

Citizen Participation and Public Petitions Committee
Wednesday 11 February 2026
4th Meeting, 2026 (Session 6)

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

Introduction

Petitioner Barry Blyther

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

Webpage <https://petitions.parliament.scot/petitions/PE1859>

1. [The Committee last considered this petition at its meeting on 19 March 2025](#). At that meeting, the Committee agreed to write to the Minister for Agriculture and Connectivity, the Petitioner, and the Standards, Procedures and Public Appointments Committee.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Minister for Agriculture and Connectivity, Standards, Procedures and Public Appointments Committee, and the Petitioner which are set out in **Annexe C**.
4. The Scottish Parliament voted to pass the [Natural Environment \(Scotland\) Bill](#) on Thursday 29 January 2026. [Amendment 165 was agreed to](#) which allows licenses to be issued to take mountain hares for the purposes of falconry. Further details are set out at **Annexe D**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 2 June 2021](#).
8. Every petition collects signatures while it remains under consideration. At the time of writing, 9,822 signatures have been received on this petition.

Action

9. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
February 2026

Annexe A: Summary of petition

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

Petitioner

Barry Blyther

Date Lodged

24 March 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

Previous action

I have written to MSPs Murdo Fraser, Andy Wightman and Alison Johnstone.

Background information

The heritage art of falconry has been practiced around the world for at least 4000 years and is recognised by UNESCO as an intangible cultural heritage of humanity. The wider concept of falconry has many disciplines within its scope, and these are in many ways controlled by both the species of bird of prey being flown, and the land that you have permission to fly it over.

For example, the spectacular Golden Eagle, one of only two species of eagle native to Scotland, needs extraordinarily vast, wide open spaces to be allowed to express itself and its flying style in a natural way.

To be conducive to the very high soaring flight in strong winds and among its natural home of the mountains, vast mountainous regions are where this bird can be flown at its very best. Bouncing backwards and forwards in field is really not what this species has evolved for millions of years to do.

Eagles are apex predators, and the result of flying them in these areas is that they will hunt their natural quarry. In the Scottish mountains, that quarry base is the mountain hare (*Lepus Timidus*), that has evolved side by side with eagles for millions of years. The predator will be successful in its attempt at hunting hares just frequently enough to survive, and the hare almost always evades the predator, assuring its survival and the proliferation of the species.

People and falconers travel to Scotland from around the country and the world to witness this age-old wild dynamic play out in front of them.

A captive bred Golden Eagle, enjoying the safety net of Veterinary care when illness or injury arises (that would likely lead to the death of its wild counterpart) can live to

50 years old. Many, if not most, in this country are bred, kept and trained with the ultimate aim to be flown over those high mountains each winter, and perhaps catch a mountain hare. In doing so, it fully expresses its nature and purpose and helps to keep the eagle stimulated, balanced, and ensures that it is a better contributor to captive breeding projects – It fully understands that it is an eagle and not an ornament.

New legislation comes in to force on March the 1st (with no mechanism for licensing), that makes it illegal for these birds with their falconers to continue to exhibit their natural instincts and behaviour within the reasonable framework of the law and principles of sustainable hunting as they have through time immemorial. The sustainable use of wild species is a key and proven strategy upheld by the International Union for the Conservation of Nature (IUCN) in order to promote the preservation and restoration of endangered species.

The purpose of the legislation was to prevent mass culls of tens of thousands of hares in Scotland each year on organised shoots. This petition is NOT aimed at this, rather its aim is to allow the continued practice of falconry in Scotland and her mountainous places, without risk of prosecution.

It seems unfair and unjustifiable that a piece of legislation brought into law to address a totally different issue, has the side effect of making the sustainable and legitimate branch of falconry illegal.

Unaddressed, this legislation will condemn hundreds upon hundreds of trained birds of prey to enclosed aviaries for the rest of their long lives, and therefore, I believe, presents an intolerable animal welfare issue of itself which the government does not appear to have anticipated.

It will end the dreams of hundreds of falconers and rob us of our heritage and right to properly fly our birds.

Business too will suffer. Substantial fees are paid by falconers to rent ranges to fly over, cottages to stay in, restaurants to eat in etc.

Film and production companies come to Scotland to film this wild behaviour (using trained birds of prey so wild eagles are not disturbed) for movies, documentaries and science.

The filming and broadcast of natural history documentaries showcasing the natural hunting behaviour of eagles and other birds of prey in Scotland is key to helping both a whole generation of youths and the public as a whole to value, cherish and understand nature. Additionally, such filming of eagles and other birds of prey hunting in their native habitat portrays some of Scotland's most unique and beautiful facets and thus contributes to the promotion of the truly unique ecological heritage of Scotland to a domestic and international audience. These film makers will now have to go elsewhere and thus promote other destinations.

Falconry based companies eke out an income during their lean winters by taking guests out to see this amazing spectacle. Those companies' futures are jeopardised by the sudden and unjustified loss of income and trade.

Finally, licences are to be made available to land owners to shoot the hares in a bid to protect habitat, crops and forestry. Currently, many estates do not shoot hares to ensure there is a realistic population to attract falconers trade to their doors. If falconry is to be lost as a legitimate pastime in the mountains, I believe, the hares will almost certainly be shot on many estates in far greater numbers than would be accounted for in falconry.

This petition requests an amendment to the legislation, exempting the taking of mountain hares in the practice of Falconry.

Annexe B: Extract from Official Report of last consideration of PE1859 on 19 March 2025

The Convener: Agenda item 2 is consideration of continued petitions. The first is quite a long-standing petition—PE1859, on retaining falconers' rights to practise upland falconry in Scotland. Barry Blyther, who is the progenitor of the petition, is with us in the public gallery, as he has been, I think, on each and every occasion that we have had an opportunity to consider the petition. Good morning, and welcome back. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

We previously considered the petition in November 2023, when we agreed to write to the Minister for Environment and Land Reform, Police Scotland and NatureScot. We have also agreed to seek a parliamentary debate on the issues that are raised in the petition. We are aware of the pressure on debate slots, but we continue to seek that debate. In addition, in next week's meeting of the Conveners Group, our six-monthly meeting with the First Minister, I might well have the opportunity to raise the matter directly with the First Minister.

In our letter, we recommended that the Scottish Government produce guidance to clarify how falconers can ensure that they act in accordance with the legislation. We recommended that the guidance should clarify how falconers can participate in licensed 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 am pleased to say that the then Minister for Energy and Environment accepted that recommendation. The Government's response to the committee states: "the Scottish Government will seek to engage with relevant stakeholders to produce the guidance recommended."

NatureScot's response to the committee states that it will support the guidance for falconers by providing "small scale maps indicating upland areas of Scotland with ... no known populations of mountain hares ... sparse populations ... and ... higher population densities".

To build on the available information on the density of mountain hare populations, NatureScot will ensure that falconers' reports of mountain hares are recorded.

The guidance for falconers will encourage them to take part in the voluntary mountain hare survey, to help to fill the knowledge gaps about the distribution and numbers of mountain hares.

Police Scotland's written submission provides an overview of how incidents of mountain hare being taken by a bird of prey would be recorded. The response notes that each incident has to be judged entirely on its own merit in terms of identifying or disproving criminality. The submission also responds to our query about how Police Scotland shares information about such incidents with NatureScot. It states that Police Scotland and NatureScot have well-established lines of communication for

sharing various aspects of wildlife and environmental information. Those include pre-arranged recurring meetings and more spontaneous information-sharing meetings.

The petitioner's written submission highlights a stage 2 amendment to the Wildlife Management and Muirburn (Scotland) Bill, which created an exemption to allow falconers to take red grouse without requiring a licence. The amendment was lodged by the Scottish Government following feedback from stakeholders. The petitioner's submission points out that part of the rationale for the amendment was that the number of grouse taken by falconers is very small. The submission states that the amendment protecting mountain hares was designed to prevent large-scale culls by shooting. The petitioner believes that falconry is a bycatch that should be exempted, because, as with grouse, the number of hares taken by falconry will represent a tiny fraction of those that were historically taken by shooting. Had the stage 3 amendment been tabled at an appropriate time, there would have been a much more detailed examination of the matter at stage 3, before the bill was passed, with all the consequential actions.

The committee can do a number of things. Given that the Government has said that it accepts the recommendation in relation to guidance, do colleagues have any suggestions for action?

Fergus Ewing (Inverness and Nairn) (SNP): A great deal of material has been provided since we last met, and it is only fair to allude to some of it. I was astonished to see that NatureScot is arguing that it does not have enough information about the extent to which there is predation of hares. Of course we have that information. It actually has the temerity to say that "several more years' worth of data are needed before this survey can provide a clearer picture of the distribution and numbers of mountain hares."

Unfortunately, that seems to be an argument for doing little. However, we have had two submissions from Barry Blyther very recently—on 4 and 14 March—and I gather that he might have further information for the committee that he has not yet had the opportunity to convey to us. Therefore, I suggest that we give him the opportunity to provide that additional information, which I believe might be quite positive, indicating some supportive action from the minister and, to be fair, from NatureScot.

A copious submission from Barry and Roxanne Blyther, explains the pretty sad situation that, because of the inability to allow their male eagle, Stanley, to practise its natural activities in flying, it has been unable to mate with the female. That is pretty sad and "heart wrenching", as Barry puts it. In the interests of encouraging avian amour but also to make a serious point, I say that it is pretty sad when NatureScot prevents nature from taking its natural course. It is a bit perverse, if you come to think of it, because that should be exactly what it encourages.

Having said all that, we should debate the matter in the chamber on the basis of the principle that Barry Blyther and his colleagues were not provided with the opportunity to be heard when the mountain hare ban was introduced. The current minister has gone further than previous ministers in admitting that that was entirely wrong and indefensible. It has taken far too long to get to that stage, and we should have a

debate, but we do not need to do that if the minister will take sufficient action. I do not think that sufficient action can be taken through guidance—primary legislation is almost certainly required—and I do not see why that action cannot be taken through one of the bills that is progressing through Parliament, such as the Natural Environment (Scotland) Bill. If there is a will, there is a way. It is a very simple thing to do, so why does the Government not just do it?

We should write to the Acting Cabinet Secretary for Net Zero and Energy to seek an update on the Scottish Government's work on the guidance and to clarify how we can rectify the mischief that plainly occurred.

Excuse me if I am repeating a matter that is on the record, but I believe that the committee also agreed to write to the Standards, Procedures and Public Appointments Committee to raise the point of principle, to indicate that we are minded to have a debate and to ask for its views on the matter, because I think that it arose in connection with another amendment that was sought to be lodged at stage 3 without the opportunity for proper consideration.

We should say that we are minded to have a debate, unless, of course, action can be taken to sort out the issue without one, thereby avoiding the embarrassment that that would cause to the Government for not admitting that it got this wrong. Why can the Government not just admit that it got it wrong? There is no defence whatsoever—it is a slam dunk, politically speaking.

I hope that my candour will be noted by my friend Jim Fairlie, the minister, and that he will resort to the Churchillian “Action this day”.

The Convener: I will just formalise the point about writing to the Standards, Procedures and Public Appointments Committee. Recently, in deciding on a stage 3 amendment that was proposed in respect of dog collars—by Mr Golden, I think—the Parliament took the view that there had not been an opportunity to properly consider those matters. The amendment that we are talking about today is an example of exactly that—it was a stage 3 amendment where there was not proper consideration of the potential consequences.

The Parliament has acted differently in different situations. It would be right to write to the Standards, Procedures and Public Appointments Committee to say that there ought to be a principle that the Parliament adheres to because, otherwise, we will pass legislation that has consequences that could have been foreseen if they had been properly examined. Obviously, in this case, the consequences were unforeseen by many members, because they did not have the proper opportunity to be alerted to what might follow as a consequence of the amendment being passed. Therefore, I think that we would want to write to that committee.

If we are contacting Mr Blyther, who is here today, and if there is the opportunity to get some information quickly, that might allow the issue to be one of the subjects that I raise with the First Minister at next week's meeting of the Conveners Group. That would be one of a couple of issues that I could draw to the First Minister's attention, but I want to do that in full possession of the latest facts. I can perhaps agree, by

correspondence with committee colleagues, on the nature of the question that I might put. Does that seem reasonable?

