

# Wildlife Crime in Scotland 2022

## Annex 1 - Activities, projects and legislation related to wildlife crime policy and enforcement

Wildlife Crime policy and enforcement involves many organisations in Scotland. To complement the official statistics publication, this document provides background information regarding the relevant activities, projects and legislation related to wildlife crime and the roles of the different organisations involved.

### Contents

1. PAW Scotland.....	1
2. Police Scotland .....	3
3. NatureScot.....	4
General Licence Restrictions and protected species licensing.....	4
4. National Wildlife Crime Unit (NWCU).....	5
5. The Scottish Government .....	6
6. Legislation .....	8
Legislative requirement for annual wildlife crime report.....	8
Offence Categories (by crime code) and legislation.....	8
Legislative changes .....	9

### 1. 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, and the PAW Scotland sub-groups listed below comprise of representatives of selected stakeholders and wildlife crime priority groups based in Scotland.

### Legislation, Regulation and Guidance

The PAW Scotland Legislation, Regulation and Guidance Sub-group was created to review the operation in practice of wildlife legislation and regulations; to identify

areas for improvement and make recommendations; and to produce guidance for wildlife crime law enforcement practitioners, land managers and other countryside users.

### **Media**

The PAW Scotland Media Sub-group was created to oversee the publicising of the work of PAW Scotland, development of the PAW Scotland brand and the co-ordination of events.

### **Training and Awareness**

The PAW Scotland Training and Awareness Sub-group was created to ensure that training relating to, and awareness of, wildlife crime is maintained at an appropriately high level across Scotland.

### **Scientific**

The PAW Scotland Scientific group was created to:

- advise on priorities for analysis & research and act as a review panel for grant applications relating to research into scientific aspects of wildlife crime.
- review and advise on presentation of scientific data.
- increase the profile, among the enforcement community, of scientific techniques & methods that can be used for wildlife crime investigations.
- carry out case reviews, from a scientific and/or forensic perspective, of completed wildlife crime investigations.
- increase the profile of the application of science in handling wildlife crime by publishing group minutes and links to appropriate peer-reviewed scientific papers.

### **Bird of Prey Priority Delivery Group**

The Bird of Prey Priority Delivery Group was established to develop a programme of work to improve prevention, awareness raising, enforcement and intelligence gathering in Scotland related to crimes against birds of prey:

- develop methods to assist in reducing raptor persecution.
- devise strategies to raise awareness of raptor persecution.
- devise strategies to foster trust and relations with PAW partners to maximise intelligence and crime prevention opportunities.
- encourage data sharing between both government and non-government organisations.
- bring a robust, evidence-led approach to prevention and enforcement activity to support policing.
- examine and implement innovative approaches to preventative action to reduce raptor persecution.
- encourage appropriate enforcement action in all incidents of raptor persecution.

### **Freshwater Pearl Mussel Priority Delivery Group**

The Freshwater Pearl Mussel Priority Delivery Group aims to raise awareness of criminality affecting freshwater pearl mussels in order to facilitate intelligence and incident reporting, leading to increased prevention and enforcement action.

### **Badger Persecution Priority Delivery Group**

The aims of the group are broadly covered by three headings. These are intelligence gathering, enforcement and crime prevention which are carried out via the UK-wide initiative “Operation Badger”. Intelligence gathering and enforcement rest largely with Police Scotland, NWCU and the SSPCA. Scottish Badgers, NatureScot and NFUS are primarily concerned with crime prevention, in particular via the provision of publicity, education and specialist advice.

- Reduce the instances of sett interference during otherwise lawful operations.
- Increase successful detection and prosecution of badger baiters and the seizure of their dogs.

### **Poaching & coursing Priority Delivery Group**

The group aims to build a greater level of public awareness of poaching and coursing as serious wildlife crime, to continue to build working relations, communications and information sharing between all agencies and organisations and rural communities in order to increase prevention activity and enforcement in Scotland.

### **Funding**

The PAW Scotland Funding Sub-group was created to consider, reject or approve applications to the PAW Scotland Fund. Applications are managed by NatureScot on behalf of Scottish Government and PAW Scotland.

The PAW Funding group did not meet during 2021/22 but communicated electronically. The group continues to accept funding proposals from non-PAW signatories from public, private and voluntary sectors both within and outwith PAW Scotland. Projects which encourage public engagement with wildlife crime issues while retaining a focus on the key activities of crime prevention, intelligence or enforcement remain the priority.

The group funded several key projects in 2021/22:

- RSPB Investigations Team, a specialist team delivering awareness raising, crime prevention and detection functions and assisting Police Scotland in criminal investigations.
- Funding to assist SASA in the development of a DNA database for peregrine falcons for use in criminal investigations.
- Contribution to the delivery of the National Wildlife Crime Unit Scottish Investigative Support Officer post.
- A project to reduce the threat of wildlife crime to a key freshwater pearl mussel population, in partnership with the West Sutherland Fisheries Trust.

