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voice



RSPB Scotland is part of the RSPB, which speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

RSPB Scotland gratefully acknowledges grant aid from Scottish Natural Heritage, which assisted in the production of this report.



Cover: In 2011, the gamekeeper of Culters Allers Estate was sentenced to 100 hours' community service after he admitted poisoning four buzzards in 2009. This bird is one of his victims.

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THE ILLEGAL KILLING OF **BIRDS OF PREY** IN SCOTLAND IN **2011**

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Foreword



Andy Hay (rspb-images.com)

Many landowners and their employees in Scotland act responsibly. They play an important role in the protection of birds of prey and other wildlife. RSPB Scotland has long-established partnerships with land managers, gamekeepers and farmers, who have assisted species such as lapwings, black grouse, corncrakes, capercaillie and ospreys, and with re-introduction programmes for red kites and white-tailed eagles. We welcome this positive management.

Many bird of prey species, whose populations were either seriously reduced or eliminated from much of Scotland in the 19th and early 20th centuries, have made significant recoveries in recent years, either through natural re-colonisation (for example common buzzard), or through reintroduction by conservation agencies. A reduction in killing sufficient to allow population recoveries of some raptor species has been encouraged by strengthened legal protection by the Scottish Government, as well as by more enlightened attitudes towards predators amongst the public, based on a better understanding of ecology. In addition, the impact of long lasting organochlorine pesticides, such as DDT, which decimated many raptor populations in the 1960s and 1970s, has now receded.

Sadly, this overall positive trend has not been universal. The poor conservation status of some species of birds of prey (such as golden eagles and hen harriers) remains a serious concern. It is clear that in some regions of Scotland, particularly in parts of the eastern and central Highlands,

and southern uplands, the intolerance shown towards protected predators remains deeply ingrained, with no regard to either the law or the conservation status of the targeted species. Over the last 20 years, government laboratory testing or post-mortem has confirmed hundreds of protected birds of prey as the victims of illegal poison abuse, shooting, trapping or nest destruction in Scotland. Hill-walkers, birdwatchers, dog walkers and other members of the public visiting Scotland's countryside discovered the majority of these victims purely by chance.

This is RSPB Scotland's 18th annual review of the illegal killing of birds of prey in Scotland; it describes the extent of the known criminal destruction of birds of prey during 2011. However, given that much of the killing takes place in remote areas, in circumstances where direct witnesses are rare and where material evidence can be easily concealed, a large proportion of these incidents will never be uncovered or reported. It is readily apparent that the numbers of

incidents outlined in this report must be regarded as minimum figures, but the toll continues to make depressing reading.

It is clear from population level studies that the out-dated practice of illegal killing of birds of prey is neither an isolated nor rare occurrence. This matter is of serious conservation concern and contravenes both European Union and domestic legislation designed to safeguard and enhance biodiversity. Illegal killing also has a significant impact on the populations and ranges of some of our most vulnerable bird species, as clearly demonstrated by a succession of peer-reviewed scientific studies. This illegal activity discredits the international reputation of Scotland as a place that takes pride in its natural heritage and undermines important industries, including tourism, that are dependent upon wildlife and a rich landscape and which are of growing importance to the Scottish economy.

In this context, we welcome the vicarious liability provisions measures introduced by the

Scottish Government in the recent Wildlife and Natural Environment Act 2011 to tackle the perpetrators of crimes against some of our most vulnerable birds of prey. These measures are proportionate and targeted at irresponsible landowners and their employees, who either encourage or condone the breaking of wildlife protection laws, and should therefore have no

impact on those who manage their businesses legitimately.

The fact that the illegal killing of birds of prey in Scotland has continued is inescapable. What is also clear is that had it not been for the development of new satellite-based technology, some of these victims would never have been found. How

many more lie undiscovered in our countryside?

I repeat my call for all responsible game and land managers to distance themselves from this illegal activity and work to eradicate it.

Stuart Housden
Director, RSPB Scotland



▲ This peregrine falcon was found in very poor condition near Ballater. Serious leg injuries caused by shotgun pellets had left it unable to hunt, and it had to be put down.

Executive summary

2011 will go down as another bad year for the conservation of Scotland's birds of prey. A golden eagle, four red kites, two peregrines and seven buzzards were confirmed by the Scottish Government as being victims of illegal poisoning. Baits laced with highly toxic and banned pesticides continue to be deliberately laid out in the open in Scotland's countryside. Two peregrines, a goshawk and a short-eared owl were shot; buzzards starved to death in unchecked crow traps. Nesting peregrines and hen harriers again "disappeared" in circumstances that suggested deliberate human interference. As in previous years, the vast majority of the confirmed incidents took place in upland areas, on or near where driven grouse moor management is the dominant land use.

Sadly, these statistics are no longer a surprise, and are merely added to the long list of victims following decades of relentless illegal human killing of Scotland's

birds of prey. During the last 20 years, more than 500 birds of prey have been killed by illegal poisoning, with a further 330 confirmed as shot, trapped or

with their nests destroyed. This, however, is only a list of the victims that were found, usually purely by chance, and represents an unknown proportion of the actual death toll. The Scottish Ornithologists' Club (SOC) recently published records from gamebooks from the Atholl Estate in Perthshire (McMillan 2011). Between 1982 and 1988, the numbers of birds of prey recorded as killed on one part of this estate were higher than the RSPB recorded for the whole of Scotland during these years. This one example is a clear illustration that the true toll is far higher than reported to us or the police.

If we consider the implications of the Atholl Estate records, it can come as no surprise that, despite large areas of suitable habitat in Scotland, some species are not present, or not thriving. We conclude that this is as a direct result of illegal activity. Scientific literature includes many authoritative reports and papers, which demonstrate that illegal killing threatens the viability of Scottish populations of iconic species, including golden eagle, hen harrier and red kite. Using the health of these vulnerable populations as a measure of performance, it is clear that current enforcement effort and legislative provision is still wanting.

This RSPB Scotland report documents known incidents of the illegal killing of birds of prey in 2011; it outlines the evidence that illustrates that the crimes recorded here represent only a subset of the actual total; and makes recommendations towards improving the detection of these crimes and the successful prosecution of the perpetrators.



This red kite left its nest on the Black Isle and flew two hundred miles to East Ayrshire, where it was poisoned close to a Special Protection Area

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Recommendations

The key to building on the high priority given by the Scottish Government to tackling the illegal killing of birds of prey is robust enforcement to address persistent, organised offending, particularly in the workplace. Consideration of the scale of illegal activity, and its impact on national populations, must incorporate all published research about population dynamics of affected species, and recognise that a relatively small proportion of offences are directly witnessed by people motivated to report them. It is essential that enforcement agencies and the Crown Office pursue these cases in the wider public interest.

We are committed to working with the representative bodies of responsible game shooting interests and exemplar estates, to encourage and support good practice and marginalise illegal activity. For example, we are helping Scottish Land Estates (SLE) and Scottish Natural Heritage (SNH) develop the Wildlife Estates Initiative. We have entered our flagship Abernethy Forest National Nature Reserve into this process. Acknowledging the positive work of estates and their staff must go hand in hand with a zero tolerance for illegal practice.

RSPB Scotland recommends that:

- Chief Constables and The Crown Office should ensure all recommendations contained in the 2008 HMIC/IPS Thematic Review of Wildlife Crime Enforcement and Prosecution are implemented in full as soon as possible.
- The Crown Office and Procurator Fiscal Service should ensure that where sufficient evidence exists, charges are brought that reflect the range of offences committed and their conservation significance. This principle should be maintained when considering whether a plea bargain is appropriate.

- The Scottish Government should conduct a further review of the available penalties, and their application, to ensure that sentencing consistently reflects the conservation significance of offences.
- The list of proscribed chemicals listed in the Nature Conservation (Scotland) Act 2004 should be reviewed regularly.
- New measures contained in the Wildlife and Natural Environment Act 2011, including new offences designed to make landowners more responsible for the actions of their employees in cases involving crimes against birds of prey (known as "vicarious liability" cases), should be deployed in relevant cases. The efficacy of these new measures should be monitored, and we welcome Scottish Government commitments to take further action if this legislation proves ineffective.
- SNH should continue to improve the operation and effectiveness of the General Licences, which permit the control of "pest" species, to ensure they conform fully with the present conservation status and scientific knowledge of any alleged "problem species" and with proper reference to the EU Birds and Habitats Directives.

- Estate owners and managers should be proactive in making workplaces safer for potential whistle-blowers. Hints of culture of denial and hostility about scrutiny should be stamped out. Employees with legitimate concerns should feel free to report them. Workplace procedures must be designed so individual employees are accountable for their use of estate vehicles, traps and other equipment.
- The National Wildlife Crime Unit (NWCU) must be appropriately resourced to ensure the continuity of the Unit, and sufficient NWCU resources should be targeted at Scottish conservation priorities.
- There should be a central and accurate system for the recording of wildlife crime incidents and prosecutions in Scotland.
- Partnership for Action Against Wildlife Crime in Scotland (PAWS) should continue to take a central role in providing advice to the Scottish Government. We welcome the continued Ministerial commitment to chairing the PAWS Executive Group.
- The PAWS Raptor Persecution Priority Delivery Group should use a range of initiatives including encouraging land management groups to provide more intelligence in relation to wildlife crime activity and produce a clear strategy to make sure problem locations will be targeted for enforcement.
- The future single Scottish police force should include sufficient full-time wildlife crime officers, with CID and senior support, to tackle widespread, organised offending.
- The use of cross compliance penalties through the rural payments system should continue to be used as a financial deterrent to illegal activity.

Definition of incidents

Incidents are classified and described in the report as follows:

- **“Confirmed” cases** – incidents where definite illegal acts were disclosed, that is the substantive evidence included birds or baits confirmed by Science and Advice for Scottish Agriculture (SASA – formerly Scottish Agricultural Science Agency) as containing illegal poisons; an offence seen/found by a witness and/or confirmed by post-mortem, illegally-set traps etc.

- **“Probable” cases** – those where the available evidence points to illegality as by far the most likely explanation but where the proof of an offence is not categorical.

- **“Possible” cases** – where an illegal act is a possible explanation but where another explanation would also fit the known facts.

