counterpart. Without any farming or carbon creating global shipping of food, in the most natural of ways, the eagle will eat warm food while the falconer patiently waits, and after a long walk off the mountain and back to the cottage, the falconer will eat healthy and sustainable food tonight. BUT the rest of the money spent, work done, time invested and sacrifices made, the falconer has to stop. To continue to fly on this hill and have the eagle bristle with purpose, fitness and instinct once more and take another hare, the falconer would be making themselves a criminal.

This eagle is not a 'breed' created by man for a purpose, it is a species shaped by evolution. It is not a wanton killer or pest control device, it is a highly developed and balanced predator, trained by someone of unbelievable determination and patience, not to kill - that is instinct, but to be loyal so the falconer can learn and understand the species and further their work in conserving the species.

This eagle is not a shotgun or rifle, invented to make killing easy and repeatable on a massive scale. It is a predator that will kill only one quarry item and then only every few days or so. It is a species of balance, power and grace.

Killing a hare on day one now sees the falconer lost to the sport, unable to continue on this land, unable to afford to look for an alternative that ticks all that the government and Police expectations.

The falconer is disappointed and saddened.

The big loser is the eagle, once again at the will of the government, destined to fly no more until the falconer's funds and time allow the search for land to resume in a cycle that will likely end up bankrupting them and destined to see the eagle never fly again.

This ladies and gentleman is the admittedly prosaic, but very very real place that the government leaves us.