

# Wildlife Crime in Scotland

## 2016 Annual Report



Photograph courtesy  
of Lorne Gill,  
Scottish Natural Heritage

8 December 2017



Scottish Government  
Riaghaltas na h-Alba  
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**A report published by the Scottish Ministers, on wildlife crime in Scotland.**

Laid before the Scottish Parliament by the Scottish Ministers under Section  
26B of the Wildlife and Countryside Act 1981  
Scottish Government Environment and Forestry Directorate  
8 December 2017

With thanks for contributions, comments and data provided by members of the Partnership for  
Action Against Wildlife Crime (PAW) Scotland.

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## Ministerial Foreword



This is the fifth Scottish Government annual report on wildlife crime. It provides information on trends and levels of wildlife crime, as well as key projects the Scottish Government and partners are undertaking in this area. This report covers the calendar year 2016, using data for the 2015-16 financial year.

I am pleased to see an 8% reduction in the overall number of offences for the period 2015-16 compared to 2014-15, down from 284 to 261.

Fish poaching remains the highest volume wildlife crime, but it has also seen a significant 26% reduction in offences, down from 101 offences in 2014-15 to 75 in 2015-16. This is a welcome sign and testament to the partnership work of Police Scotland, Fisheries Management Scotland and District Salmon Fisheries Boards.

Conversely it is disappointing to note an increase in hunting with dogs offences. A total of 44 offences is an increase of 24 offences on the previous year and the highest number over the 5 year recording period.

Crimes against birds have declined slightly from 49 in 2014-15 to 46 for this reporting period. Encouragingly this is the lowest number recorded for the past 5 years and is mirrored in the Police Scotland Raptor Persecution data, with a 19% decrease in recorded offences. I hope to see this downward trend continue.

The wildlife crime headline in recent months has been the publication of the report [Analyses of the fates of satellite tracked golden eagles in Scotland](#). I asked for this analysis work to be done following a number of reports about satellite-tagged golden eagles that had gone missing. There were a number of claims and counter-claims being made about these birds and it was clearly very important that we were able to take a robust scientific look at what the overall data was telling us. Like most other people with an interest in the wildlife of Scotland I was horrified to learn that the data strongly indicated that around one third of tagged golden eagles, forty-one birds, had disappeared in suspicious clusters, many of which were on or near moorland managed for driven grouse shooting. Because the majority of these birds had simply disappeared, with no carcass or tag ever found, they could not appear in recorded wildlife crime figures.

I was in no doubt that the report called for a strong and clear response. I set out a number of measures, including strengthening the resources available to Police Scotland to tackle wildlife crime, and the establishment of an independent group to look at how we can ensure that grouse moor management continues to generate rural income and employment, but while ensuring it is sustainable and complies with the law. The group is to look at all options for achieving this objective, including the potential for a licensing system. I have been pleased with the response and support I have received from across the spectrum of conservation and game shooting stakeholders. I hope this will prove to be a watershed moment in the fight against raptor persecution.

The best way to tackle wildlife crime is still through partnership working. I am very grateful for the efforts of key partners in law enforcement and all the others involved, especially the many volunteers in organisations that are part of PAW Scotland.

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

**Roseanna Cunningham MSP**  
**Cabinet Secretary for Environment, Climate Change and Land Reform**

# 1. Introduction

## Legislative requirement of annual report

This report is a requirement of Section 20 of the Wildlife and Natural Environment (Scotland) Act 2011, which inserted a new Section 26B into the Wildlife and Countryside Act 1981. The section prescribes that Ministers must lay a report following the end of every calendar year on offences which relate to wildlife, to include information on incidence and prosecutions during the year to which the report relates, and on research and advice relevant to those offences.

## Wildlife crime

The report uses the following definition of wildlife crime, as agreed by the Partnership for Action Against Wildlife Crime (PAW) Scotland in 2010.

*“Wildlife crime is any unlawful act or omission, which affects any wild creature, plant or habitat, in Scotland.”*

A summary of the legislation which contains offences highlighted in this report is available in [Appendix 1](#).

## Improvements to report

As part of an on-going process to improve the clarity of the report and availability of useful data, the following changes have been made:

- Police Scotland disaggregated data is presented in both a quarterly breakdown and by divisional area. This is intended to show any seasonality of specific offences and spatial patterns.
- SNH has provided species licensing information which shows their regulatory function in permitting certain wildlife management activities that may otherwise be illegal.
- SNH has provided an appraisal of the ‘health of species’ for each priority crime type. This is intended to add context to the statistical data within the report by highlighting the natural and human pressures faced by each species, including the relative population-level impact of wildlife crime.

## Outline of report

The report is divided into two main parts:

- Chapters 2-4 contain evidence on the level and nature of wildlife crime and prosecutions, supported by additional detail where it is available and relevant. This information covers the financial year 2015-16, the latest period for which a complete set of data is available.
- Chapters 5-7 include information on activities and projects related to wildlife crime policy and enforcement throughout 2016 and beyond.

## Summary of Data Sources used for this Wildlife Crime Report

Organisation/ data source	Information used in this report
Recorded Crime statistics: Scottish Government statistical output derived from Police Scotland's recorded crime database	Numbers of crimes recorded
Crown Office and Procurator Fiscal Service (COPFS) system	Number of cases reported to COPFS and associated case outcomes
Criminal Proceedings Statistics, Scottish Government	Number of people proceeded against and those with a conviction  Types of punishment issued in courts
Science and Advice for Scottish Agriculture (SASA)	Wildlife DNA forensic cases  Pesticide abuse incidents including bird of prey poisoning data
Scotland's Rural College	Wildlife cases examined by SAC Consulting Veterinary Services which were suspected to have been the result of criminal activity
Scottish Natural Heritage (SNH)	Freshwater pearl mussels incidents  General licence restrictions  Species licensing data including suspensions and revocations
Police Scotland	Disaggregated recorded crime data by species, type of wildlife crime  Firearms restrictions
National Wildlife Crime Unit	Wildlife crime intelligence logs summary
Scottish Society for Protection of Cruelty to Animals (SSPCA)	Summary of SSPCA investigations

## 2. Headline trends

This chapter outlines the main trends in terms of wildlife crime recorded by the police, the number of cases and range of alleged offending reported to COPFS and numbers of people proceeded against in court.

### 2.1 Recorded Crime

[Table 1](#) provides a summary of the different types of wildlife crime recorded by the police over the five year period to 2015-16. These recorded crime statistics are Scottish Government statistical output derived from Police Scotland's recorded crime database.

In 2015-16 there were 261 offences relating to wildlife recorded by the police. This represents a small decrease of around 8% in comparison with 2014-15 (284 recorded crimes).

Despite a decrease of 26% from the previous year, fish poaching (75 offences) remained the most commonly recorded type of wildlife crime, accounting for around 29% of all wildlife offences in 2015-16. Recorded offences relating to deer also fell to a new five-year low of 13.

2015-16 saw notable increases recorded in the categories of hunting with dogs (a 110% increase from 2014-15) and conservation (5 recorded offences - more than in the previous four years combined).

**Table 1: Wildlife Crime Recorded by Police Scotland, 2011-12 to 2015-16**

Offences relating to:	2011-12	2012-13	2013-14	2014-15	2015-16
Badgers	11	1	7	5	4*
Birds	55	64	53	49	46
Conservation (protected sites)	1	0	1	1	5
Cruelty to wild animals	26	27	22	38	22
Deer	47	33	20	24	13
Fish poaching	104	135	90	101	75
Hunting with dogs	31	32	29	20	44
Poaching and game laws	15	1	4	2	0
Other wildlife offences	17	26	29	44	52
<b>Total</b>	<b>307</b>	<b>319</b>	<b>255</b>	<b>284</b>	<b>261</b>

**Source: Recorded Crime in Scotland, 2015-16**

\* Offences recorded under Protection of Badgers Act 1992 only



[Table 2](#) presents the distribution of the types of wildlife crime between different Police Scotland divisions in 2015-16.

**Table 2: Wildlife Crime Recorded, by Police Scotland Division, 2015-16**

Offences relating to:	North East	Argyll & West Dunbartonshire	Ayrshire	Dumfries & Galloway	Edinburgh	Fife	Forth Valley	Greater Glasgow	Highland & Islands	Lanarkshire	Renfrewshire & Inverclyde	Tayside	The Lothians & Scottish Borders	Total
Badgers	1	0	0	2	0	1	0	0	0	0	0	0	0	4
Birds	5	2	1	3	0	4	5	1	9	2	0	8	6	46
Conservation (protected sites)	0	0	0	0	0	1	0	0	1	0	0	3	0	5
Cruelty to wild animals	2	1	3	0	0	0	3	2	5	4	1	0	2	23
Deer	1	1	0	2	0	0	0	0	2	1	1	2	3	13
Fish poaching	7	7	10	3	0	1	19	1	15	2	4	2	4	75
Hunting with dogs	20	0	0	2	0	2	0	1	0	0	0	6	11	42
Poaching and game laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other wildlife offences	5	0	0	5	0	6	0	1	1	2	0	32	1	53
<b>Total</b>	<b>41</b>	<b>11</b>	<b>14</b>	<b>17</b>	<b>0</b>	<b>15</b>	<b>27</b>	<b>6</b>	<b>33</b>	<b>11</b>	<b>6</b>	<b>53</b>	<b>27</b>	<b>261</b>

Source: Recorded Crime in Scotland, 2015-16

The highest number of wildlife offences in 2015-16 were recorded in Tayside (53), followed by North East (41) and Highland and Islands (33). Table 2 also shows that almost half of all hunting with dogs offences were recorded in North East Division (20 of 42).

## 2.2 Crown Office and Procurator Fiscal Service Statistics



**CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE**

SCOTLAND'S PROSECUTION SERVICE

The Crown Office and Procurator Fiscal Service's (COPFS) dedicated Wildlife and Environmental Crime Unit (WECU) has been in operation since 15 August 2011. WECU investigates and manages the prosecution of all cases involving crimes against wildlife.

### Case work of the Wildlife & Environmental Crime Unit in 2015-16

Table 3 shows the breakdown of wildlife cases received by COPFS in each of the financial years 2012-13 to 2015-16, following the standard categories used elsewhere in this report. Notes and Definitions on the COPFS data are available in Appendix 3.

**Table 3: Wildlife Cases received by COPFS in 2012-13 to 2015-16**

Offences relating to:	2012-13	2013-14	2014-15	2015-16
Badgers	3 (3)		4 (1)	1
Birds	20 (3)	21 (6)	17 (2)	15(5)
Cruelty to wild animals	7 (4)	10 (3)	11 (4)	4(3)
Deer	8	4	5	4
Fish poaching	55 (3)	60 (2)	38	30
Hunting with dogs	9	13 (1)	6	15
Other wildlife offences	23 (2)	17 (1)	17	20(1)
Other conservation offences	1			1
Total	126 (15)	125 (13)	98 (7)	90(9)

Source: Crown Office and Procurator Fiscal Service

The figures in brackets in Table 3 indicate the number of reports submitted by a specialist reporting agency, in the case of fish poaching offences, by the River Tweed Commissioners and in the remaining categories, by the Scottish SPCA. The outcomes of these cases are shown in Table 4 below.

**Table 4: Outcomes of all wildlife cases reported to COPFS in 2012-13 to 2015-16**

	2012-13	2013-14	2014-15	2015-16
Under investigation				1
No action	35 (4)	30 (2)	24 (1)	39(5)
Alternative to prosecution	30 (2)	30 (4)	34	27(1)
Prosecuted	61 (9)	65 (7)	40 (6)	23(3)
of which convicted	44 (5)	47 (4)	28 (4)	16(3)
Total number of reports received	126 (15)	125 (13)	98 (7)	90(9)

Source: Crown Office and Procurator Fiscal Service

The following information relates to cases reported in 2015-16. Prosecution in court was undertaken in 23 cases (26% of cases received). Of these:

- 16 cases resulted in a conviction (70% of cases prosecuted).
- Proceedings were discontinued by the prosecutor in 6 cases (26% of cases prosecuted) where for example, further investigation disclosed that that there was insufficient admissible evidence.
- 1 case resulted in an acquittal of all charges (4% of cases prosecuted).

27 cases were dealt with by an alternative to prosecution (30% of cases received). Warning letters were issued in 10 of these cases (11% of cases received) and fiscal fines were issued in a further 17 cases (19% of cases received).

No action was taken in 39 cases (43% of cases received). In 37 cases, this was for legal reasons and in 2 cases was in the exercise of the prosecutor's discretion. The legal reasons included:

- circumstances that did not constitute a crime
- instances where there was insufficient evidence to permit proceedings
- instances where proceedings were time-barred at the time of submission of the report.

Further information about cases received in 2015-16 is as follows:

- A total of 15 reports related to birds, of which 3 involved alleged offences against birds of prey.
- 1 report related to circumstances involving badgers.
- 4 reports related to the use of traps.
- 2 reports related to the use of snares.
- 22 cases involved dogs.
- 14 cases in the "Hunting with dogs" category related to allegations of hare coursing.
- 4 cases involved firearms.
- 24 cases involved activity targeting hares or rabbits.
- "Other wildlife offences" included the possession of prohibited pesticides (1 case), COTES offences (4 cases) and offences under the Conservation (Natural Habitats etc.) Regulations 1994 (4 cases).

Further details of case outcomes in the individual categories are provided in Appendix 2A.

### **Notable Cases**

Police Scotland reported an allegation of fox hunting in March 2016 leading to the prosecution of Jonathan Riley and John Richardson. In June 2017, after trial, they were both convicted under section 1(1) of the Protection of Wild Mammals (Scotland) Act 2002 ("the 2002 Act") and fined £400 and £250 respectively. These are the first convictions of members of a mounted hunt under the 2002 Act for deliberately hunting foxes with a pack of dogs.

In May 2016, LS Smellie & Son Ltd was fined £1500 after pleading guilty to a contravention of Regulation 8(1) of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) which involved advertising elephant ivory for sale.

In June 2016, Joseph Stewart pleaded guilty to intentionally uprooting plants, namely moss and liverwort, at a woodland in Methven, Perthshire in September 2015 contrary to section 13(1)(b) of the Wildlife and Countryside Act 1981. He was fined £750.

Following receipt of a report in April 2016, Colin Stewart, Raymond Higgins and Mark Stewart were prosecuted and pleaded guilty in June 2016 to hare coursing in terms of a charge under section 1(1) of the 2002 Act. In respect of Colin Stewart, the Court sentenced him to 4.5 months imprisonment and disqualified him from having custody of dogs for one year. Raymond Higgins was fined £400 and in respect of Mark Stewart the Court imposed a community payback order and disqualified him from having custody of dogs for one year. This was the first hare coursing case in Scotland that relied on DNA evidence linking one of the dogs used in the commission of the offence with one of the hares that was killed.

In June 2016, William Beaton was fined a total of £4200 after pleading guilty to offences under the Wildlife and Countryside Act 1981 related to taking and possessing wild birds' eggs in Orkney.

In August 2016, former gamekeeper, Mark Kelman, was fined £1500, made subject to a community payback order and disqualified from owning and keeping animals for a period of ten years for offences under the Firearms Act 1968, the Animal Health and Welfare (Scotland) Act 2006 and the Wildlife and Countryside Act 1981 (involving snares) committed between January and May 2015.

## 2.3 Criminal Proceedings statistics

### Criminal Proceedings statistics

Table 5 shows the number of people proceeded against in Scottish courts and the relevant conviction rates for wildlife offences between 2011-12 and 2015-16. Please note that this table is a summary and a breakdown of proceedings for specific offences is provided at [Appendix 3](#).

Criminal Proceedings statistics are not directly comparable with the recorded crime or COPFS figures presented above for a number of reasons. Please see [Section 2.4](#) for further explanation.

**Table 5: People proceeded against in Scottish Courts for Wildlife Crimes<sup>1</sup>, 2011-12 to 2015-16**

Offences relating to:	2011-12	2012-13	2013-14	2014-15	2015-16	Last 5 financial years	
						Total proceedings	Conviction rate
Badgers	2	-	-	2	-		
Birds	15	19	10	8	5	4	75%
Cruelty to wild animals	4	9	4	3	6	57	81%
Deer	8	3	5	2	-	26	65%
Hunting with dogs	5	11	9	3	5	18	61%
Poaching and game laws	8	1	-	-	-	33	52%
Fish poaching	18	23	43	19	8	9	67%
Conservation (protected sites)	1	-	-	-	-	111	76%
Other wildlife offences	10	11	9	14	1	1	100%
<b>Total proceeded against</b>	<b>71</b>	<b>77</b>	<b>80</b>	<b>51</b>	<b>25</b>	<b>45</b>	<b>76%</b>
<b>Total guilty</b>	<b>48</b>	<b>56</b>	<b>60</b>	<b>35</b>	<b>20</b>	<b>304</b>	<b>72%</b>
<b>% guilty</b>	<b>68%</b>	<b>73%</b>	<b>75%</b>	<b>69%</b>	<b>80%</b>		
<i>Total number of offences proceeded against<sup>2</sup></i>	<i>123</i>	<i>168</i>	<i>168</i>	<i>158</i>	<i>75</i>		
<i>Total number of offences found guilty<sup>2</sup></i>	<i>69</i>	<i>75</i>	<i>100</i>	<i>66</i>	<i>35</i>		
<i>% guilty<sup>2</sup></i>	<i>56%</i>	<i>45%</i>	<i>60%</i>	<i>42%</i>	<i>47%</i>		

Source: Scottish Government Criminal Proceedings Database

<sup>1</sup> Where main charge

<sup>2</sup> All charges

There were 25 people proceeded against for wildlife related offences in 2015-16, a 51% decrease from 2014-15 (51 people). The largest decreases for specific categories were in 'other wildlife offences' (only 1 person proceeded against, compared to 14 in 2014-15) and fish poaching (down to 8 people, compared to 19 in 2014-15 and 43 in 2013-14).

Table 5 also shows that conviction rate for all wildlife offences was the highest it has been in the last five years, reaching 80% in 2015-16. Conviction rates for individual wildlife crime categories have been presented as a five year average due to the small numbers of proceedings for some categories. This shows that conviction rates, on average over the last five years, have been higher for offences relating to birds (81%) whereas offences involving hunting with dogs have had the lowest conviction rate (52%).

Although a single court proceeding can involve a number of different offences, it should be noted that Criminal Proceedings statistics only report on the 'main charge'. Unless otherwise stated, proceedings and convictions for wildlife crimes referred to in this section are for when the wildlife crime was the main charge in a single court proceeding. For example, if a shotgun offence receives a higher penalty than a wildlife offence in the same proceeding, the shotgun offence would be counted, not the wildlife offence. To illustrate the difference, the total number of individual wildlife offence convictions in each year, regardless of whether the wildlife offence was the main charge or not, are presented at the bottom of Table 5. In 2015-16 court proceedings were held covering a total of 75 wildlife offences, in comparison to the 25 proceedings where a wildlife offence was the main charge in a case.

Tables 6 and 7 present information on penalties issued for wildlife crime convictions and have been presented as aggregate figures due to the small numbers of proceedings for some crime categories in individual years. Please note that a more detailed breakdown is available at Appendix 4.

Table 6 shows that the most common punishment for a wildlife crime conviction is still a monetary fine, with 55% of convictions receiving this type of penalty in 2015-16, although this is down from 80% in 2014-15.

**Table 6: People with a charge\* proved for Wildlife Crimes in Scottish Courts, by main penalty, 2011-12 to 2015-16**

	2011-12	2012-13	2013-14	2014-15	2015-16
<b>People proceeded against</b>	<b>71</b>	<b>77</b>	<b>80</b>	<b>51</b>	<b>25</b>
<b>People with a charge proved</b>	<b>48</b>	<b>56</b>	<b>60</b>	<b>35</b>	<b>20</b>
<b><i>Of which received:</i></b>					
Custody	1	1	1	1	1
Community sentence	7	8	4	2	4
Monetary	37	33	43	28	11
Other	3	14	12	4	4

**Source: Criminal Proceedings Statistics**

\* Where main charge

In Table 7 aggregate totals for the five years from 2011-12 to 2015-16 show that monetary punishments are mostly likely to be given for nearly all wildlife crime types, with the exception of offences relating to badgers, where community sentences were the more commonly given. Only 2% of all wildlife crime convictions resulted in a custodial sentence.

