

Wildlife Crime in Scotland
2014 Annual Report



**natural
scotland**
SCOTTISH GOVERNMENT

**A report published by the Scottish Ministers, on wildlife crime in
Scotland.**

SG/2015/139

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
30 September 2015

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

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Ministerial Foreword



This is the third Scottish Government annual report on wildlife crime, and my first as Minister for Environment, Climate Change and Land Reform.

The report was created with two main purposes in mind - to provide information to the public, stakeholders and Scottish Parliament on wildlife crime in Scotland and trends in offences; and to identify where there are gaps in the availability of data on wildlife crime offences and prosecutions, so that improvements can be made.

The first two reports began to identify such gaps and, in late 2014, the Rural Affairs, Climate Change and Environment Committee made a number of recommendations for improvements. These are covered in more detail in the introduction to this report, but I am pleased that many of the recommendations have already been implemented. Of course, there is still some work to be done and there will always improvements to be made, but I am confident that we will continue to enhance our ability to see a clear picture of wildlife crime in Scotland.

In my first year covering this exciting and varied portfolio, there has been considerable public interest in wildlife crime, particularly in bird of prey persecution and hunting with dogs – and I have asked for a specific section on the latter to be added to this report.

This report covers the calendar year 2014, using data for the 2013-14 financial year. There is a lot of data in the report, but I am encouraged to see that there was an overall reduction in recorded wildlife offences (and in crimes against birds) in 2013-14 compared to the previous year. While I am aware that there have been significant successes recently in the fight against wildlife crime, not all of these are included in the report as they fall outwith the reporting period. This includes some high profile events such as the first custodial sentence for killing a bird of prey and the first use of vicarious liability provisions.

There is also a huge amount of work being carried out in the Scottish Government to tackle this ongoing threat to our wildlife, reputation and wildlife tourism industry. While I understand frustrations that it may take longer than hoped for some initiatives to have an impact, I am confident that more of the positive outcomes of this work will soon become clear.

Scotland will not tolerate wildlife crimes which damage our environment, harm conservation efforts, threaten the survival of some species and inflict cruelty on others. Working alongside police and prosecutors, we will continue to increase the pressure on those who persist in breaking the law, until these out-dated practices are consigned to the past where they belong.

Dr Aileen McLeod MSP
Minister 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](#).

Parliamentary scrutiny of report

Following the publication of the second annual report in late 2014, the Scottish Parliament's Rural Affairs, Climate Change and Environment (RACCE) Committee held evidence sessions, one with the Minister for Environment and Climate Change and another with Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS).

During these sessions, and in subsequent correspondence with the Minister, the Committee made a number of recommendations for improvements to the report.

Many of these recommendations have been implemented in this report, including the addition of penalties data, greater disaggregation of court proceedings data and efforts to improve the layout and clarity of the report. It was not possible to switch recorded crime and court proceedings data to calendar year format, and so all other sources of data have been switched to financial year for consistency.

Other improvements, including further disaggregation of recorded crime data will require more long term work or significant changes to recording systems. These will be implemented where possible in future reports.

A complete summary of the RACCE recommendations, along with progress reports on the implementation of them, is provided in [Appendix 2](#).

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 2013-14 as that is 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 2014 and beyond.

Data: What evidence do we have for levels of wildlife crime and prosecutions?

The following section incorporates data from a number of sources, building the most accurate picture we can of the levels of wildlife crime and prosecutions in Scotland.

The table below presents a summary of the data sources included in this report.

Summary of Data Sources used for Wildlife Crime

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 National Heritage (SNH)	Freshwater pearl mussels incidents
Police Scotland	Wider bird of prey crime data Firearms restrictions
National Wildlife Crime Unit	Wildlife crime intelligence logs summary
Scottish Society for Protection of Cruelty to Animals (SSPCA)	Summary of SSPCA investigations
Scottish Badgers	Suspected badger incidents
Bat Conservation Trust (BCT)	BCT investigations

2. Headline trends

This chapter outlines the main trends in wildlife crime recorded by the police, reports of those charged by the police and processed by COPFS and levels of people proceeded against in court.

These sources are able to demonstrate trends in wildlife crime but much of the recording is not designed to pick out species specific information. Where possible, further detail is provided in Chapters 3 and 4.

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 2013-14.

In 2013-14 there were 255 crimes recorded by the police relating to wildlife. Recorded crimes relating to fish poaching (salmon & freshwater fisheries & unlawful possession of fish) offences accounted for around a third of the total in 2013-14 (90 crimes), followed by crimes involving birds (53 crimes).

The 255 recorded wildlife crimes represents a drop of around 20 per cent in comparison with 2012-13 (319 recorded crimes) but is comparable to levels recorded in 2009-10 (263).

Table 1: Wildlife Crime Recorded by Police Scotland, 2009-10 to 2013-14

Offences relating to:	2009-10	2010-11	2011-12	2012-13	2013-14
Badgers	11	20	11	1	7
Birds	40	59	55	64	53
Cruelty to wild animals	27	40	26	27	22
Deer	20	33	47	33	20
Hunting with dogs	37	31	31	32	29
Poaching and game laws	17	16	15	1	4
Fish poaching	67	85	104	135	90
Conservation (protected sites)	3	2	1	0	1
Other wildlife offences	41	69	17	26	29
Totals	263	355	307	319	255

Source: Recorded Crime in Scotland, 2013-14

Table 2 presents the distribution of the types of wildlife crime between different police divisions in 2013-14.

It can be seen that the majority of recorded offences relating to fish poaching were located in the Argyll & West Dunbartonshire, Forth Valley and Highlands & Islands divisions. By comparison the majority of reported offences involving birds were located in the Aberdeenshire & Moray and Forth Valley divisions.

Table 2: Wildlife Crime Recorded by Police division 2013-14

Offences relating to:	Aberdeen City	Aberdeenshire & Moray	Argyll & West Dunbartonshire	Ayrshire	Dumfries & Galloway	Edinburgh	Fife	Forth Valley	Greater Glasgow	Highland & Islands	Lanarkshire	Renfrewshire & Inverclyde	Tayside	The Lothians & Scottish Borders	TOTAL
Badgers	0	0	0	0	0	0	0	0	0	3	0	0	0	4	7
Birds	1	19	1	2	2	0	2	10	1	2	1	1	5	6	53
Cruelty to wild animals	0	3	1	4	1	0	1	4	0	4	2	0	0	2	22
Deer	1	2	2	2	3	0	1	1	0	5	0	0	0	3	20
Hunting with dogs	0	12	0	0	1	0	2	0	1	0	0	0	13	0	29
Poaching and game laws	0	1	0	0	1	0	0	0	0	1	0	0	1	0	4
Fish poaching	4	6	18	11	3	0	0	19	1	17	1	5	3	2	90
Conservation (protected sites)	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Other wildlife offences	1	1	1	0	7	0	1	8	1	2	0	2	5	0	29
Totals	7	44	23	19	18	0	7	42	4	34	5	8	27	17	255

Source: Recorded Crime in Scotland, 2013-14

2.2 Crown Office and Procurator Fiscal Service (COPFS) statistics

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 2013-14

Table 3 shows the breakdown of wildlife cases reported to COPFS between 1 April 2013 and 31 March 2014 and the outcomes for each case. The table shows only wildlife cases reported to COPFS during this period and does not show the result of any case reported to COPFS prior to 1 April 2013, even if the case was concluded during this period. Notes and Definitions on the COPFS data are available in [Appendix 3](#).

Table 3 shows that a total of 129 reports were received, 4 of which (all poaching) were combined with other reports. Of the resulting 125 cases, three investigations are ongoing, one prosecution is ongoing and 121 cases have been concluded (i.e. 122 cases marked in total).

Table 3: Wildlife Cases Reported to COPFS in 2013-14

Offences relating to:	Investigation ongoing	No action	Warning	Fiscal Fine	Discontinued after prosecution raised	Prosecution ongoing	Acquittal	Conviction	Total
Badgers									0
Birds	3	2	4	1			1	10 (3)	21
Cruelty to wild animals		1	2		1			1	5
Deer			1		1			5 (1)	7
Hunting with dogs (other than poaching offences)							1		1
Poaching and game laws		11	3	3	3			6 (1)	26
Fish poaching		11 (2)	5	11	5	1	5	22	60
Conservation (protected sites)									0
Other wildlife offences		3						2	5
Total	3	28 (2)	15	15	10	1	7	46 (5)	125

Source: Crown Office and Procurator Fiscal Service

In the No Action column, figures in brackets represent cases in which no action was taken at the prosecutor's discretion.

In the Conviction column, figures in brackets indicate the number of cases in which the conviction did not include a wildlife offence.

No action was taken in 28 of the concluded cases (23% of cases marked): in 26 cases for legal reasons and in 2 cases in the exercise of the prosecutor's discretion. The legal reasons included:

- circumstances that did not constitute a crime
- instances where the person responsible was not identified
- instances where there was insufficient evidence to permit proceedings
- instances where proceedings were time-barred at the time of submission of the report or the delay in reporting was such that in the particular circumstances proceedings were no longer justified.

In the remaining 94 concluded cases, warnings were issued in 15 cases (12% of cases marked) and fiscal fines were issued in a further 15 cases (12% of cases marked).

Prosecution in court was undertaken in 64 cases of the cases reported to COPFS in 2013-14. Of these:

- Proceedings were discontinued by the prosecutor in 10 cases (16% of cases prosecuted) because further investigation disclosed that no crime was committed or that there was insufficient evidence.
- 7 cases resulted in an acquittal of all charges (11% of cases prosecuted)
- 46 cases resulted in a conviction (72% of cases prosecuted).
- 41 convictions (64% of cases prosecuted) were for wildlife offences.
- A further 5 convictions were for non-wildlife offences, for example where further investigation established that birds were not "wild birds" within the

meaning of the legislation. Figures for these cases are shown in brackets in the “Convictions” column.

A total of 16 cases involved the use of dogs.

2.3 Criminal Proceedings statistics

Following marking by COPFS, cases may be dealt with by the courts. Table 4 shows the number of people proceeded against in Scottish courts and the relevant conviction rates for wildlife offences between 2009-10 and 2013-14. Please note that this table is a summary and that a breakdown of proceedings for specific offences is provided at [Appendix 4](#).

Please note that 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.

There were 80 people proceeded against for wildlife related offences in 2013-14, a marginal increase on 2012-13 (77 people). Over half of these proceedings involved offences relating to fish poaching (salmon and freshwater fisheries & unlawful possession of fish).