Incidents are separated on the basis that any bait, victim, group of baits, victims etc that are:

- found on a different date,
- found sufficiently far apart to be represented by a different six-figure grid reference,
- found at the same grid reference and on the same date but in circumstances that otherwise separate them (for example a poison victim that is very decomposed beside a fresh bait – so the bait could

not have been responsible for the death of the victim), are classified as separate incidents.

2011 incidents

As with all preceding years’ reports, threats to raptors are quantified under two main headings, these being:

- the illegal use of poisons,
- other illegal killing: nest destruction, shooting and trapping.

▼ **Short-eared owl found on the Glenbuchat Estate, Aberdeenshire. A post-mortem examination at the Scottish Agricultural College confirmed it had been shot.**



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These pictures show the remains of five buzzards and a tawny owl collected by police and the RSPB on one day at the edge of a forest bordering the Leadhills Estate, South Lanarkshire. These birds were so decomposed that post-mortem examination at the Scottish Agricultural College could not explain how they died. The proximity of an illegal cage trap, and the ongoing history of confirmed offences in the vicinity, means the RSPB records these deaths as probable illegal persecution. The distribution of the remains in three adjacent 100 m squares results in the six deaths being recorded as three probable incidents.

2011 incidents – poisoning

Poisoning constitutes the greatest actual or potential threat of all forms of illegal activity, as it is indiscriminate and baits continue to be lethal for weeks on end. They can kill multiple victims without further effort by the perpetrator. Any poison bait used in the open within habitat used by birds of prey has the potential to kill those birds. This is true regardless of the intentions of the perpetrator.

In this report, we document actual cases of poisoned raptors, incidents where only a poison bait was found and the victim (if any) was not identified and incidents where the victim was not a bird of prey but the location and circumstances put birds of prey at risk. All incidents were confirmed by toxicological testing carried out at the SASA laboratory.

A total of 17 incidents of deliberate poison abuse were detected during the year. These are documented in Table 1, with locations illustrated in Figure 2. The victims of these offences included a golden eagle, four red kites and two peregrines. In one incident, a poison bait was found, with no victims discovered.

It is important to reiterate, however, that this figure merely represents those victims and/or baits that were actually discovered and that the real number of casualties will be considerably higher. Those criminals undertaking illegal poisoning do so in areas where the chances of its discovery are minimised – in remote areas, in areas rarely accessed by the public and where evidence can be easily concealed or destroyed by the perpetrators. Thus, given that public access in many upland areas is largely concentrated on paths and tracks, any illegal activity away

from such areas is highly likely to remain undetected.

In addition to the incidents documented in Table 1, stockpiles or traces of prohibited or illegally-used chemicals were found on three estates during follow-up operations. These potentially lethal substances continue to threaten the safety of the general public, and specifically estate employees, a number of whom have been convicted for the illegal storage and use of pesticides in the workplace. 2011 also saw a case of poisoning in an urban area, in which someone believed to have placed poisoned bait to kill peregrines also put people at risk.

As has been the norm in recent years, carbofuran (or mixtures containing this chemical) has continued to dominate as the “poison of choice” in the majority of incidents recorded, despite the fact that this substance was withdrawn from approval as a legitimate agricultural pesticide in December 2001. Mere possession of carbofuran is a criminal offence. However, there is little evidence suggesting a decline in the use of this chemical. Since the first case known to RSPB Scotland of carbofuran illegally used as a poison for killing wildlife in 1988, its abuse has become



Ben Hall (rspb-images.com)

▲ Two peregrines were poisoned with strychnine in Motherwell, North Lanarkshire

widespread, and since 1997 has been the most widely abused chemical for killing protected wildlife.

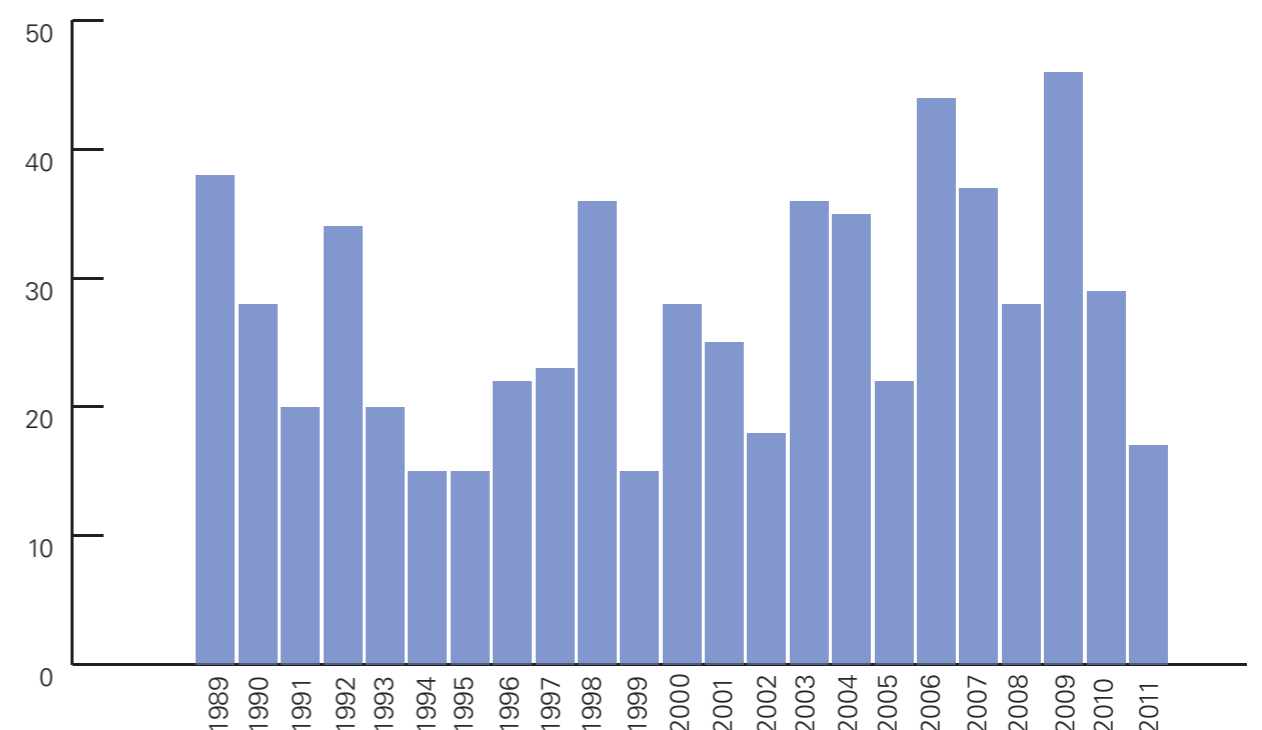
(Alpha)chloralose has continued to feature in a number of incidents every year; this chemical is only available to the public at low concentrations in rodenticide products, approved only for killing mice. Products containing chloralose at higher concentrations (including for control of birds such as feral pigeons) can only be bought, held and used by pest controllers under licence.

The continued regular detection of these and other illegal chemicals in wildlife crime cases suggests that there are still significant stockpiles of banned pesticides held by a criminal element engaged in land management. It is hoped that the opportunity afforded by the recent pesticide disposal scheme, backed by the Scottish Government, Scottish Land and Estates, the Scottish Gamekeepers Association and other representative bodies of game management and shooting interests, has led to the handing in of these illegal chemicals, with a consequent marked reduction in their use. As yet, however, no figures have been made publicly available indicating the level of uptake of the scheme.

Table 1: confirmed poison abuse incidents, 2011

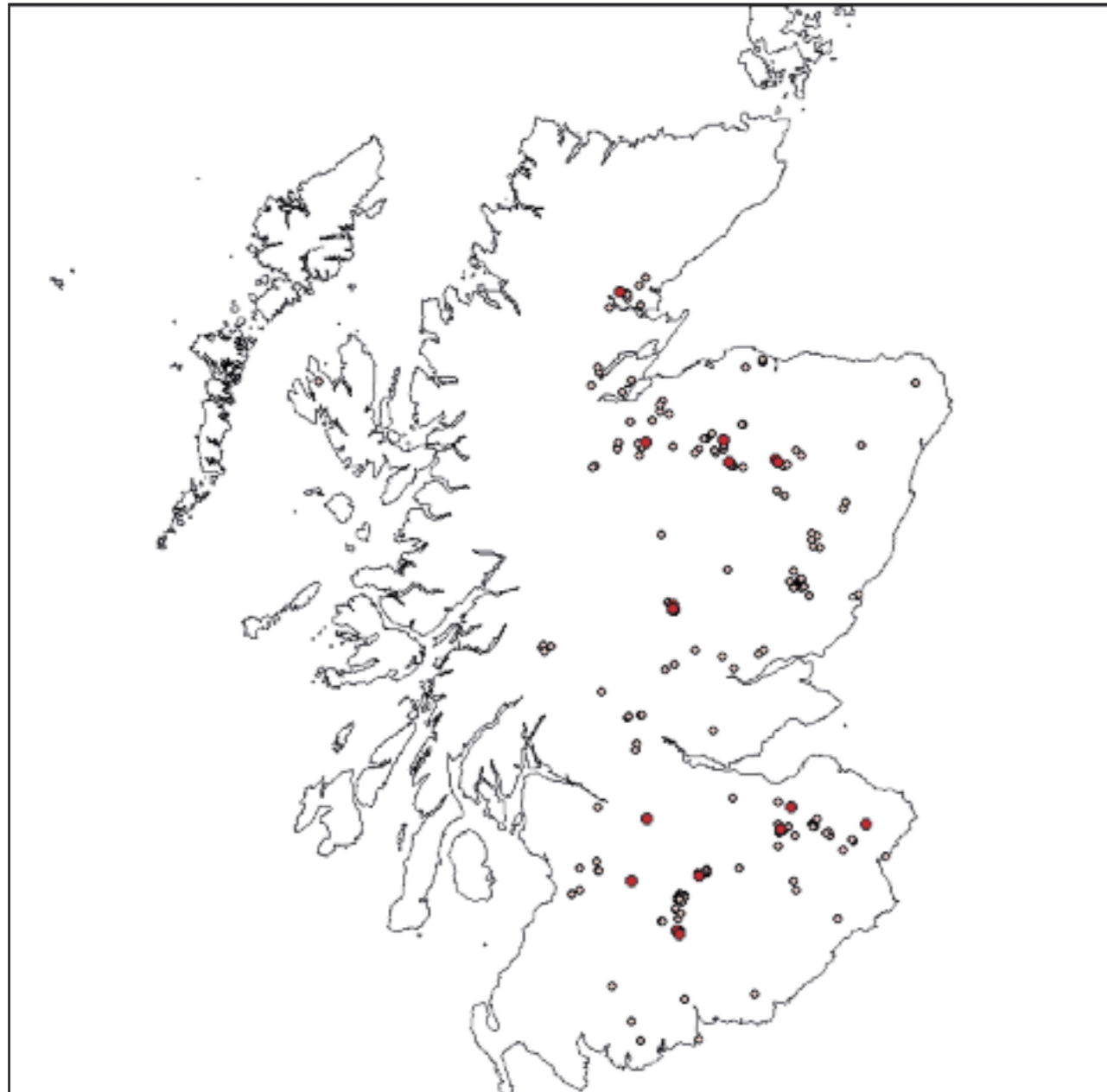
Month	Poison	Victim	Bait	Location	Area
January	Carbofuran	Buzzard		nr Heriot	Borders
February	Chloralose	Red kite		nr Bonar Bridge	Sutherland
February	Strychnine	Peregrine	Pigeon	Motherwell	North Lanarkshire
February	Strychnine	Peregrine		Motherwell	North Lanarkshire
March	Carbofuran	Golden eagle		Glenbuchat	Aberdeenshire
March	Chloralose	Buzzard (2)	Pheasant (2)	nr Aberfeldy	Perthshire
April	Chloralose	Crow		nr Aberfeldy	Perthshire
April	Chloralose	Crow		nr Aberfeldy	Perthshire
April	Carbofuran + Aldicarb	Buzzard		nr Bridge of Brown	Inverness-shire
May	Carbofuran + Bendiocarb	Red kite		Glen Kyllachy & Farr Estate	Inverness-shire
May	Carbofuran	Raven		Dalveen, Queensberry	Dumfries-shire
May	Carbofuran	Buzzard	Rabbit	Glenbuchat	Aberdeenshire
July	Carbofuran	Red kite		Durisdeer, Queensberry	Dumfries-shire
August	Aldicarb		Grouse	Glenloch, Grantown-on-Spey	Inverness-shire
August	Carbofuran	Red kite		Netherwood, Muirkirk	East Ayrshire
September	Carbofuran	Buzzard (2), Sparrowhawk (2)		Pathead	Midlothian
September	Bendiocarb	Raven		nr Duns	Borders

