



giving
nature
a home



Birdcrime 2014

Offences against wild bird legislation in the UK

Contacts

The RSPB

UK Headquarters
The Lodge, Sandy, Bedfordshire SG19 2DL
Tel: 01767 680551

Northern Ireland Headquarters
Belvoir Park Forest, Belfast BT8 7QT
Tel: 028 9049 1547

Scotland Headquarters
2 Lochside View, Edinburgh Park, Edinburgh EH12 9DH
Tel: 0131 317 4100

Wales Headquarters
Sutherland House, Castlebridge, Cowbridge Road East, Cardiff CF11 9AB
Tel: 029 2035 3000

rspb.org.uk



The Partnership for Action Against Wildlife Crime (PAW)

PAW is a multi-agency body comprising representatives of the organisations involved in wildlife law enforcement in the UK. It provides opportunities for statutory and non-Government organisations to work together to combat wildlife crime. Its main objective is to promote the enforcement of wildlife conservation legislation, particularly through supporting the networks of Police Wildlife Crime Officers and officers from HM Revenue and Customs and the UK Border Agency. Please visit **defra.gov.uk/paw** for more information.

The views expressed in *Birdcrime* are not necessarily those of the RSPB or PAW.

Contents

Foreword	4
Summary of reported incidents 2014	7
The Nature Directives and wildlife crime	10
Comments	14
RSPB's Hen Harrier Life+ Project	16
Scotland makes progress	18
Fighting environmental crime across the EU	20
Case studies	23
- Poisoning	24
- Shooting and destruction of birds of prey	26
- Egg collecting and disturbance	29
- Trade in wild birds and taxidermy	30
- Prosecutions in 2014	32
Appendix I Incidents reported to the RSPB 2009–2014	37
Appendix II Regional breakdown of incidents reported in 2014	38
Appendix III Confirmed and probable bird of prey and owl persecution during 2014	40
Appendix IV Confirmed poison abuse incidents during 2014	42
Appendix V Schedule 1 nest robberies during 2014	43
Appendix VI Wild bird-related prosecutions in 2014	44

Foreword

Martin Harper

Conservation Director



Our uplands are some of our most iconic landscapes: nothing stirs the soul quite like the bubbling call of a curlew echoing across a misty moor. But many of our uplands are not in good heart. And species that rely on them, such as the hen harrier, remain absent from vast swathes of suitable habitat because they are illegally persecuted.

To protect these birds, we must also fight for the laws that protect them. Our campaign to defend the EU Nature Directives resulted in 520,000 European citizens speaking up to save these vital nature conservation laws. When properly implemented, these laws help to save our most valuable sites and wildlife, guide sustainable development and repair damage.

The Nature Directives have driven the recovery of species, such as the white-tailed eagle and red kite, which have become valuable tourism resources for many communities. We must now focus on implementation, compliance and enforcement of the Directives for raptors, such as hen harriers, which are prevented from recovering by illegal persecution.

Illegal persecution remains a challenge throughout Europe and beyond, which is why we are sharing knowledge with our BirdLife Europe partners. This will help to halt illegal and outdated practices, like the use of poison baits to kill protected wildlife.

Illegal persecution is no myth. The plethora of incidents reported in *Birdcrime 2014* attest to that. But many of these incidents are only detected as a result of the hard work and dedication of the public, volunteers, RSPB Investigations staff and our partners, who work tirelessly to bring them to light. However, despite the hard work and dedication of those involved, the odds of catching the perpetrators and securing a conviction remain slim.

Hen harriers in particular remain in real trouble. In 2014, two young satellite-tagged hen harriers, Sky and Hope, disappeared suddenly in the Forest of Bowland, Lancashire, shortly after leaving the United Utilities estate where they fledged (see page 16). This April, another young hen harrier, Annie, was found shot on a grouse moor in south-west Scotland.

However, despite five nests failing following the unexplained disappearance of the adult males (a very rare occurrence in natural

situations), a handful of nests have successfully fledged young in England this year. There is clearly a long way to go. Many more of these magnificent birds should grace our uplands, including within Special Protection Areas that should be safe havens for our most protected birds. Studies point to illegal persecution as the reason for their absence.

We can change this.

The first Hen Harrier Day took place in 2014, when over 500 people gathered in the Peak District to voice their anger at the illegal killing of this iconic bird. This year, hundreds gathered at events throughout the UK, from Dorset to the Isle of Mull, demanding an end to persecution. This grass roots protest movement continues to grow.

Change is afoot in Scotland, with 2014 seeing the first successful conviction of a landowner under vicarious liability legislation, which makes landowners responsible for the actions of their employees. We are cautious about assigning



Hundreds of people attended Hen Harrier Day 2015 events to protest against illegal killing

any trends on the basis of our small data sample, but the number of detected poisoning incidents has fallen recently. Is this indicative of growing awareness that landowners must take responsibility for ensuring their staff follow the law? If so, we welcome these green shoots of change. Perhaps the same measure could work in the rest of the UK.

More needs to be done to introduce effective sanctions throughout the UK, to ensure that no one can profit from wildlife crime. This should include making landowners vicariously liable for the actions of their employees, and a robust system of regulation (such as licensing) to improve controls over the most damaging forms of management, particularly intensive practices, which underpin big-bag driven grouse shooting. Penalties that represent an effective deterrent

are also needed for those committing serious environmental crimes, who might otherwise be encouraged by low rates of detection and conviction.

This year, for the first time, a Scottish gamekeeper has spent time in jail for killing birds of prey. Now it remains to be seen how many people will be willing to risk their freedom to kill a protected species. It's an approach that has helped to tackle egg collecting, with jail terms discouraging many who once openly flouted the law. Since these changes, the number of egg collecting cases has dropped dramatically.

An effective deterrent must be accompanied by effective enforcement. In 2014, we were pleased to welcome Chief Inspector Martin Sims as the new Head of the UK National Wildlife Crime Unit as well as the new Crown Prosecution Service

Senior Wildlife Champion, Sue Hemming. We are eager to continue successful partnership working with both of their teams.

There is no place in any society for the unjustifiable and illegal activity we see in some areas of our uplands. We are confident that there are some examples of moorland management that include a focus on shooting interests alongside healthy and diverse wildlife communities.

If done well, this approach to moorland management can deliver the full range of habitat requirements for all upland wildlife, as well as the "services" we require as a society, such as carbon storage and water management. These are the land managers we are keen to work with: land managers whose less intensive approach focuses on a broader range of outcomes and provides a basis on which to build a better future for our uplands.



In 2014, there
were 179
reports of
shooting and
destruction of
birds of prey

Summary of reported incidents in 2014

Birdcrime is a unique publication. It is the only centralised source of incident data for wild bird crime in the UK. The RSPB does not record all categories of wild bird crime. Instead we focus mainly on recording crimes that affect the conservation status of species, such as bird of prey persecution and threats to rare breeding birds.

This report summarises offences against wild bird legislation reported to the RSPB in 2014. Further copies are available on request from the RSPB Investigations Section at The Lodge, Sandy, Bedfordshire SG19 2DL, or from the RSPB website **rspb.org.uk**.

Summary of reported incidents in 2014

Incidents are recorded in three categories:

Unconfirmed

The circumstances indicate an illegal act has possibly taken place.

Probable

The circumstances indicate that by far the most likely explanation is that an illegal act has taken place.