Table 4: People proceeded against in Scottish Courts for Wildlife Crimes*, 2009-10 to 2013-14

Offences relating to:	2009-10	2010-11	2011-12	2012-13	2013-14	Total proceedings	Overall % guilty
Badgers	2	3	2	0	0	7	86%
Birds	7	6	15	19	10	57	77%
Cruelty to wild animals	4	2	4	9	4	23	74%
Deer	0	3	8	3	5	19	68%
Hunting with dogs	10	9	5	11	9	44	50%
Poaching and game laws	4	8	8	1	0	21	62%
Fish poaching	3	22	18	23	43	109	78%
Conservation (protected sites)	1	0	1	0	0	2	100%
Other wildlife offences	1	0	10	11	9	31	74%
Totals	32	53	71	77	80	313	67%
% guilty	75%	77%	56%	62%	70%		
<i>Total number of offences</i>	<i>49</i>	<i>49</i>	<i>70</i>	<i>75</i>	<i>100</i>		

Source: Criminal Proceedings Statistics

* Where main charge

Table 4 also shows that the overall conviction rate has varied over the last five years, ranging from between 56% to 75% of those proceeded against found guilty. Conviction rates by wildlife crime category have been presented as a five year average due to the small numbers of proceedings for some categories. This shows that conviction rates are higher for fish poaching (offences relating to fisheries & unlawful possession of fish), cruelty to wild animals and offences

relating to birds. The lowest conviction rate over the last five years relates to offences involving hunting with dogs.

It should be noted that Criminal Proceedings statistics only report on the main charge although a single court proceeding can involve a number of different offences. 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 this, the total number of individual wildlife offences in each year are presented at the bottom of Table 4. In 2013-14 there were 100 offences for wildlife crime that were brought to court in comparison to the 80 people proceeded against.

Tables 5 and 6 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 5 shows that the most common punishment for a wildlife crime conviction is a monetary fine, with over two thirds of convictions receiving this type of penalty in 2013-14. This pattern has been broadly similar since 2009-10.

Table 5: People with a charge* proved for Wildlife Crimes in Scottish Courts, by main penalty, 2009-10 to 2013-14

	2009-10	2010-11	2011-12	2012-13	2013-14
People proceeded against	32	53	71	77	80
People with a charge proved	24	37	48	56	60
<i>Of which received</i>					
Custody	0	0	1	1	1
Community Sentence	1	0	7	8	4
Monetary	18	33	37	33	43
Other	5	4	3	14	12

Source: Criminal Proceedings Statistics

* Where main charge

In Table 6 aggregate totals for 2009-10 to 2013-14 show that monetary punishments are mostly likely to be given for all crime types, especially for fisheries and unlawful possession of fish (81 per cent for this group). The crime group where convictions are most likely to result in a community sentence are hunting with dogs (28 per cent of convictions). Only 1 per cent of wildlife crime convictions resulted in a custodial sentence.

Average fines and custodial sentences are also presented in Table 6. 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 6: People with a charge* proved for Wildlife Crimes in Scottish Courts, by main penalty and wildlife crime

Offences relating to:	2009-10 to 2013-14 totals					Average	
	Total with a charge proved	Custody	Community Sentence	Monetary	Other	Custodial sentence length (days)	Monetary fine (£)
Badgers	6	-	-	6	-	-	967
Birds	44	2	6	29	7	137	574
Cruelty to wild animals	17	-	2	11	4	80	335
Deer	13	-	3	9	1	-	583
Hunting with dogs	22	1	3	15	3	182	403
Poaching and game laws	13	-	-	9	4	-	260
Fish poaching	85	-	2	69	14	-	263
Other conservation offences	2	-	-	2	-	-	740
Other wildlife offences	23	-	4	14	5	-	678
Totals	225	3	20	164	38	134	420

Source: Criminal Proceedings Statistics

* Where main charge

Some additional or alternative penalties are described in sections 3.3 and 3.4.

2.4 Comparing data sources

Although the justice IT systems have common standards in terms of classifying crimes and penalties there are issues with comparing the different sets of statistics (Tables 1 to 6) so care should be taken when interpreting the report. The following outline the main differences:

1. Prosecutions may not happen in the same year as a crime was recorded. Timing is also an issue when comparing COPFS figures (which include on-going cases) and criminal proceedings statistics (which represent only closed cases).
2. In the 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 proceeding is presented for criminal proceeding statistics.
3. There is the possibility that the crime or offence recorded by the police may be altered e.g. COPFS may alter the charges during their marking process, making it hard to track crimes through the justice system.
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.

Limitations of using these data sources to measure wildlife crime

Measuring the extent of wildlife crime through the police, COPFS and criminal proceedings data sources is problematic. This is primarily as the recording of such data was designed to suit the operational needs of Police Scotland and COPFS rather than to meet the requirements of those that require a picture of wildlife crime levels of trends.

Wildlife crimes are recorded in terms of the offences as they are set out in legislation so, unless particular species are specified in the legislation, detailed species information won't be available. Similar problems exist in gathering data on human victims of crime, so this issue is not specific to wildlife crime.

Work is ongoing to improve the availability of useful data on wildlife crime. Further information on this can be found in [Appendix 2](#).

In addition to issues with measuring the different types of crimes, these sources are unlikely to represent the full extent of wildlife crime as not all incidents are reported to the police nor subsequently dealt with in the criminal justice system.

To provide a fuller and more detailed account of the extent of wildlife crime, Chapters 3 and 4 consider information from other organisations and highlight trends for some wildlife priority areas.

3. Additional Data Sources

Chapters 3 and 4 include information 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 stakeholders have been notified of or detected using their specific expertise. 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.

3.1 Science and Advice for Scottish Agriculture (SASA)

SASA is a government department in Edinburgh which 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 7 provides a summary of the wide range of Scottish casework received in the financial year 2013-14, divided into the UK wildlife crime priorities.

Table 7: Wildlife DNA Forensic unit cases from Scotland in the financial year 2013-14

Category	Scottish cases
Badger persecution	4
Bat persecution	0
CITES	1
Freshwater pearl mussels	0
Poaching and coursing	6
Raptor persecution	4
Other wildlife crime	2
Other (e.g. animal cruelty)	1
Total	18

Source: SASA

This casework has included examination of knives for badger DNA, the identification of raptor DNA from spring traps and the first use of red deer DNA profiling in a poaching investigation. In each of these examples, the evidence produced has played 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 8 provides details of the number of suspected pesticide incidents investigated in Scotland

(2009-10 to 2013-14) and summarises those incidents, categorised as abuse, that are considered to be wildlife crimes because of the species or pesticide involved.

The pesticides branch typically investigates around 170-230 incidents per annum. Since 2009-10 the incidence of confirmed pesticide abuse has halved from around 30 per annum to 13 or 14 in 2011-12 to 2013-14.

Table 8 also includes the numbers of abuse incidents involving suspicious baits or other substances, even if no creature was actually poisoned by them. It is not possible to tell what the target species were in each instance. However, the figures show that where species are identified, the most frequently recorded incidents are those involving birds of prey, with 59 incidents making up more than half (57%) the total of 104 abuse incidents over the 5 year period.

Bird of prey poisoning incidents are covered in further detail in the [Raptor Persecution](#) section of this report.

While the poisoning of a companion animal (pet) is not technically 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 8: Pesticide incidents in Scotland 2009-10 to 2013-14

Year	2009-10	2010-11	2011-12	2012-13	2013-14
Number of incidents investigated during financial year *	174	203	234	172	194
Number of incidents attributed to pesticides	43	49	20	22	18
Category - Abuse	29	34	14	14	13
% abuse	17	17	6	8	7
No. of abuse incidents involving birds of prey	19	24	6	4	6
No. of abuse incidents involving other birds **	4	1	2	1	2
No. of abuse incidents involving suspicious baits/substances	3	8	2	5	4
No. of abuse incidents involving companion animals	3	0	4	4	1
No. of abuse incidents involving wild mammals	0	1	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). 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, as would be expected. 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 concerned members of the public. Where a carcase is submitted by an organisation other than the police, and the post mortem examination points to the commission of a wildlife crime, the police are notified of the outcome to allow investigation to proceed.

The financial year 1 April 2013-31 March 2014 saw an increase in the number of wildlife carcasses examined as possible wildlife crimes under these combined advisory activities when compared approximately to levels recorded in previous years. A total of 199 cases were submitted, of which 50 cases were mammals and 149 were birds.

Table 9: Wildlife cases examined by SAC Consulting Veterinary Services under advisory activity funding, 2013-14

	2009-10	2010-11	2011-12	2012-13	2013-14
Total wildlife cases examined as possible wildlife crimes	68	153	163	137	199
Total mammal cases	26	39	41	48	50
Total mammals identified by post mortem as crime related	15	22	26	22	25
% of mammal cases identified by post mortem as crime related	58%	56%	63%	46%	50%
Total bird cases	42	114	122	89	149
Total bird cases identified by post mortem as crime related	5	26	25	16	21
% of bird cases identified by post mortem as crime related	12%	23%	21%	18%	14%

Source: SAC Consulting Veterinary Services

As can be seen from the statistics above, the percentage of wild bird submissions identified as crime related is much 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; they are large birds of prey, so their carcasses are noticeable and survive well for some time after death; and they are also a species known to be persecuted, all of which may lead to a high rate of report for this particular species by members of the public. Secondly, the potential for a wild bird carcase to be submitted in a condition of degradation such that no diagnosis can be reached can be higher than that of mammals – the presence of feathers

over the carcase, which can survive for long periods in apparently good condition after death, can give the superficial appearance of a fairly intact and potentially usable carcase even where there is little to no soft tissue left within. This can reduce the number of avian submissions in which a potential wildlife crime incident is identified.

The increase in cases submitted as possible 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 2013-2014 has covered a wide range of species including hedgehogs, squirrels, wild cats, rabbits, hares, otters, badgers, foxes, and deer. With regard to the causes of death or injury, snaring/trapping cases predominated, followed by dog attack (which may include badger baiting, hare coursing, hunting deer with dogs, or unintended loss of control of a pet around wildlife) and shooting.

The avian cases covered a range of species, though raptors predominate in cases submitted as suspected wildlife crimes. Causes of death or injury in birds included shooting as the most common cause, followed by poisoning, trapping, and dog attack.

Poisoning abuse incidents are confirmed by testing at SASA and so the same cases referred to here also appear in [Table 8](#).

In both mammal and bird cases, where the cause of death was recorded as “shooting”, a mixture of rifle, shotgun and air rifle injuries were represented.

3.3 Scottish Natural Heritage (SNH) – General Licence Restrictions

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.

There were no restrictions issued during the period covered by this report (2013-14). However, SNH have committed to publish details of any restrictions on their website, and future annual reports will include any relevant summary data.