Average fines and custodial sentences are also presented in Table 7. It is not possible to establish the average number of Community Payback Order (CPO) hours as this information is not held in the Criminal Proceedings database nor is it available for other types of crime.

**Table 7: People with a charge\* proved for Wildlife Crimes in Scottish Courts, by main penalty and wildlife crime**

Offences relating to:	2011-12 to 2015-16 totals					Average	
	Total with a charge proved	Custody	Community sentence	Monetary	Other	Custodial sentence length (days)	Monetary fine (£)
Badgers	3	-	2	1	-		400
Birds	46	3	8	29	6	132	684
Conservation (protected sites)	1	-	-	1	-		480
Cruelty to wild animals	17	-	3	11	3		417
Deer	11	-	3	7	1		457
Fish poaching	84	-	2	66	16		257
Hunting with dogs	17	2	3	9	3	152	378
Poaching and game laws	6	-	-	3	3		213
Other wildlife offences	34	-	4	25	5		623
<b>Totals</b>	<b>219</b>	<b>5</b>	<b>25</b>	<b>152</b>	<b>37</b>	<b>140</b>	<b>428</b>

Source: Criminal Proceedings Statistics

\* Where main charge

## 2.4 Comparing Data Sources

Although the criminal justice IT systems represented in Tables 1 to 7 have common standards in terms of classifying crimes and penalties care should be taken when comparing the different sets of statistics (Tables 1 to 7):

1. Prosecutions may not happen or be concluded in the same year as a crime was recorded by Police Scotland. Timing is also an issue when comparing COPFS figures (which refer to prosecutions brought in respect of cases reported to COPFS in each financial year) and Criminal Proceedings statistics (which represent only prosecutions commenced and, of those, prosecutions concluded to the point of conviction, in each financial year).

2. In the Police Scotland recorded crime statistics a single crime or offence recorded by the police may have more than one perpetrator. By comparison the court statistics measure individuals who are proceeded against, which may be for more than one crime. As outlined above only the main charge in a prosecution is presented for criminal proceedings statistics.
3. There is the possibility that the crime or offence recorded by Police Scotland may be altered e.g. when Police Scotland submit a report of alleged offending to COPFS, and COPFS may alter the charges during their case marking process, which makes it difficult to track crimes through the criminal justice process.
4. Additionally, crimes and offences alleged to have been committed by children less than 16 years old are not included in the criminal proceedings statistics as these are representative of activity in the adult courts. Juveniles are generally dealt with through the children's hearings system.

### **3. Additional Data Sources**

Chapters 3 and 4 include commentary and data provided by other bodies involved in the investigation of wildlife crime in Scotland including government departments, agencies and NGOs. The data provides additional detail on incidents or investigative work to complement the data presented in Chapter 2 and to help fill in gaps where disaggregation of that data is not possible.

Some of these data sources include incidents that have been reported to stakeholders or detected using their specific expertise.

Police Scotland operate to the Scottish Crime Recording Standard which sets criteria for recording an incident as a crime. There is no requirement for other stakeholders to adhere to the Scottish Crime Recording Standard, therefore there may be variability in the way in which crimes are recorded between the various organisations.

It is possible that, if reported to the police, some of these incidents would not have been recorded as a crime, or would have been recorded as environmental offences or firearms/shotgun offences depending on the nature of the crime.

Work is on-going to standardise the criteria used among stakeholders for recording of incidents.



### 3.1 Science and Advice for Scottish Agriculture (SASA)



Science and Advice for Scottish Agriculture (SASA) is a Scottish Government department based in Edinburgh, which as part of its remit, provides several services for wildlife crime investigation.

#### Wildlife DNA Forensic Unit

The Wildlife DNA Forensic Unit at SASA provides analysis of non-human DNA evidence recovered by wildlife crime investigations. Table 8 provides a summary of the range of Scottish casework received in the financial years 2013-14 to 2015-16, divided into the UK wildlife crime priorities.

**Table 8: Wildlife DNA Forensic unit cases from Scotland, 2013-14 to 2015-16**

Category	Scottish cases		
	2013-14	2014-15	2015-16
Badger persecution	4	1	0
Bat persecution	0	0	0
CITES	1	0	2
Freshwater pearl mussels	0	0	0
Poaching and coursing	6	1	0
Raptor persecution	4	10	5
Other wildlife crime	2	0	0
Other (e.g. animal cruelty)	1	2	0
<b>Total</b>	<b>18</b>	<b>14</b>	<b>7</b>

Source: SASA

The 2015-16 casework included the identification of multiple victims and baits in a raptor persecution investigation and the identification of tiger claws in trade. The number of individual cases from Scotland with animal DNA evidence is lower in 2015-16 than the previous 2 years, with raptor persecution the highest proportion of casework across all years. The results of DNA analysis in these cases has provided investigative leads and answers to investigative questions all of which can play a crucial role in advancing an investigation towards prosecution.

#### Pesticides Branch

The Pesticides Branch at SASA investigates suspected animal poisoning incidents, as part of the Wildlife Incident Investigation Scheme. Table 9 provides details of suspected pesticide incidents investigated in Scotland (2011-12 to 2015-16) and summarises those incidents, categorised as abuse, that are considered to be wildlife crimes because of the species or pesticide involved.

Annually, the branch investigates around 170-230 incidents.

The number of poisoning abuse incidents increased from 9 in 2014-15 to 15 in 2015-16, however most of the increase was due to cases involving companion

animals (pets). While the poisoning of a companion animal is not a wildlife crime, these incidents are included here as the companion animal may have been the accidental victim of an illegal poison intended to target wildlife, while wildlife could also be put at risk by poisons placed to target pets.

Table 9 also includes the numbers of abuse incidents involving suspicious baits or other substances, even if no creature was actually poisoned. Over the five-year period, the highest number of recorded abuse incidents involved birds of prey (27) followed by companion animals (18). Bird of prey poisoning incidents are covered further in the Raptor Persecution section of this report.

**Table 9: Pesticide incidents in Scotland 2011-12 to 2015-16**

	2011-12	2012-13	2013-14	2014-15	2015-16
Number of incidents investigated during financial year *	234	172	194	192	215
Number of incidents attributed to pesticides	20	22	18	16	27
<b>Category - Abuse</b>	<b>14</b>	<b>14</b>	<b>13</b>	<b>9</b>	<b>15</b>
% abuse	6	8	7	5	7
No. of abuse incidents involving birds of prey	6	4	6	6	5
No. of abuse incidents involving other birds **	2	1	2	0	0
No. of abuse incidents involving suspicious baits/substances	2	5	4	1	3
No. of abuse incidents involving companion animals	4	4	1	2	7
No. of abuse incidents involving wild mammals	0	0	0	0	0

**Source: SASA**

\* Excludes honeybees and incidents where no analyses were undertaken

\*\* No birds of prey associated with these incidents

**Abuse:** An investigation into the circumstances of the case concluded that the pesticide(s) involved had been used in breach of their authorisation conditions and that this has been done with the deliberate intent of harming or attempting to harm wildlife or other animals. Where an animal is involved the cause of death has been established as pesticide poisoning.

### 3.2 SAC Consulting Veterinary Services



SAC Consulting: Veterinary Services (SAC C VS) is a division of Scotland's Rural College (SRUC). While not a government agency, the work of their Veterinary Services team includes post mortem examinations on wild birds (under the Wild Bird Disease Surveillance budget) and on wild mammals (under the Animal Welfare budget). These budgets are funded by Advisory Activity grants-in-aid from the Scottish Government.

Carcase submissions for this wildlife crime summary come, in the main, from Police Scotland. Other substantial contributions come from the SSPCA and RSPB. Small numbers of carcasses come from other sources, such as Scottish Natural Heritage, other conservation or wildlife charities, or members of the public. Where the presence of wildlife crime is suspected following post mortem examination in cases submitted by non-law-enforcement agencies, the police are notified of the outcome to allow investigation to proceed.

In addition to wildlife crime investigation, wild bird carcase submissions in Scotland are used for disease surveillance, notably exotic zoonotic diseases such as avian influenza or West Nile virus. The recent outbreaks of avian influenza in commercial units are an illustration of the need for surveillance for diseases of concern which may be carried by wild birds, particularly given the very long distances involved in migration patterns in some species.

In 2015-16, a total of 225 cases were submitted, of which 45 cases involved mammals and 180 involved birds. These are shown in Table 10 below. As can be seen from the data in Table 10, the percentage of wild bird submissions suspected to be crime related following post-mortem examination is lower than the comparable percentage of mammal cases. There are several factors which may contribute to this difference. Firstly, buzzards tend to predominate the avian submissions by police - these birds are very numerous, and they are also a species known to be persecuted, which may lead to a high rate of report for this particular species by members of the public. Secondly, large bird of prey carcasses are noticeable and recognisable for some time after death: the feathers over the carcase can survive for long periods in apparently good condition after death, which can give a superficial appearance of an intact and potentially usable carcase even where there is little to no soft tissue left within. This leads to a higher rate of bird submission in a state of decay beyond analysable viability, leading to a report of "insufficient evidence to ascertain cause of death".

**Table 10: Wildlife cases examined by SAC Consulting Veterinary Services under advisory activity funding, 2011-12 to 2015-16**

	2011-12	2012-13	2013-14	2014-15	2015-16
Total wildlife cases examined as possible wildlife crimes	163	137	199	158	225
Total mammal cases	41	48	50	41	45
Total mammals identified by post mortem as crime related	26	22	25	26	23
% of mammal cases identified by post mortem as crime related	63%	46%	50%	63%	51%
Total bird cases	122	89	149	117	180
Total bird cases identified by post mortem as crime related	25	16	21	30	22
% of bird cases identified by post mortem as crime related	21%	18%	14%	26%	12%

**Source: SAC Consulting Veterinary Services**

The increase in number of cases submitted as potential wildlife crimes over the past few years may be a reflection of increased public awareness of issues surrounding wildlife crime. The reporting of high profile wildlife crime cases in the media may be a contributor, with consequent recognition by members of the public of the need to report incidents and animals found in suspicious circumstances to the police.

Wild mammalian work in the year 2015-2016 has covered a wide range of species including hedgehogs, squirrels, hares, otters, badgers, pine martens, foxes, and deer. With regard to the causes of death or injury, snaring/trapping, dog attack (which may include badger baiting, hare coursing, hunting deer with dogs, or unintended loss of control of a pet around wildlife), shooting and suspected deliberate poisoning were all seen.

The avian cases have covered a range of species, though raptors always tend to predominate in cases submitted as suspected wildlife crimes. Causes of death or injury included shooting, poisoning, trapping, and dog attack.

In cases where the cause of death was recorded as "shooting", a mixture of rifle, shotgun and air rifle injuries were represented. Poisoning abuse incidents are confirmed by testing at SASA and so the same cases referred to here also appear in Table 9.

### 3.3 Scottish Natural Heritage (SNH) – General Licence Restrictions and Protected Species Licensing



**Scottish Natural Heritage**  
**Dualchas Nàdair na h-Alba**

All of nature for all of Scotland  
Nàdar air fad airson Alba air fad

As part of a package of anti-wildlife crime measures announced by the Minister for Environment and Climate Change, SNH announced in 2014 that they would prevent the use of general licences to trap or shoot wild birds on land where there is evidence of wildlife crime against birds. Police Scotland

will share information with SNH where it may prove to be of assistance in deciding on the use of these restrictions. The measures were back-dated to 1 January 2014, allowing action to be taken where there is evidence of relevant offences from that date onwards.

Scottish Natural Heritage (SNH) published their framework for implementing restrictions on the use of General Licences in October 2014, which was part of a package of measures aimed at tackling raptor persecution. The rationale behind the restriction process was that the light-touch approach to regulation offered by General Licences (where there is no application process, and no significant registration or reporting requirements) would not be appropriate where there has been a loss of confidence. This confidence is lost in situations where there has been evidence to show that crimes against wild birds have taken place.

SNH meet with Police Scotland and the National Wildlife Crime Unit every 3 months to review new information on bird crimes in Scotland and to identify any possible cases for future restrictions. Possible cases are reviewed against the criteria set out in the framework document and must be based upon clear evidence of crimes being committed.

Two General Licence restrictions were imposed in November 2015 over four land holdings in areas of land in the Scottish Borders and in Stirlingshire following evidence being received from Police Scotland that crimes against wild birds had been committed. In both cases no criminal prosecutions were brought.

These restrictions prohibit the use of General Licences 01, 02 and 03 and remain in place until 12<sup>th</sup> November 2018. Maps showing the areas affected by the restrictions were published on the SNH website around the time of coming into effect and will remain available for the duration of the restrictions.

Two of the land holdings in the Scottish Borders affected by a General Licence restriction were granted the right to Judicial Review by the Courts. These cases were heard in January 2017, with the Court finding largely in favour of SNH in upholding the General Licence restriction decisions.

SNH also consider applications for licences (or authorisations in the case of deer) for specific purposes defined in legislation to undertake activities that would otherwise constitute an offence.

Licences or authorisations are issued to named individuals, are time limited and include conditions which dictate the manner in which they may be used.

Deer authorisations are issued for specific purposes to permit control of deer outside the legal season and for shooting deer at night. Individuals must be registered with SNH on a Fit and Competent register to operate under a specific authorisation and must meet minimum criteria in order to be eligible for registration. SNH currently have 1765 people registered on the Fit and Competent Register (2017 data).

In the event that licence conditions are not met or in the case of an on-going Police Scotland wildlife crime investigation SNH may temporarily or permanently revoke a licence.

During the period April 2015 to March 2016 five protected species licences applications were refused and one licence was withdrawn due to breach of conditions. Two deer authorisations were refused and 38 withdrawn over the same period. Refusals relate to applications that fail to meet a licensable purpose or basic criteria and are not issued upon reapplication. Withdrawals may be due to a number of reasons and not necessarily linked with wildlife crime.

**Table 11: SNH Species Licences and Deer Authorisations issued, refused and withdrawn from April 2015 to March 2016**

Species	Licences issued	Licence applications formally refused	Licences withdrawn
Badger	237	0	0
Schedule 1 Birds	115	2	0
Bats	525	0	0
Freshwater pearl mussels	27	0	0
Other	1192	3	1 (watervole)
Deer (night shooting authorisation)	293	0	8*
Deer (out of season authorisation)	209	2	30*
TOTAL	2598	7	39*

**Source: SNH**

\* These relate to where applications for Authorisation have been withdrawn due to applications not meeting the minimum conditions required by SNH, and cases where authorisations are no longer needed

### 3.4 Police Scotland – Firearms Licensing

Police Scotland may revoke or refuse the renewal of a shotgun or firearm certificate in circumstances that demonstrate that the holder is no longer deemed to be suitable.

If a firearm certificate holder commits an offence, the Firearms and Explosives Licensing department for the relevant division in which they reside is notified of this and thereafter a report is initiated to examine the person's continued suitability to possess a shotgun or firearm. If a person subsequently has their shotgun or firearm certificate revoked, this would be in terms of the Firearms Act

1968 and not the original offence(s), regardless of the outcome at Court, as they would still have to be assessed on their suitability to possess firearms.

Accordingly revocations and refusals are currently recorded under the Firearms Act 1968 and it is not possible therefore to determine whether wildlife crime offences form part of the suitability consideration process.

### **3.5 Scottish Society for the Prevention of Cruelty to Animals (SSPCA)**



The Scottish Society for the Prevention of Cruelty to Animals (SSPCA) and their Special Investigations Unit (SIU) are able to lead or support certain wildlife crime investigations in Scotland. Powers are granted to suitably trained staff by Scottish Ministers under the Animal Health and Welfare (Scotland) Act 2006.

SSPCA inspectors deal with routine domestic and wildlife welfare cases, however the SIU has a slightly different remit dealing with cases which can be serious and often linked to serious and organised crime groups.

SIU deals with both wildlife incidents and incidents involving domestic animals such as dogfighting and the puppy trade. Some of the SIU's work involves incidents where there is both a domestic animal and wildlife element such as badger baiting. The SIU consists of 5 inspectors and 1 intelligence manager.

The SIU receives information (and complaints) from two main sources – the SSPCA animal helpline will alert the SIU to any information that may be of interest, and some information is fed directly to the unit from intelligence sources and other agencies. The SIU estimate that between April 2015 and March 2016 they received:

- 126 reports received for consideration from the SSPCA helpline
- 420 reports received from other sources.
- Upon investigation, some reports may relate to incidents that may not in fact turn out to be the result of crime, may not actually involve wildlife, or are duplicate reports relating to the same incident.

Table 12 provides a further breakdown of incidents where the SIU had reason to believe a crime had taken place, including those reported to COPFS, listed under the six UK wildlife crime priority areas. This table will be added to, year on year, until it is possible to show a rolling five year picture as with other data sources in the report. These incidents were for cases investigated solely by the SIU.

**Table 12: Wildlife incidents identified by SIU as crimes from April 2015 to March 2016**

Type of wildlife crime	Incidents identified as crime	Reported to COPFS
Badger persecution	14	1
Illegal trade (CITES)	1	1
Raptor Persecution	9	2
Bat Persecution	0	0
Poaching and coursing	25	1
Freshwater pearl mussels	0	0
Other	47	4
TOTAL	96	9

Source: Scottish Society for the Prevention of Cruelty to Animals

The incidents in Table 12 also included:

- 35 relating to trapping or snaring offences
- 0 relating to fox hunting offences

The SIU report cases directly to the Crown Office and Procurator Fiscal Service (COPFS). As a result, any crimes or suspected crimes investigated solely by the SSPCA will not appear in the police recorded crime statistics shown in Table 1 of this report. If reported for prosecution however, they will be included in the COPFS figures and those cases will have been given a Scottish Criminal Records Office (SCRO) number.

Not all incidents believed to be crimes will provide sufficient evidence for a case to be reported to COPFS for consideration of prosecution. Table 13 below shows a five year summary of wildlife-related investigations led by the SIU, including those reported to COPFS.

Table 13 also shows the numbers of investigations where the SIU supported investigations led by Police Scotland. A new database was launched in December 2014 allowing more accurate collation data from that point onwards.

**Table 13: Wildlife crime investigations dealt with by SIU, 2011-12 to 2015-16**

	2011-12	2012-13	2013-14	2014-15	2015-16
Incidents investigated solely by SIU	51	54	69	92	96
Number of cases reported to COPFS	6	8	10	6	9
% reported to COPFS	11%	15%	14%	7%	9%
Police Scotland-led investigations assisted by SIU	60	65	70	49	19
Total	111	119	139	141	115

Source: Scottish Society for the Prevention of Cruelty to Animals



### 3.6 National Wildlife Crime Unit (NWCU)

The National Wildlife Crime Unit has a dedicated intelligence function. In the 2015-16 year, the following bespoke intelligence analysis was provided for Scotland:



- Update of the Operation Easter target list – to support and direct proactive targeting across Scotland
- Submission of a further Organised Crime Group with links to Scotland
- Intelligence database checks for police wildlife liaison officers across Scotland
- Bespoke Geographical Information Services (GIS) maps to assist active investigations
- Network association charts to assist Police Wildlife Liaison Officer investigations
- Summary of poaching convictions for Scottish Poaching PDG

In addition, the NWCU's Scottish Investigative Support Officer (SISO) provides advice and 'on the ground' support for wildlife crime investigations.

