



**Marine (Scotland) Act 2010: Part 6 – Conservation of  
Seals**

**SCOTTISH SEAL  
MANAGEMENT CODE OF  
PRACTICE**

*September 2018*

## Overview

Section 110 (1) (g) of the Marine (Scotland) Act 2010 (“the Act”) provides for Scottish Ministers to grant a licence authorising the killing of seals to prevent serious damage to fisheries and fish farms. Section 110 (1) (f) of the Act provides for Scottish Ministers to grant a licence authorising the killing of seals to protect the health and welfare of farmed fish. Any such licence to shoot seals will be issued to licence holders and will list the individuals able to undertake the shooting of seals referred to as nominated marksmen.

A seal should only be shot where, in the opinion of a nominated marksman or licence holder this is necessary to prevent serious damage to a fishery or fish farm, or to protect the health and welfare of farmed fish.

**It is an offence to kill seals except under licence or for welfare reasons to alleviate suffering.**

Applications for a seal licence will, as appropriate, require the applicant to provide information about:

- Damage caused by seals at any fishery named in the application or in cases where a fishery is newly established, any other fishery which is in the vicinity of, or which is of a similar type to, the fishery or fish farm named. Or
- Negative effects on the health and welfare of farmed fish caused by seals at the fish farm(s) named in the application or, in cases where a fish farm is newly established, at equivalent facilities whether in the same vicinity or of a similar type. And
- The effectiveness of non-lethal alternative methods of preventing seal damage or negative effects on the health and welfare of farmed fish caused by seals at the fishery or fish farm named in the application or at any other fishery or fish farm which is in the vicinity of, or which is of a similar type to, the fishery or fish farm named.

In light of the above, it is a general principle of the new licensing system that seals should only be shot as a last resort.

The Scottish Seal Management Code of Practice is aimed primarily at licence holders and their nominated marksmen who have a requirement to manage seals to prevent serious damage to their fisheries, fish stocks or catches, or to protect the health and welfare of farmed fish.

A nominated marksman must possess an appropriate firearm and a suitable endorsement on their firearms certificate. They must also satisfy Marine Scotland that they have adequate skills and experience in using firearms. This will be achieved by their completion of the appropriate seal management training course or their securing an appropriate accreditation in seal management. A nominated marksman should be able to demonstrate that both he and his rifle are capable of putting three shots in a 4-inch circle at 50m and 100m.

The personal details of nominated marksmen are likely to be exempt from disclosure under Freedom of Information legislation.

Appropriate public liability insurance should be carried by all employers of Nominated Marksmen. If shooting on their own account, Nominated Marksmen should carry their own insurance.

**Note: Section 111 (2) of the Act provides that Marine Scotland must not grant a licence authorising a person to kill seals unless they are satisfied that the person has adequate skills and experience.**

## **Licence Conditions**

A nominated marksman must only shoot seals in compliance with the specific conditions set out in each individual licence.

**Section 112 (5) of the Act states that failure to comply with a licence condition is an offence.** Licence conditions have been highlighted in red below.

**Section 112 (1) (a) of the Act specifies that Marine Scotland must impose conditions specifying maximum numbers of seals which may be killed. It is an offence to shoot more than the maximum number of each species of seal permitted by their licence. It is the responsibility of the licensee to ensure that a nominated marksman adheres to maximum limits.**

**Section 112 (6) of the Act states that in any proceedings for such an offence, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.**

## When Can Seals Be Shot

The Conservation (Natural Habitats) Regulations 1994 Regulation 41 prohibits the killing of seals using “*artificial light sources, devices for illuminating targets and sighting devices for night shooting comprising an electronic image magnifier or image converter*”. This effectively eliminates night shooting of seals. (The Deer (Scotland) Act 1996 defines night as being “*the period between the expiry of one hour after sunset and the beginning of the last hour before sunrise*”.)

**Section 112 (2) of the Act specifies that Marine Scotland must impose licence conditions in respect to weather conditions and prohibiting the use of an unstable platform.**

Seals should only be shot in suitable weather conditions when there is sufficient visibility and sea conditions are such as to allow a clear shot. Seals must not be shot from an unstable platform. Any Judgement on these issues should be made in the opinion of the nominated marksman or licensee on a reasonable assessment.