3.4 Police Scotland – Firearms Licensing

If Police Scotland are made aware of circumstances that affect a person's suitability to hold a shotgun licence or a firearms certificate, they may revoke them – or refuse an application for a new one. Wildlife crime convictions can form part of that consideration.

Between 1 April 2013 and 31 March 2014:

- One person had both their firearms and shotgun certificates revoked as a result of poaching offence(s) under the Deer (Scotland) Act 1996.
- One person was refused a firearms certificate due to offence(s) under the Salmon & Freshwater Fisheries (Consolidation) (Scotland) Act 2003.

Instances where firearms certificates and shotgun licences have been revoked or refused will continue to be noted in future reports, with the aim of being able to consider a five year picture as with other data.

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

The SSPCA and their Special Investigations Unit (SIU) are able to 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.

Table 10 provides a five year summary of the numbers of wildlife cases investigated by SSPCA, either solely or assisting the police.

Table 10: SSPCA wildlife cases 2009-10 to 2013-14

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
SSPCA Assisting Police	50	55	60	65	70
% SSPCA Assisting Police	49%	51%	54%	55%	50%
SSPCA Solely	53	53	51	54	69
% SSPCA Solely	51%	49%	46%	45%	50%
Total Cases	103	108	111	119	139

Source: Scottish Society for the Prevention of Cruelty to Animals

The SSPCA report cases directly to COPFS. Cases investigated solely by the charity do not appear in the recorded crime data in Chapter 2, as they are not recorded on the police national crime database.

Any wildlife cases reported to the Procurator Fiscal will appear in the COPFS data (Table 3). If proceedings are taken forward under relevant legislation, they will also appear in the court proceedings data (Tables 4-6).

Table 11 provides a further breakdown of the cases investigated solely by the SSPCA, showing how many were reported to COPFS for prosecution each year.

Table 11: SSPCA wildlife cases reported to COPFS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Cases Reported to COPFS	36	30	17	17	18
% Cases Reported to COPFS	68%	57%	33%	31%	26%
Cases Not Reported to COPFS	17	23	34	37	51
% Cases Not Reported to COPFS	32%	43%	67%	69%	74%
Total Cases	53	53	51	54	69

Source: Scottish Society for the Prevention of Cruelty to Animals

Note: Some 2013-14 cases may have been reported to COPFS outwith this reporting period

3.6 National Wildlife Crime Unit (NWCU)

The NWCU works with Police Scotland to produce intelligence products and provide advice and on the ground support in wildlife crime investigations.

Table 12 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 intelligence dealt with by the NWCU and reflects the kind of information which is being reported to the police.

Table 12: Scottish Wildlife Crime Intelligence Logs in 2013-14

Keyword	Intelligence Logs	% of total
Fish	208	20.2%
Deer	164	15.9%
Raptor/Bird of Prey	104	10.1%
Hare	96	9.3%
Badger	36	3.5%
CITES	29	2.8%
FWPM/Pearl Mussel	13	1.3%
Bat	4	0.4%
All 'Other' Wildlife*	376	36.5%
Total	1,030	

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 13 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 2009-10 to 2013-14.

Table 13: Most Common Priority NWCU Intelligence Logs 2009-10 to 2013-14

Year	Three most common priority intelligence types (as a percentage of the total number of intelligence logs)
2009-10	Badger (6%), Hare (4%) and Raptor/Bird of Prey (4%)
2010-11	Fish (5%), Badger (3%) and Deer, Raptor/Bird of Prey, FWPM/Pearl Mussel (2% each)
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%)

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

4. Wildlife Crime Priority Areas

The UK and Scottish priorities remained unchanged in 2013-14:

- 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 relevant data where available.

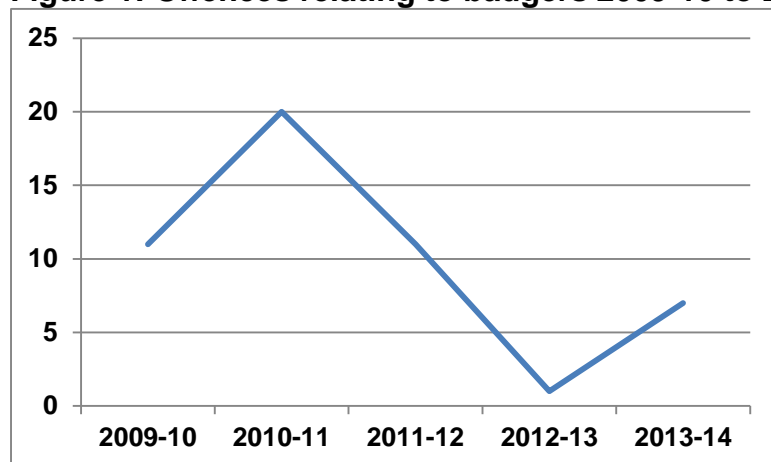
Due to a high level of public interest during 2015, an additional section has been included focusing on [Fox hunting and the Protection of Wild Mammals \(Scotland\) Act 2002](#).

A new section has also been included focusing on available [trapping and snaring](#) data.

4.1 Badger Persecution

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 cruel animal fights.

Figure 1: Offences relating to badgers 2009-10 to 2013-14



Source: Recorded Crime in Scotland

Figure 1 shows that over the five year period 2009-2010 to 2013-14, badger crimes recorded by the police ranged between one and twenty per year between 2009-10 and 2013-14. There were 7 recorded badger crimes in 2013-14 and Table 2 shows that all of these were recorded in two police division areas, Lothians & Scottish Borders (4) and Highland & Islands (3). It should however be noted that these figures only include offences recorded under the Protection of Badgers Act 1992. Some offences relating to badgers (e.g. snaring) may appear in other categories, where it is not currently possible to disaggregate them from cases which involve other species.

Figures provided by COPFS show that no badger related cases were reported to them during 2013-14.

The wildlife charity 'Scottish Badgers' recorded 55 suspected badger incidents in 2013-14, compared to 44 in 2012-13 and 76 in 2011-12. These figures are not equivalent to crimes recorded by Police Scotland. Upon investigation by the police, many of the incidents recorded may turn out to not be crimes. Additionally, due to the animal welfare element of these crimes, a significant number of badger-related cases may be investigated solely by the SSPCA rather than the police, and would therefore not be recorded in the national database.

Whilst suspicions have been expressed that many badgers are illegally killed and dumped on roads to hide them as road casualties, Scottish Badgers have found this to be true in only a handful of incidents. One 2013-14 incident which was suspected to be a poisoning turned out to be an RTA. A total of 923 badgers were reported dead on Scottish roads during the same period.

Additional information collated by Scottish Badgers provides fuller details of the nature of the suspected incidents that are reported, as summarised below.

Badger baiting

In 2013-14, five reports of setts being dug by badger baiters were received.

Snaring

During this reporting period seven incidents were reported involving snares and badgers. Four of the incidents reported dead or trapped badgers whilst the others referred to inappropriately set snares at or near a badger sett or where they were likely to catch a badger. One such incident led to a £865 fine after the perpetrator pled guilty to causing unnecessary suffering.

Poisoning

Poisoning was suspected in two instances, however one incident remains unconfirmed while SASA have confirmed that the second incident is believed to be the accidental result of unspecified use of a rodenticide rather than deliberate poisoning.

Shooting

Two incidents were reported involving the deaths of badgers as a result of being shot. Neither incident is confirmed.

Trapping

One incident was reported involving the inappropriate use of a large mammal trap very close to a badger sett and badger paths. It was not clear if the badgers were being targeted or if the trap had been placed there in ignorance.

Other Suspicious Deaths

Six incident reports were made by members of the public where the circumstances in which the animals were found gave rise to the suspicion that they had been illegally killed. In one incident the post mortem revealed that a badger found with a bailer twine noose around its neck had died of blunt force trauma to the head.

Sett Interference

As noted in previous annual reports, many incidents relating to badger setts could be avoided had the perpetrators sought advice before working on or near a badger sett.

During 2013-14, 31 incidents were reported involving damage to, destruction of or the blocking of badger setts. Most related to forestry/agricultural operations although three incidents related to alleged illegal activity by fox hunts. Since amendments were made to the Protection of Badgers Act 1992 in Scotland it has been illegal to block up setts prior to hunt meetings.



Badger © Mike Hughes

4.2 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. Generally, bat numbers and species diversity decrease with increasing latitude, because at high latitudes bats have to contend with problems such as long, severe winters and short, cooler and wetter summers with only a few hours of darkness available for feeding. This is true of the UK where of the 18 bat species, only 10 occur in Scotland. The number of species decreases further towards the north of the country.

As noted in Chapter 2, it is not currently possible to disaggregate recorded crime statistics to show crimes relating to most individual species, including bats. However, the data in Table 14 provided by the Bat Conservation Trust (BCT) gives an indication of the numbers of suspected incidents. Upon investigation, reported incidents may turn out not to be crimes.

Table 14: Suspected Bat Crimes Reported to Police by BCT 2010-11 to 2013-14

	2010-11	2011-12	2012-13	2013-14
UK Investigations	125	154	137	131
Scottish Investigations	5	6	9	7

Source: Bat Conservation Trust. Data for 2009-10 is not available.

The figures collated by BCT show that reports of suspected bat crime incidents in Scotland are relatively infrequent, remaining in single figures over this four year period. However, any incidents have the potential to cause serious harm to Scotland's comparatively small bat populations.

Figures provided by COPFS show that three bat related cases were reported to them during 2013-14, one of which resulted in a conviction.

In April 2013 in the Forth Valley region where, during work on a cottage, a roost used by up to 500 pipistrelle bats was blocked by wire. The property consultant who instructed the work to be carried out was fined £240.

4.3 CITES

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.

It is not currently possible to disaggregate data from the police recorded crime statistics to show numbers of COTES offences recorded in Scotland.

However, data on court proceedings can be expanded to show this information. Table 15, which uses figures extracted from the tables at [Appendix 4](#), gives a breakdown of proceedings under this legislation.

Table 15: Court Proceedings under COTES Legislation, 2009-10 to 2013-14

	2009-10	2010-11	2011-12	2012-13	2013-14
People proceeded against	1	-	3	1	-
People with a charge proved	1	-	2	-	-

All the proceedings were brought under Regulation 8(1) which prohibits the sale, purchase, commercial use etc. of any species (or part) listed on the relevant European legislation (Annex A of Regulation (EC) No. 338/97).

Two COTES related cases were reported to COPFS in 2013-14 and one, relating to Tunisian tortoises, resulted in a conviction and a fine of £300 – this case concluded after 2013-14 and therefore does not appear in the table above.