## **2. Police Scotland**

Police Scotland works successfully with many partner agency in line with the commitment to decrease wildlife crime and increase public awareness and understanding. This partnership working includes; ongoing consultations, joint

operations, mutual assistance with training days and events, multi-agency community engagement and various meetings for both sporadic and ongoing issues.

### **Operation Tantallon**

Operation Tantallon was initiated by Police Scotland in 2021 in response to intelligence indicating that peregrine falcon chicks were being taken from the wild. These birds were targeted so they could be illegally sold to the middle east for falcon racing.

Along with its partners, the National Wildlife Crime Unit and Scottish Society for the Prevention of Cruelty to Animals, Police Scotland commenced an intelligence led operation regarding the theft of peregrine falcon eggs and chicks. These thefts took place from wild nesting sites within the Scottish Borders and the North of England and involved the onward sale to domestic and foreign markets.

A challenging and complex investigation, involving the use of cutting-edge DNA technology to identify birds taken from the wild, this led to a further 3000 separate investigations into nest raiding, making it the largest wildlife crime operation in UK policing history.

Uncovering the vast networks involved in the lucrative trade of wild peregrine falcons has resulted in the successful identification and prosecutions of individuals.

Operation Tantallon is an ongoing operation and investigations continue to stop the illegal trade of wild peregrine falcons.

### **Ongoing national operations**

Throughout the year Police Scotland work with partners to deliver various national Operations. These can include the ongoing threat in relation to the theft of wild bird eggs, human caused disturbance of protected species, and the importation of certain prohibited animals and products into the country.

### **Sporting estate visits**

As part of a crime prevention initiative, Police Scotland's Wildlife Crime Unit, supported by partner agency NatureScot, carried out joint visits to sporting estates across Scotland. It was recognised there were limited opportunities for proactive engagement with sporting estates and as such these visits were carried out as both a crime prevention measure, but also to support estate management to prevent wildlife crime and to develop positive relationships with estate management.

## **3. NatureScot**

### **General Licence Restrictions and protected species licensing**

A package of anti-wildlife crime measures announced by the Minister for Environment and Climate Change in 2014, included the option of preventing the use of general licences to trap or shoot wild birds on land where there is evidence of wildlife crime against birds. Police Scotland share information with NatureScot where it may prove to be of assistance in deciding on the use of these restrictions.

NatureScot 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, usually in situations where there has been evidence to show that crimes against wild birds have taken place. NatureScot meet with Police Scotland and the National Wildlife Crime Unit every three 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.

In December 2021 an existing General Licence Restriction on Leadhills estate, South Lanarkshire was extended due to further crimes against birds being recorded on the estate. In January 2022, a General Licence restriction was applied to Lochan Estate, Perthshire for a period of 3 years in response to crimes against birds recorded on the estate. In February 2022, a General Licence restriction was applied to the Micras and Gairnshiel moors of Invercauld estate, Aberdeenshire for a period of 3 years. Details of these can be found on the [NatureScot website](#) (note: information on the Leadhills General Licence Restriction is no longer available as the restriction has since expired).

#### **4. National Wildlife Crime Unit (NWCU)**

The National Wildlife Crime Unit has a dedicated intelligence function. All intelligence relating to wildlife crime in Scotland is gathered by the NWCU and researched on a weekly basis to identify emerging trends and to prepare tactical and strategic analysis. In addition, for the 2021-22 year, the following bespoke intelligence analysis was provided for Scotland:

- Intelligence research carried out to assist Police Scotland with Operation WINGSPAN.
- Analysis of top hare coursing nominals to direct targeting of resources.
- Analysis of top Operation BADGER nominals of interest to support proactive targeting.
- Update of the Operation EASTER target list – to support and direct proactive targeting across Scotland.
- Crime Pattern Analysis for Operation EASTER was updated – including Scottish locations.
- Intelligence database checks carried out on behalf of Police Scotland wildlife crime officers.
- Consultation on the use of illegal wildlife trade seizure data that NWCU supply to the EU-TWIX (European Trade in Wildlife Information Exchange) network on behalf of all UK police forces.
- Quarterly submission of reports to the Acquisitive Crime Threat Group which includes all links to Scottish investigations.
- Rollout of NWCU Disc platform to enhance information sharing between police forces and partners, including analytical packages and information about wildlife crime case results.

Over and above the NWCU's intelligence and analytical support, the NWCU's Scottish Investigative Support Officer (SISO) provides advice and 'on the ground'

support for wildlife crime investigations. Police Constable Gavin Ross is seconded into this NWCU role from Police Scotland.

In this period Constable Ross has been heavily involved in Operation Tantallon, an operation relating to the theft of Peregrine Falcons from the wild which are then being laundered into the falconry trade. This international enquiry has been led by Police Scotland with investigative, intelligence and analytical support from NWCU and further assistance from a number of partner agencies.

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 related to the priorities as well as other issues including cetacean disturbance, illegal fossil collecting and damage to Sites of Special Scientific Interest (SSSI's). Throughout the year Constable Ross continued to work on developing relationships with partner agencies and maximising opportunities for partnership working to ensure policing is aware of all incidents of wildlife crime and such incidents or information are reported appropriately and timeously.

