

Ministear an Àrainneachd agus Atharrachadh Aimsir
Minister for Environment and Climate Change
Paul Wheelhouse BPA/MSP

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Mr Colin Shedden & Others
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Our ref: 2013/0016374

15 July 2013

Dear Colin, Alex, Jamie, Ian and Luke

Thank you for your letter of 18 June 2013 in which you raise a number of matters related to birds of prey.

As you will be aware I made an announcement regarding new measures to tackle raptor persecution on 1 July 2013. They can be read in full at www.PAW.Scotland.gov.uk but in essence they are:

- 1) a request to SNH to consider how to put in place restrictions on the use of General Licences where there are good grounds for believing that their use may be facilitating wildlife crime, or that they may be being used alongside criminal activities
- 2) a review of how wildlife crime fits into the justice system, with a focus on whether the penalties available to the courts are adequate and proportionate to the damage that can be caused, and
- 3) following discussions with the Lord Advocate, the encouragement of the use of the full range of investigative tools by law enforcement.

These measures have been designed to bear down on those involved in wildlife crime and ensure that there are no blanket restrictions imposed across an industry which is a significant part of Scotland's rural economy.

I think I have been clear throughout my time in this portfolio, that if there were continuing cases of illegal persecution of raptors, that I would take further action. Unfortunately, as you will be aware, this year has not started well in terms of cases being reported that involve poisons, trapping and shooting. In addition to those cases in the public domain, there are others which are still subject to police investigations.

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Turning to the more general issue of how raptor persecution cases are disclosed and reported. In my statement on wildlife crime on 1 July I said:

.....it is important that wildlife crime is treated in exactly the same way as other types of crime. This means information about cases should be handled in the same way as in other types of crime and that the police and prosecutors are allowed the time and space to carry out whatever investigations they believe to be necessary according to their own professional judgement. We should not descend into allowing trial by leak and accusation. There is a responsibility on us all to avoid that.

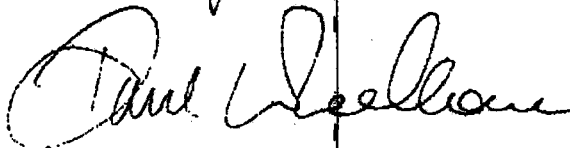
I do not want to comment directly on any particular blog or website. It seems clear that there are often a number of people with knowledge of incidents being investigated and I certainly do not approve of information being disclosed without the consent of the police and/or Crown Office. It would be disastrous if a case were to be lost because of unauthorised leaks of information. I can appreciate that it is also very frustrating for people to be subject to accusations and insinuations, especially from anonymous websites. However I do not want to see justifiable concerns about the way in which information is handled to divert us from the fact that raptor persecution is clearly continuing and that is still the main issue that we need to address.

You mention the decision by Natural England to issue licences to control buzzards and your view that there should be open debate on how or whether, we manage common raptors. As far as Scotland is concerned I have been careful to remind anyone who asks about our position, that the provision allowing control of avian predators remains on the statute book and that SNH as the licensing authority will give careful consideration to any application. As far as debate is concerned, I am happy to discuss issues that are raised with me, but as you will be aware, the continuing levels of illegal persecution will inevitably and understandably produce an emotional response to this question from many members of the public.

I would be happy to meet with your Industry Co-ordination Group to discuss these issues in more detail as you request. Please contact my Diary Secretary, Linda Murray 0131 244 4450 to make the necessary arrangements.

I hope that this response is helpful in the meantime.

Kind regards



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Our ref: 2013/0015235

11 July 2013

Thank you for your email of 12 June 2013 with a copy of your comment on the sea eagle nest incident. I do not want to say much more about the incident other than to note that the facts as reported suggest that the nesting attempt of this pair of eagles was deliberately or recklessly brought to an end by somebody. At the same time I am aware that the estate where the tree was located has a good record in wildlife management. It may be that we will never find out the truth of what happened, but it is without doubt a very sad outcome for this first nesting attempt for sea eagles in the east of Scotland for over 100 years.

Turning to the more general issue of how these matters are disclosed and reported. You will by now have seen my statement on wildlife crime from 1 July in which I say

.....it is important that wildlife crime is treated in exactly the same way as other types of crime. This means information about cases should be handled in the same way as in other types of crime and that the police and prosecutors are allowed the time and space to carry out whatever investigations they believe to be necessary according to their own professional judgement. We should not descend into allowing trial by leak and accusation. There is a responsibility on us all to avoid that.

I would add that I would not want to see justifiable concerns about the way in which information about these sort of incidents is handled to divert us from the fact that raptor persecution is clearly continuing and that is still the main issue that we need to address.

Kind regards

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