4.4 Freshwater Pearl Mussels



Pearl mussel shells. © Lorne Gill/SNH

Scotland supports several of the largest remaining populations of freshwater pearl mussels in the world which, unfortunately, continue to be damaged by criminal activity.

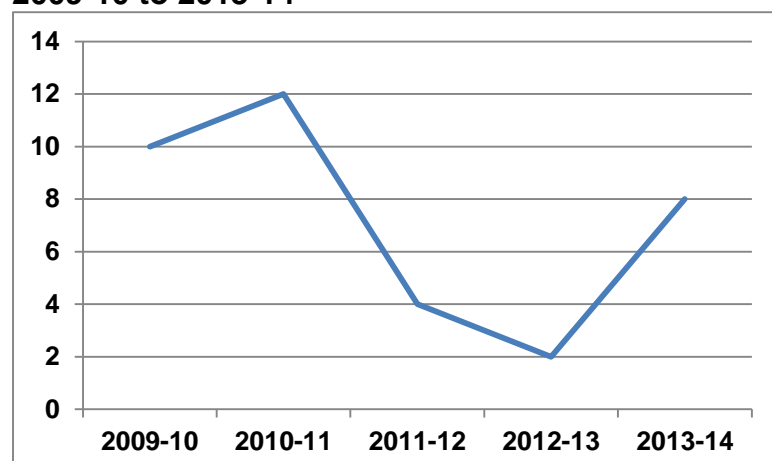
Pearl fishing continues in Scotland, almost uniquely within Europe. They are also threatened by criminal damage including unlawful river engineering and pollution events. During 2013/14 eight incidents were reported that arose from both pearl fishing and pollution. Table 16 and Figure 2 show the numbers of suspected incidents for the five year period up to 2013-14.

Table 16: Suspected Criminal Incidents Involving Freshwater Pearl Mussels, 2009-10 to 2013-14

Financial Year	Number of incidents
2009-10	10
2010-11	12
2011-12	4
2012-13	2
2013-14	8

Source: Freshwater Pearl Mussel Priority Group (SNH, Police Scotland & NWCU)

Figure 2: Suspected Criminal Incidents Involving Freshwater Pearl Mussels, 2009-10 to 2013-14



Several of these incidents were recorded during the second national survey for freshwater pearl mussels in Scotland. This survey, which took place in early 2015, is complete and results are due to be published shortly. Several other incidents were recorded by the Pearls in Peril project. The evidence of potential criminal activity was reported directly to Police Scotland for investigation.

The Pearls in Peril project launched a number of riverwatch schemes across northern Scotland to raise awareness of the damage pearl fishing and other illegal activities can pose to pearl mussels and the overall health of our rivers. The project employs a 'riverwatcher' who undertook patrols of all the rivers within the project to both look for any potential criminal damage that may have occurred and further raise awareness of the issue with local land and fishery managers.

Unfortunately some of the incidents continue to result in considerable long-term damage to sites that are important for the conservation of the species in Scotland. In one incident, near Lochinver, a burn designated as being of international importance was targeted by pearl fishers who killed and removed many mussels from some of the most important breeding locations. It will likely take decades for the population to recover.

The Pearls in Peril project also continued other important awareness raising activity, particularly in local primary schools around some of the most important pearl mussel populations. The NWCU have contributed to fishery bailiff training and talks were also given to members of the jewellery trade.

The priority delivery group also produced hot spots maps which indicate rivers and burns across Scotland which have been the target of criminal activity in the past. These have been distributed to all the relevant Wildlife Crime Officers within Police Scotland to help inform their work. These maps are not published due to the sensitive nature of the information they contain but maps for public dissemination will also be developed and are due to be released during 2015.

During July 2014 Police Scotland, alongside the Spey District Salmon Fishery Board and SNH, ran an operation on the River Spey to target known pearl fishers who frequently damage the resident pearl mussel population. The operation was the first pro-active intelligence led operation of its kind involving agencies working together.

A refreshed MOU between the British Association for Shooting and Conservation (BASC) and NWCU was signed in 2015. BASC members often work around remote rivers and the agreement encourages the confidential reporting of suspicious activity to the police. This complements existing and renewed agreements with Scottish Land and Estates, the Association of Salmon Fishery Boards and the Scottish Gamekeepers Association.

4.5 Poaching and Coursing



Roe deer © Lorne Gill/SNH



Salmon © Lorne Gill/SNH

Poaching involves the taking of deer, fish or other game without permission, or using unlawful methods. Coursing is the hunting of animals with dogs (see [Section 4.7](#) for further details).

Figures 3-5 (taken from data in Table 1) show five year trends in recorded offences related to poaching. Fish poaching remains the most commonly recorded type of wildlife crime, representing 90 out of the 255 wildlife offences recorded in 2013-14. Table 2 shows that the areas where fish poaching crimes were most frequently recorded were Forth Valley (19), Argyll & West Dunbartonshire (18) and Highland & Islands (17).

Figure 3: Fish poaching offences, 2009-10 to 2013-14

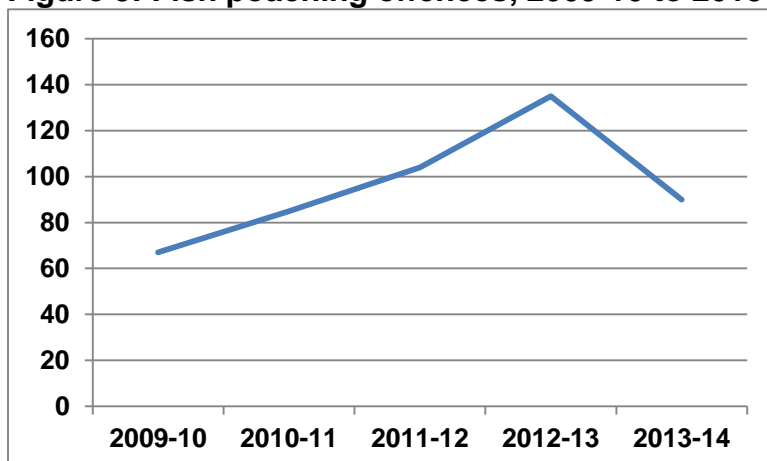


Figure 4: Deer offences, 2009-10 to 2013-14

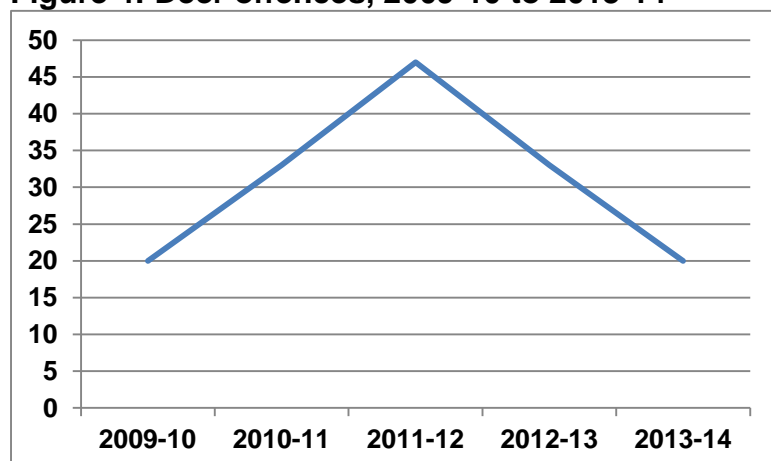
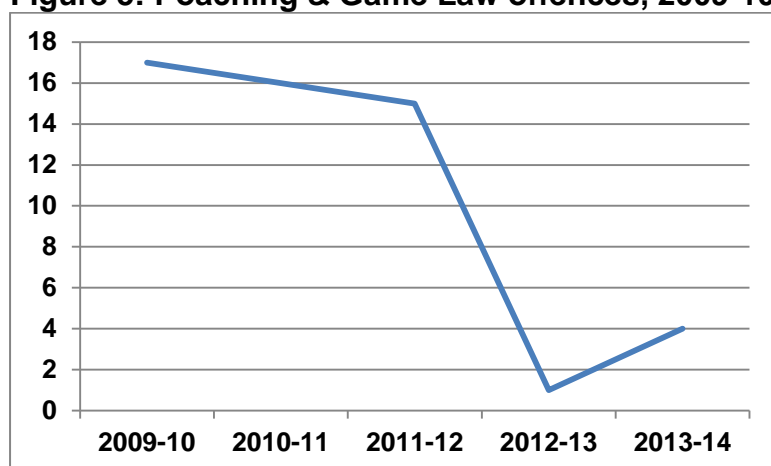


Figure 5: Poaching & Game Law offences, 2009-10 to 2013-14



There is a clear drop in offences recorded in the category of Poaching & Game Laws, from 17 in 2009-10 to 1 in 2012-13 and 4 in 2013-14. This is likely to be the result of much of the legislation in this category (some of which dated back to the 18th and 19th centuries) being repealed by the Wildlife and Natural Environment (Scotland) Act 2012.

Some offences under this category were outdated and no longer applicable, while others are now covered by different legislation, such as the Wildlife and Countryside Act 1981 and may be included in other categories. Unfortunately this means it is not currently possible to disaggregate certain poaching related offences. As noted in the introduction to this report, work is ongoing to review the wildlife crime offence categories to ensure they are as helpful and relevant as possible.

As highlighted in Chapter 2, fish poaching related offences were the most common type of wildlife crime prosecuted in 2013-14.

4.6 Raptor Persecution



Red kite poisoned in Ross-shire, 2014 © RSPB Scotland

Raptor, or bird of prey persecution, was once again a focus of attention in 2013-14 due to a number of serious incidents.

Table 17 shows the numbers of birds of prey confirmed by SASA as illegally poisoned between 2009-10 and 2013-14, alongside the number of incidents which resulted in these poisonings. The figures show that buzzards (45) were the most commonly recorded victim of illegal poisoning over the five year period, followed by red kites (28) and golden eagles (9).

Table 17: Bird of Prey Poisonings, Scotland, 2009-10 to 2013-14

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	
2009/10	18	5	2			1	26	19
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
Total	45	28	9	5	3	2	92	59

Source: Science and Advice for Scottish Agriculture (SASA)
Data for financial year period 1 April 2009-31 March 2014.

The number of poisoning incidents in the most recent three years has remained relatively low compared to the high of 24 in 2010-11. However, the number of individual birds of prey confirmed as poisoned in 2013-14 (21) is clearly much higher than the number of incidents (6). This is due to a single incident near Conon Bridge in Ross-shire, where 12 red kites and 4 buzzards were confirmed to have been killed with an illegally-held pesticide. A number of other bird of prey carcasses collected from the same area were also tested by SASA, but evidence of poisoning was not confirmed in these other birds.

This case clearly highlighted the dangerous and indiscriminate nature of poisoning abuse, with the red kite's largely carrion-based diet making it particularly vulnerable.

Figure 6: Bird of Prey Poisonings 2009-10 to 2013-14

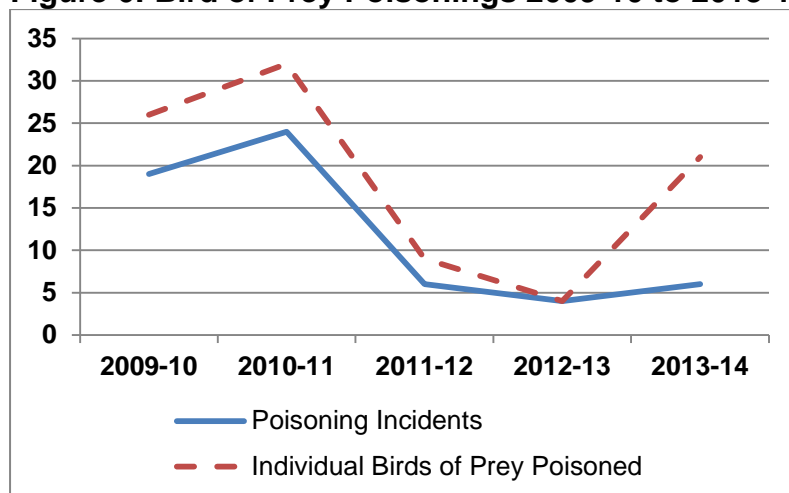


Table 18a shows a summary of all recorded crimes against birds of prey in Scotland in 2013-14. As with the poisoning data, these figures show that the buzzard was the species most commonly targeted by raptor persecution. There were more confirmed incidents of shooting (8) during this period than poisoning (6), with buzzards, hen harriers and red kites shot.

Table 18a: Recorded Bird of Prey Crimes in Scotland in 2013-14 by Species Involved and Type of Crime

Type of Crime	Species									Total
	Buzzard	Hen Harrier	Peregrine	Red Kite	Golden Eagle	Goshawk	Osprey	Red Kite & Buzzard	Tawny Owl	
Shooting	4	2		2						8
Poisoning	3		1		1			1		6
Trapping	1					1			1	3
Disturbance			1				1			2
Total	8	2	2	2	1	1	1	1	1	19

Source: Police Scotland Wildlife Crime Co-ordinator

The number of recorded crimes does not equate to the number of individual birds affected, as some of the incidents involved more than one bird.

Table 18b provides further details on each of the 2013-14 recorded bird of prey crimes.

Table 18b: Details of Recorded Bird of Prey Crimes in Scotland 2013-14

Species	Police Division	Type of Crime	Date
Buzzard	Tayside	Poisoning	April 2013
Red Kite	Aberdeenshire and Moray	Shooting	April 2013
Tawny Owl	Lothians & Scottish Borders	Trapping	April 2013
Hen Harrier	Aberdeenshire	Shooting	May 2013
Osprey	Forth Valley	Disturbance	June 2013
Buzzard	Tayside	Shooting	June 2013
Hen Harrier	Aberdeenshire and Moray	Shooting	June 2013
Buzzard	Lothians & Scottish Borders	Poisoning (bird had previously been shot)	June 2013
Peregrine	Aberdeenshire and Moray	Disturbance	July 2013
Buzzard	Renfrewshire & Inverclyde	Shooting	July 2013
Red Kite	Lanarkshire	Shooting	August 2013
Buzzard	Tayside	Poisoning	September 2013
Buzzard	Dumfries & Galloway	Trapping	September 2013
Buzzard	Tayside	Shooting	October 2013
Golden Eagle	Tayside	Poisoning	November 2013
Buzzard	Highlands & Islands	Shooting	December 2013
Peregrine	Lanarkshire	Poisoning	February 2014
Goshawk	Aberdeenshire and Moray	Trapping (attempted)	March 2014
Red Kites and Buzzards	Highlands and Islands	Poisoning	March 2014

Source: Police Scotland Wildlife Crime Co-ordinator

Prosecutions

It is not possible to disaggregate the court proceedings data in Tables 4-6 to show which proceedings for bird-related offences involved raptors. However, figures from COPFS provide further detail. In 2013-14, four raptor-related cases were reported to COPFS. One of these resulted in a warning and another, a vicarious liability prosecution, resulted in a conviction and a fine of £675. Investigations were still ongoing in the other two cases at the time this data was provided (July 2015).

A 2014 update from the [PAW Scotland Raptor Group](#) is provided in Chapter 5.

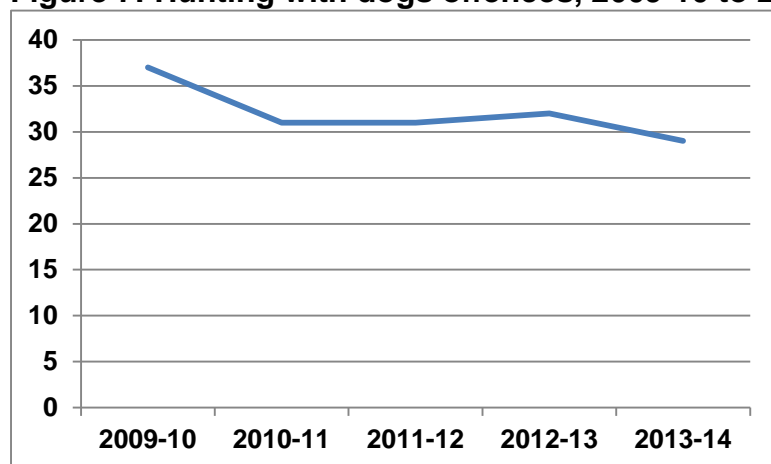
4.7 Fox Hunting and the Protection of Wild Mammals (Scotland) Act 2002

Following a high level of public interest in fox hunting in the period leading up to the publication of this report, this section has been added to 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. 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 by dogs.

Recorded Crime

Figure 7: Hunting with dogs offences, 2009-10 to 2013-14



The recorded crime statistics in Table 1 and Figure 7 show that over the five year period 2009-10 to 2013-14, there were an average of 32 offences recorded per year in the category of Hunting with Dogs (Section 1 offences under the 2002 Act), with a high of 37 in 2009-10 and a low of 29 in 2013-14. Table 2 shows that in 2013-14, most of these offences were recorded in Tayside (13) and Aberdeenshire & Moray (12).

As with some other types of wildlife crime, it is not currently possible to disaggregate the official data to show whether the offences related to the hunting of hares, deer, foxes, or another species. However, advice from police wildlife crime officers indicates that a vast majority of these offences related to hare coursing or, to a lesser extent, deer coursing.

Prosecutions

Table 4 in Chapter 2 shows that 44 people were proceeded against for offences relating to hunting with dogs between 2009-10 and 2013-14, with 50 per cent found guilty. As noted above, most of these are thought to be related to hare coursing.

The relatively small numbers involved allowed COPFS to manually search through reports related to the 2002 Act to produce Table 19. This 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.

The figures show that there have been ten cases of hunting foxes with dogs reported to COPFS since the 2002 Act was introduced, but only five of these were associated with mounted fox hunt activities. Three prosecutions resulted in a conviction but none of these were associated with mounted hunts.

Table 19: Cases Reported to COPFS involving fox hunting allegations, 2002-03 to 2013-14

Year	Total cases reported	Cases marked no action**	Prosecutions discontinued**	Prosecutions resulting in an acquittal	Prosecutions resulting in a conviction
2002-03	3 (2*)	1*		1*#	1
2003-04	2 (1*)		1*		1
2004-05					
2005-06	1*	1*			
2006-07					
2007-08	1			1†	
2008-09	1			1	
2009-10					
2010-11	1				1
2011-12					
2012-13					
2013-14	1*			1*	
	10 (5*)	2*	1*	4 (2*)	3

Source: Crown Office and Procurator Fiscal Service

Notes

* 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.

Sheriff Kevin Drummond delivered a judgement which is available at:

<https://www.scotcourts.gov.uk/search-judgments/judgment?id=6af686a6-8980-69d2-b500-ff0000d74aa7>

† The accused was not convicted of the Protection of Wild Mammals (Scotland) Act 2002 offence, but was convicted of a contravention of section 1 of the Wild Mammals (Protection) Act 1996.



Fox © League Against Cruel Sports

4.8 Trapping and Snaring



Illegal gin traps SASA © Crown Copyright



Legal snare SASA © Crown Copyright

Trapping and snaring are tools 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.

While recorded crime statistics do not currently show a breakdown of trapping and snaring offences, figures provided by SAC Consulting Veterinary Services provide some additional detail. In 2013-14, of the cases identified by SAC Consulting as suspected wildlife crime:

- 11 of 25 cases involving mammals related to trapping or snaring.
- 2 of 21 cases involving birds related to trapping.

Table 20 provides a breakdown of cases reported to COPFS in 2013-14 relating to trapping or snaring, along with the action taken in each case. The data shows that there were ten cases reported during this period, with three resulting in convictions.

Table 20: Trapping and snaring related cases reported to COPFS, 2013-14

	No action	Warning	Discontinued after prosecution raised	Conviction	Total
Birds (non-raptor)	1	3		2 (1)	6
Hares or rabbits				1	1
Raptors		1			1
Other		1	1		2
Total	1	5	1	3(1)	10

Source: Crown Office and Procurator Fiscal Service

Note: Figures in brackets in the convictions column indicate the number of cases in which the conviction did not include a wildlife offence.

The expanded court proceedings data in [Appendix 4](#) shows the numbers of people proceeded against for specific snaring offences under the Wildlife and Countryside Act 1981. It should be noted however that proceedings involving snaring may have been taken forward under different legislation and so this data may not show a complete picture.

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 Minister for Environment, Climate Change and Land Reform.

The Executive group met once in 2014, while the Plenary group met twice.

The latest information on the activities and membership of the partnership is available on the PAW Scotland website at 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 2014 work of these groups is provided below.

Legislation, Regulation and Guidance Sub-group

The group met in February, June and December.

The group has sought to clarify the position in relation to direct intervention when a trap or snare is discovered. Given the wide range of circumstances involved (e.g. whether the trap or snare is complying with all legal requirements and the status and condition of any animal caught) a simple answer may not be possible. Interference might well constitute a number of offences, including malicious mischief but the exact legal position, and the appropriateness of prosecution, will always depend on the individual circumstances of any case.

The group has also discussed the revocation of firearm licences and shotgun certificates following conviction for a wildlife offence, obtaining guidance from the police. It was noted that since the tests concentrate on public safety, not all wildlife offences would justify revocation of an offender's licence. This issue has been raised with Prof. Poustie in connection with his review of the penalties for wildlife crime and with the Law Commission (for England and Wales) which is about to review the law on firearms (a predominantly UK matter).