Confirmed

The circumstances indicate an illegal act has taken place. These incidents are typically substantiated by evidence such as post-mortem or toxicological analysis (eg shooting and poisoning cases), or reliable eyewitness evidence.

During 2014 the RSPB received:

72 reports of poisoning

In 2014, there were 72 reports of poisonings, including 31 confirmed incidents of abuse (see Appendix IV) involving the confirmed poisonings of at least 53 individual birds or other animals.

179 reports of shooting and destruction of birds of prey

These include the confirmed shooting of at least 46 individual birds of prey.

27 nest robbery reports

These include 2 confirmed and 7 probable nest robberies from Schedule 1 species.

17 reports relating to the illegal disturbance or photography of Schedule 1 birds

17 reports of illegal taking, possession or sale of birds of prey

44 reports of illegal taking, possession or sale of wild birds other than birds of prey, predominantly finches

We believe that these figures represent only a fraction of the number of incidents in each category. Many remain undetected and unreported, particularly those that occur in remote areas.

For example, a “vermin” list seized from a gamekeeper by West Mercia police in 2007, indicated that in just a few months, more than twice as many buzzards had been illegally killed on that one estate than the RSPB had recorded over the whole of the UK that year.

Persecution continues to have a conservation-level impact on several priority species, such as the golden eagle and hen harrier.

The UK breakdown of reported bird of prey persecution incidents published in this report shows that 61% occurred within England, 25% in Scotland, 7% in Wales and 7% in Northern Ireland.

19 individual prosecutions

In 2014, the RSPB received information on 19 individual prosecutions involving wild birds. These cases involved a total of 77 charges, of which 62 were proven. Fines for the year totalled £10,750 and five people were given prison sentences (four of these were suspended sentences).

The RSPB has been recording wildlife crimes for several decades using a consistent recording format. However, the figures in *Birdcrime* may vary from other published reports, because data sets compiled for different purposes, using very different methods, are unlikely to be directly comparable. Consequently, there will be some variation in how incidents are recorded, assessed and categorised.

For example, the RSPB is currently the only agency to have a standardised method of reporting wildlife poisoning cases



Persecution still has a conservation-level impact on several priority species, including the golden eagle

from information published by the UK Government, which is supplied as pesticide analysis rather than crime data.

Because of the *ad hoc* way in which offences are discovered, the conclusions that can be drawn from annual crime figures alone, however they are compiled, will always be limited. A much more complete picture of the impact that these crimes have can be gauged through the systematic study of bird populations themselves.

For example, the “conservation framework” reports by Scottish Natural Heritage (SNH) and the Joint Nature Conservation Committee (JNCC) on golden eagles and hen harriers are both rigorous long-term studies that

demonstrate the severe effect that illegal killing is having on national populations of these species.

Acknowledgements

In addition to information received from members of the public, the RSPB would like to acknowledge the following organisations who have supplied data used in this report:

- All UK police forces
- National Wildlife Crime Unit (NWCU)
- Chemicals Regulations Directorate (CRD)
- Food & Environment Research Agency (Fera)
- Science & Advice for Scottish Agriculture (SASA)
- Scottish Society for Prevention of Cruelty to Animals (SSPCA)
- Royal Society for the Prevention of Cruelty to Animals (RSPCA)
- Raptor Study Group Workers
- Predatory Bird Monitoring Scheme (PBMS)
- The Zoological Society of London (ZSL)
- Scottish Agricultural College/ Scotland’s Rural College (SAC/SRUC)
- Scottish Government Rural Payments and Inspection Directorate (SGRPID)
- Scottish Natural Heritage (SNH)

The Nature Directives and wildlife crime

Effective nature conservation legislation has played an essential part in the protection and recovery of many of the UK's bird species, and the UK's Wildlife and Countryside Act 1981 (WCA) has been important in tackling wildlife crime.

For example, the deterrent value of custodial sentences introduced by the Countryside and Rights of Way Act 2000 in England and Wales has – we believe – significantly reduced the incidence of egg collecting, which remains at a low level today.

The adoption of nature conservation legislation at a European level has been a major stimulus for the development of UK wildlife law, with the WCA being a critical component in transposing the EC Birds and Habitats Directives (the Nature Directives) into domestic law.

A job half done

However, all the evidence points to a job half done. EC law can only be effective if it is transposed or incorporated into UK law, and no law can ever be effective without proper implementation on the ground. The UK's record on both fronts is nothing to shout about, with the results giving UK species inadequate protection from wildlife crime.

A key failure concerns the incorporation of Article 7 of the Birds Directive into UK law. Article 7 concerns bird species that may be hunted, and requires that hunting "complies with the principles of wise use and

ecologically-balanced control" and must not "jeopardise conservation efforts".

The UK's approach to transposing these requirements into UK law has relied on several laws, including the Game Acts and the WCA, but the Law Commission has recognised this as flawed. "Compliance" so far has been to, in effect, allow the hunting community to self-regulate.

Provisional reforms

In 2012, the Law Commission published a consultation paper setting out a series of provisional reforms. These reforms related to elements of UK law that set out species-specific provisions for the conservation, control, protection and exploitation of wildlife present in England and Wales.

The paper contained some helpful proposals, but focused on making the law better for the people managing wildlife, rather than making it work harder for wildlife itself. The RSPB made a number of recommendations for improvement, including the "introduction of a form of licensing of shooting practice to ensure delivery of 'wise use' principles"

Illegal killing

These proposals are driven by an issue of particular concern to the RSPB: the illegal killing of birds of prey. This type of crime has serious consequences for the conservation status of species such as the hen harrier and golden eagle. The UK Government has recognised this by making raptor persecution one of its UK wildlife crime priorities.

The National Wildlife Crime Unit (NWCU) indicated at the 2014 National Wildlife Crime Enforcers' Conference that they had identified organised crime groups operating in the raptor persecution priority area.

For the purposes of the UK Government's Serious and Organised Crime Strategy, "organised crime" is defined as serious crime planned, coordinated and conducted by people working together on a continuing basis. Their motivation is often, but not always, financial gain. Because of the impact that raptor persecution has had on populations of some birds of prey, as evidenced by a number of scientific studies, the RSPB believes that it deserves to be recognised as a serious and organised crime.



This peregrine was poisoned at its nest site in South Lanarkshire in 2014

In its 2013 Strategic Assessment, the NWCUC states that:

“Intelligence continues to indicate a strong association between raptor persecution and grouse moor management.” There is much good published scientific evidence to support this assessment. For example, Scottish Natural Heritage’s 2008 golden eagle conservation framework report found persecution to be the most severe constraint on the species’ population, with incidents being more common where grouse moor management predominated.

Following the publication of their 2008 study on the hen harrier in England, Natural England concluded that “...the critically low breeding numbers and patchy distribution of the hen harrier in England is a result of persecution – both in the breeding season, and at communal roosts in the winter – especially on areas managed for red grouse or with game rearing interests”

The Joint Nature Conservation Committee’s (JNCC) 2011 hen harrier conservation framework report also identified persecution as the principal constraint on the UK population and that in Scotland persecution incidents were directly related to the distribution of grouse moors. The JNCC concluded that whilst Wales and Northern Ireland were on track to achieve favourable conservation status for the species, England was unlikely to do so unless illegal persecution was considerably reduced.