Fergus Ewing: It seems reasonable. If I have interpreted the hand signals correctly, Mr Blyther has indicated that he will provide the information quickly.

The Convener: I do not know whether we have written hand signals into the record before, but we will acknowledge Mr Ewing's belief that suitable hand signals were conveyed to the committee in relation to that.

We will keep the petition open and take forward the suggestions that Mr Ewing and others have made. Is the committee content to proceed on that basis?

Members indicated agreement.

The Convener: I note that Stanley's female counterpart is 24, so she is nearly as old as the Parliament. Let us see whether we can revive—what was it that you called it, Mr Ewing?—avian amour for Stanley.

Annexe C: Written submissions

Minister for Agriculture and Connectivity written submission, 13 May 2025

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

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

**Standards, Procedures and Public Appointments Committee
written submission, 20 May 2025**

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

Thank you for your letter seeking the views of the Standards, Procedures and Public Appointments Committee on the establishment of a principle that new substantial ideas should be raised at stage 2 of the Bill process. The Committee considered the letter at its meeting on 8 May 2025. Members agreed that they did not have a view on this matter. The Committee noted that any such proposal would require full and detailed consideration before it could be concluded that such a move would be beneficial to the parliament's legislative processes.

Petitioner written submission, 11 November 2025

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

I write in response to the Minister Jim Fairlie's submission of May the 13th 2025.

Most specifically, I note his comment about my successful application for a licence to take a limited number of mountain hares for a very specific purpose. This is true, but is incredibly niche and will not assist 99.9% of the admittedly small number of falconers wishing to practice upland falconry and hunt hares for the purpose and method, falconry. My licence does NOT assist the wider falconry community.

The points about having NatureScot produce a map of safe zones where hares are absent or in low number are as the Minister suggests, unhelpful because they do NOT address the aim of petition PE1859 which seeks an amendment to legislation to allow falconers to continue to practice upland falconry with a small number of mountain hares as the legitimate, natural and legal quarry.

With a number of falconers feeling very strongly about, and a smaller number actively wishing to return to upland falconry in Scotland, it is true that there is very strong support for the amendment to legislation to allow this form of falconry to continue as it has since pre-history. This is supported by over 9750 signatures so far on PE1859.

The Minister suggests that due and fair consideration will be given by the Government to an amendment to a Bill that would rectify the poor legislation that

caught falconry as a bycatch following a harshly criticised Stage 3 amendment that created this intolerable situation.

Regardless of the personal opinions harboured by individual MSPs, any such amendment should be supported simply to correct this embarrassing procedural error allowed by Government and that sits as a stain on its reputation for fair governance and procedural respect.

On the point of the unfavourable - inadequate status listed for and retained for mountain hares, may I please clarify that this is in fact a little careful 'adaptation' of the numbers provided to Government by NatureScot. The report actually says the population is unfavourable - inadequate due to insufficient data. In short, they don't know how many there are because there is not enough data, so they have to show caution. When the report is used for propaganda, the 'insufficient data' part is left out for added gravity, and the NatureScot explanation is left out. This is not the responsible way, indeed it is a scurrilous way to use data to shape such far reaching legislation with massive repercussions for a minority activity, the participants of which were never given a voice during the process.

An amendment to a current Bill is being prepared now and will be lodged at the correct, responsible, and conventionally acceptable Stage 2. I urge the Committee and Government to work to ensure that this amendment is fully supported in a bid to correct the grievous consequences inflicted on the falconry community, and to show willingness to put right what went wrong.

Annexe D: Natural Environment (Scotland) Bill

1. The Scottish Parliament voted to pass the Natural Environment (Scotland) Bill on Thursday 29 January 2026.
2. An amendment was lodged by Willie Rennie MSP which directly addresses the ask of the petition:

165 Before section 33F, insert—

<Licensing: protection of mountain hares

- (1) Section 16 of the Wildlife and Countryside Act 1981 (Power to grant licenses.) is modified as follows.
- (2) In subsection (3), after paragraph (e) insert –
“(ea) for the purpose of falconry to kill or take mountain hares (*Lepus Timidus*) during the period beginning with 1 October and ending with the last day of February;”.

3. The amendment was agreed to by division (For 99, Against 8, Abstentions 0)