In 2015-16, the NWCU SISO was involved in casework as well as the strategic development of wildlife crime enforcement and intelligence sharing. The SISO gave advice and assistance to Police Scotland Wildlife Crime Liaison Officers and other organisations on numerous occasions and on a variety of subjects including bird, poaching, badger and pearl mussel crime; traps; wildlife disturbance; coastal and floral crime; environmental disturbance; trading in endangered species (CITES) and the sourcing of expert witnesses.

Throughout the year, contributions were provided to several operations involving falconry, peregrine nest protection, CITES and raptor crime and the annual delivery of Operation Easter to target egg thieves and nest disturbance during the bird breeding season. Several searches were undertaken around raptor crime and CITES.

The SISO gave presentations at several events throughout the year including local and national police training, water bailiff training, Sharing Good Practice events, and the UK Wildlife Crime Enforcer's Conference. He also participated in or wrote media articles regarding pearl mussels, and disturbance of protected species by photographers. An on-going element of the role continues to include participation in several PAW Scotland groups (Poaching & Coursing, Media, Freshwater Pearl Mussel and Raptor), Heads up for Harriers project and General Licence restrictions.

The NWCU works with Police Scotland to produce intelligence products which are based upon analysis of intelligence. Table 14 below provides a summary of wildlife crime intelligence logs, broken down by relevant keyword. This table has been included to provide a clearer picture of the spread of wildlife crime

intelligence dealt with by Police Scotland and the NWCU and reflects the kind of information which is being reported to the police.

**Table 14: Scottish Wildlife Crime Intelligence Logs 2015-16**

Keyword	Intelligence Logs	% of total
Fish	177	21.3%
Raptor/Bird of Prey	35	4.2%
Deer	134	16.1%
Hare	138	16.6%
Badger	42	5.1%
FWPM/Pearl Mussel	1	0.1%
CITES	21	2.5%
Bat	3	0.4%
All 'other' wildlife	279	33.6%
<b>Total</b>	<b>830</b>	

Source: Scottish Intelligence Database/NWCU (used with permission of Police Scotland)

It should be noted that an intelligence log is not a detected crime but a tool for police to use to establish a bigger picture of what is happening in a given area. A single incident may generate a number of pieces of intelligence. Intelligence logs cannot be used to (a) directly compare year on year nor (b) comment on long term trends, as they are reviewed on a yearly basis and deleted if grounds for inclusion for policing purposes no longer exist. As a result, the number of intelligence logs for any given year decreases over time.

Table 15 provides a summary of the three most common types of priority intelligence log (i.e. not including the 'Other' category) held in the database for 2011-12 to 2015-16

**Table 15: Most Common Priority NWCU Intelligence Logs (2011-12 to 2015-16)**

Year	Three most common priority intelligence types (as a percentage of the total number of intelligence logs)
2011-12	Fish (11%), Deer (9%) and Hare (3%)
2012-13	Fish (17%), Deer (17%) and Hare (9%)
2013-14	Fish (20%), Deer (16%) and Raptor/Bird of Prey (10%)
2014-15	Fish (18%), Raptor/Bird of Prey (12%) and Deer (11%)
2015-16	Fish (21%), Hare (17%) and Deer (16%)

Source: Scottish Intelligence Database/NWCU (used with permission of Police Scotland)

## 4. Wildlife Crime Priority Areas

Wildlife crime priorities are set at UK level by the Wildlife Crime Tasking and Co-ordinating Group. The group's membership includes the Police, the Partnership for Action against Wildlife Crime (PAW), National Wildlife Crime Unit (NWCU), and the Joint Nature Conservation Committee (JNCC).

The priorities remained unchanged in 2015-16:

- [Badger persecution](#)
- [Bat persecution](#)
- [Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#)
- [Freshwater pearl mussels](#)
- [Poaching \(including deer poaching, hare coursing, fish poaching\)](#)
- [Raptor persecution](#).

Priority groups on poaching and coursing, and freshwater pearl mussel crime, continue to operate in Scotland, as well as the PAW Scotland Raptor Group (formerly the Raptor Persecution Priority Delivery Group).

The following sections provide more detail on each of these priority areas, along with the relevant data. The additional sections from the 2014 report on the Protection of Wild Mammals (Scotland) Act 2002 and Trapping and Snaring continue to be included.

SNH have provided a 'Health of Species' appraisal of those priority species that fall within SNH's remit: badger, bats, FWPM, deer, brown hare and key raptors. This appraisal is intended to give an overview of current population trends, factors affecting the health of the species and the relative impact of wildlife crime on the conservation status and is in response to an ECCLR Committee request for this contextual information.

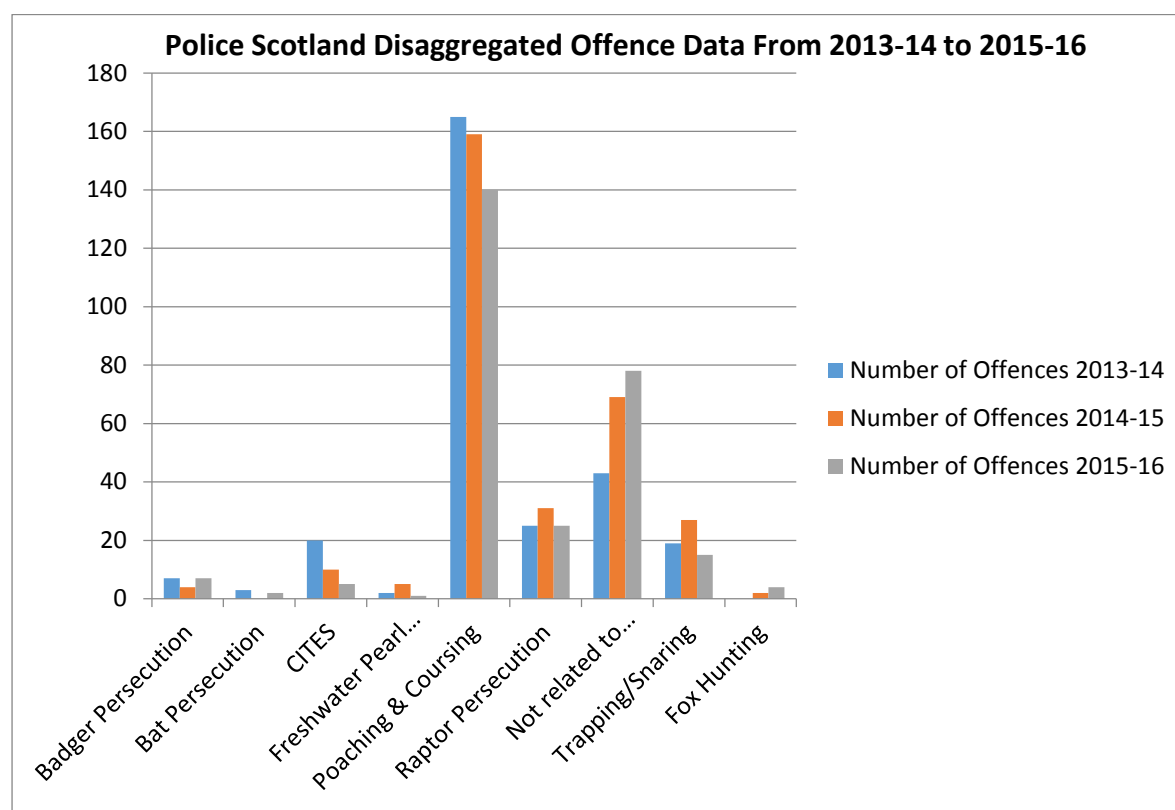
#### **4.1 Police Scotland Disaggregated Data**

Recommendations made by the Environment, Climate Change and Land Reform Committee on improving the data presented in the annual report continue to be built upon. In this report, Police Scotland have continued to provide a manual disaggregation of wildlife crime reports. This data is shown in Figure 1 and Table 16 overleaf.

Data has been presented for each of the 6 priority areas, plus the two additional sections on the Protection of Wild Mammals (Scotland) Act 2002 and Trapping and Snaring, by Police Scotland Division and in a quarterly format.

Data in Table 1 is sourced from the Scottish Government Recorded Crime figures and care should be taken in comparing those figures with the disaggregated figures provided in this section.

**Figure 1: Police Scotland Disaggregated Offence Data from 2013-14 to 2015-16**



Source: Police Scotland

**Table 16: Police Scotland Disaggregated Offence Data from 2013-14 to 2015-16**

Type of crime	Number of Offences						
	2013-14	2014-15	2015-16				Total
			Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	
Badger Persecution	7	4	1	3	1	2	7*
Bat Persecution	3	0	1	1	0	0	2
CITES	20	10	1	2	0	2	5
Freshwater Pearl Mussels	2	5	1	0	0	0	1
Poaching & Coursing	165	159	35	40	39	26	140
Raptor Persecution	25	31	7	10	3	5	25
Not related to Priority Area	43	69	26	21	12	19	78
No crime recorded	-	-	0	1	0	2	3
<b>Total</b>	<b>265</b>	<b>278</b>	<b>72</b>	<b>78</b>	<b>55</b>	<b>56</b>	<b>261</b>
<b>Additional breakdowns</b>							
Trapping/Snaring (all species)*	19	27	7	4	2	2	15
Fox Hunting	0	2	0	0	1	3	4
Hunting with Dogs (all Protection Wild Mammals Act offences)	-	-	14	6	10	14	44

Source: Police Scotland

\* All Offences involving badgers, including Protection of Badgers Act and WCA (snaring) offences where badger is the target species. These offences may be duplicated elsewhere, for instance illegal killing of a badger by snaring would be recorded in 'Badger Persecution' and 'Trapping/Snaring'

## 4.2 Badger Persecution



Badger © Charles Everitt

All badgers in Scotland are protected by law, but they are sometimes still illegally targeted by those who see them as a pest or for the purposes of illegal animal fights.

Reckless or intentional damage, destruction and interference to badger setts (including sett blocking) is an offence which may arise from unlicensed forestry, agricultural or construction works.

### Recorded crimes

Table 17 shows that there were seven offences relating to badger persecution recorded by Police Scotland in 2015-16, compared to four in 2014-15. Four of these offences were in relation to snaring. Table 18 provides a quarterly breakdown of offences.

**Table 17: Badger offences 2015-16 by Police Scotland Division**

Police Division	Type of Offence	Number of offences
Aberdeen City	Killing	1
	Snaring	1
Lothians and Scottish Borders	Snaring	1
Highland and Islands	Snaring	1
Fife	Digging, damage and obstruction to sett	1
Dumfries and Galloway	Snaring	1
	Digging, damage and obstruction to sett	1
<b>Total</b>		<b>7</b>

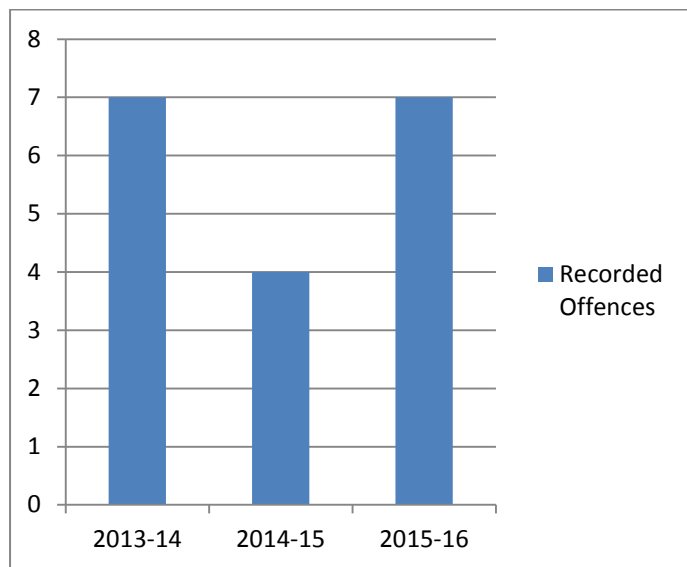
Source: Police Scotland

**Table 18: Badger offences 2015-16 by species and quarterly breakdown**

Type of Crime	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Total
Killing	0	0	1	0	1
Snaring	1	2	0	1	4
Digging, damage and obstruction to sett	0	1	0	1	2
<b>Total</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>7</b>

Source: Police Scotland

**Figure 2: Police Scotland Disaggregated Offence Data for Badger Persecution 2013-14 to 2015-16**



Source: Police Scotland

### **Health of Species - Badger**

#### *Basic ecology:*

At around 75cm long and between 8 – 12kg in weight, the badger is Britain's largest carnivore. They live in social groups of around six but up to 23 individuals. They live in burrows called setts which are often large with multiple entrances. Their ideal habitat is deciduous woodland but they will use most open habitats including farmland. The main component of their diet is earthworms and other underground grubs but they will eat other prey and vegetable matter, tubers and berries especially when worms are less easy to get during drought, for instance. Badgers are largely nocturnal so are rarely seen.

#### *Current population in Scotland:*

Badgers occur throughout mainland Scotland (and Arran where they were introduced) but the highest densities of population occur in Lothian and the Borders, then Fife, Dumfries and Galloway and the North East. The population is lower in the highlands, Tayside and Argyll and central Scotland. This distribution largely reflects the distribution of soil depth and type suitable for sett excavation.

Survey carried out by Scottish Badgers between 2006 and 2009 estimated that there were between 7,300–11,200 social groups in Scotland.

#### *Population trends:*

Comparison of the 2009 survey with previous estimates indicate a slight rise in population.

#### *Factors affecting the health of the population:*

A major cause of mortality in badgers is road accidents. This can increase at certain times of the year when animals are dispersing as a natural part of their social organisation. It can also be made worse in periods of low food availability as the animals forage further from home. Loss of territory or sett sites due to

development pressure can be an issue. This should be minimised by the planning process but there will be occasions where this is ignored or safeguards are misapplied. Badgers may occasionally sustain losses through pest control, either deliberate or reckless, and badger baiting is still an occurrence in some places or communities.

Badgers are known to be susceptible to bovine tuberculosis (bTB) and the possibility that the species might act as a reservoir for the disease has led to the control programmes in Southern England, Wales and Ireland. At present the Scottish cattle herd is free of bTB thanks largely to strict cattle import control. However, there have been recent cases of bTB in cattle and road kill badgers in the area south of Penrith and this is of concern to Scotland.

#### *Monitoring:*

The Scottish Badgers distribution survey is an on-going project by volunteers. Disease monitoring in badgers is largely carried out via road casualties.

#### *'Health' of the species:*

The current survey evidence indicates that the badger population is stable or rising slowly. The threat from development should be attenuated by planning control, though it is still possible that unforeseen problems due to loss of foraging habitat may occur.

If the population of badgers grows then higher numbers as well as greater dispersal due to social pressure will mean that road casualties will be more likely.

### **References**

Scottish Badgers (2009) Scottish Badger Distribution Survey 2006 - 2009  
Scottish Natural Heritage (2015) About Badgers <http://www.snh.gov.uk/about-scotlands-nature/wildlife-and-you/badgers/about-badgers/>



### 4.3 Bat Persecution



Pipistrelle bat © Lorne Gill/SNH

Bats and their roosts are protected by the Conservation (Natural Habitats, &c.) Regulations 1994), which gives strict legal protection to all species listed under Annex IV of the EU Habitats Directive – known as European Protected Species (EPS). Scotland's bat population is relatively small compared to other parts of the UK.

#### Recorded crimes

Table 19 shows that there were two offences recorded by Police Scotland in 2015-16. One of these offences was in relation to the illegal trade of a bat specimen and the other in relation to an individual intentionally striking and killing a bat.

There were no offences involving bat persecution recorded by Police Scotland in 2014-15.

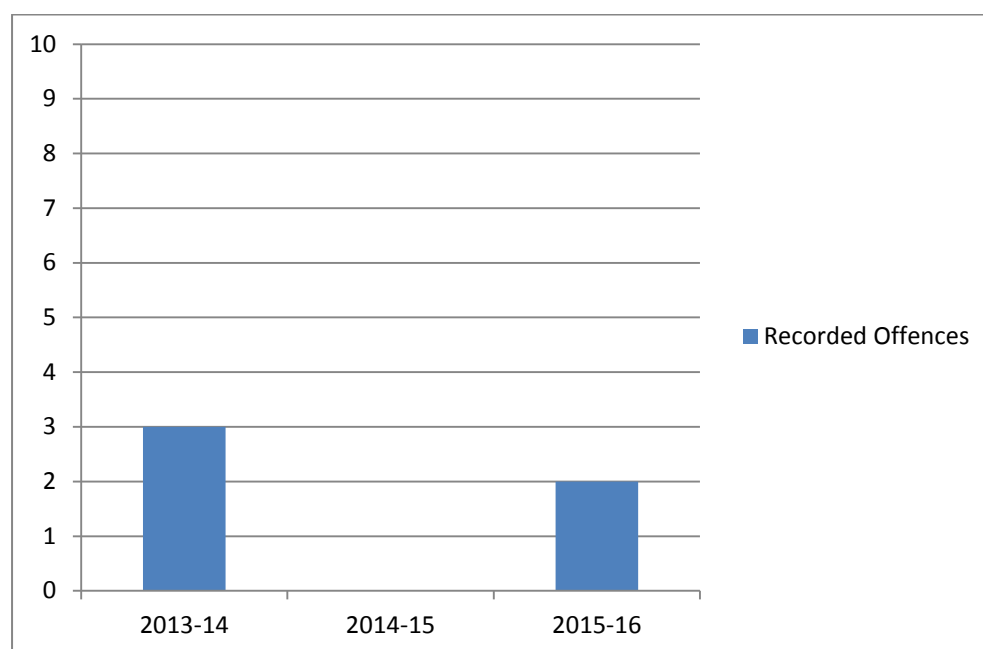
Bats, their breeding sites and resting places are at particular risk from development works and evidencing the presence of bats in these cases can be very challenging. Police Scotland work closely with SNH bat specialists in the investigation of any alleged offences.

**Table 19: Summary of 2015-16 bat offences**

Police Division	Type of Offence	Date
Dumfries and Galloway	Selling bat specimen	April 2015
Lothians and Scottish Borders	Intentional Killing	August 2015

Source: Police Scotland

**Figure 3: Police Scotland Disaggregated Offence Data for Bat Persecution 2013-14 to 2015-16**



Source: Police Scotland

## Health of Species – Scottish Bats

### *Basic ecology:*

Bats are found throughout Scotland, including on many of the islands. In Shetland they occur as vagrants only. Ten species occur in Scotland, five of which are considered to be common and/or widespread (common pipistrelle, soprano pipistrelle, Daubenton's bat, brown long-eared bat and Natterer's bat. A further five are considered rare and/or range-restricted (whiskered bat, Brandt's bat, noctule, Nathusius' pipistrelle and Leisler's bat). In Scotland, the number of bat species living in an area generally decreases with distance travelled north and west. Common and soprano pipistrelles dominate the bat fauna of Scotland, between them probably comprising over 80% of the entire bat population.

### *Current population in Scotland:*

The Scottish common pipistrelle population is currently estimated at 875,404, (but within the range 285,114 and 2,161,153). The current estimates for soprano pipistrelle and brown long-eared bat are 1,209,810 (range: 511,790 - 2,180,227) and 229,969 (range: 12,776 - 542,982), respectively<sup>1</sup>.

### *Population trends:*

Currently Scottish trends are available for three species: Daubenton's bat; common pipistrelle and soprano pipistrelle. For common pipistrelle, there is evidence of population increases since 1999, while populations of soprano pipistrelle and Daubenton's bat are considered stable. Of the remaining seven Scottish species, GB-level trends are available for three other species and

<sup>1</sup> These values are substantially larger than previously published estimates, but do not necessarily mean the populations have increased to this extent, as the estimates have wide confidence intervals attached, within which the true population sizes are likely to be found.

(combined) whiskered/Brandt bat. Thus, populations of brown long-eared bat, noctule and whiskered/Brandt's bat are all considered to have been stable since 1999. There is some evidence that Natterer's bat may have increased over the same period.