A 2012 study on peregrines in northern England found that breeding success on grouse moors was half that in other habitats, with persecution being the only logical explanation. Persecution incidents occurred far more frequently on grouse moors than other habitats. A new paper, published in September 2015 in *Scottish Birds* adds to this body of evidence. Based on 2014 data from the national peregrine

survey in north-east Scotland, peregrine pairs were found to be present in 65% of coastal habitat, 64% of lowland farmland, 36% of deer forest but only 7% of grouse moorland. The results showed that peregrines have increased on the coast, but declined in the uplands, particularly on intensively managed driven grouse moors. The authors conclude that the birds are being killed on a broad scale and persistently on grouse moors, thus reducing their chances of recolonisation.

Despite the high conservation-level impact of bird of prey persecution, there is evidence that only a small fraction of incidents come to light. And only a handful of these known incidents result in prosecutions each year, mainly due to the difficulty in obtaining the level of evidence required by the courts. Even where a conviction is secured, the current sanctions for wildlife crime are still inadequate, with little deterrent

The Nature Directives and wildlife crime

effect for those involved or, where applicable, their employers.

Public support for wildlife protection

In this context, coupled with public support for effective legislation to protect wildlife, there is a strong case for fully implementing the Birds Directive in the UK.

Indeed, the public consultation on the Birds and Habitats Directive, run by the European Commission as part of its “fitness check” of legislation, attracted over 520,000 responses – a record breaking number. These responses have overwhelmingly been from those who support the effective protection of wildlife set out in these Directives.

Recent scientific research by the RSPB has demonstrated that the Birds Directive is an extremely effective conservation tool where implemented. The Law Commission has recognised that the UK’s approach to transposing the Birds Directive into UK law, and to implementation, are inadequate, including when it comes to protecting our wildlife from illegal killing. Action is needed now to deliver the effective protection that all of our wildlife so urgently needs.

Our recommendations to the UK’s Governments

• **Modernise the regulation of game shooting**

The UK is almost unique in Europe and North America in having no form of, or potential for, the regulation of the practice of game shooting by individuals or service providers.

Given the potentially catastrophic impacts these activities can have on protected species, and the serious and organised nature of raptor persecution, stronger sanctions are urgently needed.

The option to withdraw the “right” of an individual to shoot game, or businesses to supply shooting services, for a fixed period following conviction for a wildlife or environmental offence might go some way to addressing this situation.

• **Introduce an offence of vicarious liability for wildlife offences**

An offence of vicarious liability was introduced in Scotland in 2011, imposing criminal liability on persons whose employee, agent or contractor commits a relevant wildlife offence. The first conviction was secured in 2014 (see page 34). A similar offence should be introduced throughout the UK. It is essential that those ultimately responsible for raptor persecution are made accountable.

• **Enact possession controls on pesticides used to poison wildlife**

In England and Wales, the Natural Environment and Rural Communities Act 2006 already prohibits the possession, without legitimate reason, of certain listed pesticides. However, no proscribed pesticides are listed.

The Scottish Government enacted similar legislation in 2004, resulting in at least 14 convictions to date. Northern Ireland also introduced similar legislation, but without creating the schedule of pesticides.

• **Improve recording and reporting of wildlife crime**

Statutory efforts to record wildlife crimes are disjointed and inconsistent. Crimes such as minor theft are recorded by the Home Office and yet serious wildlife crimes, such as poisoning a golden eagle, are not. This should be addressed as a matter of urgency.

• **Farm payments – improve co-ordination between the police and the relevant inspections agencies**

Significant sums of public money are provided to those managing the countryside through the Basic Payment Scheme (BPS). The BPS is the biggest of the European Union’s payments to help farmers and land managers. Recipients are required to operate under certain rules called “cross-compliance” which include protecting wild birds and using pesticides responsibly. Non-compliance with these rules, such as killing protected wild birds or poisoning wildlife, can lead to payments being withheld.

To penalise those involved with wildlife crime, it is essential that best use is made of the sanctions available under cross-compliance rules. For example, all relevant wildlife crime offences occurring on land registered for BPS should be notified by the police to the relevant inspections agencies as a matter of course, namely the Rural Payments Agency (England); the Rural Payments and Inspection Division (Scotland); the Welsh Government (Wales); and the Department of Agriculture and Rural Development (Northern Ireland).

"Intelligence
continues to
indicate a strong
association
between raptor
persecution and
grouse moor
management"

National Wildlife Crime Unit

Red grouse by Mark Sisson (rspb-images.com)



Comments

Chief Inspector Martin Sims

Head of UK Police National Wildlife Crime Unit (NWCU)



Since becoming Head of the NWCU in October 2014, I have been encouraged by how some agencies, not ordinarily seen as partners in the fight against wildlife crime, are participating in Raptor Persecution Priority Delivery Groups across the UK. These partners contribute towards a reduction in bird crime, whether that be poisoning, trapping, shooting or other types of persecution.

Some recent media coverage appears to have taken a negative stance towards particular raptor species, which sadly undermines the work of the Delivery Groups when, for example, the hen harrier only just clings on in England, despite much suitable habitat being available.

Cracking egg collecting

But raptor persecution is only one strand of offending against birds: chick theft, finch trapping, nest destruction and egg collecting still continue. The Unit actively works on the intelligence picture to support police forces in their investigations. We remain committed to facilitating Operation Easter, a national operation focusing on illegal egg collecting and nest disturbance. This would be less effective without partner support and,

amongst others, I must thank organisations such as Natural England, Scottish Natural Heritage and the RSPB for their work.

In Scotland, photographic disturbance at certain sensitive bird locations has recently become an issue, with investigations ongoing. To me, this highlights how humans can impact on other species which, sadly, is only too evident across all areas of wildlife offending.

Tackling taxidermy

Throughout March and April 2015, the Unit, alongside colleagues

from the UK Border Force, Royal Mail and police forces across the UK, worked on the trade in endangered wildlife as part of Operation COBRA 3.

This focused on the trade in parts of birds and taxidermy specimens that were illegally traded. The impact of this work is far reaching and further investigations are continuing.

To that end, the National Wildlife Crime Unit remains committed to working with partners and other law enforcement bodies in bringing offenders to justice.



Videograb of a masked man shooting at a goshawk nest in the Cairngorms National Park, May 2014

Sue Hemming OBE

Head of Special Crime
and Counter Terrorism,
Crown Prosecution
Service



The Crown Prosecution Service (CPS) is committed to working with partners to ensure that those who commit wildlife crime are properly brought to justice.

In June 2014, when I took on the role of Senior Wildlife Champion, I put together a strategy and action plan to enable us to work more closely with police forces, NGOs and charity partners to provide more easily accessible resources to our prosecutors. We also refreshed our cadre of Specialist Wildlife Coordinators.

Our online reference centre has been expanded with assistance from our partners, and through our Community Involvement Panel we have been working together to discuss our approach, strengthen our working arrangements and learn lessons and good practice from case studies. Our aim is to further improve the way in which we meet all the wildlife crime priorities.

A CPS Wildlife Coordinator has joined each Priority Delivery Group to enable us to be more closely involved in setting priorities and delivering against those. We recognise that we play an essential role in helping wildlife officers strengthen the evidence, building a robust prosecution case and

ensuring that the right people are prosecuted for the right offences.

Fair and independent

The RSPB is a key partner in helping us tackle bird crime and has provided valuable assistance to help us successfully bring perpetrators to justice.

We are aware that these cases attract considerable interest and that there are opposing views from different parts of society on the issues associated with this sort of crime.

While we work closely with our law enforcement and third sector partners, the CPS prosecutes fairly and independently in accordance with the Code for Crown Prosecutors, deciding if

there is sufficient evidence to prosecute, and if so, whether it is in the public interest to do so.

Therefore, any case that reaches charge has been reviewed on its facts and merits in accordance with those general principles and prosecuted without fear or favour.

During 2014, we have achieved a number of successful prosecutions, including the conviction of Mark Stevens at Basingstoke Magistrates Court for unlawfully trapping and thereby causing pain and suffering to a tawny owl; and Allen Lambert who was convicted of unlawfully poisoning 11 birds of prey in Norfolk.

We look forward to continuing to work with our partners in future years.



G Shorrocks (RSPB)



G Shorrocks (RSPB)

This tawny owl was rescued by the RSPB after being trapped by gamekeeper Mark Stevens, but had to be euthanised because of its injuries

RSPB's Hen Harrier LIFE+ Project

The RSPB's Hen Harrier LIFE+ Project reached its first anniversary in July 2015. This unique, cross-border project aims to secure a future for one of the UK's most threatened, beautiful and spectacular birds – the hen harrier.

The five-year project, funded through the EU's LIFE+ programme, combines direct conservation action with community engagement and awareness-raising measures. It builds on and extends the work of the award-winning Skydancer Project in northern England, both into the future (until 2019) and geographically (into southern and eastern Scotland).

The project focuses on seven Special Protection Areas (SPAs) that have been designated for breeding hen harriers under the EC Birds Directive. Although these SPA designations constitute a legally binding Government obligation to maintain favourable conservation status, not one of them is currently meeting its designation criteria for hen harriers.

Illegal persecution

Unfortunately, in recent years, successful breeding attempts have declined dramatically across the UK. In 2013, hen harriers failed to breed successfully in England for the first time in almost half a century and in Scotland, their numbers fell by 20% between 2004 and 2010. They also declined slightly in Northern Ireland, whilst

Welsh birds bucked the trend and increased significantly.

The UK Government-backed Hen Harrier Conservation Framework suggests that illegal persecution, including disturbance, are the main reasons for the overall decline in the UK. Hen harriers nest on the ground on upland moors and their diet can include red grouse, which brings them into conflict with intensive grouse rearing, and subsequently with driven grouse shooting.

In the first year of the LIFE+ Project, two Assistant Investigations Officers were employed to work closely with police and statutory bodies to help address the issue of illegal persecution and disturbance. They satellite tagged harriers, protected nests and monitored the population alongside volunteers from the Northern England Raptor Forum (NERF) and Scottish Raptor Study Group (SRSRG). In addition, the LIFE+ Project aided direct protection of hen harrier nests and roosts by providing access to remote cameras and other vital monitoring equipment.

Nest protection

Experience gained over a number of years has shown that overt

protection is very effective in preventing persecution of hen harriers close to the nest site. Birds breeding in the area of the Langholm Moor Demonstration Project, and the previous Joint Raptor Study at the same site in southern Scotland, have shown the success of this, with no incidents recorded.

However, nest protection does not protect birds hunting away from the nest site. In June 2014, a female was shot in Ayrshire. Despite her injuries she made it back to the nest where she was found dead. Her chicks were successfully fostered to other nest sites. In September, two young satellite-tagged hen harriers that fledged from protected nest sites in the Forest of Bowland, Lancashire, disappeared in the space of a few days shortly after leaving their nesting estate on United Utilities land. The birds had been named "Sky" and "Hope" by local schoolchildren.

This year, there were only six successful nests in England, fledging 18 chicks. Although this is the most successful year since 2010, we are still a long way from the 300+ breeding pairs that the Joint Nature Conservation Committee (JNCC) have

estimated that England could host. The RSPB was involved in the protection of three of these successful nests this year, one in Bowland and two on Forestry Commission land in Northumberland, where we are part of the Northumberland Hen Harrier Protection Partnership.

Seven additional nesting attempts in England, which the RSPB monitored, were unsuccessful. This included five where the males disappeared in mysterious circumstances whilst hunting away from the nest, causing the nest to fail. Natural England's 2008 study of hen harriers in England found that the disappearance of adult hen harriers away from the nest was an unusual occurrence, except on grouse moors. They concluded that the birds had died, but that natural events such as predation could not account for the frequency of disappearances.

Raising awareness

By funding satellite tags, the LIFE+ Project will enable the RSPB to follow tagged birds wherever they go, facilitating better understanding of their movements and helping to identify where they're most at risk from persecution.

A number of the project's satellite tagged birds will be made public each year, so that people can follow their progress online (see rspb.org.uk/henharrierlife). By revealing the movements of these birds to the public, the project hopes to raise awareness and understanding of hen harriers, encouraging recognition that these magnificent birds belong in the UK's uplands, and that everyone is responsible for their protection.



Jude Lane (RSPB)

"Hope", one of two young satellite-tagged hen harriers that vanished without trace shortly after leaving their protected nest sites

To protect birds at their winter roosting sites in the project's first year, the LIFE+ team worked closely with NERF and SRSG, who monitored key hen harrier areas throughout the season.

In its second year, the LIFE+ project will continue key elements of the Skydancer Project by employing two Community Engagement Officers in January 2016. They will run events and talks at schools and gamekeeping colleges, and for local community groups, to raise awareness and build support for hen harrier conservation in areas where these birds should be. In addition, the project will also be looking for opportunities to work positively with landowners to champion best practice for hen harriers where it occurs.

With four more years to go, the project has much to achieve, but we are hopeful of a positive outcome. The Hen Harrier LIFE+ Project stands as a clear demonstration of the RSPB's commitment to securing a sustainable future for hen harriers and our willingness to work positively and openly with anyone who feels the same.

For more information on the Hen Harrier LIFE+ Project, visit rspb.org.uk/henharrierlife

The Hen Harrier LIFE+ project is supported by:



Scotland makes progress

In Scotland, the Scottish Government has taken a number of progressive steps in recent years that have made a significant contribution to the fight against bird of prey persecution.

New measures to tackle persecution

This includes the enactment of legislation, as part of the Wildlife and Natural Environment (Scotland) Act 2011, making landowners vicariously liable for the actions of their employees. Landowners now need to make sure their employees are not just aware of the law, but are complying with it.

So far, there has been just one conviction under this legislation (see page 34), but this has sent out a clear message that those who continue to allow, by their inaction, the illegal killing of protected birds of prey in Scotland, are likely to end up facing prosecution.

A second measure introduced by the Scottish Government is the creation of a provision allowing Scottish Natural Heritage (SNH) to withdraw the use of General Licences by individuals or areas of land, if sufficient evidence is available to link those individuals or land holdings with raptor persecution offences.

Growing pressure

While these measures are still in their infancy, their imposition, coupled with a number of high profile incidents and successful prosecutions, has perhaps had the cumulative effect of exerting increasing pressure on those

targeting protected birds of prey. The growing use of satellite technology, enabling those areas where birds are “disappearing” to be pinpointed, will perhaps act as a further deterrent.

While we are very cautious about implying any trends in levels of raptor persecution, there has been a marked decline in the number of detected poisoning cases in Scotland in recent years. While this is welcome, there is, however, no evidence to suggest that crimes against raptors have reduced overall, with illegal use of traps, shooting and nest destruction continuing, seemingly unabated.

The Scottish Government has also undertaken a review of penalties given to convicted wildlife criminals and carried out a consultation on increasing the powers of Scottish SPCA inspectors. Publication of the results of both of these exercises is awaited.

Landmark conviction

In January 2015, the landmark conviction of an Aberdeenshire gamekeeper was perhaps a watershed moment.

George Mutch, a gamekeeper on the Kildrummy Estate, has been convicted of a number of charges related to the illegal use of cage traps and the killing of a goshawk, after the offences were captured on cameras installed by the RSPB

to monitor the use of crow traps on the estate in August 2012 (see page 35).

At the sentencing hearing at Aberdeen Sheriff Court, Sheriff Noel McPartlin said: “Raptor persecution is a huge problem and offending is difficult to detect” and that “a deterrent approach was appropriate.” He then told Mutch that he would impose a four-month prison sentence for each of the four charges, to run concurrently.

The message from the court was clear. Scotland will not tolerate raptor persecution and those who persist in these outdated practices will have to face the consequences.



The message
from the court
was clear.
Scotland will not
tolerate raptor
persecution

Fighting environmental crime across the EU

Environmental crime is a serious international problem affecting both the environment and human health.

Environmental crime includes habitat destruction, the use of poisoned baits, the illegal trade in wildlife, illegal emissions or discharge of substances into air, water or soil, the illegal trade in ozone-depleting substances and the illegal trafficking of wastes.

Environmental crime is characterised by high profits for perpetrators and low risks of detection. These crimes need effective, proportionate and dissuasive penalties to ensure better environmental protection throughout the EU.

European Network against Environmental Crime

In response to this situation, the RSPB and its Spanish partner SEO/BirdLife have launched a project funded by the EU to create a European Network against Environmental Crime (ENEC). BirdLife partners the Hellenic Ornithological Society (HOS) and the Czech Society for Ornithology (CSO) are associate partners of this project.

The project's aims are:

- to bring together legal and other practitioners to tackle environmental crime.

- to create a model that can be extended to other types of organisation or other areas of non-compliance with the law.
- to identify gaps in the implementation and application of EU environmental crime law.
- to assess the degree of implementation of the EU's Environmental Crime Directive (2008/99/EC).

In February 2015, a workshop on the illegal killing and taking of birds was held in Madrid. Experts from 18 European Member States, including the UK, as well as representatives from the International Convention on Migratory Species (CMS), European Union Action to Fight Environmental Crime (EFFACE) and the Spanish Ministry of Agriculture, Food and Environment attended.

The workshop produced recommendations to reduce the illegal killing and taking of birds. Proposed actions include the implementation of protection for birds under the Environmental Crime Directive in national criminal legislation and a need to harmonise the criminal sanctions in the different Member States. ENEC also stressed the important

role of NGOs in the fight against wildlife crime, as well as the importance of their legal standing in criminal cases.

The second ENEC workshop took place in Barcelona on 6 November 2015, with a focus on wildlife poisoning, particularly the use of poisoned baits.

Wildlife poisoning

Wildlife poisoning is a Pan-European problem. For example, between 2000–2010, 40 bearded vultures, 638 black vultures, 348 Egyptian vultures and 2,146 griffon vultures were found poisoned in Spain (4vultures.org/our-work/anti-poisoning).

A European approach to this problem was discussed, as well as a series of measures to implement the guidelines to prevent poisoning of migratory birds, which were adopted in the last Conference of the Parties of the Convention on Migratory Species (CMS).

A third workshop on habitat destruction, planned for February 2016, will take place in the United Kingdom.

For more information, please visit **lawyersfornature.org**.

Over 2,000 griffon
vultures were found
poisoned in Spain
between 2000–2010

Griffon vulture by Mark Sisson (spb-images.com)





Nine buzzards were
known to have been
illegally poisoned in 2014

Case studies

Despite the hard work of our investigations team, the police and other organisations across the UK, crimes against wild birds still take place. The figures are sobering.

53 individual birds or other animals were confirmed illegally poisoned in 2014. Victims included 23 red kites, nine buzzards, four peregrine falcons and two ravens.

58 confirmed incidents involved the shooting or destruction of birds of prey. Victims included a hen harrier, nine peregrine falcons, three red kites and two goshawks.

Egg collecting incidents continue to decline, but 2014 included a number of confirmed and probable peregrine robberies, and the probable robbery of four avocet nests.

To illustrate the enforcement response to these crime statistics, we provide some case studies, which include a game farmer convicted for allowing the use of pole traps; a gamekeeper jailed for trapping and killing goshawks; Scotland's first vicarious liability prosecution; and England's worst raptor poisoning case.

Poisoning

In 2014, there were 72 reported incidents of wildlife poisoning and pesticide-related offences. There were 31 incidents where abuse of a pesticide was confirmed by the analysis of the victim and/or bait.

The confirmed abuse incidents in 2014 involved the poisoning of at least 53 individual birds or other animals. Victims included 23 red kites, nine buzzards, four peregrines and two ravens. Seven dogs and four cats were also poisoned (see Appendix IV).

In addition to the 31 confirmed pesticide abuse incidents, there were also two confirmed incidents of illegal possession of pesticides connected with wildlife poisoning.

There were 63 confirmed incidents of dead birds of prey containing second generation rodenticides where the victims had probably ingested poisoned rodents. Some of these led directly to the death

of the birds, while in other cases they contained sub-lethal levels and the birds died from other causes.

Carbofuran remains the most commonly abused pesticide, despite being banned since 2001, with 13 confirmed incidents, followed by aldicarb with six incidents and alphachloralose with five.

All wildlife poisoning data is supplied by the UK Government based on its test results. The RSPB is the only organisation to present the pesticide analysis data in a standardised format to reflect actual wildlife crime incidents. Consequently, there may be some minor variation in how data are presented by other organisations.

The Black Isle bird of prey massacre

Bird of prey conservation in Scotland suffered a significant setback when 16 red kites and six buzzards were found dead on the Black Isle, north of Inverness, in March and April 2014. They were found scattered across farmland near Conon Bridge in Easter Ross. Testing by a government laboratory confirmed that at least 16 of the birds had been poisoned.

The fragile population of red kites breeding in the north of Scotland has already been severely limited by persecution. Since the re-introduction of the species into the area began in 1989, numerous birds have been poisoned when they moved out of the core breeding areas.

The loss of so many birds in one incident was a serious blow to conservation efforts in the area. It was also upsetting for conservation staff who had worked with the birds for all their lives, having ringed them as chicks in the nest. RSPB Scotland's Red Kite Officer, Brian Etheridge, said: "This has been the worst two weeks of my life."

Following the incident, a reward of over £27,000 was offered for information leading to the

conviction of the perpetrator. The reward included contributions from the RSPB, the National Farmers Union (Scotland), Scottish Land and Estates, an anonymous donor and contributors to a JustGiving fund (justgiving.com/wildlifecrimescotland).

In an unprecedented display of public condemnation, a demonstration against the illegal persecution of birds of prey took place in Inverness on 12 April, and was attended by several hundred people. A motion condemning this and other recent raptor persecution cases was debated in the Scottish Parliament on 6 May.

One of the other incidents that prompted this debate was the disappearance in April 2014 of a young satellite-tagged white-tailed eagle, in an area of grouse moor near Strathdon, Aberdeenshire. The previous summer, this bird had been the first white-tailed eagle to fledge from a nest in the east of Scotland in over 200 years, and marked the beginning of a new phase in the reintroduction project there.

RSPB Scotland's Head of Investigations, Ian Thomson, commented: "While the sudden

disappearance of any satellite-tagged bird is highly suspicious, this particular incident is of great concern as it is the fifth eagle to disappear on this moor in three years. The only body recovered was that of a golden eagle, confirmed poisoned, in March 2011. This area of Upper Donside has become a black hole for eagles."

He added: "It is a bitter irony that the tree holding what would have been the first white-tailed eagle nest in east Scotland, on an Angus grouse moor, was deliberately felled, at the beginning of 2013; then the first chick to fledge from an east Scotland nest also disappears on a grouse moor."



RSPB Scotland

One of the 16 red kites found dead on the Black Isle

Shooting and destruction of birds of prey

In 2014, there were 179 reported incidents of illegal shooting, trapping and nest destruction of birds of prey. There were 58 confirmed incidents. Victims included a hen harrier, nine peregrines, three red kites and two goshawks (see Appendix III).

The most commonly reported crime was shooting, with 94 reports of incidents involving the shooting or attempted shooting of raptors and owls. Of these, 41 were confirmed and a further 11 were probable.

There were nine reported incidents (three confirmed) relating to destruction of bird of prey nests, eggs or chicks, 40 reported incidents (13 confirmed) in relation to the illegal trapping of birds of prey and a further 36 reported incidents of other offences.

Pole traps set on game farm

In 2014, an investigation initiated by the RSPB led to the discovery of five pole traps on a large commercial game farm.

The farm, in Cropton, North Yorkshire, rears pheasants and partridges for the shooting industry. Two men were cautioned by North Yorkshire Police for setting the traps. At the time of *Birdcrime 2014* going to press, proceedings are still ongoing regarding a third individual involved with management at the site.

In June 2014, RSPB Investigators observed a set pole trap located on a very obvious elevated platform above one of the game bird rearing pens at the farm. Such devices, illegal since 1904, are associated with the illegal persecution of birds of prey that are attracted to the high densities of game birds. These spring-loaded steel traps are intended to snap shut on any bird that lands on top of the pole, usually fracturing the bird's leg and holding it in position until it is disposed of by the trapper.

RSPB officers made the trap safe, installed a covert video camera and maintained observations on the site. A second pole trap, later determined as having the safety catch on, was observed nearby, again positioned on an elevated platform.

Several members of staff were observed working in close proximity to the two pole traps and the covert video camera recorded one re-setting the pole trap that had been disabled by the RSPB. The matter was reported to North Yorkshire Police and the RSPB assisted WCO Andy Marsden and other officers with a search of the game farm. Both pole traps seen by the RSPB were now found to be set, and three further set pole traps were also found at the rearing pens. All were seized.

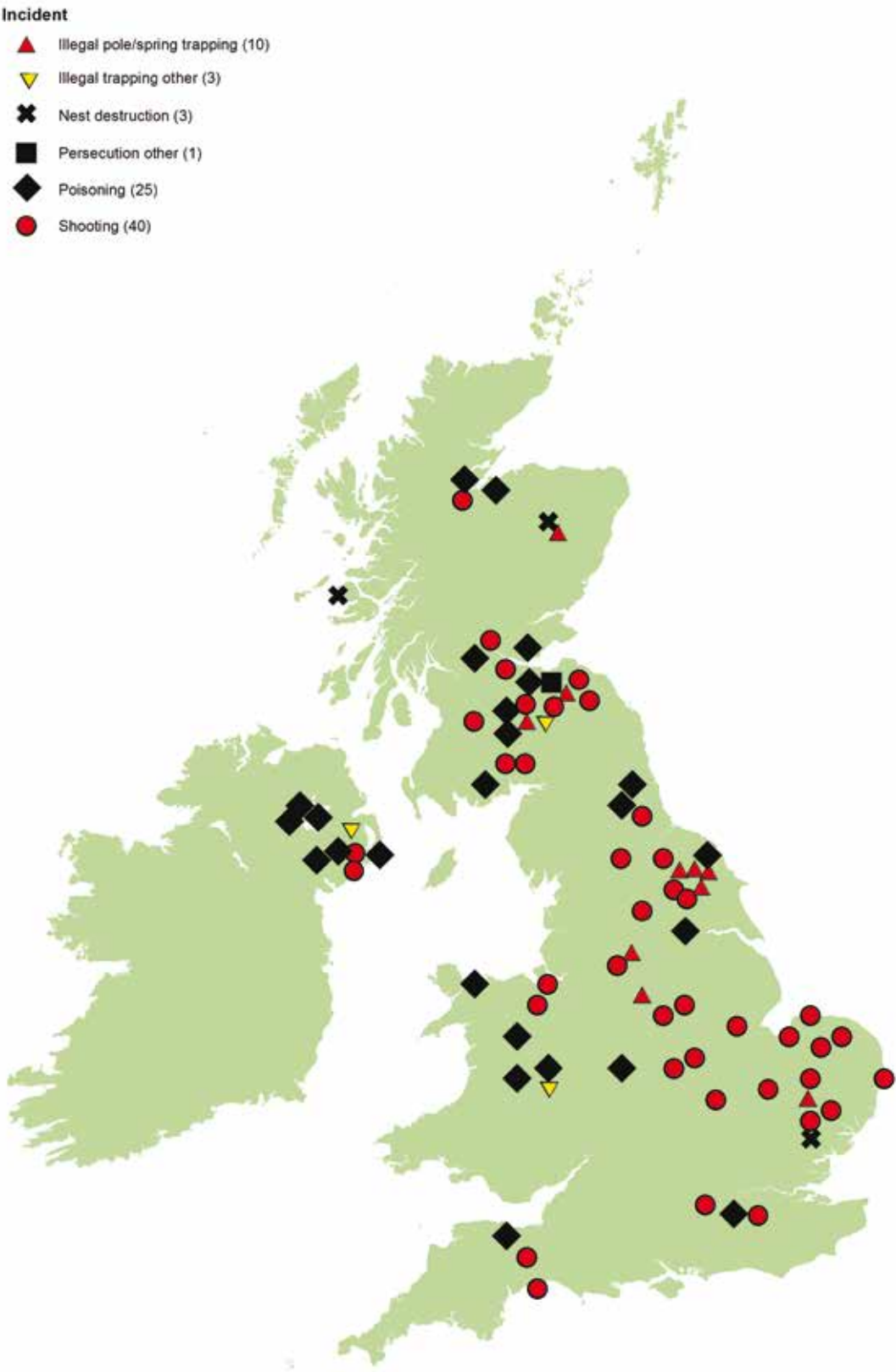
Two employees later admitted to being responsible for the setting of the five pole traps and were cautioned. The final outcome of the case relating to the third individual will be published in the RSPB's investigations newsletter, *Legal Eagle*.

Two men were cautioned
for the setting of five pole
traps at a game farm

RSPB



Confirmed bird of prey and owl shooting, destruction and poisoning incidents in 2014.



Note: the number of mapped incidents is fewer than the number reported, as not all incidents can be allocated a grid reference. Where more than one incident occurred in the same 10 km grid square, the relevant symbols have been moved slightly for clarity.

Egg collecting and disturbance

In 2014, there were 22 reported incidents of egg collecting and egg thefts, and 11 reports of eggs being sold.

There were two confirmed and seven probable nest robberies from Schedule 1 species reported in 2014 (see Appendix V). These involve both egg collecting incidents and eggs and chicks being taken for the live bird trade. Confirmed robberies involved the nests of peregrine falcons. Probable robberies involved the nests of peregrines and avocets.

These relatively low figures are a good sign. Since the early 1990s, the number of egg

collecting incidents reported to the RSPB has reduced significantly, particularly since 2000, when custodial sentences were first introduced for these kind of offences.

In 2014, there were also 17 reported incidents of illegal photography and disturbance of Schedule 1 species at their nests.

Serial egg collector convicted in Bulgaria

An English egg collector, previously convicted three times in the UK, was convicted in a Bulgarian court after a lengthy investigation.

On 22 October 2014, Jan Frederick Ross pleaded guilty at a court in Burgas to two charges relating to the unlawful possession of 16 birds' eggs and three taxidermy specimens. He received a six-month sentence suspended for three years and a fine of around £2,000.

Ross had previously been convicted by courts in the UK after egg collecting incidents in 1998, 1999 and 2003. He had collected the eggs of some of the UK's rarest breeding birds, including ospreys, red kites and Slavonian grebes.

Following information passed from the RSPB to the Bulgarian authorities, via the UK NWCU, a search took place at Ross's home in December 2011. The Bulgarian Police were assisted by the RSPB and BSPB (BirdLife in Bulgaria).

Sixteen birds' eggs, all taken in 2011, were found including the egg of a griffon vulture, a species that has additional legal protection. There was also a selection of egg collecting equipment.

Some diaries and photographs hidden behind artwork detailed the taking of over 1,000 eggs, including those of many rare species, since Ross had moved to Bulgaria in 2004. This included three clutches of Eastern imperial eagle eggs and a clutch of globally endangered Egyptian vulture eggs. The population of Egyptian vultures has crashed to less than 30 pairs in Bulgaria.

The matter finally proceeded to court after the RSPB wrote letters to the Bulgarian authorities emphasising the conservation impact of the crime.



G Shorrocks (RSPB)

Egyptian vulture

Trade in wild birds and taxidermy

In 2014, there were 65 reported incidents involving the taking, sale and possession of live and dead birds. As with previous years, the majority of 2014 incidents were cases of taking, selling and possessing live non-birds of prey (mostly finches) accounting for 44 incidents. There were 17 incidents involving birds of prey and four incidents of illegal taxidermy.

Chris Gomersall (rsqb-images.com)



Jonathan Marshall pleaded guilty to falsifying a permit for a golden eagle named Samson

Suspended sentence for illegal eagle

Falsifying a permit for an appearance on ITV's *The Alan Titchmarsh Show* led a falconer to jail.

On 17 December 2014, Jonathan Marshall, 46, of Colyton, East Devon, pleaded guilty at Exeter Crown Court to falsifying an Article 10 Certificate for a golden eagle, named Samson. He also pleaded guilty to keeping the bird unregistered contrary to the Control of Trade in Endangered Species (COTES) regulations and the Wildlife and Countryside Act 1981.

He was sentenced to five months in prison, suspended for two years and the bird was forfeit.

The conviction prevents Marshall from keeping any Schedule 9 birds for five years.

Marshall ran falconry displays and was hired for *The Alan Titchmarsh Show* in 2013. During interview, he accepted he had modified a permit to enable him to take Samson on the show. The court was told that Marshall was bankrupt and his remaining birds had been transferred into the ownership of his girlfriend, who employed him to organise shows. Marshall alleged that the golden eagle had been shot by a gamekeeper later in 2013, but the judge issued the forfeiture in case the bird returned.

Taxidermist guilty of fraud and illegal trade

On 25 June 2014, at Teeside Crown Court, Lee Yafano of Glenfield Drive, Middlesbrough, pleaded guilty to three offences in connection with his taxidermy business.

Yafano admitted the prohibited offering for sale of a kestrel, contrary to the Control of Trade in Endangered Species (enforcement) regulations (COTES) 1997. He also admitted fraud by misrepresentation contrary to the Fraud Act 2006 and fraudulent evasion of export restriction, contrary to the Customs and Excise Management Act 1979. Yafano was given a conditional discharge for 12 months for the kestrel offence and associated fraud. He was fined £300 for the evasion of export restrictions in relation to a western screech owl. Yafano was also ordered to pay £175 costs and a victim surcharge, totalling £1,015.

In November 2012, the National Wildlife Crime Unit (NWCUC) and Cleveland Police monitored Yafano's activities on eBay. It appeared that Yafano

was trading in Convention on International Trade in Endangered Species (CITES) Annex A specimens without the required government-issued permits.

The NWCUC and Cleveland Police searched Yafano's home, where they seized documentation and taxidermy, including a stuffed kestrel, an Annex A species. The kestrel was the subject of a live auction on eBay, but there was no valid permit covering its commercial use.

During the search, officers noted a western screech owl, which had also been offered for sale. A few days after the search, it was exported to the USA without an export permit. The US Fish and Wildlife Service visited the buyer in Connecticut and made a significant seizure of around 150 illegally-held taxidermy specimens, including the screech owl.



Kestrel by Mark Sisson (spb-images.com)

Lee Yafano admitted offering a kestrel for sale, contrary to COTES regulations

Prosecutions in 2014

The RSPB maintains a record of prosecutions involving offences against wild birds. In 2014, the RSPB was involved with or informed of the prosecutions of 19 individuals, including prosecutions taken by the Crown Prosecution Service and Procurator Fiscal.

All but one of these individuals were convicted on one or more charges. The 19 prosecutions involved at least 77 charges, the majority of which were charges under the Wildlife and Countryside Act 1981.

Of these, 62 charges resulted in a guilty outcome (81%). Fines for the year totalled £10,750 and five people were awarded custodial sentences. This included the first individual to be jailed for

raptor persecution offences, when a Scottish gamekeeper was found guilty of a range of offences including trapping and killing goshawks (see page 35).

The other four were suspended sentences, but included England's worst ever raptor poisoning case, when a gamekeeper in Norfolk was convicted of killing 10 buzzards and a sparrowhawk (see page 33).



G Shorrock (RSPB)

Norfolk Constabulary and Natural England with the nine poisoned buzzards at Lambert's home

Judge issues wake-up call to shooting estates

When sentencing a Norfolk gamekeeper to a suspended jail sentence, following England's worst raptor poisoning case, a District Judge had strong words of warning for the shooting community.

On 6 November 2014, at Norwich Magistrates' Court, Allen Charles Lambert, 65, formerly a gamekeeper on the Stody Estate in Norfolk, was sentenced on seven charges. Previously, on 1 October, he was found guilty of two charges relating to the killing of 10 buzzards and a sparrowhawk, and possession of pesticides and other items to prepare poisoned baits contrary to the Wildlife and Countryside Act 1981.

He had earlier pleaded guilty to five charges related to the possession of nine dead buzzards, possession and use of banned pesticides (mevinphos and aldicarb), and the breaching of a firearms certificate. He received a 10-week custodial sentence, suspended for a year, and was ordered to pay £930 costs and a victim surcharge of £80.

In April 2013, following a tip-off, an RSPB officer found the remains of buzzards, a sparrowhawk and a tawny owl on the Stody Estate in Norfolk. Analysis later confirmed that at least one buzzard and one sparrowhawk had been poisoned by the banned pesticide mevinphos.