Figure 1: Confirmed poisoning incidents 1989–2011



2011 incidents – poisoning

Figure 2: Confirmed poisoning incidents in Scotland in 2006–2011



- Confirmed poisoning incidents, 2011
- Confirmed poisoning incidents, 2006–10
- Confirmed other persecution incidents, 2011
- Confirmed other persecution incidents, 2006–10



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▲ This golden eagle chick fledged from a nest in Inverness-shire in the summer of 2010. In March 2011, police and RSPB staff collected its dead body (pictured below) from the Glenbuchat Estate in Aberdeenshire. Tests at SASA confirmed the bird had been poisoned with carbofuran.



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2011 incidents – poisoning

The monthly distribution of confirmed poisoning incidents in 2010 was similar to that noted in previous years, with a major peak in the spring and a smaller secondary peak in the autumn.

Table 2 documents the number of confirmed victims of poison abuse found since 1989. Whilst widespread species such as buzzards and carrion crows (the latter included under “other bird

species”) are, predictably, the most numerous victims, it is undoubtedly the number of scarce species, of international conservation concern, such as red kite, golden eagle and white-tailed eagle, that provide the most shocking testament to the indiscriminate nature of this criminal practice. The victims found in 2011 are a clear illustration of this.



▲ This crow was found near Aberfeldy in Perthshire. It had been poisoned with alphachloralose.

Table 2: Number of confirmed victims of poison abuse in Scotland, 1989-2011

Year	Red kite	Golden eagle	White-tailed eagle	Buzzard	Peregrine	Hen Harrier	Raven	Other bird species	Mammals	Total
1989	1	1		21	3		3	66	9	104
1990		2		11		2		24	8	47
1991		1		12				4	15	32
1992				13		1		9	22	45
1993	1	1		17				60	3	82
1994		1		12	2			4	4	23
1995				12	1	1		5	4	23
1996		1	1	17	1				1	21
1997	4	1		7	2		1	7	9	31
1998	4	2		23	2			3	9	43
1999	1	2		7			2		1	13
2000	4	3		23				15	1	46
2001	10	1		9				9	2	31
2002	1	2	2	7	2			28		42
2003	10		1	23	3		4	33	1	75
2004	3			40	3			5	3	54
2005	2	1		14			2	3		22
2006	5	2		26	1		6	4	1	45
2007	12	1		15	4		2	3	4	41
2008	2		1	14			3		1	21
2009	4	2	1	21			5	3	6	42
2010	7	4	1	13	2			2		29
2011	4	1		7	2		2	4		20
Total	75	29	7	364	28	4	30	291*	104	932

*includes 9 sparrowhawks



▲ A raven collected by police and the RSPB from the Queensberry Estate in Dumfries-shire. Tests at the SASA laboratory confirmed this bird was a victim of carbofuran poisoning.

2011 incidents – other illegal killing

Gordon Langsbury (spib-images.com)



▲ **Kestrels are among those targeted: one was killed by illegal cage-trapping in Angus**

Other illegal killing typically involves one of the following four methods:

- nest destruction – removal or destruction of eggs or young and/or physical removal of nest
- shooting
- use of uncovered spring traps – on poles or on the ground with or without bait

- use of cage traps – with either live or dead bait.

A total of 16 incidents, either killing or targeting birds of prey, were confirmed during the year. Birds killed included a nest full of goshawk chicks, two peregrines, two kestrels, eight buzzards and a short-eared owl.

A significant proportion of detected cases involved the illegal use of cage traps, ostensibly used by an “authorised person” under a general licence for the purpose of controlling common “pest” species such as crows, but clearly an effective tool for trapping birds of prey. Several of these cases highlighted the trap operator’s complete disregard for the licence conditions, with victims starving to death.

In addition, a further 26 “probable” incidents were identified, including cases where nesting attempts

failed with some evidence suggesting human interference, witness evidence was uncorroborated, or victims were too fragmented or decomposed to permit a complete analysis.

As with other illegal activity, it is reasonable to suggest that the perpetrators make every effort to ensure that their crimes remain undiscovered; for example it is likely that the carcasses of shot birds are disposed of before they are found. Indeed, in many previous cases, the bodies of illegally killed birds have been found hidden or buried. Therefore, as with incidents involving the illegal use of poisons, it is fair to suggest that those victims actually discovered represent a mere fraction of the actual total of birds killed.

The confirmed incidents found are outlined in Table 3, with a summary of probable incidents in Table 4.

Table 3: Confirmed incidents of illegal killing or attempted killing of birds of prey in Scotland, 2011

Month	Method	Victim	Location	Area
February	Dead bird found in crow cage trap	Buzzard	Glen Lyon, Kenmore	Perthshire
February	Dead bird found in crow cage trap	Sparrowhawk	Glen Lyon, Kenmore	Perthshire
February	Caught in illegal crow trap	Buzzard	Nr Cortachy, Kirriemuir	Angus
March	Caught in illegal crow trap	Buzzard (3)	Nr Cortachy, Kirriemuir	Angus
March	Illegally set “clam” trap		Leadhills	South Lanarkshire
April	Shot	Peregrine	Nr Ballater	Aberdeenshire
April	Shot	Buzzard	Millden, Glen Esk	Angus
April	Shot falconer’s bird		Newmills	Fife
April	Tethered pigeon decoys found near peregrine nest			Fife
May	Shot	Short-eared owl	Glenbuchat, Strathdon	Aberdeenshire
June	Attempted shooting	Kestrel	Farr	Inverness-shire
June	Dead bird found in crow cage trap	Kestrel	Glen Clova	Angus
July	Nest shot out	Goshawk	Nr Peebles	Borders
August	Shot	Peregrine	Nr Longside	Aberdeenshire
December	Shot	Buzzard	Nr Dunecht	Aberdeenshire
December	Shot	Buzzard	Leadhills	South Lanarkshire

Table 4: Probable incidents of illegal killing of birds of prey in Scotland, 2011

Month	Circumstances	Victim	Location	Area
January	Member of public witnessed bird being shot	Buzzard	Near Bridge of Brown	Inverness-shire
January	Decomposing remains found hidden in forestry	Buzzard	Leadhills	South Lanarkshire
March	Member of public witnessed bird being shot	Red kite		North Ayrshire
March	Decomposing remains found hidden in forestry	Buzzard (2)	Leadhills	South Lanarkshire
March	Decomposing remains found hidden in forestry	Buzzard	Leadhills	South Lanarkshire
March	Skeletal remains found hidden in forestry	Buzzard (2), Tawny owl	Leadhills	South Lanarkshire
March–April	Adult pair disappeared	Peregrine	Nr Penpont	Dumfries-shire
March–April	Female disappeared, nest deserted	Hen harrier	Nr Cairnryan	Galloway
March–April	Adult pair disappeared. Nest fails annually	Peregrine	Near Dolphinton	South Lanarkshire
April	Adults disappeared, but eggs remained in nest	Peregrine	Queensberry	Dumfries-shire
April–May	Adults disappeared, a regular occurrence at this site	Peregrine	Nr Thornhill	Dumfries-shire
April	Female disappeared prior to egg-laying	Hen harrier	Leadhills	South Lanarkshire
April	Headless bird found freshly dead. Hole right through body cavity – probably shot	White-tailed eagle	Talisker	Skye
April	Eggs removed from nest (as in previous years)	Peregrine	Near West Linton	Borders
May	Adults disappeared, nest destroyed. No signs of predation	Hen harrier	Near Culloden	Inverness-shire
May	Adults and eggs disappeared. No signs of predation	Hen harrier	Near Culloden	Inverness-shire
May	Attempted shooting	Red kite	Nr Garbole, Strathdearn	Inverness-shire
May	Disappearance of satellite-tagged bird. No further transmissions or sightings of bird	Red kite	Moy	Inverness-shire
May	Dead bird found in stink pit	Bird of prey	Near Muirkirk	East Ayrshire
May	Young disappeared from nest, with no signs of predation – similar to previous years	Hen harrier	Near Muirkirk	
June	Removal of all but one chick from nest	Hen harrier	Strathnairn	Inverness-shire
August	Disappearance of satellite-tagged bird. No further transmissions or sightings of bird	Red kite	Moy	Inverness-shire
September	Disappearance of satellite-tagged bird. No further transmissions or sightings of bird	Golden eagle	Near Strathdon	Aberdeenshire
November	Disappearance of satellite-tagged bird. No further transmissions or sightings of bird	Golden eagle	Strathdearn	Inverness-shire