#### *Monitoring:*

British bats are monitored via the National Bat Monitoring Programme, which uses data from four different types of annual survey bats across Britain.

#### *Factors affecting the health of the population:*

The dependence of bats on a number of specific habitat types for summer roosting sites, winter hibernation sites, commuting and foraging, means that they are particularly vulnerable to land use change. Many bat populations suffered serious declines in the second half of the twentieth century, driven by habitat loss, development and disturbance or destruction of roosts. The widespread use of highly toxic timber treatment chemicals was a contributory factor to this, but fortunately much safer compounds are now commonly in use which present little or no threat to bats if used correctly. There are three main types of roost:

- Buildings such as houses, churches, farms, bridges, ancient monuments, fortifications, schools, hospitals and all sorts of industrial buildings. These are most important in summer, though some are used throughout the year.
- Underground places such as caves, mines, cellars, ice-houses and tunnels. These are most important for hibernation as they give the cool, sheltered and stable conditions that bats need during winter.
- Tree holes - these are used by bats throughout the year.

#### *Health' of the species:*

Common and soprano pipistrelles, and brown long-eared bats are the species that are most frequently encountered in buildings and are therefore most likely to be the subject of wildlife crime in the form of unauthorised disturbance, or damage to, and/or destruction of their roosts.

On-going threats to Scottish bats include pressure from human disturbance to roosting sites and foraging grounds. For example, changes to agricultural and forestry practices which alter landscapes, or affect the availability of insect prey, such as pesticide use, could negatively impact bat populations. Roosts may be lost during development through demolition or renovation of buildings without provisions to replace roosting sites, and there is limited information on the success of replacement roosts as part of compensation measures. Also changes in building practices to improve energy efficiency mean that new buildings may offer fewer roosting opportunities.

## 4.4 CITES



Illegal tiger products © IFAW

CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It is an international agreement between governments, which aims to protect certain animal and plant species from over-exploitation by trade.

In Scotland and the rest of the UK, this agreement is given legal authority by the Control of Trade in Endangered Species (Enforcement) Regulations 1997, known as COTES.

### Recorded Crimes

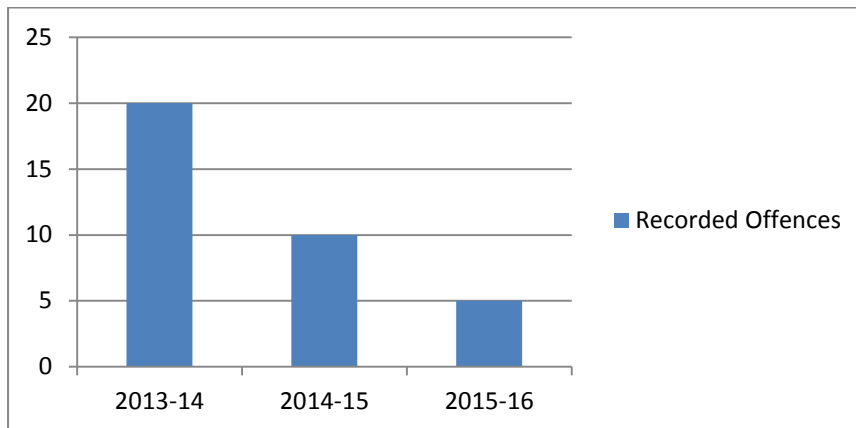
Table 20 and Figure 4 show that 5 CITES-related offences were recorded by Police Scotland in 2015-16, compared to 10 in 2014-15. These 5 offences related to 3 incidents, involving the trading in endangered species in Fife, Glasgow and Moray. These included otter, tiger claws and elephant ivory.

**Table 20: Summary of 2015-16 CITES offences**

Police Division	Type of Offence	Date
Greater Glasgow	Trade in endangered species (Annex A species)	April 2015
Fife	Trade in endangered species (Tiger parts)	August 2015
Fife	Trade in endangered species (Tiger parts)	August 2015
Highland and Islands	Unlicensed trade (taxidermy otter)	February 2016
Fife	Trade in endangered species (Tiger parts)	February 2016

Source: Police Scotland

**Figure 4: Police Scotland Disaggregated Offence Data for CITES 2013-14 to 2015-16**



**Source: Police Scotland**

Police Scotland expect the numbers of recorded offences to increase in future years, due to increased public awareness and reporting of illegal wildlife trading, particularly online.

## 4.5 Freshwater Pearl Mussels



Scotland supports several of the largest remaining populations of freshwater pearl mussels (FWPM) in the world some of which continue to be damaged by criminal activity. Pearl fishing continues in Scotland, almost uniquely within Europe. FWPM are also threatened by criminal damage by unlawful river engineering and pollution events.

Freshwater Pearl Mussel Shells © SNH

### Recorded crimes

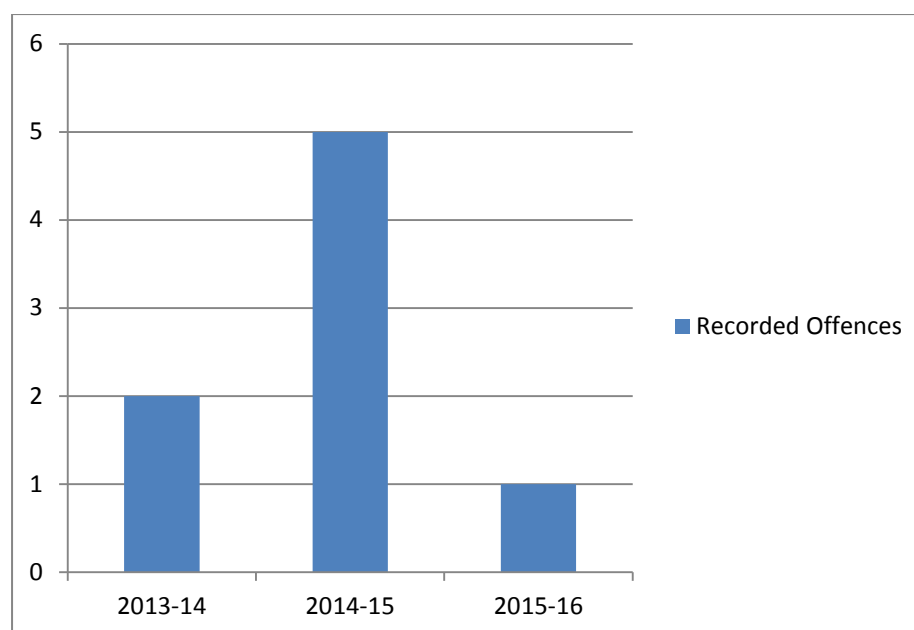
Police Scotland recorded 1 offence in relation to FWPM during 2015-16 which was in relation to siltation of a watercourse by hydro scheme works. This compares to 5 offences in 2014-15.

**Table 21: Summary of 2015-16 FWPM offences**

Police Division	Type of Offence	Date
Tayside	Water quality affected – hydro scheme	May 2015

Source: Police Scotland

**Figure 5: Police Scotland Disaggregated Offence Data for Freshwater Pearl Mussels**



Source: Police Scotland

## **FWPM Priority Delivery Group**

The overall objective of the FWPM priority delivery group is to raise awareness of the threat posed by criminality and help communities in hotspots to prevent criminality and identify offenders.

The FWPM delivery group continued to be active in 2015-16. To further increase awareness of pearl mussels, work to establish 'Riverwatch' schemes in all rivers and catchments that are designated as Special Areas of Conservation for pearl mussels was completed. This was done as part of the Pearls in Peril LIFE+ project, led by Scottish Natural Heritage and a partnership of fishery trusts. Riverwatch patrols also took place in all of these important populations across the Highlands. These patrols were to help support wider awareness raising activities that help local communities detect suspicious activity in their local rivers and encourage them to report it to the local police. The patrols helped detect a number of incidents, which were reported to Police Scotland, and used to continue raising awareness in the media.

Training was also provided to fishery bailiffs and countryside rangers to continue improving awareness of the species and the threats that criminality poses to its conservation. During 2015 proactive, intelligence-led operations by Police Scotland also took place at key sites to help reduce the threat posed by wildlife crime.

Investigations continued following alleged pollution incidents that damaged local pearl mussel populations. To support potential future investigations, surveys were also completed in particularly high risk populations in areas including the Hebrides, Sutherland and Lochaber.

## **Health of Species – FWPM**

### *Basic ecology:*

The freshwater pearl mussel is one of the longest-lived invertebrates known, and can survive for over 100 years. The mussels live in the gravel beds of clean rivers. They feed by filtering water, removing fine particles, which helps to keep our rivers clean and benefits other species like salmon and trout. Mussel larvae spend the first few months of their lives attached to the gills of young salmon and trout, so healthy fish populations are vital to their lifecycle. Their complex lifecycle is extremely delicate, making the freshwater pearl mussel very vulnerable to adverse conditions.

### *Current population in Scotland:*

Freshwater pearl mussels are critically endangered in Europe, with Scotland representing one of their remaining strongholds. The national survey published in 2015 found that there are freshwater pearl mussel populations in 115 watercourses in Scotland with the majority of these rivers located in the Highlands and the Western Isles. Freshwater pearl mussel populations showed evidence of recent, successful recruitment in 71 of those rivers. In the remaining rivers, only adult mussels were present with no apparent recruitment.

#### *Population trends:*

Across Europe there have been dramatic declines in the distribution of freshwater pearl mussels. For example in the last century it has been estimated that there was a 95-100% decline in known populations in central and southern Europe. Although there have not been such dramatic declines in Scotland, between the two national surveys in 1999 and 2015, freshwater pearl mussels became extinct from a total of 11 watercourses. As such, and despite considerable conservation efforts, there is an ongoing decline in the number of freshwater pearl mussel populations.

#### *Factors affecting the health of the population:*

Freshwater pearl mussels have extremely demanding habitat requirements and an unusual and sensitive lifecycle. One of the main factors that affect the health of populations is wildlife crime and freshwater pearl mussels have been exploited in Scotland since Roman times. The freshwater pearl mussel was given full legal protection in 1998. But since then continued persecution has badly damaged many populations which struggle to recover because of the mussel's slow growth rate.

Water pollution and damage to river beds and banks can also seriously affect freshwater pearl mussel populations. Anything that affects the status of local salmon and/or trout stocks also has the potential to affect the mussels by interfering with their lifecycle.

#### *Monitoring:*

Our most important freshwater pearl mussel populations are monitored every six years as part of SNH's Site Condition Monitoring programme. More widely, SNH has also commissioned two national surveys in Scotland to assess the status of populations across the country.

#### *'Health' of the species:*

The species is categorised as 'critically endangered' in Europe by the IUCN. There have also been apparent extinctions from 11 watercourses in Scotland since the start of the current century. However several populations are showing signs of recovery or are stable, principally as a result of considerable conservation efforts by a wide partnership of public, private and charitable organisations. However wildlife crime continues to pose a significant risk to these efforts and the status of vulnerable populations.

## **References**

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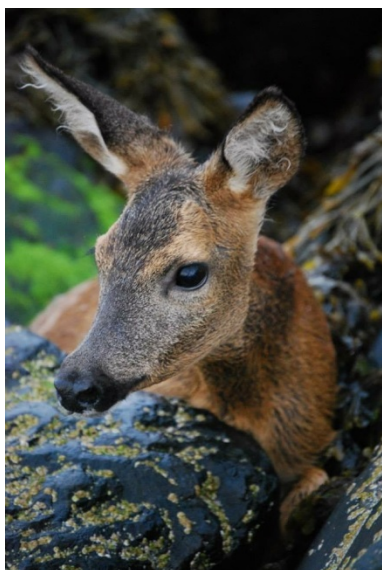
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Sime I. 2015. Freshwater pearl mussel. Version 1.0. In The Species Action Framework Handbook, Gaywood MJ, Boon PJ, Thompson DBA, Strachan IM (eds). Scottish Natural Heritage, Battleby, Perth.



Watt, J, Cosgrove, P.J & Hastie, L.C. 2015. A national freshwater pearl mussel (*Margaritifera margaritifera*, L.) survey of Scotland. *Scottish Natural Heritage Commissioned Report No. 901*.

## 4.6 Poaching and Coursing



Roe Deer © Jake Swindells

Poaching involves the taking of deer, fish or other game without permission, or using unlawful methods. Coursing is the hunting of animals with dogs. This section sets out the new Police Scotland disaggregated data in addition to providing an overview on the work of the Poaching & Coursing Priority Delivery Group.

### Recorded crimes

During 2015-16 140 poaching and coursing offences were recorded by Police Scotland. This was a small decrease from 159 offences recorded in 2014-15. Table 22 shows the former Aberdeen City Division 'A' (now amalgamated with Aberdeenshire and Moray to form 'North East Division') has the highest number of recorded hare coursing offences at 24, while Forth Valley has the highest number of recorded fish poaching offences at 19.

**Table 22: Poaching and coursing offences 2015-16 by Police Scotland Division**

Police Division	Target Species	Number of offences
Aberdeen City	Hare	24
	Deer	1
	Fish	7
Forth Valley	Hare	2
	Deer	0
	Fish	19
Tayside	Hare	7
	Deer	3
	Fish	2
Greater Glasgow	Hare	0
	Deer	0
	Fish	1
Lothians and Scottish Borders	Hare	8
	Deer	3
	Fish	3
Renfrewshire and Inverclyde	Hare	0
	Deer	1
	Fish	4
Argyll and West Dunbartonshire	Hare	0
	Deer	1
	Fish	7
Highland and Islands	Hare	2
	Deer	2
	Fish	15
Fife	Hare	3
	Deer	1
	Fish	1

Lanarkshire	Hare	4
	Deer	1
	Fish	2
Ayrshire	Hare	0
	Deer	0
	Fish	10
Dumfries and Galloway	Hare	3
	Deer	1
	Fish	2
Total		140

Source: Police Scotland

Table 23 shows that fish poaching offences remain the most commonly recorded at 73 offences, while hare coursing accounts for a further 53 offences. Deer poaching offences remain the least commonly recorded at 14.

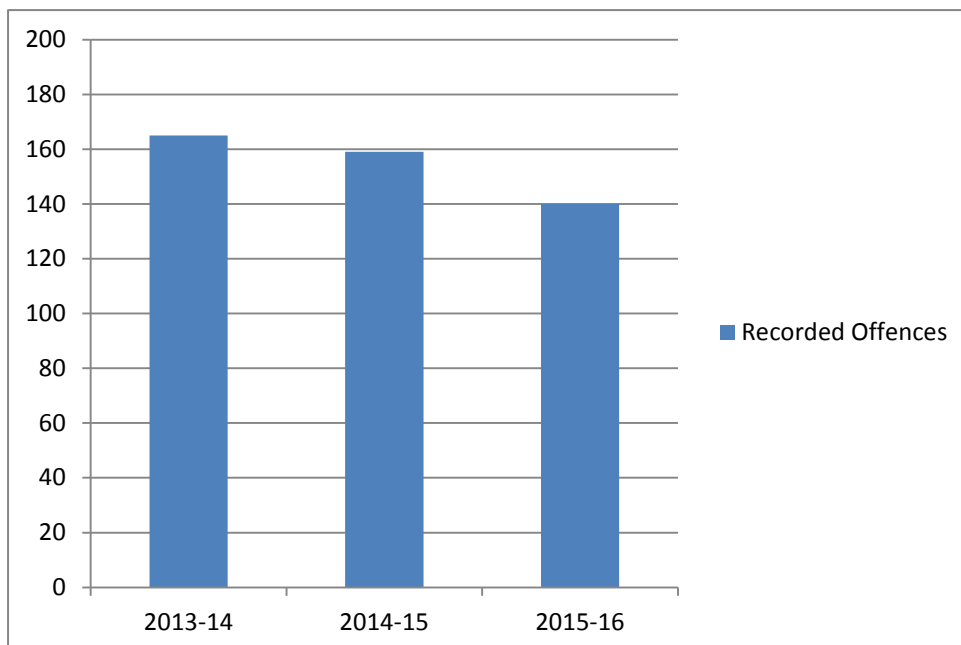
Most fish poaching offences were in relation to salmon, and show a seasonal bias towards the months from April to December. There are no clear seasonal variations in the recording of hare and deer poaching offences.

**Table 23: Poaching offences 2015-16 by species and quarterly breakdown**

Target species	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Total
Hare	16	10	14	13	53
Deer	4	3	2	5	14
Fish	15	27	23	8	73
<b>Total</b>	<b>35</b>	<b>40</b>	<b>39</b>	<b>26</b>	<b>140</b>

Source: Police Scotland

**Figure 6: Police Scotland Disaggregated Offence Data for Poaching and Coursing 2013-14 to 2015-16**



Source: Police Scotland

## **Poaching and Coursing Priority Group**

The Poaching and Coursing Priority Delivery Group continued its work to advise and support the Police and others, particularly in respect of increasing awareness of crime and promoting better reporting of offences.

An 'Incident Recording Notebook' developed jointly by The British Deer Society, BASC and Scottish Land and Estates was sought after all year to the extent that original stocks were depleted, a re-print was planned.

The training of Police Scotland telephone call handlers in relation to poaching and coursing offences has resulted in an improved response to incidents by Police Officers, and better communication with callers. This efficiency is important at the outset of an event in order to secure evidence or apprehend perpetrators.

SNH has contacted Local Authorities to provide advice in relation to their obligation to maintain, and submit, Venison Dealer's contacts and records. The responses to the enquiries have been mixed and the Group will be looking at how best to ensure requirements in relation to trade in venison under the Deer (Scotland) Act 1996 can be better met.

Several cases have been successfully brought against coursers, but the speed at which such offences are executed and in some cases intimidation and fear of reprisals can mean that witnesses are not always forthcoming.

Fisheries Management Scotland (FMS) represent the network of 41 local district salmon fishery boards (DSFBs) who have statutory powers for delivering fisheries enforcement in Scotland. Police Scotland have collaborated on reciprocal training events with FMS and member DSFBs, with the aim of partnership working to improve detection and prevention of fish poaching at local and strategic level. The poaching of fish, particularly salmon and sea trout remains the highest volume offence.

The Group intends to continue developing awareness among the public, in particular those in the rural community, and continue to provide training to the Wildlife Crime Officers.

The Group encourages the use of media networks to generate communications among rural people to accelerate the spread of news and reporting of events around the country to increase awareness and speed of response to intruders.

## Health of Species - Red and Roe Deer



Roe Deer © Lorne Gill/SNH

*Basic ecology:* Red deer have adapted to living on open hillsides and moorlands throughout much of Scotland. They can also be found in coniferous and deciduous forests. Although symbolic of wild and remote areas, red deer now also occupy areas closer to people, even entering some suburbs. Red deer graze and browse a wide variety of plants including grasses, Red deer heather, shrubs and trees.

Roe deer are generally seen in loose family groups or as individual animals. They are generally found in woodlands, particularly around the edges where the woodland meets open ground, including farmland. They are increasingly found in and around our towns. Their diet includes a variety of woodland plants including herbs, brambles, ivy, heather, bilberry & coniferous tree shoots<sup>2</sup>.

### *Current population in Scotland:*

Both red and roe deer are common and widespread species throughout Scotland, with the exception of some islands. Red deer are distributed across much of northern Scotland, Argyll, the Trossachs and Galloway. Up-to-date national population estimates for red and roe deer are required<sup>3</sup>. Previous estimates for red deer in 2000 were between 360,000 and 400,000<sup>4</sup>.

Roe deer are particularly difficult to count because of their secretive nature and woodland habitat. The most recent estimate is 200,000 – 350,000<sup>5</sup>.

### *Population trends:*

The latest work on deer population trends is due to be published soon. Results thus far indicate that since 1960 the population of red deer on the open ground has increased but in the last 15 years the population growth has halted. National trends for deer populations within woodlands are uncertain due to the considerable challenges in counting them. Estimates for both private woodlands and the National Forest Estate suggest a decline in woodland deer populations (of which roe is the most common) in the last 15 years.