Constable Ross works closely with the South of Scotland Golden Eagle project in various aspects of the project including conducting a presentation at Moffat Eagle Festival in August 2021. A number of webinar presentations were also conducted to groups such as Countryside Rangers, Scottish Canoe Association members and the Scottish Ornithologists Club.

Assistance was provided to several operations involving bird of prey crime and the annual delivery of Operation Easter to target egg thieves and nest disturbance during the bird breeding season.

Constable Ross assisted with Operation Thunder which involved working with Heathrow based Border Force officers who specialise in issues relating to the Convention on the International Trade in Endangered Species (CITES).

Constable Ross is a special point of contact for NatureScot and collates the information provided for consideration of General Licence restrictions and completed a number of such reports throughout the year.

An on-going element of the role continues to include participation in several PAW Scotland groups including Badgers, Science, Freshwater Pearl Mussels and Birds of Prey. The NWCU works with Police Scotland to produce intelligence products which are based upon analysis of intelligence.

## **5. The 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.

### **Partnership for Action against Wildlife Crime Exhibitions**

The Scottish Government arranged exhibitions at the Royal Highland Show and the Scottish Game Fair under the Partnership for Action against Wildlife Crime in Scotland banner. These exhibitions raise awareness of wildlife crime, engage

younger generations with the importance of conserving our vulnerable species and provide an opportunity to discuss the laws in place which protect wildlife in Scotland with the public. The exhibitions are supported by colleagues from Police Scotland and the National Wildlife Crime Unit.

### **Hunting with Dogs**

The [2021/2022 Programme for Government](#) contained a commitment from the Scottish Government to:

*“Introduce a Bill this year to strengthen the law relating to the use of dogs to hunt and flush foxes and other wild mammals, implementing the majority of the recommendations of the independent report on the Protection of Wild Mammals (Scotland) Act 2002, and introduce further measures such as preventing trail hunting.”*

This follows ongoing concerns about the effectiveness of the Protection of Wild Mammals (Scotland) Act 2002 which were the subject of a government review led by Lord Bonomy. Lord Bonomy’s report is available on the [Scottish Government Website](#).

In the reporting period of this Wildlife Crime Report (2021/22) the Scottish Government launched a consultation on proposals for future Hunting with Dogs Legislation. The consultation ran until the 15 December 2021 and a full analysis of the consultation responses is available on the [Scottish Government website](#).

Please see below website links for an updated position at the time of publication of this report:

- [Hunting with Dogs \(Scotland\) Act 2023](#)
- [Hunting with Dogs and licensing](#)

### **Grouse Moor Management**

A [report](#) on the environmental impact of grouse moor management practices was published on 19 December 2019. The Scottish Government provided a response to the recommendations on 26 November 2020. The response announced our intention to licence grouse moors and deliver the recommendations.

The 2021-22 programme for government subsequently contained a commitment to deliver the recommendations of the Werritty report as a matter of urgency, including the licensing of grouse moors.

Licensing or further regulation of grouse moors will cover the key areas identified in the review, including muirburn, wildlife control, the use of medicated grit and wildlife crime. Licensing will be supported by clear penalties to encourage compliance, as well as additional effort to detect wildlife crime.

The full [Scottish Government response](#) to the recommendations provides further detail.

An updated legislative position from the time of publication of this report can be found [here](#).

## **6. Legislation**

### **Legislative requirement for annual wildlife crime report**

The Wildlife Crime in Scotland 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.

### **Offence Categories (by crime code) and legislation**

#### Badgers

- Protection of Badgers Act 1992

#### Birds

- Wildlife & Countryside Act 1981

#### Cruelty to wild animals

- Wild Mammals (Protection) Act 1996; Wildlife & Countryside Act 1981

#### Deer

- Deer (Scotland) Act 1996

#### Hunting with dogs

- Protection of Wild Mammals (Scotland) Act 2002 superseded by the Hunting with Dogs (Scotland) Act 2023 in October 2023

#### Conservation (e.g. protected sites, conservation orders)

- Nature Conservation (Scotland) Act 2004

#### 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

- 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
- The Conservation of Salmon (Scotland) Regulations 2016
- The Conservation of Salmon (Prohibition of Sale) (Scotland) Regulations 2002
- The Salmon Carcass Tagging (Scotland) Regulations 2016



- The Tweed Regulation (Salmon Carcass Tagging) Order 2016
- The Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014
- The Scotland Act 1998 (River Tweed) Order 2006
- The Tweed Regulation (Salmon Conservation) (No. 2) Order 2016

Other wildlife offences (e.g. European Protected Species, CITES, attempts to commit offences)

- The Conservation (Natural Habitats etc.) Regulations 1994
- Wildlife & Countryside Act 1981
- Control of Trade In Endangered Species (Enforcement) Regs 1997

### **Legislative changes**

During the period of the 2021-22 Annual Wildlife Crime Report, no legislative changes regarding wildlife crime were passed by the Scottish Parliament.