

Citizen Participation and Public Petitions Committee

6th Meeting, 2022 (Session 6), Wednesday
20 April 2022

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

Note by the Clerk

Lodged on 24 March 2021

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>

Introduction

1. The Committee last considered this petition at its meeting on [1 December 2021](#). At that meeting, the Committee agreed to write to the Scottish Government.
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 responses from the Scottish Government, the petitioner, Roy Lupton, and A Future With Falconry, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

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 practised 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 1st December 2021

The Convener: PE1859, which has been lodged by Barry Blyther, is about retaining falconers' rights to practise upland falconry in Scotland and 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.

This is another petition that we previously considered at our meeting on 1 September. Members might wish to note that we have received 18 submissions in connection with this petition, with two additional late submissions being shared with the committee only yesterday.

The Scottish Parliament information centre briefing accompanying the petition explains that, following the passage of the 2020 act, mountain hares are a protected species under the Wildlife and Countryside Act 1981 as amended. That means that it is illegal to intentionally or recklessly kill, injure or otherwise take a mountain hare at any time of year, apart from under specific circumstances where a licence can be obtained. That means that mountain hares can no longer be hunted in the course of falconry practices such as game hawking, where birds of prey are flown to hunt small mammals or other birds, unless it is for a licensable purpose such as forestry.

The petitioner references the Animal Health and Welfare (Scotland) Act 2006 and Scottish Society for Prevention of Cruelty to Animals and Royal Society for the Prevention of Cruelty to Animals guidance, and states that there is a legal obligation to allow freedoms to trained captive bred birds of prey, including the freedom to express the natural behaviours of the species. The petitioner believes that the current legislation is taking that freedom away.

That is the area about which the committee is uncertain. How does one demonstrate the freedom to express natural behaviour? The Scottish Government states in its latest submission that it does not believe that the current licensing scheme for the control of mountain hares impacts “on the ability of falconers to enable their birds to exhibit normal behaviour patterns” because they can still be used to “take mountain hares for other purposes where carried out under a licence granted by NatureScot” for example, preventing serious timber damage or natural habitat conservation—and legally hunt other species such as grouse and rabbits. The petitioner estimates the number of mountain hares taken through falconry each year at 1,000 and notes that that is less than 4 per cent of the average quoted numbers previously accounted for by shooting.

Other submissions that we received point out that birds of prey will not differentiate between species such as mountain hare and rabbits, and that falconers risk prosecution if their bird takes mountain hare. That is one of the questions that I cannot satisfactorily answer. How is a bird of prey to understand the difference

between a mountain hare and a rabbit? This seems circular to me; where do members think we should go next? Does anyone wish to offer a view?

Bill Kidd: It may do no harm to raise the question of whether falcons and other birds of prey can differentiate—obviously, they cannot— between hunt species and ask what the petitioner’s response is to that question.

The Convener: That is reasonable. We could ask that question and raise the issue of the circumstances in which those falconers might be likely to face prosecution. It would be reasonable to try to understand that issue. It is not the principle that is the issue but the practice of asking the bird to differentiate. I do not know whether the response would be that the falconer should be able to differentiate, but a bird of prey in the air sighting prey on the ground is not necessarily under the control of the falconer—it is hunting.

Bill Kidd: To be honest, I do not know anything about falconry other than the broad outline, but the issue here is how falconers can maintain their work without causing damage to protected species. The falconers’ response to that would be interesting.

The Convener: I am happy to pursue that. I can see us taking evidence with a bird of prey in the room. That would add a bit of novelty to proceedings.

Annexe C

Petitioner submission of 29 December 2021 PE1859/V – Retain falconers' rights to practise upland falconry in Scotland

The main question posed by the committee members (Bill Kidd) was how falconers act to ensure their birds do not take protected species.

This question must be both proportioned and balanced. For example, the latest available data about the predation of uncontrolled free roaming domestic cats annually (not including feral or wild cats) is as follows.

'Based on the proportion of cats bringing home at least one prey item and the back-transformed means, a British population of approximately 9 million cats was estimated to have brought home in the order of 92 (85-100) million prey items in the period of this survey (1st of April to 31st of August - a period of just 5 months), including 57 (52-63) million mammals, 27 (25-29) million birds and 5 (4-6) million reptiles and amphibians.'

Among this enormous tally of 85 -100 million creatures killed by domestic cats in just 5 months, there will be an eye watering number of protected and genuinely endangered species.