### *Factors affecting the health of the population:*

All species of wild deer, particularly red deer on open hill ground, can be subject to winter mortality in prolonged or severe winters. This can be reduced if land managers have taken potential welfare issues into account. Deer stalking is carried out to regulate numbers. Both species of deer are subject to Deer

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<sup>2</sup> Wild Deer Best Practice: Ecology of Roe Deer

<sup>3</sup> Deer Management in Scotland: Report to the Scottish Government from Scottish Natural Heritage 2016

<sup>4</sup> Written submission from Scottish Natural Heritage to Rural Affairs, Climate Change and Environment Committee on 20 November 2013

<sup>5</sup> Written submission from Scottish Natural Heritage to Rural Affairs, Climate Change and Environment Committee on 20 November 2013

Vehicle Collisions and whilst these appear to be increasing they are not likely to impact on the overall deer populations.

Disease and poaching may also impact on the health of deer, although there is no evidence to suggest that either are having an impact at the population level. Awareness of potential new diseases e.g. Chronic Wasting Disease is promoted through organisations such as the British Deer Society and deer poaching is a wildlife crime priority.

#### *Monitoring:*

Actions to monitor the numbers and impacts of red deer in the uplands are included in the Deer Management Plans (DMPs) produced by Deer Management Groups (DMGs). The next assessment of DMGs is due in 2019. Safeguarding the welfare of wild deer is one of the criterion against which their DMPs will be assessed. Safeguarding the welfare of wild deer is also included as a requirement in the Code of Practice on Deer Management (Deer Code). SNH monitors the extent of compliance with the Deer Code and presents a report to Scottish Ministers every 3 years. The first report is due in June 2019.

#### *'Health' of the species:*

There is no current explicit monitoring of the health of wild deer species. However, there are stop gaps in place which should highlight any issues, including standard checks at deer larders. There is also a provision in the Deer Act as amended by the WANE Act to use regulation if there is damage to deer welfare. In addition to this the Lowland Deer Network Scotland have recently launched a [deer health survey](#) to 'establish the prevalence or otherwise of a number of health risks across all of Scotland's wild deer species'. To date there is no evidence to suggest that there are any significant issues with the health of wild deer at a national or population level.

## **References**

Gaywood MJ, Boon PJ, Thompson DBA, Strachan IM (eds). 2016. *The Species Action Framework Handbook*. Scottish Natural Heritage  
Scottish Natural Heritage, 2016. *Deer Management in Scotland: Report to the Scottish Government from Scottish Natural Heritage 2016*  
Scottish Natural Heritage, 2013. *Written submission from Scottish Natural Heritage to Rural Affairs, Climate Change and Environment Committee on 20 November 2013*  
Wild Deer Best Practice Guidance

## Health of Species - Brown hare (*Lepus europaeus*)



Brown hare © SNH

### *Basic ecology:*

In Britain the brown hare is a farmland animal that thrives best on arable ground where the highest population densities are to be found. In Scotland the best habitats for brown hares are in the east, broadly corresponding with the best agricultural land. Thus, much of the area from the Moray Firth, through lowland Aberdeenshire, lowland Tayside, Fife, parts of the Central Belt, East Lothian and the Borders contain optimum habitat

for brown hares. However, the species is present elsewhere in Scotland where suitable habitat exists, generally below ~300m asl. Above this altitude, it tends to be replaced by the mountain hare, where the latter is present.

Although hares prefer open country, they tend to avoid pastures with high densities of livestock, so they are most often found in fields without stock or where the stocking densities are very light. They need cover to hide from predators (notably foxes) so arable areas with nearby hedgerows, strips of woodland or other cover (e.g. set aside) are preferred.

### *Population trends:*

There was a significant decline in the brown hares (based on the numbers shot) during the latter part of the 20<sup>th</sup> century. National Gamebag Census (NGC) data for Scotland as a whole, collected by the Game & Wildlife Conservation Trust, indicate a significant decline in the bag index between 1961 and 2009 but the trend has stabilised at a low level since 1985. However, caution is needed when interpreting game bag data because of the absence of a consistent measure of control effort. This decline resulted to the brown hare being listed as a Priority Species in the UK Biodiversity Action Plan (1995). The key causal factors were all associated with changes in agricultural land-use, specifically: the conversion of grassland to arable; loss of habitat diversity in the agricultural landscape; and changes in planting and cropping regimes.

### *Factors affecting the health of the population:*

Brown hares are a quarry species and driven shoots (mostly confined to areas with fox control and high brown hare density, i.e. 0.1 - 0.4/ha) can reduce populations by 30 - 70%. Other illegal forms of hunting including hare coursing may add to this, although mortality involving dogs has been quantified as being comparatively low, reducing the population by <7%. Other anthropogenic mortality is associated with agricultural machinery and in the form of road casualties.

### *Monitoring:*

Since 1995, data on brown hare abundance have also been collected under the Breeding Bird Survey (BBS) organised by the British Trust for Ornithology. This

has reported a relatively stable trend for the UK as a whole since the start of the survey. The NGC UK trend is broadly similar.

*'Health' of the species:*

In the mid-1990s the Scottish brown hare population was estimated to be around 187,250 (but within the range 155,813 - 218,687). The most recent estimate (2017) is 73,100, but as the true value could be between 53,700 and 301,000, it cannot be interpreted as evidence for a decline. A 2017 assessment of the future prospects of brown hares, in terms of whether the population size, range and habitat quality are likely to increase, decrease or remain stable, indicates that all of these are likely to remain stable.



## Health of Species – Atlantic salmon



Recovering illegal gill net © Spey DSFB

### *Basic ecology:*

Atlantic salmon are found in the temperate and arctic regions of the northern hemisphere. They occur in the rivers of the countries that border both sides of the North Atlantic Ocean, and the Baltic Sea. As an anadromous species, Atlantic salmon live in freshwater as juveniles but migrate to sea as adults

before returning up river to spawn.

Atlantic salmon usually return to their native river, and even the same stretch of the river from which they were born. This means that many 'populations' of Atlantic salmon may exist within the same river and contribute to the overall stock of that species within a catchment.

After returning to freshwater, spawning usually occurs from November to December, but may extend from October to late February in some areas, particularly larger rivers. About 90 to 95% of all Atlantic salmon die after spawning has taken place. Those that survive may spawn again.

### *Population trends:*

Atlantic salmon stocks have declined across much of their global geographical range. In Scotland, where the annual rod catch is used as a broad indicator of trends in the size of the spawning population, adult abundance is also influenced by the activity of distant water and coastal net fisheries. The latter of these (mixed stock coastal fisheries) has been placed under a three-year moratorium in Scotland to protect declining stocks. Rod-catch data, available from 1952 to the present day, show that considerable variation in annual abundance exists within each of the 109 Fishery Districts and also among individual stock components.

### *Current population in Scotland:*

Generally, the available data suggest that the overall number of Atlantic salmon returning to Scottish rivers had increased over recent years, with the highest recorded rod catch occurring in 2010. Since 2010, however, the recorded rod catch has dropped in each subsequent year and the 2016 catch is expected to be one of the lowest on record.

### *Factors affecting the health of the population:*

The complex anadromous life cycle means that Atlantic salmon populations can be affected by developments both in freshwater and at sea. In freshwater, issues such as water quality, connectivity from the river mouth to potential spawning areas and predation (both by predators such as piscivorous birds, otters, seals and man) can be significant. In the marine environment, poor survival of one-sea winter fish means that only 3.2% of those fish which leave Scotland return to spawn as adults.

### *Monitoring:*

NASCO (the North Atlantic Conservation Organisation) and ICES (the International Council for Exploration of the Seas) Working Group on North Atlantic Salmon maintain an overview of Atlantic salmon stocks and their management throughout their global range and this drives science and management at an international level.

Since 2015 a new system of management has come into force in Scotland. The development of Conservation Limits for each Salmon Fishery District, or each river if rod-catch data is available, determines what level of exploitation will be allowed in order to conserve stocks.

Monitoring of the long-term decline in the spring multi-sea-winter stock component has led to the development of specific management legislation. It is now illegal to kill any Atlantic salmon (which are principally 'spring salmon') caught from January to 1 April under The Conservation of Salmon (Annual Close Times and Catch and Release) (Scotland) Regulations 2014. In three rivers (Annan, Eachaig and Esk), the annual close time extends beyond this date.

The development of an Atlantic salmon Conservation Plan is now considered mandatory for all rivers, or Atlantic salmon management units (if taking several small rivers together).

Atlantic salmon populations have been included as features within 17 Special Areas of Conservation, and these have been monitored every six years as part of SNH's Site Condition Monitoring programme.

### *'Health' of the species:*

The species is categorised as 'least concern in Europe by the IUCN, although this categorisation has not been updated since 1996.

The 'NASCO Salmon Rivers Database' shows the status of Atlantic salmon in Scottish rivers. In summary, the database shows that:

- 364 rivers in Scotland support Atlantic salmon and are not considered to be considered to be threatened with loss. Many rivers, particularly the large east coast rivers, support multiple genetically discrete populations;
- 5 rivers where Atlantic salmon have been restored;
- 1 river where Atlantic salmon are maintained by stocking and other management;
- 11 rivers where Atlantic salmon are threatened with loss; and
- 2 rivers where Atlantic salmon have been lost.

The illegal exploitation of Atlantic salmon continues to occur in both inland and estuarine coastal areas and is carried out by both individuals and organised groups. This includes the capture of Atlantic salmon by legal and illegal methods outwith weekly and annual close times. The value of fish lost to illegal exploitation is not reported annually on a national basis, but may be significant in areas where it is known to occur. The fragile nature of some stock components, such as the declining 'spring' fish may mean that illegal exploitation could result in serious impacts at the population level.

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The IUCN Red List of Threatened Species. <http://www.iucnredlist.org>

NASCO Salmon Rivers Database <http://www.nasco.int/RiversDatabase.aspx>

## 4.7 Raptor Persecution



Osprey © SNH

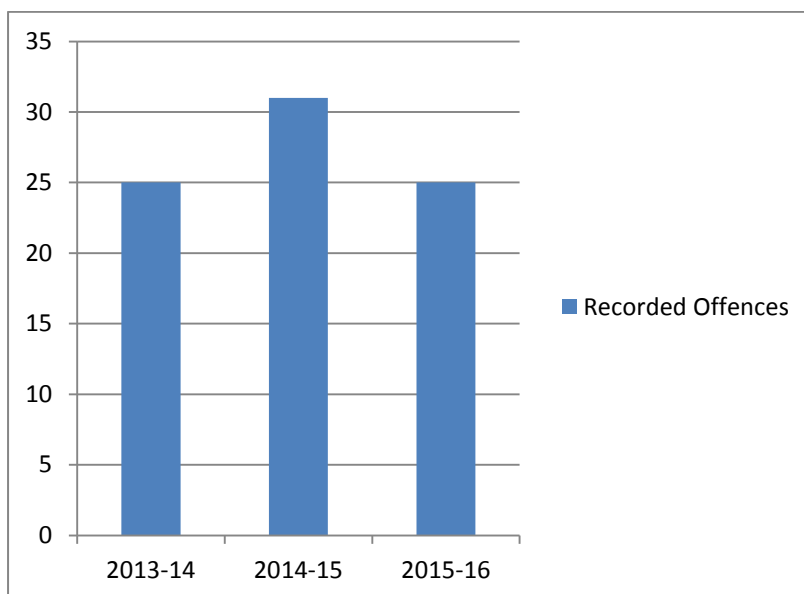
Raptor, or bird of prey, persecution is the most high profile type of wildlife crime in Scotland and it can have serious impacts on the populations of some bird of prey species at local, regional or (if carried out more widely) national level.

This section presents Police Scotland disaggregated data and SASA poisoning figures in relation to raptor offences.

### Recorded crimes

During 2015-16, 25 offences were recorded by Police Scotland data, a decrease from 31 the previous year. Table 15 and Figure 7 show the numbers of recorded crimes for the period 2013-14 to 2015-16.

**Figure 7: Police Scotland Disaggregated Offence Data for Raptor Persecution**



Source: Police Scotland

### Poisonings and other recorded crimes

Table 24 shows the numbers of birds of prey confirmed by SASA as illegally poisoned between 2010-11 and 2015-16, alongside the number of incidents which resulted in these poisonings. The figures show that buzzards (34) remain the most commonly recorded victim of illegal poisoning over the five year period, followed by red kites (27) and golden eagles (7).

**Table 24: Bird of Prey Poisonings, Scotland, 2010-11 to 2015-16**

Year	Number of Birds of Prey Poisoned (By Species)							Number of Incidents
	Buzzard	Red kite	Golden eagle	Peregrine falcon	Sparrow-hawk	White-tailed eagle	All	
2010-11	14	7	5	4	1	1	32	24
2011-12	3	3	1		2		9	6
2012-13	3	1					4	4
2013-14	7	12	1	1			21	6
2014-15	3	3		1			7	6
2015-16	4	1					6*	6
<b>Total</b>	<b>34</b>	<b>27</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>1</b>	<b>79</b>	<b>52</b>

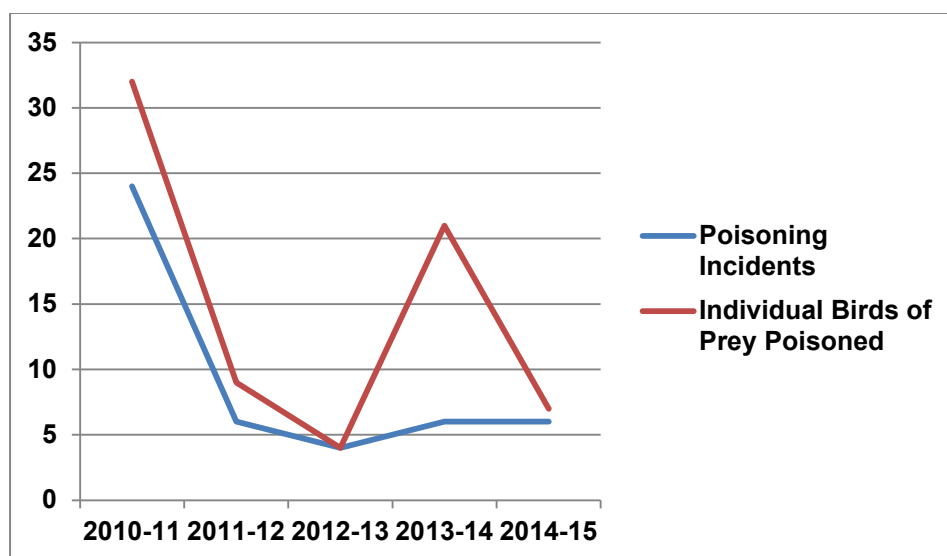
Source: Science and Advice for Scottish Agriculture (SASA)

Data for financial year period 1 April 2010-31 March 2016

\* Includes one unidentified raptor

The number of poisoning incidents over the last five years has remained relatively low compared to the high of 24 in 2010-11. However, illegal poisoning still has the capacity to kill high numbers of birds. For example, the large discrepancy in 2013-14 between the numbers of birds poisoned (21) and the number of incidents (6) was due to a single mass poisoning incident in Ross-shire, where 12 red kites and 4 buzzards were confirmed to have been killed with an illegal pesticide.

**Figure 8: Bird of Prey Poisonings 2010-11 to 2014-16**



Source: SASA

Tables 25a and 25b show a summary of bird of prey incidents recorded by Police Scotland from 2013-15 and offences recorded in 2015-16. A direct comparison between the datasets is not possible as incidents may involve multiple offences. However the tables do demonstrate general trends. As with the SASA poisoning data, these figures show that the buzzard (involved in 26 of the 62 cases) was the species most commonly affected.

Shooting remains the highest recorded crime type for the period (24), followed by poisoning (18).

Financial year data for wider bird of prey crime is currently only available from 2013-14 onwards. Subsequent reports will use offence data to enable direct comparisons between datasets.

**Table 25a: Recorded Bird of Prey Cases in Scotland, 2013-14 to 2015-16 by Species Involved**

	Number of Cases (by species involved)										
	Buzzard	Hen Harrier	Peregrine	Red Kite	Golden Eagle	Goshawk	Osprey	Red Kite & Buzzard	Tawny Owl	Unknown	Total
2013-14	8	2	2	2	1	1	1	1	1	0	19
2014-15	6	1	3	4	1	1	0	0	1	1	18
2015-16	12	2	1	4	1	1	2	1	0	1	25
Total	26	5	6	10	3	3	3	2	2	2	62

**Source: Police Scotland**

Figures from 2013-2014 and 2014-2015 relates to incident data, which may include multiple offences and victims. Figures from 2015-16 relates to offence data, which relates to individual offences and victims.

**Table 25b: Recorded Bird of Prey Cases in Scotland, 2013-14 to 2015-16 by Type of Crime**

	Number of Cases (by type of crime)					
	Shooting	Poisoning	Trapping	Disturbance	Other	Total
2013-14	8	6	3	2	0	19
2014-15	8	6	1	1	2	18
2015-16	8	6*	6*	3	3	25*
<b>Total</b>	<b>24</b>	<b>18*</b>	<b>10*</b>	<b>6</b>	<b>5</b>	<b>62</b>

**Source: Police Scotland**

\* one incident involved both trapping and poisoning

Figures from 2013-2014 and 2014-2015 relates to incident data, which may include multiple offences. Figures from 2015-16 relates to offence data, which relates to individual offences and victims.

Table 26 shows that Tayside Division and Lothian and Borders Division recorded the highest number of offences in relation to birds of prey with 7 and 6 offences respectively and 13 in total. Buzzard account for 12 of the 13 recorded offences.

**Table 26: Summary of Recorded Bird of Prey Offences in Scotland 2015-16 by Police Scotland Division**

Police Division	Target Species	Number of offences
Aberdeen City	Hen Harrier	1
Forth Valley	Red Kite	2
Tayside	Buzzard	5
	Buzzard/red kite	1
	Osprey	1
Greater Glasgow	N/A	0
Lothians and Scottish Borders	Buzzard	6
Renfrewshire and Inverclyde	N/A	0
Argyll and West Dunbartonshire	Buzzard	1
Highland and Islands	Red kite	2
	Golden eagle	1
Fife	Peregrine	1
Lanarkshire	Hen harrier	1
	Unknown	1
Ayrshire	Osprey	1
Dumfries and Galloway	Goshawk	1
<b>Total</b>		<b>25</b>

Source: Police Scotland

Table 27 shows a seasonal bias of recorded bird of prey offences occurring during July to September, with 11 of the 25 total offences occurring during this quarter.

This period coincides with the time that young birds of prey fledge, are 'on the wing' and may begin to disperse from their natal area. The increased number of bird of prey at this time of year may account for a peak in offences during this time, although this information is not available from the Police Scotland offence data.

**Table 27: Bird of prey offences 2015-16 by species and quarterly breakdown**

Target species	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Total
Buzzard	1	5	2	4	12
Hen harrier	0	2	0	0	2
Peregrine	1	0	0	0	1
Red kite	2	1	1	0	4
Golden eagle	1	0	0	0	1
Goshawk	0	1	0	0	1
Osprey	1	1	0	0	2
Red kite and buzzard	1	0	0	0	1
Unknown	0	1	0	0	1
<b>Total</b>	<b>7</b>	<b>11</b>	<b>3</b>	<b>4</b>	<b>25</b>

Source: Police Scotland

Table 28 provides a detailed breakdown of bird of prey offences for the period 2015-16. Buzzard are associated with all poisoning offences (buzzard/red kite in one case). Buzzard are Scotland's most common bird of prey and are carrion feeders, therefore are more likely to be susceptible to poison than other species.