2011 incidents – other illegal killing

Table 5: Number of confirmed victims of shooting, trapping or nest destruction in Scotland, 1989–2011

Year	Red kite	Golden eagle	Buzzard	Peregrine	Hen harrier	Goshawk	Sparrowhawk	Kestrel	Total
1989		5	1	4	4		1	1	16
1990			2	5	13		1	4	25
1991		4	5		1	1	2	4	17
1992	1		11	4	5			3	24
1993		2	2	3	7	1	1	1	19*
1994		2	12	3	8				25
1995		1	13	5		1	1		21
1996			7	1	3			2	13
1997			11	6		2		1	20
1998		2	7	2			2		13
1999			2	3					5
2000			1	5	4	2			12
2001			8			1	2		11
2002	1		8	3					12
2003	1		7	4	3				15
2004			4	3			1	5	14**
2005			2	7		1		1	11
2006			15	1					16
2007		1	10	1	1	1		1	15
2008	1		5			1	1	3	11
2009	1		4				1		6
2010	2			1	2	1	2		9***
2011			8	2		1	1	2	14****
Total	7	17	145	63	51	13	16	28	334

*In addition, a white-tailed eagle and an osprey were shot in 1993.

**In addition, a short-eared owl was shot in 2004.

***In addition, an osprey and a short-eared owl were shot in 2010.

****In addition, a short-eared owl was shot in 2011.



A buzzard starved to death in this unchecked, untagged cage trap on Glen Lyon Estate in Perthshire. A second untagged trap on the estate contained a dead sparrowhawk, and a third contained two live chaffinches.



The illegal killing of birds of prey in Scotland in 2011

Comment

The continued prevalence of poisoning and other illegal killing of protected birds of prey in Scotland, particularly in upland areas intensively managed for driven grouse shooting, continues to have a significant impact on the conservation status of some of our rarest species. Again, many of the confirmed and probable victims of illegal activity in 2011 were found in such areas.

It is apparent that each year, the number and nature of the incidents discovered varies and making a statistically rigorous assessment of the trends is difficult. Nevertheless, it is our view that:

- there is little overall evidence to suggest that the illegal killing of raptors has declined in recent years, particularly in the eastern and central highlands and southern uplands of Scotland

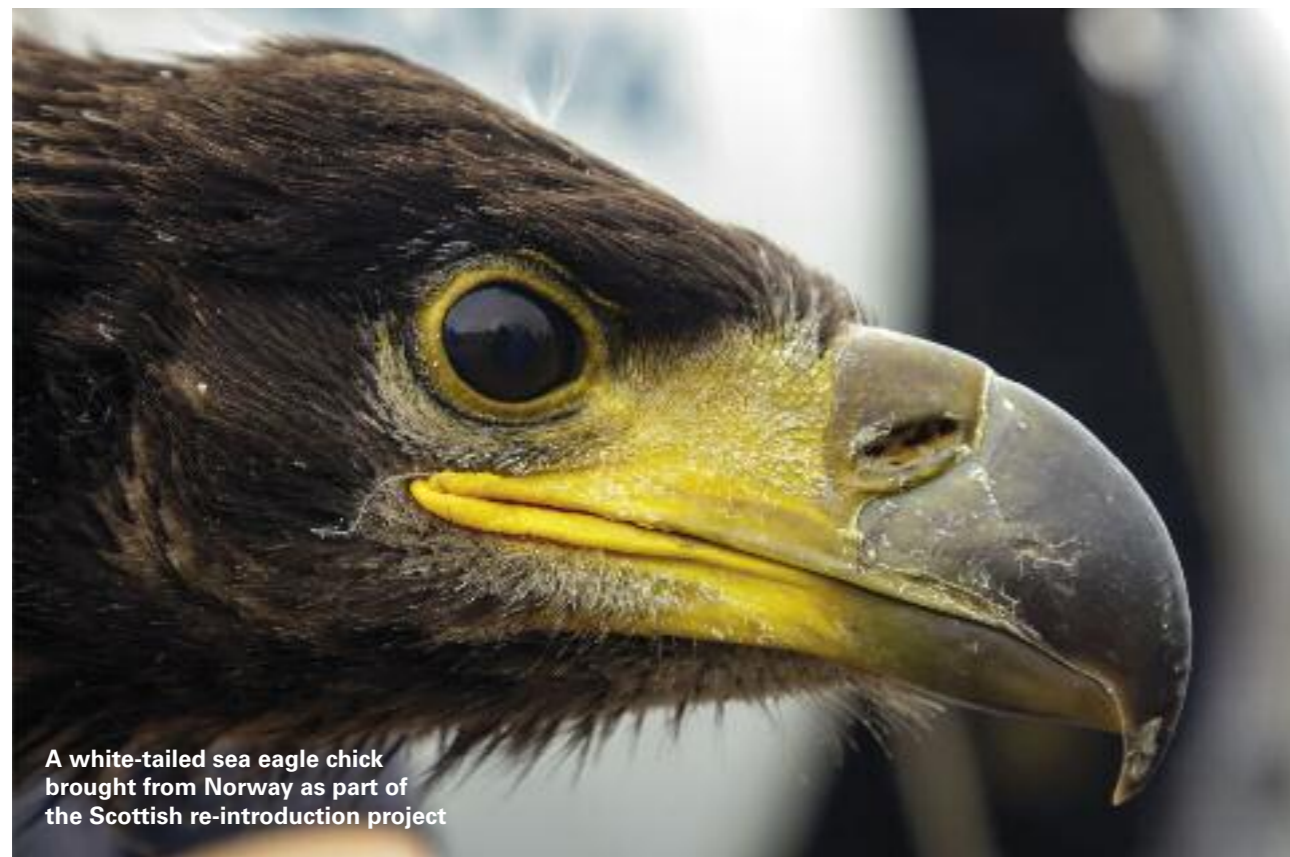
- there has, however, been a decline in illegal killing in many areas of the lowlands, and over much of north and west Scotland, making the number of incidents in the managed driven grouse moor areas an even starker situation

- for some raptor species and in some habitats (such as hen harriers nesting on driven grouse moors) there is, in contrast, no evidence of a decline in illegal killing or nest destruction

- illegal killing continues at wholly unacceptable levels. It remains a significant threat to the populations and ranges of several scarce, slow-breeding species.

The distribution of confirmed cases of illegal poisoning recorded

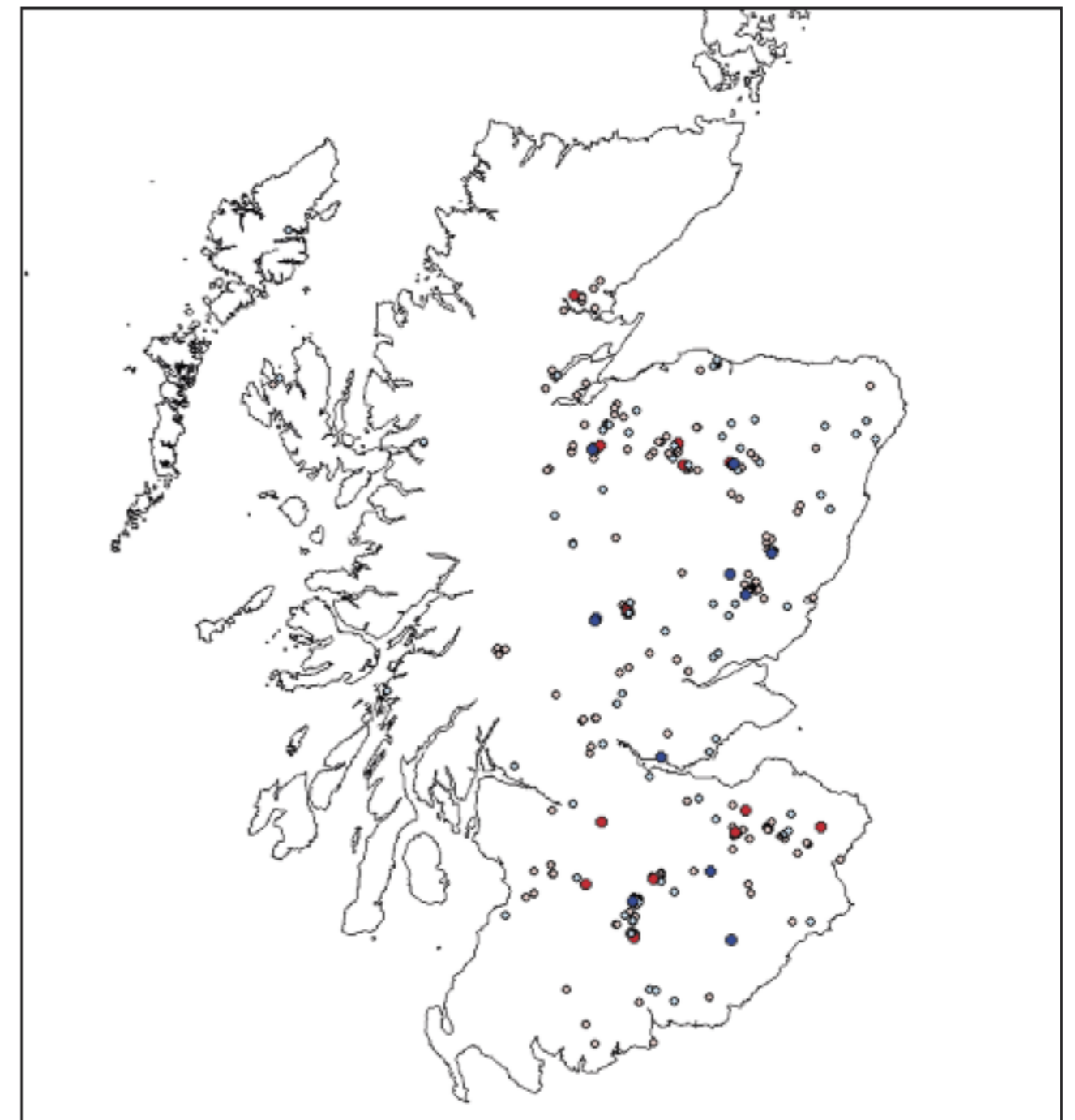
over the last five years indicates that these offences continue to be widespread. The maps in this publication reinforce that incidents are not evenly or randomly spread throughout the country, but are increasingly concentrated in the eastern and central highlands and southern uplands, co-incident with the distribution of driven grouse moors. This evidence agrees with a geographical analysis of the distribution of poisoning incidents published in the peer-reviewed scientific literature, which shows that the illegal use of poison baits to control predators is disproportionately associated with grouse moors in Scotland (Whitfield *et al*, 2003). This continues to be borne out by the locations of where poison victims and baits have been found since the publication of this study.