The falconer on the other hand has a 'quarry list' and falconers flying on lowland in the 'off the fist' manner have the very easy job of observing the quarry item before releasing the trained raptor. If a non target species (whether protected, endangered or not) flushes, the raptor is not released. It is fair and proportionate that if a falconer releases a bird from the fist with the aim of having it catch a protected species, then the falconer should quite rightly face prosecution in the same way that a person raising a gun and shooting a protected species should.

The 'upland falconer' aiming to allow the entirely naturally flight style of the bird does NOT fly an enormous species like a Golden Eagle 'off the fist'. Rather, the bird is taken to remote, isolated, high places - those natural to such a species, and where the wildlife present are hardy

upland creatures. Once here, the eagle is released to soar on strong wind at altitude above the mountains. This is a re-creation of the totally natural flight style of the species, and is the flight that the eagle has evolved for - the very reason the species lives in the mountains and the reason that evolution has shaped it the way it has.

The falconer goes to these places because the reality is that NOTHING lives here that a trained Golden Eagle will hunt that is endangered, threatened or protected. Additionally, rabbits do not exist at these altitudes, but the Golden Eagle's most natural quarry - the mountain hare, does, and it occurs here in enormous numbers contrary the false information propagated by some organisations.

In short, the falconer with a large bird of prey, aiming to reproduce and allow natural flight goes to the natural location where endangered, protected and threatened species that could be killed by the trained eagle do not exist. It is a further affirmation of the responsible practices of conservation minded falconers.

If cats are to be allowed to roam freely and show behaviour natural to the species, free of risk of having their owners prosecuted if they kill a protected species, then so must the falconer be safe to fly their bird in remote upland areas of Scotland, free of unjustified risk of prosecution.

I must also reiterate that falconers are by and large a conservation minded body of people. As a group, falconers look after and care for a multitude of environments that allow the practice of falconry to continue with only a positive influence on wildlife and the countryside. I personally have taken responsibility for a small field (14 acres) from a local farmer. I manage the land as a wildlife haven providing food, cover and habitat in an area that I fly lowland species of birds of prey. Surrounded by intense arable farmland, this area, formerly devoid of any living vertebrate, is now an oasis and a nirvana for species of wildlife not seen here for more than three decades but who now thrive here and are slowly expanding their range from this central point of genesis.

This is typical of the work of falconers who are quietly improving biodiversity and reversing habitat loss in a manner that supports their falconry practices.

Eroding the options available to falconers does not just harm the welfare of their birds, deny them their right under the 5 freedoms to ‘demonstrate behaviour natural to the species’, and the heritage pastime of falconry, but it also removes the motivation to continue their work in conservation.

I repeat our request that the amendment to legislation brought to bear placing the mountain hare on schedule 5 of the wildlife and countryside act should be further amended with the line:

‘Except for the purpose of falconry.’

Scottish Government submission of 16 February 2022

PE1859/W - Retain falconers’ rights to practise upland falconry in Scotland

Thank you for your letter of 8 December 2021 to Iain Jaynes, Committee Liaison Officer, Scottish Government, regarding the Citizen Participation and Public Petitions Committee’s consideration of the above petition at its meeting on 1 December 2021.

The Committee agreed to write to the Scottish Government to ask how the Scottish Government expects captive birds to express the freedom to exhibit natural behaviour if they are unable to differentiate between legal and illegal species.

The Committee also sought clarification as to the circumstances in which falconers may face prosecution should their bird take a mountain hare; what the legal penalties for this might be and how the legislation is currently enforced. The Committee is also interested to know how the Scottish Government believes falconers can best manage their work in the current legislative context, given the comments made by the petitioner in his submissions of [11 November](#) and [30 November 2021](#).

Each of the above points are answered in the response below.

As you are aware, from 1st March 2021, mountain hare was added to Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) (“the

1981 Act”). The change in protected status, from some protection in its breeding season to full protection all year round, follows concerns about local population declines and the conservation status of mountain hare. This means that anyone who intentionally or recklessly kills, injures or takes mountain hare without a licence will be acting unlawfully.

It is the responsibility of the falconer to eliminate, or at least significantly reduce the risk of their birds of prey taking mountain hares, by only undertaking falconry where mountain hare are unlikely to be present. The 2019 Joint Nature Conservation Council Article 17 Report to the EU contains a map which shows the latest published information on distribution of mountain hares in Scotland which should provide the petitioner and falconers with the necessary information to avoid flying their birds of prey in areas where mountain hares are likely to be present and therefore allow captive birds to express the freedom to exhibit natural behaviour within the current legislative context. See pages 12 and 13 in <https://jncc.gov.uk/jncc-assets/Art17/S1334-UK-Habitats-Directive-Art17-2019.pdf>. It is also the responsibility of the falconer to obtain the necessary permission from the landowner to undertake falconry on their land.