**Section 112 (4) (d) of the Act provides that Marine Scotland may specify a licence condition relating to periods where seals may not be taken or killed.**

If and when such a licence condition is imposed, seals may not be taken or killed during the period specified.

To ensure public safety, good public relations and animal welfare, seals should ideally be shot in the following circumstances:

- When people are absent
- When there is a good chance of recovering the carcass

Section 112 (4) (a) of the Act provides that Marine Scotland may specify a licence condition relating to the area in which seals may be killed. If and when such a licence condition is imposed shooting must only be carried out within areas specified in the licence. This might include the area around a fish farm, a salmon net fishery or an area within a salmon river system.

**Note: Section 117 of the Act makes it an offence to intentionally or recklessly harass seals at specifically designated haul-out sites.** A list of these haul-outs is available at [www.scotland.gov.uk/seallicensing](http://www.scotland.gov.uk/seallicensing)

Before shooting seals a thorough risk assessment should be undertaken to avoid danger to the public. Particular attention must be paid to:

- Anglers
- Boats, canoes and other water users
- Walkers
- Aquaculture staff
- Scuba divers
- Dolphins and whales
- Other wildlife

Also:

- Never fire at a target that does not have a safe backdrop
- If possible shoot from an elevated position

## Firearms

Section 112 (2) (a) of the Act specifies that Marine Scotland must impose licence conditions in relation to type of firearm to be used.

**This is “a rifle using ammunition with a muzzle energy not less than 600 foot pounds and a bullet weighing not less than 45 grains”. This effectively excludes any 0.22 rimfire rifles. Only centrefire rifles can be used, with the 0.22 Hornet using 45 grain bullets representing the lowest acceptable combination of bullet weight and energy. Expanding bullets designed to deform in a predictable manner must be used.**

During 2011 Marine Scotland will be undertaking ballistic testing on a range of rifles to ascertain whether or not they may be appropriate for this purpose. The results of these tests may lead to changes in the firearms defined to be used for seal management under licence in future years.

- A sound moderator should be used
- Solid ammunition should not be used for public safety and animal welfare reasons

## **ALWAYS**

- Remain calm and unhurried when handling firearms
- Handle a firearm at all times as if it were loaded
- Carry out appropriate risk assessment
- Ensure you have the correct ammunition for the firearm and it is clean and undamaged
- Know how your rifle works, including disengaging of set triggers if fitted
- Know the status of your rifle, i.e. bullet in the chamber, safety on etc. Do not be embarrassed to check the status of your rifle and safety catch, and do so frequently
- Be aware of where the barrel is pointing. Do not point at anything that you do not intend to shoot, irrespective of load status
- Leave loading the rifle until the last possible moment
- When loading/unloading make sure muzzle is pointing in a safe direction.

### *MOST ACCIDENTS OCCUR WHEN CHANGING THE STATE OF A RIFLE*

- Unload your firearm before crossing any major obstacle (fence, stream or ditch) or whenever laying down a firearm, entering a building or vehicle or putting a firearm into a case
- Pass a rifle with the muzzle pointing in a safe direction, and before giving or receiving a rifle make sure that all involved can see that it is unloaded, i.e. magazine is empty or removed, bolt open, chamber clear
- Ensure your rifle bore is free from obstruction. When crawling, a purpose made muzzle cap, or a piece of tape or cling film, is strongly recommended. If the bore becomes obstructed, the rifle should be unloaded and cleaned using a pull-through
- Be aware, when in close proximity to the rifle, of the effects of muzzle blast. Wear hearing protection when firing and ensure that others in close proximity also do so
- After the shot, be aware of the status of your rifle. When moving forward make sure that other people stay behind the rifleman, in case a follow up shot is required
- Always unload prior to carcass recovery
- Ensure that firearms are securely stored and transported

## **NEVER**

- Put off the safety catch or touch the trigger unless you have a stable firing position and the rifle is pointing at the target
- Have a loaded rifle in an enclosed space such as a vehicle or building (unless shooting from a stationary vehicle)
- Carry ammunition other than that required for the rifle being used

## How to Shoot Seals

Section 112 (2) (c) of the Act specifies that Marine Scotland must impose a licence condition in respect of proximity to a seal. Seals must be shot from a range of no more than 150 metres.