In response to the Scottish Law Commission's request for topics to include in their Ninth Programme of Law Reform, the Group suggested that wildlife law was an area in need of attention, given the fragmented state of the legislation (this topic is currently being reviewed by the Law Commission in England and Wales). However, this proposal was not included in the Programme approved early in 2015.

Other issues that the group have discussed include:

- the new rules on vicarious liability for certain wildlife crimes and the first cases progressing through the courts;
- the legal status of wildcats given the research shows that the majority of 'wildcats' encountered are not genetically pure examples of the species; this issue is being dealt with under the Scottish Wildcat Action Plan, led by SNH.
- progress in developing a process for the police and SNH to work together in order for SNH to determine whether 1981 Act General Licences should be withdrawn from certain areas.

A representative from SNH has joined the Group.

Training and Awareness Sub-group

The group met once in 2014 and agreed to meet on a yearly basis, unless any urgent matters require immediate attention. It was felt that partnerships were now sufficiently established to allow direct engagement between partners over training opportunities.

A number of Police and stakeholder training sessions were held throughout the year. BASC, BDS, SNH and RSPB were among those that offered assistance to the Police with training both on a national and local level.

Ideas and requirements were discussed for further training and awareness raising, including snaring/trapping legal requirements and the restriction of General Licence use due to wildlife crime.

Group members contributed to the organisation of the 2014 Wildlife Crime Conference which took place in April 2014 and was once again held at the Scottish Police College. The Group discussed options for future events including the frequency and intended audience.

Looking towards 2015, the Group discussed proposals for publication of a new guidance booklet (aide memoire) on wildlife crime for police officers and also the establishment of a Wildlife Crime Officer Awareness Course. It was also highlighted that Police Scotland planned to undertake a general wildlife crime awareness campaign in 2015 using all forms of media. This would be both internal and external to the organisation to raise awareness levels of staff and to encourage greater levels of reporting by the public.

Funding Sub-group

A call for draft Project Proposals was circulated around PAW Scotland sub-groups and Wildlife Crime Officers in autumn 2014. This indicated that PAW funds could be awarded to new and innovative projects tackling wildlife crime in Scotland where they fell within the following areas:

- Prevention
- Intelligence

- Enforcement

Applications were particularly welcomed if they encouraged local engagement in wildlife crime issues and especially where they were focused on urban and peri-urban environments.

Eight project proposals were received, three of which were offered support. Other projects were either ineligible for funding, duplicating other activities already underway or not of sufficient priority to be awarded funding. The projects supported are: the National Wildlife Crime Unit's Scottish Investigation Support Officer, RSPB's Investigations Team and RSPB's Golden Eagle Tagging.

Further promotion of PAW funding opportunities will be included on the SNH web site as part of the promotion of the SNH Grant Fund.

The group is continuing to explore other funding avenues and meetings are planned with several private trusts who may be able to provide funding for PAW projects which focus on community based activities.

Media Sub-group

The media sub-group met twice in 2014. In an effort to increase their output, the group discussed options for speeding up the process of drafting, editing and issuing articles. It was agreed that the group would focus on three strands: news releases to the wider media, articles focusing on regional issues for local papers, and targeted articles on specific issues for special interest or trade publications.

Group members drafted, organised or contributed to a number of PAW Scotland-led articles and news releases during 2014, including:

- The launch of an online wildlife crime education pack
- The release of the annual bird of prey crime hotspot maps
- An article for farming publications welcoming National Farmers Union Scotland (NFUS) as a PAW member, highlighting recent bird of prey persecution and other wildlife crime issues
- A news release announcing a study on trap interference
- A seasonal article for regional publications on poaching and the illegal venison trade.

The group also reiterated best practice to members when speaking to the media about live police investigations, and helped to organise support and staffing for the PAW Scotland stand at summer shows.

Scientific Sub-group

The Scientific sub-group met twice in 2014, in March and October. The terms of reference for the group were agreed, and the Scottish Police Authority's wildlife forensics team joined the group, providing valuable expertise. Other work included:

- Liaising with the PAW UK Forensics Working Group on the revised guide to forensic techniques for wildlife crime investigations, which the minister launched at the Scottish Wildlife Crime Conference in April 2014.
- The draft of a guide to recovering fingerprint and DNA evidence from Spring Traps for the Police and SPA.

Raptor Group

In 2014 the bird of prey hotspot maps were extended to include other forms of persecution for the first time. The numbers involved demonstrated that forms of crime such as trapping and shooting outnumber poisoning cases.

The largest piece of work that the group was involved with in 2014 was the Heads up for Harriers project which aimed to educate the public about the hen harrier, encourage, record and investigate sightings of the birds and learn more about the threats facing this species. 50 recorded sightings were received during 2014 (covering both the breeding season and winter roosts).



Hen harrier nest

Project officers were recruited and they recorded and followed up sightings of hen harriers, monitored roost and nest sites and worked alongside Scottish Raptor Study Group workers to pass on intelligence to Police Scotland where appropriate. Members of the PAW Scotland Raptor Group worked directly with the project officers and stakeholders to develop and agree protocols for working with estates to place cameras to monitor sites and collate relevant information on the outcomes of nests. Several types of cameras had to be trialled for this work and an appropriate type was eventually deemed suitable for wider use in 2015.

The Group discussed improved communication between Police Scotland and other members during or following incidents. To ensure that all potential crimes could be properly recorded, agreement was reached between Police Scotland and agencies that carry out post mortems that Police Scotland would be copied

into all post mortem results as a matter of course if wildlife crime was suspected. This has been agreed regardless of the organisation that submitted the carcase.

The group also had extensive discussion around news releases and media enquiries and how these should be handled. The group noted that the release of information on live wildlife crime investigations was entirely within the control of Police Scotland who would consider whether information should be released solely on grounds of operational requirement.

Towards the end of 2014, Detective Chief Superintendent Robbie Allan took over as the Chair after Ewen West retired from the group. Thanks were extended to Mr West for extending his involvement in the group even after he retired from the police.

6. Police Scotland



Wildlife crime is complex to investigate and can involve researching illegal trading on the internet, the use of advanced DNA techniques and painstaking searches of land and property.

Where there have been more complex enquiries the police have moved towards aligning wildlife crime investigations to CID to ensure all investigative opportunities are maximised. Further resources have been identified as single points of contact within both Corporate Communications and Forensic Services to ensure that wildlife crime investigation receives a consistent approach and high level of support across the organisation. The current framework has resulted in national consistency, together with an increase in operational competency and enhanced strategic partnerships with both the National Wildlife Crime Unit (NWCU) and PAW Scotland.

Throughout the year Wildlife Crime Officers attended a range of events. These included the Royal Highland Show, the RSPB Birdfair and the Scottish Game Fair at Scone all as part of the PAW Scotland presence.

Significant enquiries in 2014 included the first case in the UK where DNA from a red deer found in a vehicle was used to link a suspect to a deer that had been killed illegally. Separately, the first conviction was secured under the vicarious liability legislation following an investigation in Dumfries and Galloway Division.

Police Scotland also worked closely with the NWCU and Fife Council when the Fife Animal Park ceased trading. Protected endangered species including ring tailed and red ruffed lemur, Geoffrey's marmoset, lesser-sulphur crested cockatoo, Swinhoe's pheasant, Hermann's tortoise, wildcat, eagle owl and barn owl were displayed to the public without valid Article 10 certificates. The owner of Fife Animal Park was found guilty of a number of offences under the Animal Health and Welfare (Scotland) Act 2006 and Control of Trade in Endangered Species (Enforcement) Regulations 1997.

Police Scotland has continued to be proactive in a number of areas especially in tackling the poaching of deer or fish and the coursing of hares. This involves close working with bailiffs, SG Rural Payments and Inspections Division (RPID) and other organisations and agencies.

In 2014 officers were also involved in enquiries covering a variety of non-native species. V Division (Dumfries and Galloway) officers were part of an Invasive Non Native Species working group managing a number of invasive species, particularly the illegal trapping of North American signal crayfish. These creatures cause damage to earth works including dams and river banks as well as destroying the habitat on riverbeds and affecting angling. Preventative work has included appearances on Border Television and there were dedicated patrols on the River Annan involving Police and local water bailiffs. In other Divisions officers have been involved in the investigation of the illegal release of prairie dogs and wild boar amongst other animals.

7. Legislative Changes

The only legislative change related to wildlife crime in 2014 was the Environmental Protection (Restriction on Use of Lead Shot) (Scotland) Amendment Regulations 2013, which temporarily allowed the use of lead shot at Barry Buddon during the period of the Commonwealth Games.

8. Priority Work for 2015

While this report is for 2014, there is clearly considerable public interest in ongoing work to combat wildlife crime, and this section has been included to provide a brief update on the most high profile areas of work being taken forward in 2015 and beyond. Where appropriate, further details will be provided in subsequent annual reports.

Penalties Review

A review group was set up in 2014 to look at the penalties for wildlife offences and determine whether or not they were appropriate. The group was chaired by Professor Mark Poustie of Strathclyde University and included representatives from law enforcement, government, land management and ornithology groups.

A report has been drafted and is expected to be published in late 2015.

Outcome of SSPCA Consultation

A public consultation was launched in 2014 to gather views on proposals to increase wildlife crime investigative powers for inspectors in the SSPCA. The [Analysis Report](#) of this consultation was published on the Scottish Government website in January 2015. The matter remains under consideration.

Pesticides Disposal Scheme

Following the mass poisoning of red kites and buzzards near Conon Bridge in early 2014, the then Environment Minister Paul Wheelhouse announced that he would investigate the possibility of running a scheme to encourage those in possession of dangerous illegal pesticides to get rid of them.

A free, confidential disposal scheme ran from 23 February to 29 May 2015. 191 collections were carried out, removing hundreds of kilograms of illegal pesticides from Scotland's environment. This included over 100kg of Carbofuran, as well as other banned pesticides including Sodium Cyanide, Mevinphos, Chloralose, Aldicarb and expired Aluminium Phosphide products.



Cymag (sodium cyanide) tins. SASA © Crown Copyright

Review of Game 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 shooting businesses in other countries, with a view to better informing future policy decisions. Further details on the review will be published in due course.

