



The Scottish Parliament  
Pàrlamaid na h-Alba

Roseanna Cunningham MSP  
Cabinet Secretary for Environment,  
Climate Change and Land Reform

c/o Clerk to the Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

***By email only***

(RNID Typetalk calls welcome)  
Tel: 0131 348 5240  
ecclr.comitee@parliament.scot

24 May 2017

Dear Roseanna,

**PE1615: State regulated licensing system for gamebird hunting in Scotland**

As you will be aware, the Committee has been considering the above noted petition calling on the Scottish Parliament to urge the Scottish Government to implement urgent action to introduce a state regulated system of licensing of gamebird hunting. The Committee was grateful for your response to my previous letter in February requesting more detail on the operation of current related legislation in this area and whether the Scottish Government has any plans to review the current licensing regime.

Since then, the Committee has [taken evidence](#) from the petitioner, Logan Steele, as well as from representatives of RSPB Scotland, the Scottish Gamekeepers Association, Scottish Land & Estates, Scottish Natural Heritage and the Tayside Raptor Study Group. It was clear from the evidence that there is still a clear divide among stakeholders on the best approach to combating raptor crime.

At its meeting yesterday the Committee considered its response to the petition. There were differing views among the Members of the Committee about the best way forward and so it was not possible to come to a unanimous decision.

However, the Committee did agree, following a division, to write to you to ask that you give consideration to implementing a licensing system for shooting businesses based on civil law. While the Committee recognised legitimate concerns over the requirement of a sufficient burden of proof before removing a license and the potential for vexatious claims, it agreed to highlight the following:

- that, despite a fall in the recorded instances of raptor persecution, the Committee recognises that there are certain areas in Scotland where raptor persecution remains a concern and is of the view that further action to address this may be required;
- while there does not appear to be a significant problem of raptor persecution in relation to walk-up grouse moors, there does appear to be an issue within areas where intensive grouse management occurs;
- there may be merit in operating a flexible and non-onerous licensing regime to help ensure that driven grouse shooting businesses operate sustainably and in accordance with best practice;
- such a regime might take in all gamebird shooting as the petition calls for or perhaps might instead only be targeted at businesses which involve intensive grouse management;
- the lower burden of proof demanded by civil law might enable more prosecutions to proceed in view of the remote and isolated areas where such crimes are likely to occur and the difficulties of corroboration and other higher burdens of proof in criminal law;
- the Committee nevertheless appreciates the concern that incorporating civil law rather than criminal law may lower the burden of proof and therefore open up the prospect of vexatious claims of rule breaches.

The Committee recommends the Scottish Government explore with stakeholders the need for and benefit of such a licensing system, how it might operate in practice, what it might encompass, how it could be appropriately enforced and whether such a system might feasibly be trialled in a specific area.

The Committee agreed to keep the petition open pending your response. I would therefore be grateful if you could reply to the Committee by **Wednesday 21 June 2017**.

Finally, the Committee also agreed to note the proposals put forward by Scottish Land & Estates, the British Association for Shooting and Conservation, the Scottish Gamekeepers Association and the Scottish Moorland Group in a [written submission to the Committee dated 19 May 2017](#).

Yours sincerely,



Graeme Dey MSP  
Convener  
Environment, Climate Change and Land Reform Committee