While the above provides a general outline, it is up to the individual falconer to seek their own legal advice regarding interpreting and complying with the Wildlife and Countryside Act 1981 in any particular situation or circumstance.

Police Scotland are responsible for enforcing legislation and investigating potential crimes in Scotland. The Crown Office and Procurator Fiscal Service (COPFS) is Scotland’s prosecution service. COPFS receive reports about crimes from Police Scotland and other reporting agencies and then decide what action to take, including whether to prosecute an individual.

The penalties for wildlife crime vary depending on what offence has been committed. Mountain hares are covered by several pieces of legislation, including the [Wildlife and Countryside Act 1981](#); [the Wild Mammals \(Protection\) Act 1996](#); and the [Protection of Wild Mammals \(Scotland\) Act](#); all of which were amended by the [Animals](#)

[and Wildlife \(Penalties, Protections and Powers\) \(Scotland\) Act 2020](#)

Petitioner submission of 1 April 2022

PE1859/Y - Retain falconers' rights to practise upland falconry in Scotland

The Scottish Government submission PE1859/W entirely fails to answer the questions presented.

The mapped area provided by Government from the JNCC report contradicts the government's own claims on the scarcity of mountain hares by showing their massive range covering approximately 97.5% of Scotland. It also suggests that where hares live, falconers should not fly their birds for fear of prosecution. Following the mapped hare range, birds of prey can now only be flown over Aberdeen and the surrounding coast and town, the extreme ends of a few islands, and along the M8. I hope the committee will join me in dismissing the suggestion that my eagle should be flown perhaps in the car park at Harthill services or on an oil rig repair yard in Aberdeen rather than at the top of a mountain, and that it is so far away from an intelligent, practical response that it should be dismissed with total and utter disdain.

Activities that government must now also police to prevent the unnecessary killing of hares and prosecute the 'guilty' are;

- Cats being allowed to roam outdoors.
- Dogs being allowed to run off lead.
- Any driving of vehicles.
 - This is not a flippant comment. Travelling to Mar Lodge to film for BBC Winterwatch, between Glenshee and Mar lodge, we picked up 41 hares that had been killed by cars on the road. Around 5 hours later on our return, we picked up another 27 hares killed since our outbound journey. Vehicles killed more hares on one 20 mile section of A93 in 5 hours than our birds of prey take in an average year.

In spring and summer, baby hares hide stationary in cover to avoid predators which is how they view an off-road vehicle. They don't try to run, so they are killed. Therefore, government must now stop any working practices that require SUV's to travel off road. These include:

- Energy infrastructure maintenance or installation engineers. (Electricity cables, pylons, wind turbines, hydro electricity, gas pipeline, phone/broadband cabling etc etc.)
- Gamekeepers from accessing the hills or fields in an ATV to control deer.
- Wardens in country parks, national parks and wildlife conservation/monitoring areas.
- Any skiing in Scotland's ski centres.

This list could be vast, but I will stop and allow you to imagine the range of consequences of this unworkable and unenforceable suggestion of a 'No fly zone' from government.

Beyond this, other work of falconers and falconry businesses that would now leave them exposed to prosecution if their birds follow instinct in the mapped area are;

- Flying demonstrations at events such as RHS and through to village galas.
- Educational school talks and demonstrations – a new mindset to prevent raptor persecution will be gained only through education.
- Pest Control.
- Filming with birds of prey – an extensive and important revenue stream from Blue Chip productions for NatGeo' to Winterwatch and other educational shows.
- Raptor 'ring deliveries' (and demonstrations) at weddings at castles and country hotels.
- Birds of prey experience days which are provided at falconry centre venues, and at castles, hotels, country estates and venues across the entire country. Personally, this alone would cost us 325 days work a year and remove 2 staff from our workforce.
- *Rehabilitation of wild injured birds of prey using falconry techniques.*

These points must be taken seriously. Birds of prey and owls are evolved instinctive predators, they are not domesticated. They are obligate carnivores. If you are flying one in a show or for film etc, while they are focused on the falconer, if natural quarry shows, the predator will react. It is natural, instinctive and government does not have the right to try to legislate over instinct. To do so is arrogance.