**Table 28: Details of Recorded Bird of Prey Offences in Scotland 2015-16**

Species	Police Division	Type of Offence	Date
Buzzard	Tayside	Poisoning	April 2015
Buzzard / Red kite	Tayside	Trapping and poisoning	April 2015
Osprey	Tayside	Disturbance	April 2015
Golden Eagle	Highland and Islands	Other	April 2015
Red Kite	Forth Valley	Trapping	May 2015
Red Kite	Forth Valley	Trapping	May 2015
Peregrine	Fife	Disturbance	June 2015
Osprey	Ayrshire	Trapping	July 2015
Buzzard	Tayside	Trapping	July 2015
Buzzard	Argyll and West Dunbartonshire	Shooting	August 2015
Hen harrier	Lanarkshire	Shooting	August 2015
Goshawk	Dumfries and Galloway	Other	August 2015
Red Kite	Highland and Islands	Shooting	August 2015
Not known	Lanarkshire	Trapping	September 2015
Buzzard	Tayside	Shooting	September 2015
Buzzard	Lothians and Scottish Borders	Poisoning	September 2015
Buzzard	Tayside	Shooting	September 2015
Buzzard	Lothians and Scottish Borders	Poisoning	October 2015
Red Kite	Highland and Islands	On-going incident	October 2015
Buzzard	Lothians and Scottish Borders	Shooting	October 2015
Hen harrier	Aberdeen City	Shooting	February 2016
Buzzard	Tayside	Shooting	February 2016
Buzzard	Lothians and Scottish Borders	Other	March 2016
Buzzard	Lothians and Scottish Borders	Poisoning	March 2016
Buzzard	Lothians and Scottish Borders	Poisoning	March 2016

Source: Police Scotland



## PAW Scotland Raptor Group



White tailed eagle © Lorne Gill/SNH

The Raptor Group, chaired by Police Scotland, continued to consider prevention, intelligence and enforcement issues regarding the persecution of birds of prey. The group met quarterly. Police Scotland provided regular updates on reported crimes involving raptor species and all partners were asked to brief the group in respect of on-going work that they are involved in to tackle issues of

raptor persecution.

In 2016 this included the creation of the annual bird of prey persecution maps and the on-going work on the Hen Harrier Action Plan.

As in 2015 the Heads Up for Harriers project continued to be the largest single project for the group. This aim of the project being to understand more about the distribution of hen harriers and why nests fail.

Members of the public continued to provide sightings, and several estates agreed to have cameras installed on hen harrier nests in their grounds. In 2016 five nests were monitored, with estates in Highland, Moray and at Langholm. All the nests were successful and 14 chicks were fledged.

Additionally, a dedicated phone and e-mail address were created, which has led to the recording of over 100 sightings received from the public, including seven previously unknown active pairs or nests.

The group also reviewed the poisoning case on the Black Isle that had killed red kites and buzzards. SNH reported on academic research on the impact on the Highland red kite population. A meeting to discuss the handling of the case and its impacts was held with a Dave Thompson MSP, Police Scotland and SNH.

## Health of Species - Golden Eagle



### *Basic ecology:*

Golden eagles are very large raptors which have a wide diet. Live prey consists mainly of medium sized birds and mammals although they will take smaller and larger prey too. They also scavenge carrion mostly sheep and deer in Scotland. The majority nest on cliffs although some nest in trees especially where suitable cliffs are scarce.

Whilst adults are territorial and remain on territory throughout the year young immature birds wander widely. It takes around five years for eagles to reach breeding age. They are primarily birds of open upland habitats.

*Current population in Scotland:*

The most recent national survey was in 2015 with 508 territorial pairs recorded (Hayhow et al 2017). The species is found widely across the Highlands and Islands primarily in upland habitats with a small population in the Southern Uplands. Concentrations, including some of the highest densities recorded in Europe, are found in the Outer and Inner Hebrides and parts of the West Highlands.

*Population trends:*

The population has increased since the previous national survey in 2003 and has passed the 500 pair target stated in the SNH Golden Eagle Conservation Framework report (Whitfield et al 2008) as being required to reach favourable conservation status. However there are regional differences with little change in the Southern Uplands and parts of the central and eastern Highlands from previous surveys.

*Factors affecting the health of the population:*

Natural mortality can include collisions with power lines and starvation during the winter as well as disease. Long term changes to land management including intensive grazing reducing live prey capacity and forestry reducing open habitats have been raised as concerns. The recent national survey suggested there was no evidence of wind farm impacts on the population to date. Illegal persecution regionally remains a significant concern. The recent Scottish Government review of 'missing' satellite tagged young golden eagles highlighted four geographical areas where further action should be considered.

*Monitoring:*

Around half the breeding population is monitored annually by Scottish Raptor Study Group members and other volunteers (Challis et al 2016). The South Scotland Golden Eagle project intends to bolster the Southern Uplands population by translocating chicks into the area for release. There is currently a PhD underway looking at the background health of raptors including golden eagles in Scotland to better understand impacts of disease and contaminant effects.

*'Health' of the species:*

Golden eagle are doing well in parts of Scotland including signs of recovery in some areas where illegal persecution was considered an issue. However the lack of recovery in parts of the central and eastern Highlands remains a cause for concern as does the isolation of the small Southern Uplands population.

## References

Challis, A., et al 2016. The Scottish Raptor Monitoring Scheme Annual Report 2015. BTO Stirling.

Hayhow, D. B. et al 2017. Status of Golden Eagle *Aquila chrysaetos* in Britain in 2015. Bird Study Vol 64, Part 3, August 2017.

Whitfield, D.P., et al 2008. A conservation framework for Golden Eagles: implications for their conservation and management in Scotland. SNH Commissioned Report 193. SNH, Battleby.

## Health of Species - Hen Harrier



### *Basic ecology:*

Hen Harriers are medium sized raptors which take a wide range of small to medium sized birds and mammals. They nest on the ground in long vegetation usually heather or other moorland vegetation. Whilst they breed in upland areas most migrate to lowland and coastal habitats for the winter. Distances vary with most staying within the UK but some reach the continent. They form communal roosts out with the breeding season.

### *Current population in Scotland:*

The most recent national survey was in 2016 and the population was estimated at 460 pairs.

Hen harrier © Scott Smith

The species is found widely across the country but has breeding concentrations in Orkney, some west coast islands and Argyll mainland. The species is much scarcer elsewhere but widely distributed.

**Population trends:** The population has decreased since the previous national survey in 2010, however numbers are stable or have recovered in Orkney and some west coast islands. The species has recently attempted to colonise Lewis in the Outer Hebrides. There have been declines over much of the central and eastern Highlands and Southern Uplands. The numbers of birds breeding in any one year is partly influenced by the vole population which is subject to cyclical population crashes every 3-4 years. This can mean that locally or regionally harrier numbers can increase and decrease in response to these cycles.

### *Factors affecting the health of the population:*

Natural mortality can include starvation during the winter as well as disease. The factors affecting hen harrier distribution and population size have been analysed in the JNCC Hen Harrier Conservation Framework (Fielding et al 2011). Loss or degradation of breeding and foraging habitat through land use change can affect the species locally, as can predation by foxes. However, the species has been at

the centre of the raptor game management conflict and regionally illegal persecution is the most significant factor affecting the species.

#### *Monitoring:*

Around two-thirds the breeding population is monitored annually by Scottish Raptor Study Group members and other volunteers (Challis et al 2016). PAW Scotland run the Heads up for Harrier initiative annually to raise awareness of the issues around the species and to encourage landowners to participate in a nest camera scheme.

#### *'Health' of the species:*

Whilst hen harrier numbers in Orkney have recovered from a decline caused by factors affecting their key prey Orkney voles and populations in some other areas are stable there have been declines over large areas of the range on the mainland of Scotland and the species is not fully occupying its potential range in Scotland.

## **References**

Challis, A., et al 2016. The Scottish Raptor Monitoring Scheme Annual Report 2015. BTO Stirling.

Fielding et al 2011. A conservation Framework for Hen Harriers in the United Kingdom. JNCC report 441.

## **Health of Species - Peregrine falcon**



**Peregrine © Charles Everitt**

#### *Basic ecology:*

Peregrines are medium sized raptors which take a wide range of small to medium sized birds mainly. The majority nest on natural cliffs or crags although some nest on man-made structures and in quarries. Adults can remain on territory all year. They are widespread being found from the coast through the lowlands and into upland habitats. Some have taken to urban nesting.

#### *Current population in Scotland:*

The most recent national survey was in 2014 and the population was estimated at 516-538 pairs (Wilson et al in press). The species is found widely across the country but is rare or scarce in Shetland and parts of the north and west Highlands and some islands.

#### *Population trends:*

The population has decreased since the previous national survey in 2002 with some further declines in the north and west and in some upland areas. Coastal and lowland populations are generally stable or have increased marginally.

#### *Factors affecting the health of the population:*

Natural mortality can include collisions with power lines and starvation during the winter as well as disease. There has been a long term decline in parts of the north and west which is continuing. Reasons for this are not fully understood but

changes in prey availability and bioaccumulation of contaminants, from feeding on seabirds, are likely to be involved. It is possible that intraguild impacts of a recovering golden eagle population may be suppressing peregrine numbers locally. In other areas changes in racing pigeon routes and timings may have affected distribution and breeding performance. Illegal persecution from both pigeon fanciers and game management interests remains a regional concern for some inland and upland populations.

#### *Monitoring:*

Around half the breeding population is monitored annually by Scottish Raptor Study Group members and other volunteers (Challis et al 2016).

#### *'Health' of the species:*

Whilst at a UK level the recovery of peregrine from pesticide issues in the 1950-60s has been a conservation success story the Scottish population is in decline. More study is required to better understand this decline as it is not solely due to illegal persecution.

### **References**

Challis, A., et al 2016. The Scottish Raptor Monitoring Scheme Annual Report 2015. BTO Stirling.

Wilson, M. et al (in press). The breeding population of peregrine *Falco peregrinus* in the United Kingdom, Isle of Man and Channel Islands in 2014.

### **Health of Species - Red Kite**



Red kite © Lorne Gill/SNH

#### *Basic ecology:*

Red kites are a large raptor which has a wide diet. It is an opportunist scavenger eating a wide range of carrion and live prey mainly comprises small mammals, small birds and insects. They nest in trees mostly on small woods or near the edges of larger woods. They are found mostly on lowland or upland edge habitats, although they will visit moorland. They are social birds especially outwith the breeding season and form communal roosts which can number tens of birds in Scotland.

#### *Current population in Scotland:*

Whilst wandering kites can now be seen in almost any part of Scotland occasionally, there are four main population centres based around original release areas for the reintroduction. These are in North Scotland (Black Isle), Aberdeenshire, Central Scotland (Perthshire/Stirlingshire) and Dumfries & Galloway. The Aberdeenshire and Perthshire populations are meeting now in Angus whilst the Dumfries & Galloway population continues to spread northwards along the main river valleys. Large numbers can be seen in the winter at the

feeding stations at Tollie (North Scotland), Argaty (Central Scotland) and Bellymack (Dumfries & Galloway) which are significant tourist attractions.

The majority of the breeding population is monitored annually but it is no longer full coverage due to the speed of growth of the population. In 2015 there was a minimum of 273 pairs in Scotland (Challis et al 2016). A total of 637 birds were found at 22 known winter roosts in January 2017 during a coordinated count.

#### *Population trends:*

Increasing after successful reintroduction, however the growth of the populations is varied with the North Scotland one in particular suffering slow growth due to illegal persecution. The other populations are all increasing and showing good productivity.

#### *Factors affecting the health of the population:*

The reintroduced population is self-sustaining and generally increasing, however the growth of the North Scotland population has been hampered by illegal persecution. In 2016 SNH produced a commissioned report (Sansom et al 2016) assessing whether there had been improvement in the health of that population since an earlier scientific paper highlighting the issue (Smart et al 2010). It concluded that there was no evidence that the level of illegal persecution had declined since the previous study.

Red kites are subject to natural mortality and their scavenging habits can make them vulnerable to collisions with vehicles and power lines. They have also been recorded as collision casualties at wind farms with some regularity. They are also vulnerable to the effects of bioaccumulation of rodenticides through preying on small mammals.

#### *Monitoring:*

There is annual monitoring of a large proportion of the breeding population by Scottish Raptor Study Group members and other volunteers and an annual winter roost coordinated count.

#### *'Health' of the species:*

Red kites are currently doing well nationally but there remain concerns about impacts of illegal persecution regionally.

### **References**

- Carter, I. 2007. The Red Kite. Arlequin Press
- Challis, A., et al 2016. The Scottish Raptor Monitoring Scheme Annual Report 2015
- Sansom, A., et al. 2016. Population modelling of North Scotland red kites in relation to the cumulative impacts of wildlife crime and wind farm mortality. Scottish Natural Heritage Commissioned Report No. 904.
- Smart, J., et al. Illegal killing slows population recovery of a re-introduced raptor of high conservation concern – The red kite *Milvus milvus*. Biol. Conserv. (2010), doi:10.1016/j.biocon.2010.03.002



#### 4.8 Fox Hunting and the Protection of Wild Mammals (Scotland) Act 2002



Fox at pheasant pen© Mike Hardy, BASC



Fox © Charles Everitt

This section highlight offences under the Protection of Wild Mammals (Scotland) Act 2002. Section 1 of the 2002 Act prohibits the deliberate hunting of a wild mammal with a dog (subject to certain exceptions). COPFS report that it is most commonly used in connection with hare coursing, although it has also been used for incidents relating to foxes, deer and badgers. It does not prohibit the hunting of rabbits or rats by dogs.

##### Recorded Crime

The recorded crime statistics in Table 29 and Figure 9 show the figures for the five year period 2011-12 to 2015-16. Table 30 shows that in 2015-16.

Figure 9 below shows that from the now disaggregated data from Police Scotland, 4 of the 44 hunting with dogs cases related to fox hunting offences, rather than activities such as hare coursing.

**Table 29<sup>6</sup>: Protection of Wild Mammals (Scotland) Act 2002 'hunting with dogs' offences 2015-16 by Police Scotland Division**

Police Division	Target Species	Number of offences
Aberdeen City	Hare	20
Forth Valley	Hare	1
Tayside	Hare	6
	Deer	1
Greater Glasgow	Fox	1
Lothians and Scottish Borders	Hare	8
	Fox	3
Renfrewshire and Inverclyde	N/A	0
Argyll and West Dunbartonshire	N/A	0
Highland and Islands	Hare	1
Fife	Deer	1
	Hare	1
Lanarkshire	N/A	0
Ayrshire	N/A	0
Dumfries and Galloway	Hare	1
<b>Total</b>		<b>44</b>

Source: Police Scotland

<sup>6</sup> The table does not show offences under Section 18(1) of the Wildlife and Countryside Act for attempts to commit an offence in relation to killing or taking a wild mammal.

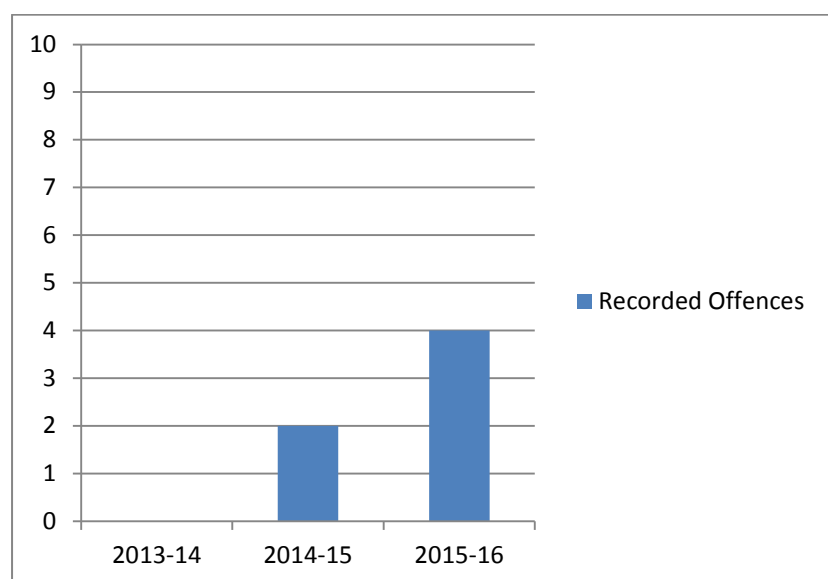


**Table 30: Protection of Wild Mammals (Scotland) Act 2002 ‘hunting with dogs’ offences 2015-16 by species and quarterly breakdown**

Target species	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Total
Hare	14	6	8	10	38
Deer	0	0	1	1	2
Fox	0	0	1	3	4
<b>Total</b>	<b>14</b>	<b>6</b>	<b>10</b>	<b>14</b>	<b>44</b>

Source: Police Scotland

**Figure 9: Police Scotland Disaggregated Offence Data for Fox Hunting**



Source: Police Scotland

## Prosecutions

Table 31 indicates the number of cases reported containing a charge under Section 1 of the 2002 Act specifically in connection with allegations of the hunting of foxes with dogs, and their outcomes. As noted earlier in the report, data from COPFS cannot be directly compared to court proceedings statistics in Tables 4 and 6.

**Table 31: Cases Reported to COPFS involving fox hunting allegations, 2010-11 to 2015-16**

Year	Total cases reported	Cases marked no action**	Prosecutions discontinued **	Prosecutions resulting in an acquittal	Prosecutions resulting in a conviction
2010-11	1				1
2011-12					
2012-13					
2013-14	1*			1*	
2014-15					
2015-16	1*				1*
Total	3 (2*)			1*	2(1*)

**Source: Crown Office and Procurator Fiscal Service**

\* Figures marked \* indicate the number of cases in which the activity appears to have been associated with the activities of a mounted fox hunt.

\*\* The basis for marking cases no action or discontinuing cases was that the evidence was insufficient in law to permit further action.

## 4.9 Trapping and Snaring



Poorly restricted spring trap

Legal fox snare both © Charles Everitt

Trapping and snaring are methods which can be legitimately used for the control of some types of wildlife such as corvids, rodents or foxes. This may be for conservation purposes, to protect agricultural or sporting interests or for human health and safety reasons. However, the use of traps and snares is subject to legal restrictions designed to prevent harm to non-target species or unnecessary cruelty.

### Recorded crimes

Trapping and snaring figures are not shown as part of the recorded crime statistics in Table 1 as the offence data cannot be broken down to that level.

The Police Scotland disaggregated offence data in Table 16 shows that 15 offences were recorded for 2015-16. This represents a decrease from previous years, with 27 offences recorded for 2014-15 and 19 offences recorded for 2013-14.

Table 32 shows that there is no spatial bias to recorded trapping and snaring offences in 2015-16.

