

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

Minister for Agriculture and Connectivity written submission, 13 May 2025

Thank you for your letter of 24 March 2025 in relation to Petition PE1859 regarding the Citizen Participation and Public Petitions Committee's consideration of the above petition at its meeting on 19 March 2025.

Firstly, the Committee have asked for an update on producing guidance on the following, including a timeline: guidance clarifying:

- how falconers can participate in licenced activities;
- the areas in which there is not a high density of mountain hare; and
- what action falconers should take if their bird accidentally takes a mountain hare.

I understand that the petitioner, Mr Barry Blyther, did not think that the proposed guidance would be useful in resolving his concerns. There has also been no demand from other falconers requesting that the proposed guidance be produced. However, if the Committee still think it would be useful, NatureScot can produce a draft for user testing with falconers in the summer, with a view to publishing it in the autumn.

Secondly, I note that the Committee does not think that guidance will be sufficient and is unconvinced that anything short of legislative changes would adequately resolve the situation. On this basis, the Committee is seeking the views from the Scottish Government on how this issue could be addressed through legislation and confirmation on whether the Scottish Government will take action to allow mountain hares to be hunted for the purposes of falconry.

As you are aware, following discussions with NatureScot, Scottish Government officials and myself, Mr Blyther successfully applied for a licence from NatureScot to take a certain number of mountain hares for permitted purposes which also allowed Mr Blyther to exercise his birds of prey. Falconers with similar valid concerns should contact the NatureScot licensing team to discuss a possible application to obtain a similar licence.

We understand there are a number of individuals, through PE1859, who are interested in amending legislation to allow mountain hares to be hunted for the purposes of falconry.

The Minister for Environment and Land Reform, in their submission to this petition in March 2023, mentioned that that any change in the legislation to allow falconers to take mountain hares would require an amendment to the Wildlife and Countryside Act 1981, and not the Animals and Wildlife (Penalties, Protections and Powers) Act 2020.

Since the unfavourable-inadequate conservation status of mountain hare has not changed since March 2023, we do not intend to remove the current protections in place.

However, any amendments brought forward by MSPs on this issue would be given careful consideration by the Scottish Government.

Yours sincerely

JIM FAIRLIE