Furthermore, in the Peak District National Park, a new method of counting mountain hares (Dr Hesford, who has a PhD in community

ecology from Queen's University, Belfast) has been developed, leaning on the mountain hares natural nocturnal activity pattern rather than daylight making counts naturally far more accurate.

The Peak District is an excellent location for the count because;
1/ there are recent counts reported using the same methods as have been used in Scotland (from which the data was drawn from for the Scottish Government's decision on legislation affecting hares) which can be used for comparison.
2/ the Scottish legislation surrounding hares has not been introduced in England, thus, no element of the data will be doubted due to the introduction of species protection.

As suspected, the data shows that old counting methods are intrinsically flawed and that the data they produce should be dismissed. The new, more realistic and accurate counting method suggests that hare populations are between 2 and 6 times greater than that which have been previously reported.

I suspect the government did not intend to create a problem for falconry and tourism with their legislation and that falconry is a bycatch. I further suspect the government did not foresee the myriad of issues that the poorly considered legislation would cause.

The entire list of issues is resolved with the granting of our request that the legislation be amended with the line as appears elsewhere in the W&C Act 'Except for the purpose of falconry'.

Petitioner submission of 1 April 2022

PE1859/Z – Retain falconers' rights to practise upland falconry in Scotland

The government has already shown it does not understand execution of upland falconry in Scotland's mountains, the only places where trained birds of prey such as Golden Eagles can be genuinely allowed to 'demonstrate behaviour natural to the species', a legal obligation under the framework of the 5 Freedoms for captive animals. Legislation passed that has offered blanket protection to mountain hares makes allowing this legally required freedom an action that could make the falconer into a criminal. Government explanations on how to allow these freedoms

without risk, within the framework of the current legislation only serve to prove that;

- government is under equipped with knowledge of birds of prey and their needs and behaviours to place legislation that affects them;
- falconers are being left in a place where they are forced to break the law by NOT allowing their birds their rightful freedoms;
- falconers are forced to break the law if they DO allow this freedom;
- risk the lives of their birds by flying beside the M8 or in an Aberdeen ship harbour.

Unfortunately, government appears to have no appetite to learn or understand these specifics, so we can only explain and try to widen our demonstration of how the legislation is fatally flawed.

In Scotland, food producing businesses and airports have a (H&S) legal obligation to offer a pest control service that prevents the risk of disease or bacteria entering the food chain, or mitigate risk of bird strikes by aircraft. Others have the RIGHT to implement a pest control service that eliminates risk of disease, or physical/mental harm caused by aggressive or disease bearing species.

One group of creatures that are aggressive, carry a host of diseases, spread bacteria and are an aviation risk are gulls.

Two problematic species are herring, and lesser black backed gulls. Both enjoy the SAME level of protection as the mountain hare. Other species such as black headed and common gulls receive an even greater level of protection.

Work to take direct action against gulls is only legal under licence by the government via their issuing agency, NatureScot. The direct killing of adult gulls or chicks is not legal with normal licensing. The only direct action that can be taken is the removal of gull nests and eggs. Licences for this will ONLY be issued if the licence holder produces evidence that realistic deterrents have been put in place to stop nesting gulls from amassing in the spring.

These include roof spikes or netting, but in many applications a roof is unsafe or unsuitable for them to be fitted (spires, phone masts, asbestos rooves etc). Only a few other options remain which are recommended and approved by government. Some are audible deterrents, dummy predators, or flying a kite, but these only work for a few weeks in the first

year of trying until the intelligent gulls realise they are not a threat and ignore them. The final recommended method is FALCONRY. A bird of prey worries the gulls and may put them off nesting at the site. It is a practical and workable method that usually has the desired effect, and even if it does not, it legalises the required licence for the next stage – egg and nest removal.

Falconer and client can relax because despite the protection of gulls being equal to or greater than that of hares, if the hawk catches one, no prosecution is likely because government legislation carries the line respective to protection of birds 'Except for the purpose of Falconry'. This critical service and important safety focused, disease preventative industry can thrive. Until now.

One piece of legislation makes an action a legal requirement (pest control), the other makes it illegal due to protection of mountain hare. Flying birds of prey in the hare population zone (virtually the whole of Scotland) leaves a falconer liable to prosecution if it catches hare, meaning that in his or her normal and important action of work in pest control, the falconer is liable to prosecution. Despite being exempt from prosecution if a bird accidentally catches a protected gull, if the hawk takes a spring leveret or a hare, the falconer is now liable to prosecution.

Nobody would, nor should they be expected to work under such risk.

To stay legal, this service must be withdrawn, and doing so makes a licence to deal with gull unobtainable, and leaves affected site owners exposed to prosecution for not mitigating risk of disease or accident.