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
	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 - Progress on RACCE Recommendations

<p>RACCE Recommendation</p> <p>“We welcome the commitment of the Scottish Government, the COPFS and Police Scotland to work together to improve the data and ensure it is easier to understand.”</p>
<p>Work undertaken</p> <p>SG officials and statisticians have worked with Police Scotland and COPFS to identify a number of improvements which could be made to the presentation and data in the report, both in the short and long term.</p>
<p>Changes made in this report</p> <ul style="list-style-type: none"> • All main data sources grouped together in “Headline trends” section, rather than spread throughout the whole document. • Clearer layout and labelling of tables • Improved commentary on key sources of data, highlighting trends which can be identified and detailing the limitations of the data.
<p>Further work required</p> <p>The offence categories used for the main sources of data in the report will be reviewed to ensure they are as useful and comprehensive as possible. Some data improvements require more long term changes to systems which may take a number of years to implement.</p>

<p>RACCE Recommendation</p> <p>“The Committee expects to see all data in future presented consistently, in a calendar year format, to enable future Reports to be directly compared year for year.”</p>
<p>Work undertaken</p> <p>All types of recorded crime and court proceedings data have been recorded and published in financial year format since 1994. Discussions have established that it is not practical at present, or in the foreseeable future, to make wildlife crime data an exception. Making such a change would also have a significant effect on the publication of wildlife crime data:</p> <ul style="list-style-type: none"> • Court proceedings data for any complete calendar year (e.g. 2014) is not available until December the following year (e.g. December 2015) at the earliest. This would cause significant delays to the preparation and publication of each report. • Recorded crime data could only be converted to calendar year for 2014 onwards, and so the report would lose valuable trend data for the previous 4 years.
<p>Changes to this year’s report</p> <p>To allow for easier comparisons, all other sources in this report have been switched to a consistent financial year format, to match the recorded crime and court proceedings statistics. This year’s report will therefore focus on data for financial years up to 2013/14 only, but will continue to provide updates on other activities throughout 2014 as a whole.</p>

RACCE Recommendation

“The Committee urges you to consider what further disaggregation [of data] is possible to ensure that the Report is as useful as possible.”

Work undertaken

Some improvements which can be made immediately have been agreed and implemented in this report.

Changes to this year's report

- A detailed breakdown of court proceedings data is included in the Appendix to allow greater disaggregation of offence categories.
- Additional breakdowns in some categories have also been included.

Further work required

The Scottish Government is working with Police Scotland and COPFS to identify solutions that will allow greater disaggregation of official statistics – particularly police recorded crime data relating to the six wildlife crime priorities and other areas of interest.

Changes to police recording systems will take time to implement however Police Scotland are investigating what further manual disaggregation of wildlife crime reports could be carried out in the near future. In the meantime, records of crimes in some priority areas (e.g. raptors, pearl mussels) will continue to be recorded manually by partner organisations.

RACCE Recommendation

Inclusion of data on penalties issued by courts

Work undertaken

This has been produced from the SG Criminal Proceedings Statistics database.

Changes to this year's report

- A summary is included alongside other court proceedings data in the Chapter 2.
- Details for individual offences are included in the Appendix.

Further work required

Because of the way Community Payback Orders (CPOs) are recorded by the courts, it is not currently possible to obtain an accurate breakdown of the length of CPOs. This issue is not specific to wildlife crime.

RACCE Recommendation

Inclusion of data on illegal poisons/baits

Work undertaken

This data had been included in last year's report, but consideration has been given to how it could be made more prominent.

Changes to this year's report

As part of the restructured report, the data on illegal poisons/baits appears earlier (as part of SASA's poisoning data) and has been highlighted in more detail in the commentary.

RACCE Recommendation

Inclusion of data on trapping/snaring offences

Work undertaken

It is not currently possible to disaggregate official recorded crime statistics to show these kinds of offence, however additional data has been provided by SAC Consulting Veterinary Services and COPFS to allow some information to be presented.

Changes to this year's report

A section on trapping and snaring offences has been added to Chapter 4.

Further work required

This issue will be addressed further as part of wider efforts to improve disaggregation of recorded wildlife crime data.

RACCE Recommendation

Inclusion of data on restrictions of firearms licences and general licences issued as a result of wildlife crime.

Work undertaken

Police Scotland and Scottish Natural Heritage have provided relevant details for inclusion in this report.

Changes to this year's report

- A section on general licence restrictions has been included and will be used to highlight any relevant cases in future reports.
- Details of relevant revocations/refusals for gun licences during 2013-14 have been included.

Further work required

It was not possible to provide firearms licence restriction details going back further than 2013-14, however future reports will include up to date data allowing a picture to build up.

Appendix 3 - Notes and Definitions for COPFS Data

- The information provided was compiled on 14 July 2015.
- [Table 3](#) shows only cases where at least one statutory wildlife offence has been reported. It does not show any case where only a common law offence has been reported which may have a wildlife element, such as breach of the peace or culpable and reckless conduct and may not show all cases reported as animal welfare offences only.
- Where appropriate, cases are categorised by charge in accordance with current Scottish Government categories. However, the circumstances of an offence may not match the category or may be equally or more consistent with other categories. Some examples are as follows:
 - Section 1 of the Wildlife and Countryside Act 1981 is categorised as “Birds, offences involving.” Since 2012, it has included the poaching of game birds.
 - “Hunting with dogs” may be covered by other legislation and the selection of the appropriate charge by COPFS will depend on available evidence. Examples of other legislation which may apply are the Deer (Scotland) Act 1996, the Badgers Act 1992 and sections 10A, 11G, 18(1) and 18(2) the Wildlife and Countryside Act 1981. So for example, hare coursing is an offence under section 1 of the 2002 Act and also constitutes a poaching offence under section 11G, etc. of the Wildlife and Countryside Act 1981, while the hunting of deer with dogs is also an offence under the Deer (Scotland) Act 1996 and as which it may be categorised as “Deer (S) offences”.
- Cases are categorised only once. Cases are categorised according to the nature of the main offence contained within the report from the investigating agency to COPFS. The report may contain charges falling into several categories.
- Where there is more than one accused, each with different outcomes, the case is categorised at the highest level of outcome (i.e. the column furthest to the right of [Table 3](#)).
- Where a case has been ‘marked’, this means that a decision has been taken on what happens with the case.
- In the ‘No Action’ column, the number in brackets represents cases in which no action was taken in the exercise of the prosecutor’s discretion, for example where there are mitigating circumstances or where prosecutorial action was considered disproportionate to the circumstances of the offence.
- ‘Fiscal Fine’ means a conditional offer by the Procurator Fiscal under section 302 of the Criminal Procedure (Scotland) Act 1995 and accepted, or deemed to have been accepted, by the accused. A conditional offer has a maximum level of £300.
- After prosecution has commenced, a case may be discontinued for a number of reasons, including, for example, where the evidential position has changed since the time the case was marked. All 10 discontinued cases in this report fall into that category.
- ‘Acquittal’ is any case which has been prosecuted and all accused have been acquitted of all of the offences in the case.

- 'Conviction' is where any wildlife offence from a case has been prosecuted and at least one accused in the case has pled or been found guilty of at least one of any of the offences prosecuted in the case. The figures in brackets in the convictions column indicate the number of cases in which the conviction did not include a wildlife offence.

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

http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Prosecution20Code20_Final20180412_1.pdf

Appendix 4 - Court Proceedings and Penalties Data by Specific Offence

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

Crime group & legislation	Section of act	Description of Offence	2009-10	2010-11	2011-12	2012-13	2013-14
Total proceeded against			32	53	71	77	80
Birds:			7	6	15	19	10
WILDLIFE & COUNTRYSIDE ACT 1981	1(1)(A)	Intentionally, recklessly: kills, injures, takes wild bird	2	4	5	14	7
	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	1	-	2	-	1
	1(2)(B)	Possession: wild bird's egg or part of	1	-	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	2	-	1	1	-
	5(1)(A)	Prohibition of certain methods of killing/taking wild birds: sets particular articles or poisonous substance	-	2	-	-	-
	5(1)(B)	Prohibition of certain methods of killing/taking wild birds: use of such articles; nets, board, lime etc	-	-	1	1	-
	7(1)	Registration: failure to register captive birds, Schedule 4	1	-	-	-	-
Cruelty to wild animals:			4	2	4	9	4
WILD MAMMALS (PROTECTION) ACT 1996 WILDLIFE & COUNTRYSIDE ACT 1981	1	Mutilates, beats, stabs, impales etc any wild mammal with intent to inflict unnecessary suffering	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
	11(1)(AA)	Sets or uses any other type of snare of a nature or placement calculated to cause unnecessary suffering	1	1	1	-	3
	11(2)(A)	Sets articles likely to injure Schedule 6 wild animal	1	-	-	-	-
	11(3) & (3B)(A)	Failure to inspect snare at intervals of no more than 24 hours (or causing or permitting this to happen)	1	1	-	-	-
	11(G)(1)	Prevention: poaching (hares and rabbits)	-	-	2	9	-
			-	-	2	9	-

Deer:			-	3	8	3	5
DEER (SCOTLAND) ACT 1996	5(1),5(5) & SCHEDULE 6	Taking etc deer in close season	-	1	3	1	-
	17(1)	Take/kill deer without right on any land	-	1	1	-	3
	17(2)	Take/kill deer without right on any land and remove carcase	-	-	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
	23(1)	Possession of deer, firearms, ammunition connected to relevant offence	-	1	-	-	-
Hunting with dogs:			10	9	5	11	9
PROTECTION OF WILD MAMMALS (SCOTLAND) ACT 2002	1(1)	Deliberately hunting wild mammal with a dog	10	9	5	11	9
Badgers:			2	3	2	-	-
PROTECTION OF BADGERS ACT 1992	2(1)(A)	Cruelly ill-treats a badger	1	-	-	-	-
	3(1)(A)	Damaging a badger sett	-	2	-	-	-
	3(1)(B)	Destroying a badger sett	-	1	-	-	-
	3(1)(C)	Obstructing a badger sett	1	-	-	-	-
	3(1)(E)	Disturbing a badger in a sett	-	-	1	-	-
	11A(1)	Attempt to commit offence under this Act	-	-	1	-	-
Other conservation offences:			1	-	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	-	-
	27(1)	Carrying out, or permitting/allowing prohibited operation on land to which a Nature Conservation Order applies					
			1	-	-	-	-

Other wildlife offences:			1	0	10	11	9
THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994	REG 39(1)(A)	Deliberately kill or take European protected species	-	-	-	1	-
	REG 39(1)(A/B/C/D)	Deliberately kill, take, disturb, destroy European protected species	-	-	-	1	-
	REG 41(2)	Prohibition of certain methods of killing wild animals	-	-	-	2	2
THE CONTROL OF TRADE IN ENDANGERED SPECIES (ENFORCEMENT) REGULATIONS 1997	REG 8(1)	Purchase, sale of etc any specimen of species in Annex A					
WILDLIFE AND COUNTRYSIDE ACT 1981	15(A)	Possession of pesticides	1	-	3	1	-
	18(1)	Attempts to commit any wildlife offence under Part 1 of the Act	-	-	2	1	-
	18(2)	Possession of anything capable of being used for wildlife offences under this part of the Act	-	-	4	3	7
			-	-	1	2	-
Poaching and game laws:			4	8	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)	-	2	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	1	2	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	3	3	-	-	-
POACHING PREVENTION ACT 1862	2	Possession of unlawfully taken game					
			-	1	-	-	-