A white-tailed sea eagle chick brought from Norway as part of the Scottish re-introduction project

Dean Bricknell

Figure 3: Confirmed poisoning and other confirmed incidents of illegal killing of birds of prey in Scotland in 2006–2011



- Confirmed poisoning incidents, 2011
- Confirmed poisoning incidents, 2006–10
- Confirmed other persecution incidents, 2011
- Confirmed other persecution incidents, 2006–10

The effects of illegal killing

Golden eagle



RSPB Scotland

▲ Golden eagles do not breed until they are five years old

The level of continued illegal killing of some of our most iconic species continues not only to be a stain on Scotland's reputation but also poses a threat to the populations of some of these species. Raptors' ecological characteristics make them particularly vulnerable to any additional mortality caused by deliberate killing. Raptors tend to be long-lived, breed slowly and produce few young. The killing of adult birds can quickly impact their conservation status.

One of these magnificent birds was found poisoned in 2011, in Aberdeenshire. At least 29 golden eagles were the victims of illegal poisoning between 1989 and 2011. They were also targeted in a further 17 other confirmed incidents of persecution during the same period.

In 2008, SNH published *A conservation framework for golden eagles: implications for their conservation and management in Scotland*. This was produced in partnership with other members of the Scottish Raptor Monitoring Scheme: Scottish Raptor Study Groups, Rare Breeding Birds Panel, RSPB Scotland, British Trust for Ornithology (BTO) Scotland and the Joint Nature Conservation Committee (JNCC).

In summary, the report stated:

A number of lines of evidence indicated that illegal persecution of eagles, principally associated with grouse moor management in the central and eastern Highlands, is the most severe constraint on Scottish golden eagles. These lines of evidence, based on population modeling and analyses using a Geographical Information System (GIS) are as follows:

a) As carrion feeders, golden eagles are particularly vulnerable to poisoned bait. Records of the illegal use of poisoned baits were significantly associated with areas where grouse moors predominated as a land-use. There was no evidence of a

decline in records of poisoning on grouse moors between 1981 and 2000, even though poisoning incidents had declined in upland areas away from grouse moors;

b) Records of illegal persecution of golden eagles (including poisoning, trapping, shooting) were also more common in those regions where grouse moor management predominated.

During the last six years, detected cases of confirmed poisoning of golden eagles all occurred in areas where the species is in "unfavourable conservation status," as defined in the Framework report (Figure 4). This indicates that illegal killing is a major constraint on the population in Scotland, and thus the UK.

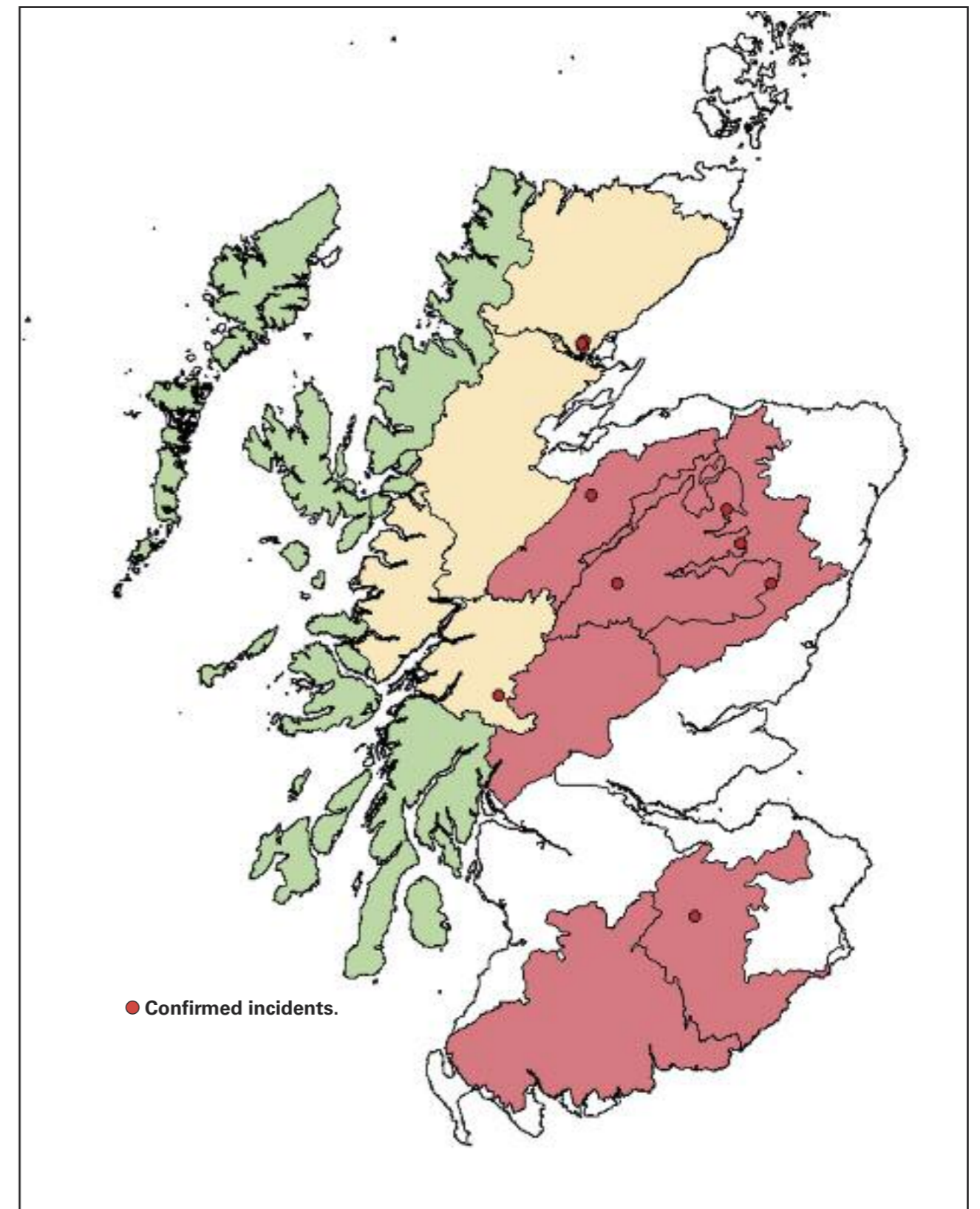


Figure 4: Confirmed golden eagle poisoning incidents 2006–2011, overlaid on a map showing the conservation status of the species in natural heritage zones (as per Whitfield *et al*, 2008)

Populations in each natural heritage zone were subjected to three tests for favourable conservation status: productivity, habitat occupancy and population density. Areas marked in **green** are in favourable conservation status. **Amber** denotes a region in unfavourable conservation status, but the area has failed in only one of the three tests. Areas coloured **red** are in unfavourable conservation status, and have failed in more than one test. Areas left blank are those with little or no suitable habitat for breeding golden eagles.

The effects of illegal killing

Hen harrier



A nationwide survey of the UK's hen harrier population was carried out in 2010 by the RSPB, the Government nature conservation agencies, and the Raptor Study Groups. The Isle of Man was included in the study. It revealed a 20% population decline in just six years. In Scotland, where most of the UK's hen harrier population is found, the population declined by 22.7% to an estimated 489 pairs, down from the 633 pairs estimated in 2004.

Similar results were outlined in The Hen Harrier Framework, published in early 2011 by the JNCC, including important input from the Scottish Raptor Monitoring Scheme. The report concluded that illegal killing of hen harriers was the biggest factor affecting the status of the species, and was having a significant impact on the overall hen harrier population. Particular problems were identified on areas associated with "driven" grouse moor management, notably in the central and eastern highlands and the southern uplands of Scotland, as well as the Pennines in the north of England. Indeed, by 2008 only five breeding pairs of hen harriers fledged young on driven grouse moors anywhere in the UK, despite the areas having

sufficient suitable habitat and food supplies to support 500 pairs.

The research noted that agricultural improvement around moorland edges can have adverse impacts on hen harrier numbers, as happened on Orkney, where the population is now recovering. This is not considered to be an issue on the mainland. The key issues here were lack of suitable habitat or low prey availability in the north and west of Scotland, and human interference elsewhere.

The study found that the density of hen harrier persecution incidents (recorded as confirmed and/or probable incidents) in Scotland is directly proportional to the percentage of a natural

heritage zone (NHZ) classed as muirburn. Muirburn is a surrogate for grouse moor, and is maintained by burning in the spring. There was also a significant negative relationship between the density of hen harrier persecution incidents and the proportion of successful nests in an NHZ. There was strong evidence that illegal persecution is causing the failure of most breeding attempts in five NHZs, including on Special Protection Areas designated for this species.

A considerable weight of previous peer-reviewed scientific studies, for example Whitfield *et al.* (2008a), have found good evidence that hen harrier killing and nest destruction was due to grouse moor interests. Human interference was an important cause of breeding failures and was only recorded on land managed by an employed gamekeeper. The study also highlighted that it's impossible to gauge the scale of the problem, or to monitor every nest. Where human interference is common, simple records of the number of observed failures (even if these could all be accurately ascribed to interference) will underestimate the actual number failing due to human interference.