**Table 32: Trapping and snaring offences 2015-16 by Police Scotland Division**

Police Division	Type of Offence	Target Species	Number of offences
Aberdeen City	Snaring	Badger	1
Forth Valley	Spring traps	Red Kite	2
	Snaring	Fox	3
Tayside	Spring trap	Buzzard / Red kite	1
	Spring trap	Buzzard	1
	Spring trap	Pine marten	1
Lothians and Scottish Borders	Snaring	Badger	1
Highland and Islands	Snaring	Badger	1
	Snaring	Fox	1
Lanarkshire	Spring trap	Unknown	1
	Snaring	Rabbit	1
Dumfries and Galloway	Snaring	Badger	1
<b>Total</b>			<b>15</b>

Source: Police Scotland

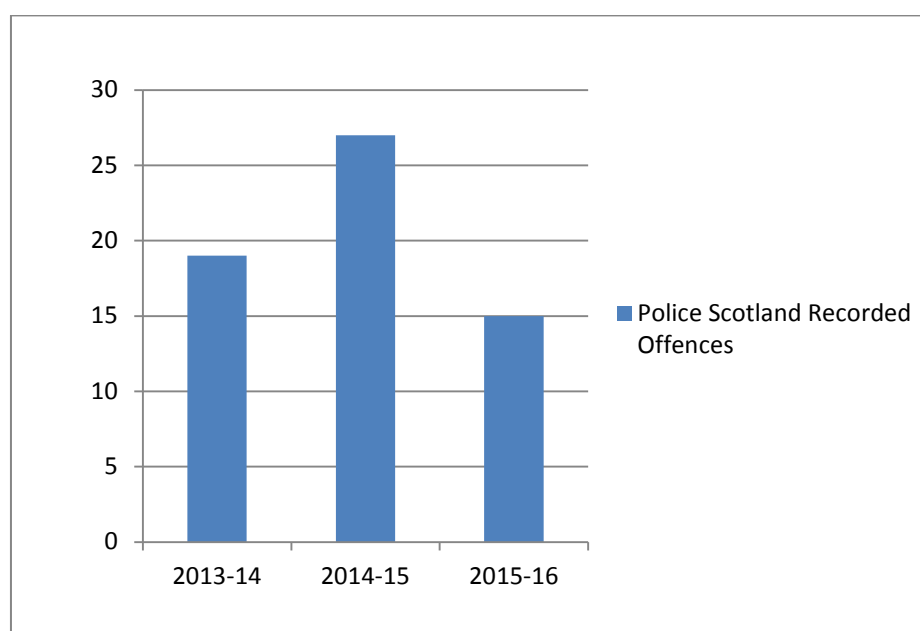
Table 33 shows a slight bias towards offences occurring from April to September. This may be associated with an increase in trapping and snaring activity during these months and/or an increase in detection due to increased recreational use of the countryside during this time.

**Table 33: Trapping and snaring offences 2015-16 by quarterly breakdown**

Type of crime	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Total
Snaring	4	2	2	1	9
Spring traps	3	2	0	1	6
<b>Total</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>15</b>

Source: Police Scotland

**Figure 10: Police Scotland Disaggregated Offence Data for Trapping and Snaring 2013-14 to 2015-16**



Source: Police Scotland

The Scottish SPCA identified 35 incidents relating to trapping or snaring offences which were investigated solely by its SIU inspectors. This compares to 52 for 2014-15.

Figures provided by SAC Consulting Veterinary Services provide some additional detail. In 2015-16, of the cases identified by SAC Consulting as suspected wildlife crime:

- 10 of 23 cases involving mammals, related to trapping or snaring.
- 2 of 22 cases involving birds, related to trapping.

Further details:

Post mortems were carried out on two birds in association with trapping: one in relation to the illegal use of a spring trap and one in relation to the illegal use of a crow cage trap.

Post mortems were carried out on ten mammals in association with trapping or snaring: eight in relation to the illegal use of snares, one in relation to the illegal use of a spring trap and one in relation to a live mammal trap.

Table 34 below shows the action taken in each of the 6 cases reported to COPFS in the period 2015-16. Two of those cases (33%) resulted in convictions. Of those 6 cases:

- 4 reports related to the use of traps.
- 2 reports related to the use of snares.

**Table 34: Trapping and snaring related cases reported to COPFS, 2015-16**

	No action	Alternative to Prosecution	Acquitted or prosecution discontinued	Conviction	Total
Birds (non-raptor)		1			1
Hares or rabbits				1	1
Raptors	1		1		2
Other	1			1	2
<b>Total</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>6</b>

Source: Crown Office and Procurator Fiscal Service

## Review of Snaring

In 2016 SNH undertook a review of snaring on behalf of the Scottish Government, as required under Section 11F of the Wildlife and Countryside Act (WCA) 1981 (as amended).

The review looked at the provisions within Section 13 of The Wildlife & Natural Environment (Scotland) Act 2011 (amending Section 11F of the WCA), in particular those requiring all snare operators to be trained and certified, those prescribing specific forms of record keeping and the requirement to use identification tags on snares.

The review found that snaring related incidents have reduced since the requirements were fully implemented in April 2013.

The review made a number of proposals which include some amendments to law but mostly relate to strengthening the Snaring Code of Practice:

- Implement a time period for updating snare records and reduce the time allowed for producing records to the police.
- Increase the stop position on fox snares to enlarge the noose size to 26cm.
- Increase the number of swivels on fox snares to a minimum of two.

- Introduce the power of disqualification for a snaring offence.
- Consider how a strengthened Code of Practice can be better endorsed through legislation

Work is on-going to implement changes to the Snaring Code of Practice and is being led by SASA, with input from industry training providers.

## 5. PAW Scotland



The Partnership for Action Against Wildlife Crime (PAW) Scotland consists of law enforcement bodies, wildlife and animal welfare charities, land management organisations and government agencies, working together to fight wildlife crime.

The partnership is supported by the Scottish Government. Its work is overseen by an Executive Group, comprising representatives of selected stakeholders and the chairs of PAW Scotland sub-groups and wildlife crime priority groups based in Scotland. A wider Plenary Group, made up of representatives of all PAW Scotland member organisations, meets to give an opportunity to all members to comment on PAW projects and raise any wildlife crime issues. Both these groups are chaired by the Cabinet Secretary for Environment, Climate Change and Land Reform.

The Executive group met once in 2016. The Plenary group did not meet in 2016. The latest information on the activities and membership of the partnership is available on the PAW Scotland website at [www.PAW.Scotland.gov.uk](http://www.PAW.Scotland.gov.uk).

### PAW Scotland Sub-Groups

PAW Scotland operates a number of sub-groups focusing on a particular aspect of wildlife crime work. A summary of the 2016 work of these groups is provided below.

#### **Legislation, Regulation and Guidance Sub-group**

The Group met in May and December 2016.

The Group noted topics which are likely to give rise to more detailed consideration as the next steps are taken towards implementation:

- the penalties for wildlife crimes, where action following the Wildlife Crime Penalties Review is included in the Programme for Government and the issue of environmental and wildlife crime is included in the first programme of work for the Scottish Sentencing Council;
- the report of the Bomy Review into hunting with dogs, where the Programme for Government again suggests future legislation.

Current case-law also prompted discussion, notably the judicial review of the decision to suspend the operation in areas with a record of wildlife crime of the general licences which normally permit landowners to take action against certain species of wild birds.

It was agreed that briefs for discussion would be prepared on two topics where there was a lack of clarity and/or awareness of the legal position:

- the ownership of carcasses etc. of wild birds and animals, an issue that arises in various circumstances, ranging from police investigations, through to collection by amateur artists and naturalists and those wishing to make use of items for commercial purposes (e.g. badger/otter skins for sporrans);
- the use of drones to assist in killing or capturing species.

Also noted were the possible implications of Brexit and the new approach in England to licensing of activity affecting greater crested newts (a European protected species), which puts the emphasis on local populations rather than individuals.

### **Training and Awareness Sub-group**

Partner organisations continued to work closely in 2016 to offer training to both Police Scotland and other PAW members. One specific example was a wildlife crime day in March 2016 hosted by Scottish Raptor Study Groups. Held on MOD land in Argyll, it essentially focused on raptor crime but covered wider crime scene preservation issues that members may come across during the course of their work. This was supported by RSPB, SSPCA and Police Scotland.

Police Scotland held a further one day Wildlife Crime Officer Awareness course in September 2016 at the Scottish Police College, Tulliallan. Covering the 6 priorities, as well as basics on Traps/Snares (provided by SASA), the work of SNH Licensing and the NWCUC, the inputs were delivered to forty officers, with representation from every Division in Police Scotland (including CID and Special Constables). An online briefing presentation was also developed for call handlers and this has now been made available on the Police Scotland intranet page so that it can be accessed by all officers and staff.

2016 also saw the development of training for police officers by both Scottish Badgers and SNH (in relation to bat persecution). Other one off training events included a one day sea mammal awareness course for Police Scotland officers delivered at the Sea Mammal Rescue Centre at St Andrew's University.

In September 2016, a Sharing Good Practice: Partnership for Action Against Wildlife Crime event was held at Battleby. The free event contained both presentations and outdoor based scenarios to demonstrate potential scenes of crime. A wide range of partners provided inputs to approximately 80 attendees. The event enabled attendees to recognise what wildlife crime looks like and to understand what actions should then be taken. Those in attendance represented a wide range of organisations with the aim being to attract an audience from non-PAW members who could then disseminate the information received. A further event is scheduled for 2018.

Presentations were also provided to a number of educational establishments by both Police Scotland and SASA staff. These included inputs to Edinburgh University Forensic Medicine and Science Course and the Environmental Criminology Course at the University of Dundee. Presentations were also provided by Police Scotland to a number of partner organisations at AGMs and



Conferences including Fisheries Management Scotland (water bailiffs), BASC Scotland Gamekeepers and the SGA.

### **Funding Sub-group**

As part of a 3 year funding commitment initiated in 2015, the PAW Funding Sub-Group continued to provide funding to support the work of both the National Wildlife Crime Unit's Scottish Investigation Support Officer, and the RSPB's Investigation Team.

A grant was awarded to the RSPB in 2015 for a project involving the satellite tagging of white-tailed eagles, with the tags being fitted to birds in the 2016 breeding season.

The SNH funding provided to Abertay University in 2015 culminated in an MSc thesis on the recovery of finger marks from bird feathers. The results of the research were presented to the PAW Executive Group in 2016, and work is currently on-going to further refine the recovery techniques.

Only one other grant proposal was received by the PAW Funding Sub-Group during 2015/2016, by Crimestoppers, however the proposal did not fully meet the funding criteria and the objectives of PAW Scotland.

### **Media Sub-group**

Once again controversy surrounding raptor persecution dominated much of the group's work.

The emphasis of the group is normally on being proactive, rather than reacting to events. However, it prepared a rapid response to claims by a gamekeeper, featured on BBC Scotland, that 'bird activists' were behind the disappearance of golden eagles and a hen harrier in the north east of Scotland. The PAW rebuttal was picked up widely on social media.

With arguments over raptor persecution frequently in the headlines, the group worked on tightening and strengthening the protocol governing the ways in which partner organisations share news releases and respond to media enquiries. This work has continued with increasing focus on social media.

The Heads Up for Harriers project once more provided opportunities for positive publicity while, in another major area of interest for PAW Scotland, salmon poaching, the programme of work included a news release welcoming the Association of Salmon Fishery Boards as a member.

### **Scientific Sub-group**

The PAW Scotland Scientific Sub-Group met in May 2016. The group welcomed a new representative from SASA, Sherryn Ciavaglia, who has taken on the role of group co-ordinator. Activities over 2016 have included the identification of guidelines for reference sampling for potential use to set up a golden eagle DNA database and the formation of a specialist group to pursue the potential use of

bird of prey monitoring data to assist in wildlife crime investigations. Minutes from meetings of this group are available online within the PAW Scotland webpages.

## **6. Scottish Government**

This section sets out details of specific projects carried out by or on behalf of the Scottish Government over the time period of this report.

### **Review of Game Bird Shooting Regulation**

During a debate on wildlife crime in the Scottish Parliament in May 2014, the Scottish Government committed to undertake a review of the regulation of game bird hunting in other countries.

The review was carried out by SNH and was published in February 2017 as SNH Commissioned Report 942.

[A Review of Game Bird Law and Licensing in Selected European Countries](#)

### **Review of the Protection of Wild Mammals (Scotland) Act 2002**

On 26 December 2015, Scottish Ministers announced that the Right Hon Lord Bonomy would lead a review into the operation of the Protection of Wild Mammals (Scotland) Act 2002.

Lord Bonomy's report was published on 21 November 2016.

<http://www.gov.scot/Publications/2016/11/9965>

### **Review of Satellite Tagging Data**

Following reports of missing satellite-tagged raptors in 2016, the Cabinet Secretary for Environment, Climate Change and Land Reform announced a review of satellite tracking data to find out more about the pattern of disappearances of satellite tagged birds of prey and whether there are any patterns of suspicious activity. The research contract was managed by SNH and the report published in May 2017 as SNH Commissioned Report 982, providing a major review of the movements and fates of golden eagles satellite tagged during 2004-2016.

[Analyses of the fates of satellite tracked golden eagles in Scotland](#)

## 7. Police Scotland



Police Scotland Update for 2016 Wildlife Crime Report  
Police Scotland recognises that there remain a significant number of individuals for whom wildlife crime continues to be acceptable despite the damage to the environment and the reputation of Scotland. Some wildlife crimes continue to be committed within the context of recreational activity, for example deer poaching, hare coursing and badger baiting, whilst for others there is profit or commercial gains to be made through participation in illegal wildlife activities.

Salmon and freshwater fisheries offences continue to be the most commonly recorded wildlife crimes, although raptor persecution enquiries remain the most challenging in terms of the gathering of admissible evidence and the geographical location. The reduction in the level of recorded raptor crime is noted but this still remains unacceptable. During the reporting period the wildlife crimes investigated by Police Scotland covered a broad spectrum of offences beyond the recognised wildlife crime priorities, ranging from marine mammal disturbance through to infrastructure development, including construction of buildings and transport networks which can directly affect protected species, either through the deliberate or unintentional destruction, alteration or pollution of habitats.

Police Scotland has continued to provide internal training and in September 2016, a further Wildlife Crime Officer Awareness Course was held at Tulliallan. The course was attended by 40 officers representing every Division (as well as Special Constables) and was delivered through a combination of internal and external speakers. The one day course provided a basic introduction to wildlife crime investigation for those officers with little or no wildlife crime investigation experience.

During 2016, all Detective Officers on the Initial Investigators course received an input on wildlife crime and this helped to raise the profile of wildlife crime beyond initial responders. The development of the Initial Investigators Programme by Police Scotland and the associated e-learning package which includes wildlife crime, means that wildlife crime will continue to be a part of core learning for future investigators.

A number of local training initiatives also took place in 2016 using partners from SASA, BASC, Scottish Badgers and other partner organisations, with many of these anticipated to be annual arrangements. Police Scotland officers were also involved in a Marine Stranding Awareness day alongside partners from British Divers Marine Life Rescue and the University of St Andrews. All call handlers in Police Scotland have now been provided with a PowerPoint presentation on wildlife crime and this is also available on the Police Scotland intranet page so that it can be accessed by all officers and staff as a support to wildlife crime investigations.

Police Scotland's response to wildlife crime goes beyond merely the enforcement of wildlife laws and detecting offences committed by criminals. While many

offences are committed by those who intentionally contravene the laws relevant to Scotland's protected species, another vital aspect of the organisation's response is increasing people's awareness of the importance of our wildlife and habitats, how they are protected, the serious impact of wildlife crime and how to remain within the law.

Throughout the summer, officers once again provided a major contribution to the PAW Scotland presence at a range of events. The Royal Highland Show and the Scottish Game Fair at Scone were perhaps the key national events attended, although at a local level officers continued to provide a presence at events across the country. In addition, they have provided presentations to a number of educational establishments including inputs to Edinburgh University Forensic Medicine and Science Course and the Environmental Criminology Course at the University of Dundee.

Policing 2026 is a collaborative and strategic programme, led jointly by the Scottish Police Authority (SPA) and Police Scotland, to transform policing in Scotland over the next 10 years.

The strategy identifies ways to create operational capacity for policing to focus on investigations, prevention and protection in the public, private and virtual space. Wildlife Crime was very much a part of this discussion in the latter part of 2016 and as a consequence, it was included in the National Strategic Assessment for 2017-20. Emerging issues for the period 2017 to 2020 are likely to include the potential impact of Brexit on Police Scotland's policing of wildlife crime, given the significance of key EU legislation relating to the protection of certain UK species and habitats. It is also assessed that cyber-facilitated wildlife crimes will pose a growing issue for policing to tackle, due to the internet's exponential growth and role as a driver for transnational wildlife crime and trafficking.

## 8. Legislative Changes

The following Scottish legislation, with relevance to wildlife crime, came into force in 2015.

### **The Land Reform Act (Scotland) 2016**

The Act amended the Deer (Scotland) Act 1996 with the following provisions:

- Gave Scottish Natural Heritage (SNH) the power to require the production of a deer management plan, including the option to approve a deer management plan (with or without modification) or to reject it. This requires SNH to review compliance with the Code of Practice on Deer Management every 3 years.
- Created the power to require returns from landowners on the number of deer planned to be culled.
- Provided for Deer panels for the purpose of engaging with the local community.
- Increased the maximum penalty for failing to implement a control scheme to £40,000.

## **9. Priority Work for 2017**

This report is for 2016. However this section has been included to provide a brief update on the most high profile areas of work being taken forward in 2017 and beyond. Where appropriate, further details will be provided in subsequent annual reports.

### **Protection of Wild Mammals (Scotland) Act 2002**

Following publication of Lord Bonyon's review of the operation of the Protection of Wild Mammals (Scotland) Act 2002, the Scottish Government launched a consultation on each of Lord Bonyon's recommendations for legislative reform on October 2017. The consultation is due to close in early 2018.

In conjunction with the consultation, the Scottish Government announced the appointment of retired Deputy Chief Constable Ruairidh Nicolson to lead a stakeholder group to develop a new code of practice for hunting and to consider the feasibility of monitoring. That work is on-going.

### **Follow up to Review of Satellite Tagging Data**

Following the publication of the [Analyses of the fates of satellite tracked golden eagles in Scotland](#) which indicated that around one third of tagged golden eagles had disappeared in circumstances which pointed to illegal persecution, frequently on or near moorland managed for driven grouse shooting, the Cabinet Secretary for Environment, Climate Change and Land Reform announced a package of measures on 31 May 2017. These commitments were also set out in the Programme for Government.

### **Programme for Government 2017/8**

Commitments to tackle wildlife crime were set out in the Programme for Government (PfG), published on 5 September 2017.

### **Protecting our flora and fauna**

Wildlife and plant species must also be protected as key natural resources. We will:

- take forward proposals with Police Scotland for new resources to tackle wildlife crime;
- establish an independent group to consider how to ensure that the management of grouse moors is environmentally sustainable and compliant with the law;
- commission work in relation to protecting gamekeepers' employment and other rights;
- commission a research project to examine the impact of large shooting estates on Scotland's economy and biodiversity;
- establish an independent group to advise on effective and sustainable deer management; and

- we will also progress Lord Bonython's recommendations to strengthen the law on fox hunting and Professor Poustie's recommendations to increase penalties for wildlife crime.



## Appendix 1 - Offence Categories and Legislation

This Appendix provides further detail on the offence categories used in the wildlife crime and court proceedings statistics in Chapter 2, broken down by the crime codes used to group offences and the legislation which includes these offences.

