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Graeme Dey MSP

Convener

Environment, Climate Change and Land Reform

Committee

Room T3.40

The Scottish Parliament

Edinburgh

EH99 1SP

7 March 2017

Dear Graeme,

Thank you for your letter of 7 February 2017 in relation to petition “PE1615: State regulated licensing system for gamebird hunting in Scotland” and other points.

You asked for further information on:

- when the SNH commissioned research on gamebird licensing systems in selected other countries will be published; and
- the operation of current related legislation in this area and whether the Scottish Government has any plans to review the current licensing regime.

On the first point, as previously advised in my letter of 27 February, the SNH commissioned research on gamebird licensing systems in selected other countries was published on 25 February.

Turning to the second part of your query, I think it is fair to say that the law in Scotland relating to the hunting of gamebirds, in terms of the species that may be taken, the closed seasons, the methods that may be used etc, is generally working well. We have no reason to doubt that there is a high level of compliance among individual game bird hunters. The problem we have in Scotland, as you will be aware, is with the illegal killing of protected raptor species by some managers and owners of shooting businesses (and to a lesser extent by people seeking to protect livestock from protected raptors).

The Scottish Government has made a number of changes to the law in recent years to tackle illegal raptor killing, including the introduction of vicarious liability for certain offences in the Wildlife and Countryside Act. There have now been two convictions under the vicarious liability provisions. It is believed that the provisions have also had a deterrent effect in that they prompted a number of landowners and managers to review the training and instructions for employees and contractors to ensure that their operations are compliant with the law. The complexity and obscurity of land ownership arrangements has, I understand, been a factor in frustrating some potential vicarious liability prosecutions.

As regards licensing, it is worth recalling that we repealed the requirement for individual hunters to purchase an annual licence in 2011 as it was not thought to serve any useful purpose. I think it is unlikely that there is any case for this sort of licensing to be reintroduced.

We have made changes to the terms of the General Licences that allow pest species to be controlled, so that these Licences cannot be used by anyone who has been convicted of a wildlife crime, or on land where we have good reason to believe that wildlife crime has taken place. The first restrictions imposed based on the latter aspect are currently subject to judicial review.

On firearms licences, implementation and casework is a matter for Police Scotland, while the policy in this area is reserved to Westminster. I do agree, however, with the recommendations in Professor Poustie's report on wildlife crime penalties in which he suggested ways that firearms licensing could work to prevent wildlife crime. I am exploring ways in which we can take these forward with colleagues in Justice and with the Westminster Government.

I am aware of proposals for a system where all or particular types of shooting businesses are licensed. The idea being that if a licensed business did not comply with specified conditions or was found to be involved in illegal activity, their licence to operate would be withdrawn. I can see the attraction of this proposal in that it could be a powerful tool for deterring and responding to wildlife crime. It could also provide a means for ensuring that shooting businesses, which are at present lightly regulated, operate sustainably and in accordance with best practice. For these reasons we have stated in the past that this remains an option that we may pursue if and when we think it is required. However I should also be clear that it would require primary legislation to bring into force which could well be difficult and contentious. It would also require additional resources to implement and enforce.

In conclusion, I would emphasise that our experience in this area is that there is no short cut to securing hard evidence of criminal behaviour. Changes to the law can only go so far, and always will need to be accompanied by effective, professional law enforcement. A licensing scheme may be a useful addition to the toolbox, but it will still depend on someone gathering evidence of wrong-doing in order to justify removal of a licence to operate a business.

Yours,

A handwritten signature in black ink, appearing to read 'Roseanna', written in a cursive style.

ROSEANNA CUNNINGHAM