In Scotland between 2006 and 2011, three confirmed incidents of hen harrier persecution have been detected. However, during the same period, an additional 27 probable incidents were recorded where human interference with nests was considered highly likely. This included the disappearance of eggs, chicks or adult birds where there was no sign of predators, and with evidence suggesting recent human activity at the site.

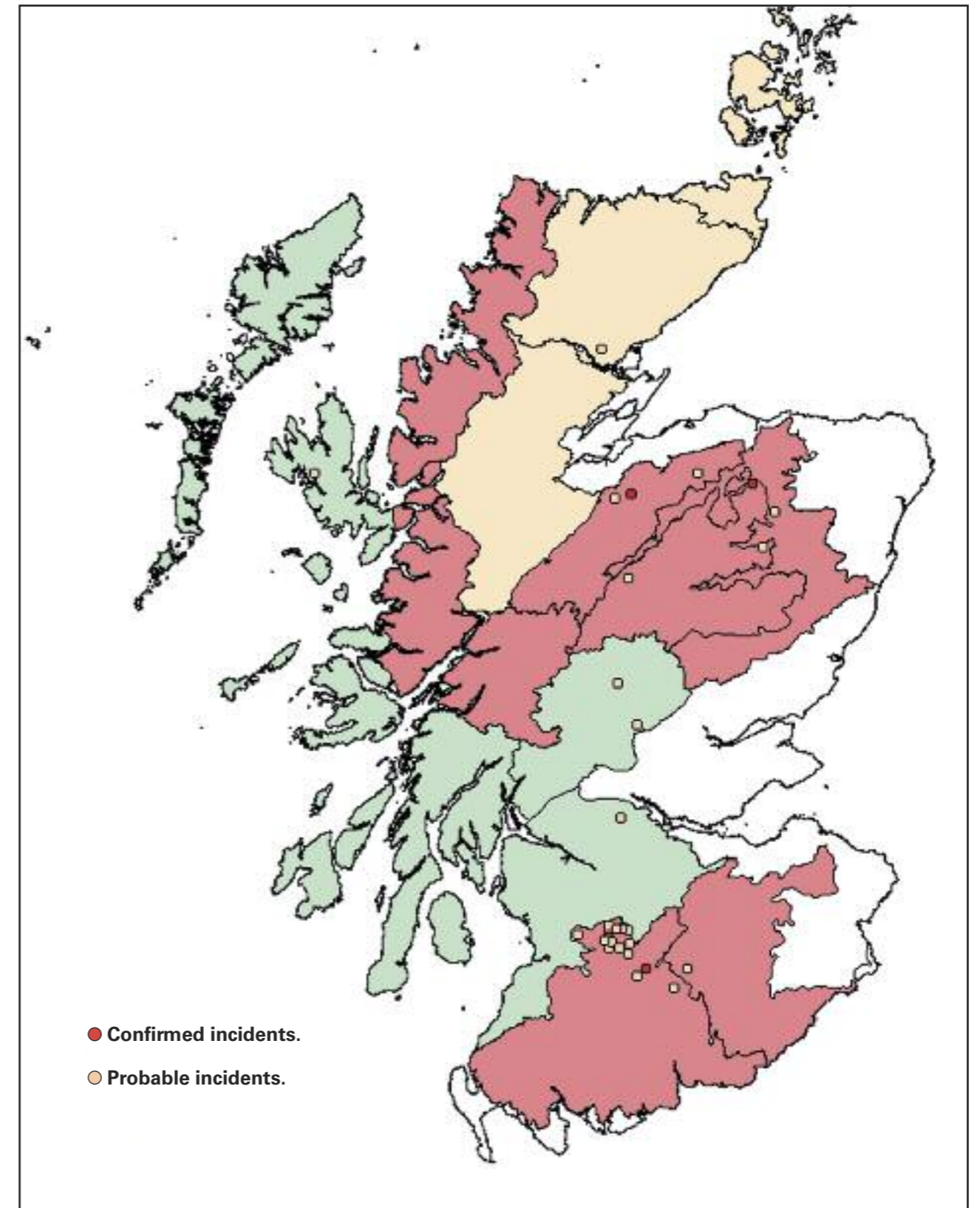


Figure 5: Confirmed and probable incidents of hen harrier persecution, 2006–2011, overlaid on a map showing the conservation status of the species in natural heritage zones (adapted from Fielding *et al.*, 2011).

Populations in each natural heritage zone were subjected to three tests for favourable conservation status; productivity, habitat occupancy and population density. Areas marked in **green** are in favourable conservation status. **Amber** denotes a region in unfavourable conservation status, but the area has failed in only one of the three tests. Areas coloured **red** are in unfavourable conservation status, with failure in more than one test. Areas left blank are those with little or no suitable habitat for breeding harriers.

The effects of illegal killing

Red kite



Kite chicks are ringed and tagged to monitor their movements and survival

RSPB Scotland

Red kites became extinct because of sustained killing in Scotland throughout the 19th century (Holloway, 1996). They have been re-introduced in joint projects run by SNH and RSPB Scotland, with significant and welcome support from local communities, landowners and their staff. This work has been predominantly successful.

But expansion rates have been slow in north Scotland. Compelling research by Smart *et al* (2010) shows the species is being severely restricted by illegal killing. The study was conducted by RSPB Scotland and funded by SNH. It compares the performance of two red kite populations where equal numbers of young birds were released over the same period, as part of the initial phase of reintroducing the species in Scotland and England. The sites were in southern England, in the Chiltern Hills in Buckinghamshire, and on the Black Isle, in Ross-shire, in north Scotland.

The population in the Chilterns has thrived, reaching about 320 breeding pairs since the beginning

of the reintroduction in 1989 up until 2006. The Black Isle population has struggled, reaching just 41 pairs over the same period. This was much lower than expected, and by 2009 there were still only 49 breeding pairs. This is a large disparity, and that disparity is growing. It shows that the same human persecution that drove the species to extinction in Scotland in the 1870s is still occurring today, especially in parts of Inverness-shire. This is explored further in the case study on page 26.

Close monitoring of both the populations studied showed that production of successfully reared and fledged red kite chicks was very similar in north Scotland and the Chilterns, and indeed was

amongst the highest in Europe. So lack of food supply and poor breeding performance does not explain the poor growth rate of the north Scotland population.

The study shows that low survival rates of young birds in their first and second years of life was the main factor limiting the north Scotland red kite population growth up until 2006, and that illegal killing accounts almost entirely for these poor survival prospects. Red kites in Scotland and England normally breed for

the first time in their second, or more normally their third, year of life, so illegal killing is severely reducing the number of new recruits to the breeding population in north Scotland.

In the absence of illegal killing, population modelling has shown that annual survival rates of young kites would have been high enough to allow the north Scotland red kite population to grow at the same rate as that seen in the Chilterns. By 2006, north Scotland should have held

over 300 breeding pairs, 250 pairs more than the actual population size today. More encouragingly, if illegal killing were to cease, then the population is likely to respond quickly, reaching 300 breeding pairs within the next 10 years.

Red kites have been reintroduced to the UK since the late 1980s, but between 1989 and 2011, 75 individuals have been found illegally poisoned in Scotland, including four found in 2011.

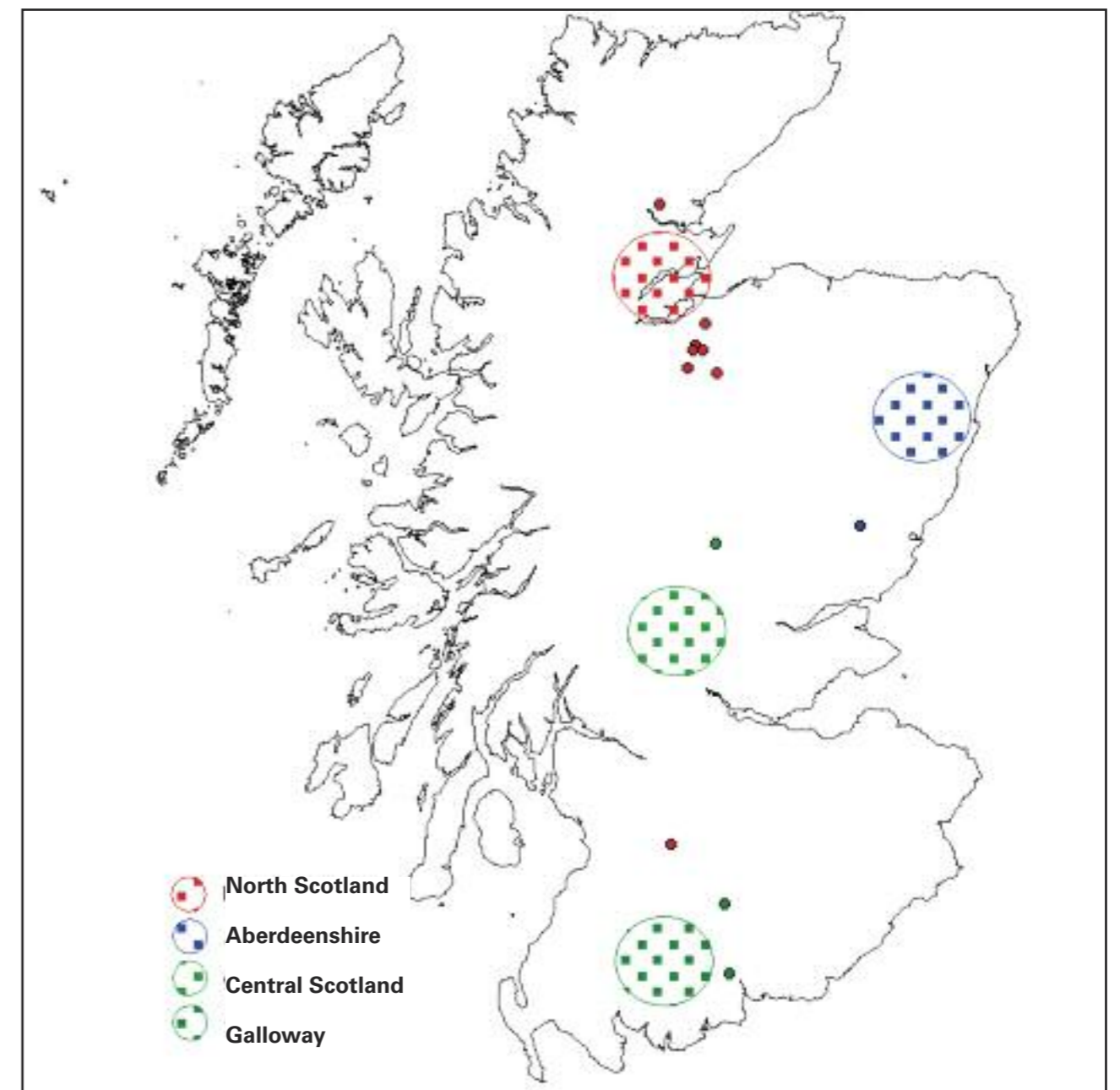


Figure 6: Origins of kites found illegally killed in 2010 and 2011, as shown by ringing returns

The effects of illegal killing

Case study: Poisoning victims on the Glen Kyllachy and Farr Estate

The remains of six poisoned birds of prey have been found on the Glen Kyllachy and Farr Estate in the Monadhliath mountains, south-east of Inverness, over the last three years

On 1 August 2008, a dead red kite was found on the estate. Tests at the SASA laboratory confirmed the bird had been poisoned with carbofuran. Eight months later, in April 2009, a second dead kite was found on the estate. This too had been poisoned with carbofuran.