Possession of salmon or trout unlawfully obtained:			-	1	2	2	1
SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	20	Possession of salmon illegally taken, killed or landed					
SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT 1951	7A(1)(B)	Possession of salmon in circumstances reasonable to suspect that offence has been committed	-	1	1	-	1
SCOTLAND 1998 TWEED RIVER	ORD A30(1)	Illegal possession of salmon, trout (re: S22,23,26,27,28 of this Order)	-	-	-	2	-
			-	-	1	-	-
Salmon and freshwater fisheries offences:			3	21	16	21	42
FRESHWATER & SALMON FISHERIES (SCOTLAND) ACT 1976	1(8)	Contravening prohibition contained in Order (for protection of freshwater fishing)					
SALMON & FRESHWATER FISHERIES ACT 1975	27(A)	Fishing or taking fish by unapproved/unlicensed means	-	-	-	-	1
SALMON & FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	1(1)(A)&(B)	Fishing for salmon by unspecified methods in any inland waters	-	1	-	-	-
	1(2)(A)(B)(C)	Fishing for salmon by unspecified methods in other salmon fishery district	1	3	1	3	-
	1(2)(A,B,C)&(3)	Attempting or preparing to commit offence under Section 1 of this Act	1	-	-	-	-
	2(1)&(2)	Fishing (inc attempting) for freshwater fish other than by rod or line (unless otherwise permitted)	-	-	1	-	-
	6(1)&(2)	Fishing (inc attempting) for salmon without right	-	4	2	-	-
	7	Illegal fishing - two or more persons acting together	1	4	5	5	15
	8(1)&(2)	Taking (inc attempting) dead salmon, trout without right or authority to do so	-	-	1	4	2
	9(1)&(2)	Illegal possession salmon or trout, or other instrument, poison, explosive etc for purpose of committing related offence	-	-	-	-	-
			-	1	1	2	2

SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT 1951 SCOTLAND ACT 1998 (RIVER TWEED) THE FISH CONSERVATION (FISHING FOR EELS) (SCOTLAND) REGULATIONS 2008	11(1)	Fishing without right or permission in water (proper stank or loch) where rights owned by another	-	6	-	1	12
	13(2)&(4)	Fishing for or taking salmon during Sunday	-	-	-	2	2
	13(3)&(4)	Fishing for or taking salmon during weekly close time	-	-	1	-	-
	14(1)	Fishing for or taking salmon during annual close time	-	-	-	-	1
	17(2)(A)	Fishing for or taking trout during close season	-	2	-	-	-
	18(1)(A)	Wilfully taking unclean or unseasonable salmon	-	-	-	-	2
	26(1)	Fishing without right; Solway	-	-	2	-	3
	58	Obstruction of constable or water bailiff	-	-	2	-	-
	1	Fishes for or takes salmon without legal right or written permission	-	-	-	2	-
	13(1)	Fishing for or taking salmon during Sunday	-	-	-	-	1
	ORDER 2006	Various fishing offences	-	-	-	-	1
	REG 2	Fishing for or taking eels without licence	-	-	-	2	-

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 & charge	Section of act	Main penalty	2009-10	2010-11	2011-12	2012-13	2013-14
Total convictions			24	37	48	56	60
Badgers:			2	3	1	-	-
PROTECTION OF BADGERS ACT 1992	S 2(1)(A)	Monetary	1	-	-	-	-
	S 3(1)(A)	Monetary	-	2	-	-	-
	S 3(1)(B)	Monetary	-	1	-	-	-
	S 3(1)(C)	Monetary	1	-	-	-	-
	S 11A(1)	Monetary	-	-	1	-	-
Birds:			5	4	12	16	7
WILDLIFE AND COUNTRYSIDE ACT 1981	S 1(1)(A)	Custody	-	-	1	-	-
		Community sentence	-	-	1	3	1
		Monetary	1	2	2	8	4
		Other	1	1	-	1	-
	S 1(1)(C)	Custody	-	-	-	1	-
		Monetary	-	-	3	-	-
	S 1(2)(A)	Monetary	1	-	2	-	-
	S 1(2)(B)	Community sentence	-	-	-	-	1
		Monetary	-	-	-	-	-
	S 1(5)(A)	Monetary	-	-	2	-	-
		Other	-	-	-	2	1
	S 1(5C)	Monetary	1	-	1	-	-
	S 5(1)(A)	Monetary	-	1	-	-	-
	S 5(1)(B)	Monetary	-	-	-	1	-
	S 7(1)	Other	1	-	-	-	-

Cruelty to wild animals:			3	2	3	7	2
WILD MAMMALS (PROTECTION) ACT 1996	S 1	Custody Monetary Other	- - 1	- - -	- 1 -	- - -	- - -
WILDLIFE AND COUNTRYSIDE ACT 1981	S 9(4)(A)	Other	-	-	-	-	-
	S 11(1)(A)	Monetary	-	-	-	-	-
	S 11(1)(AA)	Community sentence Monetary	- -	- 1	- -	- -	1 1
	S 11(2)(A)	Other	1	-	-	-	-
	S 11(3) AND (3B)(A)	Monetary	1	1	-	-	-
	S 11(3D)(A)	Monetary	-	-	-	-	-
	S 11(G)(1)	Community sentence Monetary Other	- - -	- - -	- 2 -	1 4 2	- - -
Deer:			-	3	5	1	4
DEER (SCOTLAND) ACT 1996	S 5(1),5(5) & SCHEDULE 6	Monetary	-	1	-	1	-
	S 17(1)	Monetary Other	- -	1 -	- 1	- -	3 -
	S 17(2)	Monetary	-	-	1	-	-
	S 17(3)	Community sentence	-	-	2	-	1
	S 18(1)	Monetary	-	-	1	-	-
	S 23(1)	Monetary	-	1	-	-	-
Hunting with dogs:			7	3	-	7	5
PROTECTION OF WILD MAMMALS (SCOTLAND) ACT 2002	S 1(1)	Custody Community sentence Monetary Other	- 1 6 -	- - 3 -	- - - -	- 2 2 3	1 - 4 -

Poaching and game laws:			3	4	5	1	-
GAME (SCOTLAND) ACT 1832	S 1	Monetary	-	2	2	-	-
NIGHT POACHING ACT 1828	S 1	Monetary	1	-	1	-	-
		Other	-	1	2	1	-
NIGHT POACHING ACT 1828	S 9	Monetary	2	-	-	-	-
POACHING PREVENTION ACT 1862	S 2	Monetary	-	1	-	-	-
Possession of salmon or trout unlawfully obtained:			-	1	1	2	-
SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	S 20	Monetary	-	1	1	-	-
SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT 1951	S 7A(1)(B)	Monetary	-	-	-	2	-
SCOTLAND 1998 TWEED RIVER	ORDER A30(1)	Monetary	-	-	-	-	-
Salmon and freshwater fisheries offences:			2	17	11	14	37
FRESHWATER AND SALMON FISHERIES (SCOTLAND) ACT 1976	S 1(8)	Monetary	-	-	-	-	1
SALMON AND FRESHWATER FISHERIES ACT 1975	S 27(A)	Other	-	1	-	-	-
SALMON AND FRESHWATER FISHERIES (CONSOLIDATION) (SCOTLAND) ACT 2003	S 1(1)(A)AND(B)	Monetary	-	1	-	3	-
		Other	-	-	-	-	-
	S 1(2)(A)(B)(C)	Monetary	1	-	-	-	-
		Other	-	-	-	-	-
	S 1(2)(A,B,C)AND(3)	Monetary	-	-	1	-	-
	S 2(1)AND(2)	Monetary	-	4	1	-	-
	S 6(1)AND(2)	Community sentence	-	-	-	1	-
		Monetary	1	3	3	3	11
		Other	-	-	-	-	2
	S 7	Community sentence	-	-	-	1	-
		Monetary	-	-	1	2	1
	S 8(1)AND(2)	Monetary	-	-	-	-	-
	S 9(1)AND(2)	Monetary	-	1	1	1	1
		Other	-	-	-	1	-

	S 11(1)	Monetary	-	6	-	-	6
		Other	-	-	-	-	6
	S 13(2)AND(4)	Monetary	-	-	-	1	2
	S 13(3)AND(4)	Monetary	-	-	1	-	-
	S 14(1)	Other	-	-	-	-	1
	S 17(2)(A)	Other	-	1	-	-	-
	S 18(1)(A)	Monetary	-	-	-	-	1
		Other	-	-	-	-	1
	S 26(1)	Monetary	-	-	2	-	2
	S 58	Monetary	-	-	1	-	-
SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT 1951	S 13(1)	Monetary	-	-	-	-	1
SCOTLAND ACT 1998 (RIVER TWEED)	ORDER 2006	Monetary	-	-	-	-	1
THE FISH CONSERVATION (FISHING FOR EELS)(SCOTLAND) REGULATIONS 2008	REG 2	Other	-	-	-	1	-
Other conservation offences:			1	-	1	-	-
NATURE CONSERVATION (SCOTLAND) ACT 2004	S 19(3)	Monetary	-	-	1	-	-
	S 27(1)	Monetary	1	-	-	-	-
Other wildlife offences:			1	0	9	8	5
THE CONSERVATION (NATURAL HABITATS, AND C.) REGULATIONS 1994	REG 39(1)(A)	Monetary	-	-	-	1	-
	REG 39(1)(A/B/C/D)	Other	-	-	-	1	-
	REG 41(2)	Monetary	-	-	-	-	1
THE CONTROL OF TRADE IN ENDANGERED SPECIES (ENFORCEMENT) REGS 1997	REG 8(1)	Community sentence	-	-	1	-	-
		Monetary	-	-	1	-	-
		Other	1	-	-	-	-
WILDLIFE AND COUNTRYSIDE ACT 1981	S 15(A)	Monetary	-	-	2	1	-
	S 18(1)	Community sentence	-	-	3	-	-
		Monetary	-	-	1	1	3
		Other	-	-	-	2	1
	S 18(2)	Monetary	-	-	1	2	-

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ISBN: 978-1-78544-693-1 (web only)

Published by the Scottish Government, September 2015

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St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS56002 (09/15)

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