Offences relating to	Crime code (number and description)	Legislation
Badgers	51015 – Offences involving badgers	Protection of Badgers Act 1992
Birds	51004 – Birds, offences involving	Wildlife & Countryside Act 1981
Cruelty to wild animals	51014 – Cruelty to wild animals	Wild Mammals (Protection) Act 1996; Wildlife & Countryside Act 1981
Deer	57002 – Deer (Scotland) offences	Deer (Scotland) Act 1996
Hunting with dogs	51013 – Hunting with dogs	Protection of Wild Mammals (Scotland) Act 2002
Conservation (e.g. protected sites, conservation orders)	73022 – Other conservation offences	Nature Conservation (Scotland) Act 2004
Poaching and game laws	57001 – Poaching and game laws	Game (Scotland) Act 1772; Game (Scotland) Act 1832; Night Poaching Act 1828; Poaching Prevention Act 1862; Agriculture (Scotland) Act 1948
Fish Poaching	56001 – Salmon and freshwater fisheries offences	Freshwater & Salmon Fisheries (Scotland) Act 1976; Salmon & Freshwater Fisheries (Protection) (Scot) Act 1951; Salmon & Freshwater Fisheries (Consol) (Scot) Act 2003; Salmon & Freshwater Fisheries Act 1975 The Fish Conservation (Fishing For Eels)(Scotland) Regulations 2008
	56003 – Possession of salmon or trout unlawfully obtained	Salmon & Freshwater Fisheries (Consolidation) (Scot) Act 2003; Salmon & Freshwater Fisheries (Protection) (Scotland) Act 1951; Scotland Act 1998 (River Tweed Order)
Other wildlife offences (e.g. European Protected Species, CITES, attempts to commit offences)	51016 – Other wildlife offences	The Conservation (Natural Habitats Etc) Regulations 1994; Wildlife & Countryside Act 1981; Control of Trade In Endangered Species (Enforcement) Regs 1997

## Appendix 2 - Notes and Definitions for COPFS Data

- The information provided was compiled on 30 October 2017.
- The figures reflect current Scottish Government offence categories.
- Table 3 and the tables in Appendix 2A show cases in which at least one statutory wildlife offence was reported. The figures may also include those reported as animal welfare offences only or in which a common law offence with a wildlife element has been reported, such as breach of the peace or culpable and reckless conduct.
- The figures represent the number of cases reported and their outcomes but where cases have been combined, only one is counted. A case may relate to multiple incidents and to multiple accused persons.
- Where cases involve more than one accused person and the outcome for each person is different, they are counted at the level of the highest outcome only. For example if one person is acquitted while another is convicted, the case is shown as a conviction.
- Cases which contain several charges falling into different categories are listed only once. In most cases, the category will reflect the most significant wildlife offence reported to COPFS by the investigating agency but in some the category may be adjusted to take account of the prosecution of a more appropriate charge or of the conviction recorded.
- Since 2012, the poaching of game birds has been an offence under section 1 of the Wildlife and Countryside Act 1981 and is now categorised as "Birds, offences involving".
- Offences involving the poaching of mammals may be included in the categories "Hunting with Dogs", "Cruelty to wild animals", "Deer" or "Other wildlife offences" depending on the circumstances and the charges reported or prosecuted.
- Alternatives to prosecution include conditional offers by the Procurator Fiscal ("fiscal fines", etc. under section 302 of the Criminal Procedure (Scotland) Act 1995) which have been accepted, or deemed to have been accepted, by the accused and warning letters, subject to one exception where a conditional offer of an alternative to prosecution was unsuccessful.
- A 'conviction' is where a case involving a wildlife offence has been prosecuted and at least one accused in the case has pleaded guilty to or been found guilty of at least one offence having an element which directly relates to a relevant wildlife offence.

Further information on prosecutorial decision making is available in the COPFS Prosecution Code at

[http://www.copfs.gov.uk/images/Documents/Prosecution\\_Policy\\_Guidance/Prosecution20Code20\\_Final20180412\\_1.pdf](http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Prosecution20Code20_Final20180412_1.pdf)

## Appendix 2A - Further information on COPFS Case Outcomes

**Table A: Outcomes of all fish poaching cases**

	2012-2013	2013-14	2014-2015	2015-2016
No action	13	11	9	10
Alternative to prosecution	18	16	21	15
Prosecuted	24	33	8	5
<i>of which convicted</i>	19	23	8	4
Total number of reports received	55	60	38	30

**Table B: Outcomes of all other wildlife cases**

	2012-2013	2013-14	2014-2015	2015-2016
Under investigation				1
No action	22	19	15	29
Alternative to prosecution	12	14	13	12
Prosecuted	37	32	32	18
<i>of which convicted</i>	25	24	20	12
Total number of reports received	71	65	60	60

### Outcomes by Individual Case Category

**Table C: Offences relating to badgers**

	2012-2013	2013-14	2014-2015	2015-2016
No action	1		1	1
Alternative to prosecution			1	
Prosecuted	2		2	
<i>of which convicted</i>	2		1	
No. of reports received	3		4	1

**Table D: Offences relating to birds**

	2012-2013	2013-14	2014-2015	2015-2016
No action	7	4	4	9
Alternative to prosecution	2	5	3	2
Prosecuted	11	12	10	4
<i>of which convicted</i>	8	10	7	2
No. of reports received	20	21	17	15

**Table E: Offences relating to cruelty to wild animals**

	2012-2013	2013-14	2014-2015	2015-2016
No action	1	2	3	1
Alternative to prosecution	2	3	2	
Prosecuted	4	5	6	3
<i>of which convicted</i>	2	4	4	3
No. of reports received	7	10	11	4

**Table F: Offences relating to deer**

	2012-2013	2013-14	2014-2015	2015-2016
No action	2		2	2
Alternative to prosecution	1	1		
Prosecuted	5	3	3	2
<i>of which convicted</i>	3	2	1	1
No. of reports received	8	4	5	4

**Table G: Offences relating to hunting with dogs**

	2012-2013	2013-14	2014-2015	2015-2016
No action	2	7	2	8
Alternative to prosecution				4
Prosecuted	7	6	4	3
<i>of which convicted</i>	5	3	2	3
No. of reports received	9	13	6	15

**Table H: Other wildlife offences**

	2012-2013	2013-14	2014-2015	2015-2016
Under investigation				1
No action	8	6	3	8
Alternative to prosecution	7	5	7	6
Prosecuted	8	6	7	5
<i>of which convicted</i>	5	5	5	2
No. of reports received	23	17	17	20

**Table I: Other conservation offences**

	2012-2013	2013-14	2014-2015	2015-2016
No action	1			
Alternative to prosecution				
Prosecuted				1
<i>of which convicted</i>				1
No. of reports received	1			1

## Appendix 3 - Court Proceedings and Penalties Data by Specific Offence

**Table A: People proceeded against in Scottish Courts for wildlife offences, where main charge**

Crime group and legislation	Section of act	Description of offence	2011-12	2012-13	2013-14	2014-15	2015-16
Total prosecuted			71	77	80	51	25
Badgers:			2	-	-	2	-
PROTECTION OF BADGERS ACT 1992	3(1)(A)	Damaging a badger sett	-	-	-	-	-
	3(1)(B)	Destroying a badger sett	-	-	-	-	-
	3(1)(E)	Disturbing a badger in a sett	1	-	-	-	-
	11A(1)	Attempt to commit offence under this Act	1	-	-	2	-
Birds:			15	19	10	8	5
WILDLIFE & COUNTRYSIDE ACT 1981	1(1)(A)	Intentionally, recklessly: kills, injures, takes wild bird	5	14	7	5	5
	1(1)(C)	Intentionally, recklessly: takes, destroys egg of any wild bird	3	1	-	-	-
	1(2)(A)	Possession: live, dead wild bird or part of	2	-	1	1	-
	1(2)(B)	Possession: wild bird's egg or part of	1	-	1	-	-
	1(5)(A)	Intentionally, recklessly: disturbs nesting Schedule 1 wild bird	2	2	1	-	-
	1(5C)	Knowingly cause, permit offence under foregoing provisions	1	1	-	-	-
	5(1)(A)	Prohibition of certain methods of killing/taking wild birds: sets particular articles or poisonous substance	-	-	-	-	-
	5(1)(B)	Prohibition of certain methods of killing/taking wild birds: use of such articles; nets, board, lime etc	1	1	-	2	-
Cruelty to wild animals:			4	9	4	3	6
WILD MAMMALS (PROTECTION) ACT 1996	1	Mutilates, beats, stabs, impales etc any wild mammal with intent to inflict unnecessary suffering	1	-	-	-	-

WILDLIFE AND COUNTRYSIDE ACT 1981	10A(1)	Intentionally, recklessly: kills, injures, takes Schedule 5A wild animal (i.e. hare) during close season	-	-	-	1	1
	11(1)(A)	Sets or uses a self-locking snare or snare of any other type specified in an order made by Scottish Ministers	-	-	1	-	1
	11(1)(AA)	Sets or uses any other type of snare of a nature or placement calculated to cause unnecessary suffering	1	-	3	1	-
	11(2)(A)	Sets articles likely to injure Schedule 6 wild animal	-	-	-	1	3
	11(3) & (3B)(A)	Failure to inspect snare at intervals of no more than 24 hours (or causing or permitting this to happen)	-	-	-	-	1
	11(G)(1)	Prevention: poaching (hares and rabbits)	2	9	-	-	-
Deer:			8	3	5	2	-
DEER (SCOTLAND) ACT 1996	5(1),5(5) & SCHEDULE 6	Taking etc deer in close season	3	1	-	-	-
	17(1)	Take/kill deer without right on any land	1	-	3	-	-
	17(2)	Take/kill deer without right on any land and remove carcass	1	-	-	-	-
	17(3)	Kill/injure deer other than by shooting	2	-	1	-	-
	18(1)	Kill/injure deer at night	1	-	-	-	-
	22	Two or more persons partaking in offences (17-21 of this Act) shall all be guilty of an offence	-	2	1	2	-
	23(1)	Possession of deer, firearms, ammunition connected to relevant offence	-	-	-	-	-
Hunting with dogs:			5	11	9	3	5
PROTECTION OF WILD MAMMALS (SCOTLAND) ACT 2002	1(1)	Deliberately hunting wild mammal with a dog	5	11	9	3	5

Poaching and game laws:			8	1	-	-	-
GAME (SCOTLAND) ACT 1772	1	Taking/killing/selling/possessing/buying game birds out of season	2	-	-	-	-
GAME (SCOTLAND) ACT 1832	1	Trespassing on land during daytime in pursuit of game (and disguised for this purpose)	3	-	-	-	-
NIGHT POACHING ACT 1828	1	Unlawfully taking game or rabbits at night on any land, or entering land with a gun or other instrument for this purpose	3	1	-	-	-
	9	Three or more people unlawfully entering land at night armed with weapon to take game or rabbits are all guilty of offence	-	-	-	-	-
POACHING PREVENTION ACT 1862	2	Possession of unlawfully taken game	-	-	-	-	-
Fish poaching:			18	23	43	19	8
FRESHWATER & SALMON FISHERIES (SCOTLAND) ACT 1976	1(8)	Contravening prohibition contained in Order (for protection of freshwater fishing)	-	-	1	-	-
SALMON & FRESHWATER FISHERIES ACT 1975	27(A)	Fishing or taking fish by unapproved/unlicensed means	-	-	-	-	-
SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	1(1)(A)&(B)	Fishing for salmon by unspecified methods in any inland waters	1	3	-	1	-
	1(1)(A)(B)&(3)	Attempting or preparing to commit offence under Section 1(1) of this Act	-	-	-	1	-
	1(2)(A)(B)(C)	Fishing for salmon by unspecified methods in other salmon fishery district	-	-	-	1	-
	1(2)(A,B,C)&(3)	Attempting or preparing to commit offence under Section 1(2) of this Act	1	-	-	-	-
	2(1)&(2)	Fishing (inc attempting) for freshwater fish other than by rod or line (unless otherwise permitted)	2	-	-	-	-
	6(1)&(2)	Fishing (inc attempting) for salmon without right	5	5	15	3	1

	7	Illegal fishing - two or more persons acting together	1	4	2	-	3
	9(1)&(2)	Illegal possession salmon or trout, or other instrument, poison, explosive etc for purpose of committing related offence	1	2	2	6	2
	11(1)	Fishing without right or permission in water (proper stank or loch) where rights owned by another	-	1	12	4	-
	13(2)&(4)	Fishing for or taking salmon during Sunday	-	2	2	-	1
	13(3)&(4)	Fishing for or taking salmon during weekly close time	1	-	-	2	-
	14(1)	Fishing for or taking salmon during annual close time	-	-	1	-	-
	17(2)(A)	Fishing for or taking trout during close season	-	-	-	-	-
	18(1)(A)	Wilfully taking unclean or unseasonable salmon	-	-	2	-	-
	20	Possessing salmon which have been illegally taken, killed or landed	1	-	1	-	-
	26(1)	Fishing without right; Solway	2	-	3	-	-
	58	Obstruction of constable or water bailiff	2	-	-	1	-
SALMON AND FRESHWATER FISHERIES (PROTECTION)(SCOTLAND) ACT 1951	1	Fishes for or takes salmon without legal right or written permission	-	2	-	-	-
	7A(1)(B)	Possessing salmon which have been illegally taken, killed or landed	-	2	-	-	-
	13(1)	Fishing for or taking salmon during Sunday	-	-	1	-	-
SCOTLAND ACT 1998 RIVER TWEED	A30(1)	Illegal possession of salmon or trout (or certain items which could be used to take salmon or trout)	1	-	-	-	-
	2006	Various fishing offences	-	-	1	-	1
THE FISH CONSERVATION (FISHING FOR	2	Fishing for or taking eels without licence	-	2	-	-	-



EELS)(SCOTLAND) REGULATIONS 2008							
Conservation (protected sites):			1	-	-	-	-
NATURE CONSERVATION (SCOTLAND) ACT 2004	19(3)	Failure to comply with 13(1) or 16(1) 14(5)(b) or 17(3)(b) (operations by public bodies or owners etc)	1	-	-	-	-
Other wildlife offences:			10	11	9	14	1
THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994	39(1)(A)	Deliberately kill or take European protected species	-	1	-	-	-
	39(1)(A/B/C/D)	Deliberately kill, take, disturb, destroy European protected species	-	1	-	1	-
	41(2)	Prohibition of certain methods of killing wild animals	-	2	2	-	-
THE CONTROL OF TRADE IN ENDANGERED SPECIES (ENFORCEMENT) REGS 1997	8(1)	Purchase, sale of etc. any specimen of species in Annex A	3	1	-	1	-
WILDLIFE AND COUNTRYSIDE ACT 1981	15(A)	Possession of pesticides	2	1	-	-	-
	18(1)	Attempts to commit any wildlife offence under Part 1 of the Act	4	3	7	3	-
	18(2)	Possession of anything capable of being used for wildlife offences under this part of the Act	1	2	-	8	-
	18A(1)&(2)	Vicarious liability for offence(s) committed by employee or agent	-	-	-	1	1

Source: Scottish Government Criminal Proceedings Database

**Table B: People with a charge proved in Scottish Courts for wildlife offences, where main charge, by main penalty**

Crime group and legislation	Section of act	Main penalty	2011-12	2012-13	2013-14	2014-15	2015-16
Total convictions			48	56	60	35	20
Badgers:			1	-	-	2	-
PROTECTION OF BADGERS ACT 1992	3(1)(A)	Monetary	-	-	-	-	-
	3(1)(B)	Monetary	-	-	-	-	-
	11A(1)	Community sentence	-	-	-	2	-
		Monetary	1	-	-	-	-
Birds:			12	16	7	6	5
WILDLIFE & COUNTRYSIDE ACT 1981	1(1)(A)	Custody	1	-	-	-	-
		Community sentence	1	3	1	-	-
		Monetary	2	8	4	3	5
		Other	-	1	-	-	-
	1(1)(C)	Custody	-	1	-	-	-
		Monetary	3	-	-	-	-
	1(2)(A)	Monetary	2	-	-	1	-
	1(2)(B)	Community sentence	-	-	1	-	-
	1(5)(A)	Monetary	2	-	-	-	-
		Other	-	2	1	-	-
	1(5C)	Monetary	1	-	-	-	-
	5(1)(A)	Monetary	-	-	-	-	-
	5(1)(B)	Custody	-	-	-	1	-
		Monetary	-	1	-	-	-
		Other	-	-	-	1	-
Cruelty to wild animals:			3	7	2	2	3
WILD MAMMALS (PROTECTION) ACT 1996	1	Monetary	1	-	-	-	-
WILDLIFE AND COUNTRYSIDE ACT 1981	10A(1)	Monetary	-	-	-	1	-
	11(1)A	Monetary	-	-	-	-	1
	11(1)(AA)	Community sentence	-	-	1	-	-
		Monetary	-	-	1	-	-
	11(2)(A)	Monetary	-	-	-	1	-

	11(3) & (3B)(A)	Monetary	-	-	-	-	-
	11A(2)&(6)	Monetary	-	-	-	-	2
	11(G)(1)	Community sentence	-	1	-	-	-
		Monetary	2	4	-	-	-
		Other	-	2	-	-	-
Deer:			5	1	4	1	-
DEER (SCOTLAND) ACT 1996	5(1),5(5) & SCHEDULE 6	Monetary	-	1	-	-	-
	17(1)	Monetary	-	-	3	-	-
		Other	1	-	-	-	-
	17(2)	Monetary	1	-	-	-	-
	17(3)	Community sentence	2	-	1	-	-
	18(1)	Monetary	1	-	-	-	-
	22	Monetary	-	-	-	1	-
	23(1)	Monetary	-	-	-	-	-
Hunting with dogs:			-	7	5	2	3
PROTECTION OF WILD MAMMALS (SCOTLAND) ACT 2002	1(1)	Custody	-	-	1	-	-
		Community sentence	-	2	-	-	-
		Monetary	-	2	4	2	3
		Other	-	3	-	-	-
Poaching and game laws:			5	1	-	-	-
GAME (SCOTLAND) ACT 1832	1	Monetary	2	-	-	-	-
NIGHT POACHING ACT 1828	1	Monetary	1	-	-	-	-
		Other	2	1	-	-	-
POACHING PREVENTION ACT 1862	2	Monetary	-	-	-	-	-
Fish poaching:			12	16	37	11	8
FRESHWATER & SALMON FISHERIES (SCOTLAND) ACT 1976	1(8)	Monetary	-	-	1	-	-
SALMON & FRESHWATER FISHERIES ACT 1975	27(A)	Other	-	-	-	-	-
SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	1(1)(A)(B)&(3)	Monetary	-	-	-	1	-
	1(1)(A)&(B)	Monetary	-	3	-	1	-
	1(2)(A,B,C)&(3)	Monetary	1	-	-	-	-

	2(1)&(2)	Monetary	1	-	-	-	-
	6(1)&(2)	Community sentence	-	1	-	-	-
		Monetary	3	3	11	2	1
		Other	-	-	2	-	-
	7	Community sentence	-	1	-	-	-
		Monetary	1	2	1	-	3
	9(1)&(2)	Monetary	1	1	1	4	2
		Other	-	1	-	2	-
	11(1)	Monetary	-	-	6	-	-
		Other	-	-	6	-	-
	13(2)&(4)	Monetary	-	1	2	-	1
	13(3)&(4)	Monetary	1	-	-	-	-
	14(1)	Other	-	-	1	-	-
	17(2)(A)	Other	-	-	-	-	-
	18(1)(A)	Monetary	-	-	1	-	-
		Other	-	-	1	-	-
	20	Monetary	1	-	-	-	-
	26(1)	Monetary	2	-	2	-	-
	58	Monetary	1	-	-	1	-
SALMON AND FRESHWATER FISHERIES (PROTECTION)(SCOTLAND) ACT 1951	7A(1)(B)	Monetary	-	2	-	-	-
	13(1)	Monetary	-	-	1	-	-
SCOTLAND ACT 1998 (RIVER TWEED)	ORDER 2006	Monetary	-	-	1	-	1
THE FISH CONSERVATION (FISHING FOR EELS)(SCOTLAND) REGULATIONS 2008	REG 2	Other	-	1	-	-	-
Conservation (protected sites):			1	-	-	-	-
NATURE CONSERVATION (SCOTLAND) ACT 2004	19(3)	Monetary	1	-	-	-	-
Other wildlife offences:			9	8	5	11	1
THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994	39(1)(A)	Monetary	-	1	-	-	-
	39(1)(A/B/C/D)	Monetary	-	-	-	1	-
		Other	-	1	-	-	-

	41(2)	Monetary	-	-	1	-	-
THE CONTROL OF TRADE IN ENDANGERED SPECIES (ENFORCEMENT) REGS 1997	8(1)	Community sentence	1	-	-	-	-
		Monetary	1	-	-	1	-
WILDLIFE AND COUNTRYSIDE ACT 1981	15(A)	Monetary	2	1	-	-	-
	18(1)	Community sentence	3	-	-	-	-
		Monetary	1	1	3	3	-
		Other	-	2	1	-	-
	18(2)	Monetary	1	2	-	4	-
		Other	-	-	-	1	-
	18A(1)&(2)	Monetary	-	-	-	1	1

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ISBN: 978-1-78851-474-3 (web only)

Published by The Scottish Government, 8 December 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS326286 (12/17)