In May 2010, yet another dead kite was found on the same estate. This bird had been poisoned, but this time with aldicarb. Less than a month later, on 11 June, a dead white-tailed eagle was discovered, partially buried in a peat bog. Just over a week later, on 20 June, the carcass of a golden eagle was found. Both eagles were found well within the boundary of this estate. They had been poisoned with carbofuran. Then, in May 2011, a fourth poisoned red kite was found on the estate. Once again, carbofuran had been used.

In summary, the bodies of four red kites, a white-tailed eagle and a golden eagle, all found on the Glen Kyllachy and Farr estate over the space of three years, were examined, and all confirmed as poisoned. In light of this, Northern Police led a multi-agency operation, implementing a search

warrant on the estate in July 2011. As far as RSPB Scotland is aware, no further enforcement action has taken place as a result of these incidents.

What this pattern of offending illustrates very clearly is why the kites from the north Scotland population are failing to become established south-east of the Great Glen. Added to the four birds found poisoned on this estate during 2008–11, three birds were found illegally killed on the neighbouring Moy Estate in 2010 alone. Indeed, in just the last two years at least eight birds from this population

have been victims of illegal killing: six of those were poisoned. These are just the bodies that have been found.

Several other birds with satellite transmitters have disappeared in circumstances strongly suggesting human interference. In one case, a poison bait was found at the exact location of the bird's last known position.

Only when the illegal killing of these magnificent birds ceases will red kites regularly be seen in the skies of Strathspey and Moray.



▲ This red kite, found in May 2011, was the fourth poisoned on Farr in four years.

▼ This poisoned golden eagle was found on the Glen Kyllachy and Farr Estate in June 2010



▼ This poisoned white-tailed eagle was found partially buried in a peat bog on the estate, also in June 2010



Investigations and prosecutions

The role of RSPB Scotland



RSPB Scotland

▲ A cage trap on Aswanley Estate. The trap was unset, but contained a live pigeon in the decoy compartment. Note the buzzard perched on top

RSPB Scotland staff have no statutory powers and do not undertake "policing". Rather, we continue to liaise with all the Scottish Police forces, the Scottish Government's Rural Payments and Inspections Directorate (SGRPID) and other agencies in the provision of assistance, advice and personnel for follow-up operations. We continue to submit a considerable volume of incident details and intelligence, gleaned from a variety of sources, to the National Wildlife Crime Unit (NWCU). In 2011, staff assisted with five joint operations led by the police in the Northern, Grampian, Tayside, Strathclyde and Dumfries and Galloway areas. We also provided background information, impact statements and other expert testimony to the police and Crown Office to assist in a number of cases.

Completed prosecutions:

On 26 May 2011, at Inverness Sheriff Court, Dean Barr, the shoot

manager of the Skibo Estate, was fined £3,300 for possessing 10.5 kg of the poison carbofuran in 2010, contrary to section 15A of the Wildlife & Countryside Act 1981.

On 26 May 2011, at Inverness Sheriff Court, James Rolfe, a gamekeeper from the Moy Estate, was fined £1,500 for possession of a dead red kite in 2010, contrary to section 1(2)(a) of the Wildlife & Countryside Act 1981.

The two cases above are covered in greater detail in the 2010 edition of this report.

On 28 October 2011, at Aberdeen Sheriff Court, Craig Barrie, a gamekeeper from the Aswanley Estate, Huntly, was fined £250 for the possession and control of a live pigeon, contrary to section 1(2)(a) of the Wildlife & Countryside Act 1981. A cage trap belonging to Barrie was found unset beside a pheasant pen, with a pigeon in the decoy compartment and a buzzard sitting on top of the trap. On 2 February 2012, Barrie appealed for his sentence to be reduced to an admonishment, because the fine made him ineligible to use the open general licence that permits the control of crows, including the use of cage traps, for a period of five years. The appeal court heard that his employer was keeping his job open for him, subject to the appeal being successful. It was rejected.

On 5 January 2012, at Lanark Sheriff Court, David Whitefield, the former gamekeeper of Culter Allers Farm, Biggar, was ordered to carry out 100 hours of community service for poisoning four buzzards with alphachloralose in 2009. This investigation is covered in more detail in the Case Studies section of this report on page 30.

At Lanark Sheriff Court on 12 January 2012, Cyril McLachlan, the gamekeeper of Loanhead farm, Lamington, was fined £635 for possessing the poison carbofuran in 2011. The investigation began in December 2010, when a poisoned buzzard was discovered on top of a pheasant bait containing carbofuran.

On 5 December 2011, at Dunfermline Sheriff Court, Andrew Hutchison, a pigeon fancier of Torryburn, Fife, was convicted of maliciously shooting a falconer's peregrine-gyrfalcon hybrid in 2011, and disposing of the remains, in an effort to defeat the ends of justice. On 7 March 2012, he was fined £350 and ordered to pay the owner £1,500 to train a new bird.

On 3 April 2012, at Forfar Sheriff Court, Robert Christie, a gamekeeper from Lindertis Estate, Kirriemuir, was convicted of trapping a tawny owl in a crow trap, and operating an illegal cage trap by failing to adhere to the terms of the open general licence which permits the control of crows, including the use of such traps. These 2010 offences were contrary to section 1(1)(a) and 5(1)(b) of the Wildlife & Countryside Act 1981, respectively. The severely malnourished owl was rescued from the trap by a member of the public, and required veterinary treatment and rehabilitation before it could be released back to the wild. Robert Christie's defence agent told the court that if he was fined, he would be ineligible to use the open general licence for the next five years, which could render him unemployable. He was admonished.

Current/future prosecutions:

Prosecutions are ongoing in relation to the possession of poison in Strathclyde in 2009, and the illegal use of cage traps in Tayside in 2011. It is likely that other incidents recorded during 2011 will result in future proceedings.

Discontinued prosecutions

One prosecution was discontinued in 2011, of an individual charged in relation to using a pigeon as a live decoy in an illegally-operated portable cage trap, and possession of an unlicensed shotgun in Central Scotland in 2010. The case did not proceed, due to a failure by the authorities to progress the prosecution within the required timescale.

Comment

As in previous years, a significant proportion of incidents in 2011 occurred in areas with a history of similar crimes, suggesting that previous enforcement action, including prosecutions, did not work as a significant deterrent against further offending. Recent sentencing for crimes against birds of prey, other than in a few notable cases, has been relatively modest within the range of available penalties. This is in contrast with penalties given for guilty verdicts for egg-collecting offences, some of which have included jail sentences and, in one instance, to a lifetime Anti Social Behaviour Order (ASBO) preventing the offender from entering Scotland during the bird breeding season.

A large proportion of birds die naturally before they reach breeding age. Those that survive to breed must produce offspring in sufficient numbers to perpetuate the breeding population. The loss of a breeding adult has a much greater impact on the population than the destruction or loss of an egg. This effect is especially severe

in large, long-lived species, such as eagles, that do not reach maturity until they are five years old, and raise only one or two young per year, when conditions such as weather permit. Scientific studies show that poisoning and illegal killing has a far greater impact on the populations of species of significant conservation interest than egg theft, but the Scottish courts have not yet translated this into sanctions when sentencing. We consider the impact of offences on the conservation status of birds illegally killed or put at risk should be a material consideration when assessing penalty levels.

The death of a bird of prey is a brief event, rarely witnessed. The setting of an illegal trap, the placing of a poisoned bait, or the discharge of a firearm takes only a moment. By the time the consequences are uncovered, the perpetrator is usually long gone. Tackling the possession of the tools of criminality – poisons, traps or firearms – is essential to protecting birds of prey, yet the operation of an illegal trap may attract a mere admonishment.

Someone caught trafficking or storing a large quantity of an illegal drug is liable to be prosecuted as a supplier, and receive a higher penalty as a result. We would not expect them to be charged with a lesser offence, and receive a lesser sentence, on the grounds that there was no evidence that they

had used it. Yet, a similar argument is frequently advanced by defence agents whose clients have been caught in possession of the poison carbofuran, in circumstances that have never been legal – because they know it is likely to result in a reduced sentence. This raises the question of how much carbofuran someone could store before possession was likely to attract a custodial sentence. Should someone who illegally possesses a lethal pesticide, for which there is no legitimate use, in sufficient quantity to kill hundreds of birds, or people, be treated leniently until there is evidence that they have used it? How long before someone is killed by an unlabelled container of carbofuran, or a poisoned bait?

In our opinion, the sentences imposed by the courts, for cases involving the illegal killing or attempted illegal killing of birds of prey, for the operation of illegal traps and the possession or use of banned pesticides, seldom appear to have any deterrent value.

Since 2008, anyone fined for offences under the Wildlife & Countryside Act 1981 or the Animal Health and Welfare (Scotland) Act 2006 is ineligible to use the general licences that permit the operation of cage traps for crow control until their conviction is spent. But, is someone found storing a highly toxic illegal pesticide a fit person to hold a firearms certificate?



Mark Hamblin (rspb-images.com)

▲ Illegal cage-trapping of a tawny owl in 2010 led to a conviction in 2011

Investigations and prosecutions case study

Gamekeeper convicted of poisoning says his employer told him to reduce number of buzzards

In April 2009, a member of the public who had been walking on the Culter Allers estate, Lanarkshire, telephoned RSPB Scotland. He had seen two crows that appeared unwell and

unable to fly, and carcasses of a rabbit and a third crow nearby. Investigations staff from the Scottish Society for the Protection of Animals (SSPCA) and the RSPB visited the estate the

next day. They found a dead crow stuffed into a rabbit hole. Tests at the Science and Advice for Scottish Agriculture laboratory (SASA) confirmed that the crow had been poisoned with the pesticide alphachloralose.

That autumn, the RSPB received a further report of a freshly-dead buzzard lying on top of a cut-open rabbit. The SSPCA and RSPB Scotland investigations staff visited the estate the next day and collected the two carcasses, which were tested and were also found to contain alphachloralose.

On 11 November 2009, the SSPCA led a multi-agency search of the estate, involving the National Wildlife Crime Unit, Scottish Government and the RSPB. A plastic tub containing 300 g of white powder was found in a garden shed. The tub's packaging indicated that it had originally contained 1 kg of the poison. In a bothy, investigators found a coffee jar, also containing white powder. Tests at SASA confirmed that the powder in both containers was 97% pure alphachloralose. Deadly fumigants, including the banned chemical sodium cyanide, were also found in unlocked outbuildings.

In a small wood containing a pheasant release pen, a staked-out rabbit carcass was found, with the decomposing remains of a buzzard not far away.

▼ One of the buzzards poisoned on the Culter Allers estate



In another wood, a second decomposing buzzard lay on the ground, with a third hanging freshly-dead in a nearby tree. All these carcasses were tested, and all contained alphachloralose. The skeletal remains of a fourth buzzard were also discovered.

At the time of the poisonings, estate gamekeeper David Alexander Whitefield stated that he was a member of the Scottish Gamekeepers Association (SGA).

At Lanark Sheriff Court on 5 July 2012, now ex-keeper Whitefield admitted killing four buzzards

using alphachloralose. Whitefield's defence agent told the court that his employer had instructed him to reduce the number of buzzards "as he saw fit", although he had not been specifically told to kill them. He was sentenced to undertake 100 hours of community service.

This was Whitefield's second conviction for wildlife offences. In March 2008, a member of the public contacted the SSPCA to report a live buzzard in a crow cage trap on Culter Allers estate. SSPCA officers responded immediately, and found the buzzard still in the

trap. Another similar trap contained four live crows. A light snowfall indicated that the traps had not been checked for at least 48 hours, leaving the birds in freezing conditions without food, water or shelter. In October 2008 at Lanark Sheriff Court, Whitefield plead guilty to trapping the buzzard, and failing to meet its needs while it was in the trap. This was the first conviction involving a wild bird under the Animal Health and Welfare (Scotland) Act 2006. He was fined £300.

Occupations and interests of those convicted

The vast majority of those convicted for offences relating to the illegal killing of birds of prey in Scotland are employed on gamebird shooting estates, as shown in Figure 7 below. It is apparent that we will not see any improvement in the conservation status of these species until land management in our uplands is carried out wholly within the law.

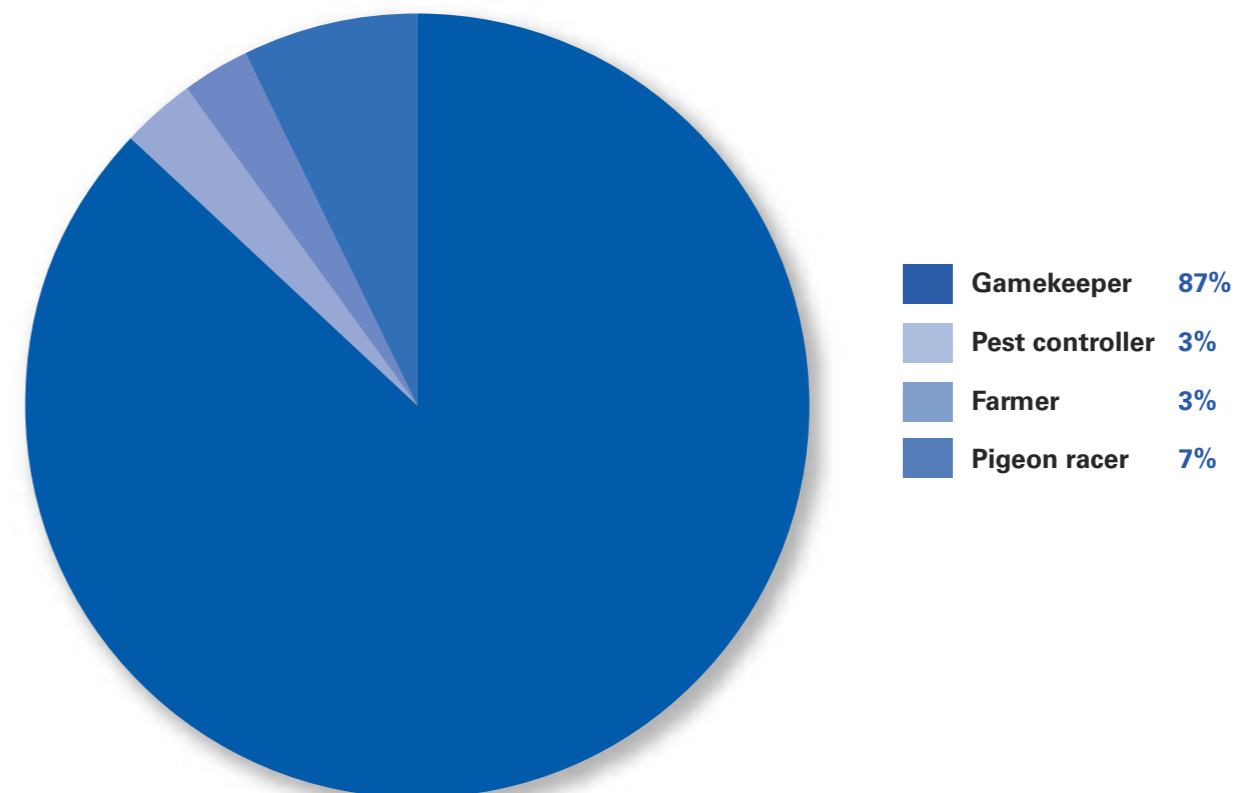


Figure 7: Occupations and interests of people convicted of illegal killing, 2003–2011 inclusive.

The Wildlife and Natural Environment (Scotland) Act

The Wildlife and Natural Environment (Scotland) Act was passed by the Scottish Parliament on 3 March 2011. The Act sought to deliver a range of measures to update legislation to protect Scottish wildlife, and to ensure legislation to regulate and manage the natural environment is fit for purpose.

RSPB Scotland welcomed the introduction of this important new legislation and the clear statements made by the Minister and shadow spokesman in the closing debate. We also strongly welcome the vicarious liability provisions that came in to force at the beginning of 2012, and see these as an

important deterrent to those perpetrating or carrying out crimes against our birds of prey.

We await the Scottish Government's report on wildlife crime and continue our commitment to assisting the statutory agencies in ensuring

that all efforts are made to bring the perpetrators of crimes against birds of prey before the courts. We also want to work positively with those estates and individuals who share our commitment to Scotland's wildlife.



▲ The owners or managers of areas managed for gamebird shooting, such as grouse moors, could be held vicariously liable, should their employees illegally kill birds of prey

Conclusions

In Scotland in 2011, the illegal killing of birds of prey continued, seemingly unabated, particularly in upland areas managed for driven grouse shooting. There is now an overwhelming weight of factual and scientific evidence, which demonstrates the adverse impact of illegal killing on the populations of some of our birds of prey. Illegal and highly toxic chemicals are used to lace baits, which are placed in the open in our countryside. This indiscriminately risks the lives of wild birds and mammals, domestic pets and livestock, and has the potential to harm humans as well. This, combined with shooting, nest destruction and illegal use of traps, continues to severely impact our wildlife. It is evident, from long-term population studies and anecdotal evidence, that the discovered victims of illegal killing documented in this and previous reports, represent the tip of a significant iceberg.

The number of confirmed poisoning cases for 2011 is

fewer than in 2010, but it remains unknown as to whether there has been a real decline in poisoning, as it is impossible to know how many are killed, or what percentage of victims are found. We recognise and welcome the efforts made by landowning bodies to tackle the problem of illegal poisoning. Over time, we hope poisoning will be significantly reduced. The expected response should be an increase in the populations of key raptor species including golden eagles and red kites.

We welcome the improved legislation included in the Wildlife and Natural Environment (Scotland) Act 2011. We commend the continued commitment to PAWS by the Scottish Government, which has encouraged increased partnership working and a greater awareness among landowners, as well as law-enforcement and prosecution agencies. RSPB Scotland is committed to continue to play a full role in the PAWS process and

to ensure that tangible outputs are delivered to significantly reduce the illegal killing of birds of prey, and to tackle effectively other wildlife crimes. We believe that improved enforcement will provide a deterrent to those who may be considering illegal activity.

The odds still need to be changed. The enforcement agencies need to be better resourced, the prosecutors need to gain experience and the sentences given to those convicted should be much more meaningful. Once this has happened, there's a chance we might see a real improvement in the conservation status of some of our most vulnerable bird of prey species.

We welcome recent leadership from landowning representatives in tackling this problem. However, much more still needs to be done. It will require consistent effort over many years to change deeply ingrained attitudes and halt the needless persecution of Scotland's birds of prey.

RSPB Scotland



▲ White-tailed eagles on Mull attract £5 million of tourist spend every year, supporting 110 jobs

Acknowledgements and references

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We are grateful for the financial support we receive towards our investigations and species protection work from Scottish Natural Heritage, without which much of the work reported here could not continue.



Lothian and Borders Raptor Study Group

▲ Members of Lothian and Borders Raptor Study Group fit a monitoring tag to a peregrine falcon

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