This single situation demonstrates that the government does not understand its own legislation or how its various laws work with or against each other.

For this reason alone, the legislation should be entirely removed from Scotland's statute books.

An alternative that also serves to eliminate this conflict of legislation would be an amendment to the hare legislation that says 'Except for the purpose of falconry'.

Roy Lupton submission of 29 March 2022

PE1859/X – Retain falconers rights to practice upland falconry in Scotland

After reading the Scottish Government submission of Feb 16th 2022, I was left in disbelief. It seems that they are making a mockery of the public petitions system. Not only have they failed to sensibly answer the issues and possible solutions that have been highlighted within this process, they almost seem to be responding in a manner of chastising falconers for daring to challenge their opinion.

If falconers as a community now face prosecution for intentionally or recklessly, killing, injuring or taking a mountain hare if we decide to fly our birds of prey within the 97.5% of Scotland's land mass that has recorded the presence of mountain hares, I presume the same force of law will be executed upon any hill walker, dog walker, outdoors sport enthusiast, horserider, off roader or any person stepping foot off a paved pathway within 97.5% of Scotland's land mass.

It would be very easy for a family walking their dog on a hill track to kill or wound a hare or leveret.

The list of land uses both commercially and within the leisure sector that could cause harm to mountain hares is enormous. I presume we won't see the Scottish Government advising hill walkers to only walk within the remaining 2.5% of Scotland that hasn't recorded the presence of mountain hares.

Already we are seeing peer reviewed evidence that the information that was submitted in order to railroad this legislation through was at best flawed. The count data coming from the Peak District is showing a huge disparity between the counting methods used. With the most recent methods showing on average a population at least double and in one case a population that is 30 times higher. In my view, this suggests that the count data used by Green MSP Alison Johnstone in pushing her last minute amendment was highly questionable.

All we as falconers are asking for is a Caveat "except for falconry" within the legislation. This would allow this fine and wonderful branch of falconry to survive and prosper without the practitioners constantly fearing the threat of prosecution.

As a physically disabled man that has had to fight and overcome huge challenges throughout my life in order to be able to practise falconry and witness the breathtaking sights that we are able to enjoy during our pursuit of this ancient and beautiful lifestyle. I hope that I do not see that disappear overnight due to a divisive political agenda. Only to be left in a world that seems to be pushing toward a population living in the Metaverse.

A Future With Falconry submission of 7 April 2022

PE1859/AA - Retain falconers' rights to practise upland falconry in Scotland

I write on behalf of 'A Future With Falconry'. We are a UK organisation working to publish and share information on falconry and raptor conservation efforts by falconers. We have been actively following Barry's petition and the distressing situation falconers currently face for the birds of prey in their care. We would like to bring some additional information to the table.

There have been recent developments in the methodology of counting mountain hare which has led to confirmation (made public in February 2022) that in the Peak District National Park the number of hare may be as many as five times greater than was originally thought. While we appreciate the Peak District is not in Scotland, it does beg the question that if the original counting methods have now been shown to be inaccurate in England, is this the case for Scotland also? Is a new study needed? The new methodology was developed in part by NatureScot. Could this new method not be used to recount mountain hare here in Scotland too?

AFWF would like to raise serious concern around the previous, potentially incorrect counting methods used to count the Scottish hare. If the mountain hare are actually more abundant than originally thought and as previously stated in other submissions, then the already minimal impact of falconers would become miniscule.

In regard to the Scottish government's submission on 16th February, they linked to a distribution map while explaining that "*It is the*

responsibility of the falconer to eliminate, or at least significantly reduce the risk of their birds of prey taking mountain hares, by only undertaking falconry where mountain hare are unlikely to be present”.

If conscientious falconers are to follow the exact guidance of that map and avoid areas where mountain hare are apparently frequenting, then essentially there is barely anywhere left in Scotland for falconers to fly their birds at all. This extends to all bird of prey related activities in Scotland - falconers working their raptors during pest control, bird of prey rehabilitation centres trying to hack and re-release rehabbed raptors back to the wild, and falconers free flying birds of prey in educational demos. For example, where does a falconer stand if his demonstration bird decided it would rather fly off and follow a hare than the lure provided? All falconers would be at risk of prosecution under current legislative changes.

We ask that the committee considers this additional information, and we would like to reiterate that a simple amendment in the legislation, “*except for the purpose of falconry*” would have such a massive impact on the long-term welfare and lives of falconers’ birds.