Section 112 (1) (a) of the Act specifies that Marine Scotland must impose conditions specifying maximum numbers of seals which may be killed. It is an offence to shoot more than the maximum number of each species of seal permitted by their licence. It is the responsibility of the licensee to ensure that a nominated marksman adheres to maximum limits.

Before firing the nominated marksman should take all reasonable steps to identify the species of seal. Information to assist seal identification is available at [www.scotland.gov.uk/seallicensing](http://www.scotland.gov.uk/seallicensing)

Shot placement is concerned with:

- Achieving rapid death
- Minimising suffering
- Achieving carcase recovery where possible and safe to do so

In the case of seals, the recommended shot is a head shot. The brain of a seal is a very small target (orange-sized).

Section 112 (1) (b) of the Act provides for licence conditions in respect of reducing the risk of unnecessary suffering. All reasonable steps should be taken to ensure against a prolonged and painful death including locating and humanely dispatching injured animals.

**Section 112 (2) (e) of the Act specifies that Marine Scotland must impose a licence condition in respect of carcase recovery.** The licensee must take all reasonable steps to recover the carcasses of shot seals but only when it is safe to do so. Much detailed information can be gained from a seal carcase, including positive species identification, age, sex, diet etc. Even a carcase which has been in the water for several days should be retrieved wherever possible.

When you have a carcase to be recovered:

1. Ensure that you are not putting yourself in danger
2. Wear suitable heavy-duty gloves
3. Move the seal carcase above the high water mark, away from water to a discreet location to avoid carcase being washed away and any risk to public health
4. If necessary cover carcase
5. Make careful note of its exact location
6. After handling, wash and disinfect yourself thoroughly

Please report details of any seal carcase including OS grid reference, site details and your telephone number and address to the following: **Scottish Agricultural College Strandings Scheme**: Tel: **01463 243030**

If you have problems disposing of seal carcasses seek advice from your local councils Environmental Health department or the local office of the Scottish Environment Protection Agency (SEPA).

## Dealing With The Public

Shooting of seals is an emotive subject and there may be significant public interest in this activity. It may also conflict with the interests of wildlife tourism operators. Therefore at all times nominated marksmen must consider the potential consequences of shooting a seal. In order to maintain good public relations the following steps should be considered:

1. Maintain close liaison with the local police
2. Maintain close liaison with the local representatives of Scottish Natural Heritage
3. Maintain close liaison with local wildlife tourism operators
4. Be aware of the aims of any local seal management plan and be prepared to explain these in polite and diplomatic terms to interested members of the public
5. Always carry contact details where further information can be obtained by members of the public

## Return Forms

Section 113 of the Act places a duty on seal licence holders to report details of seals shot to Scottish Ministers. This should be done on the online form within 48 hours of shooting. You must also provide summary reports, including nil returns, when requested by the licensing authority.

The following details of all seals shot must be submitted:

- Date
- Time



- Species of seal shot
- Fishery Name or Fish Farm Registration Number
- Carcase recovery
- Licence number

## **Contacts**

Enquiries about seal licensing can be directed to:

Seal Licensing

Marine Scotland

Marine Laboratory

375 Victoria Road

Aberdeen

AB11 9DB

Tel No: 0300 244 5046

E-mail: [seal.licensing@gov.scot](mailto:seal.licensing@gov.scot)

Enquiries about seal policy can be directed to:

Seal Policy

Marine Scotland

Marine Planning and Policy

Rm. 1A South Victoria Quay

Edinburgh

EH6 6QQ

Tel No: 0131 244 6568

E-mail: [seal.licensing@gov.scot](mailto:seal.licensing@gov.scot)

If the enquiries relate to specific issues they may be redirected as appropriate.

The Scottish Government may also grant a licence authorising the killing or taking of seals:

- for scientific, research or educational purposes
- to conserve natural habitats
- to conserve seals or other wild animals (including wild birds) or wild plants
- in connection with the introduction of seals, other wild animals (including wild birds) or wild plants to particular areas
- to protect a zoological or botanical collection
- to protect the health and welfare of farmed fish
- to prevent the spread of disease among seals or other animals (including birds) or plants
- to preserve public health or public safety
- for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment