

## **PE1615/A**

RSPB Letter of 24 October 2016

### **RSPB Scotland supports the Gamebird Licensing Petition 2016**

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.

We consider a petition demonstrating a broad level of support is the best way of encouraging government to implement regulation of gamebird hunting in Scotland in order to deliver an effective deterrent to the illegal killing of birds of prey. A licensing system would be one part of a package of enforcement measures, which would also include existing “vicarious liability” and enhanced penalties to act as a deterrent.

The failure to date of the shooting industry to self-regulate, means that the next logical step is enforced regulation and licensing. Estates and land managers who already operate within our legislative frameworks have nothing to fear and those who continue to disregard the law, irrespective of public opinion, would be given a serious and meaningful deterrent.

### **Background**

Scotland’s first First Minister, Donald Dewar described crimes against birds of prey as ‘a national disgrace’. Since devolution, the Scottish Parliament has been more proactive in tackling wildlife crime than Westminster, through legislation such as the 2004 Nature Conservation (Scotland) Act, and provisions including vicarious liability (where landowners can be held responsible for employees who commit wildlife crimes) in the 2011 Wildlife and Natural Environment (Scotland) Act. In January 2015, a gamekeeper convicted of bird of prey persecution offences was given a custodial sentence at Aberdeen Sheriff Court, the first time this happened in the UK. Unfortunately not even this historic, landmark result was enough of a clear message that wildlife crime will not be tolerated, as illegal activity such as poisoning, shooting and illegal use of traps continue.

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 industry attitudes not seeing them as enough of a deterrent, intensification of land management and the current voluntary self-regulation by gamebird shooting industry not being adequate or robust enough. 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 population and range of protected birds of prey such as the iconic golden eagle, hen harrier, peregrine and red kite.

RSPB Scotland believes that gamebird shoot managers urgently need 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.

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

Self-regulation by the gamebird shooting industry in the Scotland has patently failed. For this reason, it is clear that a step change in the law, to regulate gamebird shooting, is required. Scottish Natural Heritage (SNH) is currently undertaking a review on behalf of the Scottish Government to look at how gamebird hunting is administered in other European countries and this will be published in the autumn. Deer management and other natural resources management systems in Scotland are moving firmly in the direction of recognising the public as well as the private interest, and there is no reason why systems for the management of gamebirds should be any different. Examples of licensing already exist and can be drawn upon as a transferable example, such as SNH's Code of Deer Management 2011 and subsequent provisions in the Land Reform Act 2016 bestowing powers to implement mandatory measures, where previously there were unsuccessful levels of voluntary participation in deer management.

We believe the next logical step is regulation and licensing of gamebird shoots, in line with what currently exists in other European countries<sup>1</sup>. Estates and land managers who already operate within our legislative frameworks have nothing to fear and those who continue to disregard the law, irrespective of public opinion, should finally be provided with reasons to comply.

- 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.
- 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.

We believe that these measures would be significant deterrents to criminality and unsustainable management practices. Evidently, any gamebird licensing system should be tailored for our own circumstances in Scotland. RSPB Scotland currently does not support calls for a ban on driven grouse shooting, because we believe that there can be a 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.

## **Conclusion**

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<sup>1</sup> (Mustin et al. 2012)

The Scottish Government have already commissioned SNH to undertake a review of gamebird shooting regulation in other European countries, which is due to be published in the autumn of 2016. The review and this petition present an opportunity to discuss regulation options, with input from a variety of stakeholders.

RSPB Scotland will maintain our advocacy on this subject, using peer reviewed evidence and will continue to campaign for better protection for birds of prey. We will continue to work positively with exemplar landowners, while also continuing to monitor and document illegal activity while providing technical and expert assistance to the statutory investigating authorities.

An effective gamebird hunting licensing system should recognise and reinforce sustainable and legal management best practice and is clearly in the public interest.