

**LINK Parliamentary Briefing:  
Five Things to Know About: Ending  
Wildlife Crime in Scotland**  
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Scottish  
Environment  
LINK

## **Introduction**

Scotland's wildlife and natural environment are cherished at home and abroad, attracting tourists, supporting jobs in rural communities and bolstering Scotland's reputation as a haven of wild beauty. However, some of our most iconic species and habitats are regularly targeted by criminals, threatening their conservation status and undermining our international reputation as a country that safeguards its wildlife.

While the laws protecting our natural heritage have undergone a steady improvement since devolution, and there is cross-party support to tackle wildlife crime, often a lack of resources, commitment or experience across public agencies, combined with evidential challenges and procedural difficulties, have led to the perpetrators of these offences escaping justice.

This new session of parliament has an opportunity to change this. At time when we face a nature emergency, our wildlife should be given the best opportunities to flourish free from the threat of crime and destruction. The legal frameworks to protect our wildlife must be strengthened and those with a responsibility to ensure our laws are enforced must be properly funded and resourced.

**This briefing sets out 5 things you need to know about wildlife crime in Scotland and how it can be eliminated.**

### **1. Scotland's wildlife is iconic and must be better protected from persecution.**

Scotland's people cherish and care deeply for our spectacular, diverse and precious wildlife and habitats. From eagles to freshwater pearl mussels, and bats to badgers, our wildlife species are a crucial part of our national identity as we look to respond to the nature and climate emergency. Yet, wildlife crime threatens to undermine our efforts to restore populations of species such as white-tailed eagles or red kites, or threatens those with a declining or vulnerable population, including mountain hares, hen harriers or beavers. Such persecution threatens Scotland's potential to recover nature in line with international efforts, with the EU aiming to halt biodiversity loss by 2030 and recover ecosystems. It also undermines Scotland's hugely important tourist industry – with our wildlife and thriving, diverse habitats on land and sea being a huge draw for visitors from all over the world. Failure to eliminate the scourge of wildlife crime risks Scotland's reputation at home and abroad.

### **2. Reporting of wildlife crime statistics.**

Wildlife crime investigations are inherently challenging due to the often remote areas where these crimes take place, the low likelihood of witnesses and the challenges in gathering sufficient admissible evidence to support a prosecution. As a result, published figures of confirmed wildlife crime incidents, including those in Scottish Government reports, only ever represent a sample of an unknown total of actual incidents – the “tip of the iceberg”. Identifying trends in wildlife crimes is also challenging: many offences are uncovered purely by chance and often by recreational users of the countryside. A more appropriate measure of levels of wildlife crime can be reached by routine monitoring of populations of species where there is a proven impact of criminality, notably birds of prey. It is vital



that long term funding be made available to NatureScot to allow this important partnership work to continue to inform how measures to tackle criminality are faring.

### **3. The level of successful prosecution of wildlife crimes remains low.**

LINK members have long been concerned about a lack of transparency and clarity by the Crown Office regarding the decision-making process in the consideration of certain cases, particularly where an NGO has played a key role in an investigation. This issue was recognised and acknowledged by the Scottish Parliament's Justice Committee to whom we submitted written and verbal evidence early in the last parliamentary session and was also recommended by the Scottish Government's own Natural Justice report as long ago as 2008.

A good example of the need for better communication relates to our disappointment that since it became law as part of the Wildlife and Natural Environment Act in 2012, there have only been two prosecutions under vicarious liability legislation, holding landowners accountable for the actions of their employees. In our opinion, several subsequent cases have merited consideration, notably in cases where general licence restrictions have been imposed on specific estates. It would be useful if the rationale for such cases not being proceeded with had been shared to improve and develop public understanding of why such low numbers of such cases have been taken forward.

### **4. Police Scotland must be fully resourced to investigate wildlife persecution and enforce protections.**

LINK members welcome the improvements in wildlife crime policing that have been made since the creation of the single Police Scotland force in 2013, with significant progress in officer training, call handling and communication between police and stakeholders, as well as a full-time coordinator and CID support. However, the regular turnover of senior officers leading on the wildlife crime portfolio is a matter of concern and undermines strong working relationships with partner agencies, causing disruption and a crucial loss of expertise.

A full-time Wildlife Crime Investigation Unit, with dedicated Wildlife Crime Officers in place, must be established to give this work priority status. This would ensure that adequate time and resources are available to fully investigate wildlife crime offences and act as a deterrent to potential offences. Wildlife Crime Officers should be able to progress their career and be promoted within the Unit to ensure skills and experience are not lost to other areas of policing.

### **5. Species licensing must be improved.**

LINK members accept that licensed control of some protected species may be required in certain circumstances. However, licences should only be issued if there is robust scientific evidence to support them; they should not be issued on the basis of local anecdote alone but supported by science and fact. It is also our view that lethal control should be as a last resort, after alternatives have been fully explored. We are concerned that application of these principles appears to be increasingly inconsistent.

"General licences", issued annually by Nature Scot, that allow widespread control of certain species, should be reviewed regularly to ensure they are fit for purpose, and with scientific evidence to support them. Species that have undergone significant population decline should not feature on such licences.



But, it is apparent that there is a complete lack of information as to who, where and how often these licences are used. Therefore, it is strongly recommend that all licence users, including those of general licences, should be required to submit an annual return, detailing what methods were employed, in what locations, over what time period and details of numbers and species killed. Such conditions already apply to those who wish to capture a species alive and hold it temporarily, for example to allow the ringing of a bird. It is surely incorrect that those who use such licences to legally kill protected wildlife are less accountable.

With it being likely that grouse moor licensing will be introduced during this term of the Scottish Parliament, there are significant concerns amongst LINK members that any such scheme will be rendered ineffective unless policing it is adequately resourced. It cannot be relied on that breaches of licence conditions will be uncovered by chance by recreational users of the countryside or that compliance monitoring is undertaken by NGOs.

**This briefing is supported by the following LINK member organisations:**

RSPB Scotland  
Scottish Wildlife Trust  
Scottish Raptor Study Group  
Scottish Badgers  
Scottish Wild Land Group

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

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