A follow-up search of the estate by Norfolk Police, Natural England and the RSPB resulted in the discovery of containers of the pesticides aldicarb and Phosdrin (mevinphos) in the vehicle used by the gamekeeper, Mr Lambert.

Two further containers of Phosdrin were found in his unlocked garage. Particularly significant was the discovery of a syringe and needles with one container. This "poisoner's kit" is typically used to inject a pesticide into a suitable bait, such as eggs or carrion.

However, the most shocking find was the contents of a feed bag on Lambert's quad bike: the corpses of nine buzzards. Subsequent analysis confirmed that all had been poisoned by mevinphos.



G Shorrocks (RSPB)

The "poisoner's kit" found at Lambert's home

During his trial it was claimed that there were insufficient buzzards in the Stody area for so many to be poisoned. However, expert evidence from the British Trust for Ornithology (BTO) and observation from an experienced local ornithologist showed that this was not true.

In sentencing, the District Judge Peter Veits said: "Those who employ gamekeepers have a strict duty to know what is being done in their name and on their property. They also have a duty to ensure that their gamekeepers are properly trained and capable of keeping abreast of the complex laws relating to the use of poisons. In other industries, employers as well as the employee could be facing prosecution in such cases and I hope therefore that this case can serve as a wake-up call to all who run estates as to their duties."

He added: "It is clear that the buzzard population in Norfolk is increasing and this is something to be applauded and not seen as an inconvenience by those who choose to run shoots."

First vicarious liability case

On 23 December 2014, Galloway landowner Ninian Johnston Stewart became the first person convicted under vicarious liability legislation for a wildlife crime. The law came into force in Scotland on 1 January 2012, under the provisions of the Wildlife and Natural Environment Act 2011.

Johnston Stewart pleaded guilty at Stranraer Sheriff Court to being vicariously liable for four offences committed by Peter Finley Bell, a gamekeeper employed by him on the Glasserton and Physgill Estate at the time of the offences, namely: poisoning a buzzard, and having possession of prescribed pesticides, contrary to Sections 18A, 1(1)(a) and 15A of the Wildlife and Countryside Act 1981. Johnston Stewart was fined £675.

The court heard that the discovery of a poisoned buzzard and bait on the estate in December 2012, and the subsequent discovery of a stockpile of illegal pesticides, led to the conviction of estate gamekeeper Bell in June 2013.

Johnston Stewart owned land where a pheasant shoot was located, where the poisoned bait and buzzard were discovered, and where the illegal pesticides were found. He was the employer of Bell and had known him for many years.

However, when interviewed, Bell told the police that he had received no training on pest control issues.

While there was no suggestion by the prosecution that Johnston Stewart instructed the commission of the crimes carried out by Bell, or that he was aware the offences were taking place, the court heard that he had not acted with due diligence regarding the running of the pheasant shoot on his estate.

RSPB Scotland's Head of Investigations, Ian Thomson, said: "It can only be hoped that this verdict sends a very clear message that those who continue to allow, by their inaction, the illegal killing of protected birds of prey in Scotland, are likely to end up facing prosecution. Landowners and managers need to make sure their employees are not just aware of the law, but are complying with it."

In 2012, Johnston Stewart's business had received nearly £120,000 in Single Farm Payments. Under cross-compliance, there is a requirement to comply with a number of conditions in order to receive such payments. The poisoned bait and buzzard were found on land used for agriculture by the business, and consequently he lost nearly £66,000 of the 2012 payment.

The Crown Office



Illegal pesticides discovered on the estate

Gamekeeper jailed in landmark case

An Aberdeenshire gamekeeper became the first individual to be imprisoned for raptor persecution.

On 12 January 2015, at Aberdeen Sheriff Court, George Mutch, a gamekeeper on the Kildrummy Estate, Aberdeenshire, was sentenced on four charges contrary to the Wildlife and Countryside Act 1981. These related to the illegal use of two cage traps, the taking and killing of two goshawks, and the taking of a buzzard. He received a four-month prison sentence to run concurrently on each charge.

The offences came to light during the review of footage captured by RSPB video cameras deployed on the Kildrummy Estate in August 2012. RSPB Scotland has, for many years, voiced concerns to the Scottish Government and Scottish Natural Heritage (SNH) about the potential impacts of cage trapping, both legal and illegal, on wild bird populations.

During a trial at Aberdeen Sheriff Court from 8 to 11 December 2014, the court heard that Mutch was filmed placing a jay as a decoy in a Larsen-style trap, though the general licenses do not permit the use of this species. Further footage showed him killing a

goshawk that was subsequently caught in the trap, and failing to immediately release a buzzard, which was also caught in the trap. A video camera on a second cage trap showed the taking of a goshawk, which Mutch again failed to release immediately.

Despite a challenge by the defence agent that the video evidence should be deemed inadmissible, Sheriff Noel McPartlin ruled that the footage illustrating the offences had been obtained as a by-product of a legitimate research project, and could be used as evidence in the trial. He said: "Raptor persecution is a huge problem and offending is difficult to detect" and that "a deterrent approach was appropriate."

Ian Thomson, RSPB Scotland's Head of Investigations said: "This sentence sends the very loud and clear message that those who continue to flout our laws and kill protected species face the prospect of a prison term. The video clearly illustrates the effectiveness of these traps in catching protected birds of prey, and adds to an increasing dossier of evidence we have obtained illustrating the widespread failure of trap operators to adhere to the general licence conditions, which are designed to protect our birds."



Newsline media



RSPB

Mutch was convicted of illegally taking this goshawk in a cage trap

Appendices

Appendix I

Incidents reported to the RSPB 2009–2014

The table shows the number of incidents reported to the RSPB each year, for the categories specified.

In 2009, the RSPB ceased recording certain categories of incidents, such as the shooting and destruction of non-bird of prey species. The figures supplied do not therefore give a total figure for wild bird crime in the UK and are not comparable with figures provided for years prior to 2009.

Note that the 2014 figures do not include the full annual data set usually included from the RSPCA (data for 2013 and 2014 has been delayed but should be included retrospectively next year). As a result, the figures for 2014 will be lower than usual, in particular for categories involving the taking, sale and possession of non-bird of prey species.

Report type	2009	2010	2011	2012	2013	2014
Shooting and destruction of birds of prey	284	243	210	210	176	179
Taking, sale and possession of birds of prey	76	37	35	26	30	17
Poisoning and use of poisoned baits	158	124	102	79	76	72
Import and export of live or dead birds	9	2	0	3	1	1
Taking, sale and possession of non-bird of prey species	108	65	84	65	36	44
Taxidermy and possession of dead wild birds	16	12	13	6	8	4
Egg collecting and egg thefts	64	43	33	26	16	22
Sale of eggs	10	2	5	7	3	11
Photography and disturbance	45	50	18	26	14	17
Total	770	578	500	448	360	367

UK breakdown for above incident types in 2014	Count
England	255
Scotland	68
Wales	20
Northern Ireland	19
United Kingdom (country unspecified)	5
Total	367

The data above were extracted on 21 October 2015 and were accurate at the time of extraction. However, the data are constantly being updated, so reported incident totals for previous years may have changed due to a number of belated reports or additional information received after the publishing date of *Birdcrime* that year.

Appendix II

Regional breakdown of incidents reported in 2014

Region	County	BoP	Other	Total
Eastern England	Bedfordshire	2	3	5
	Cambridgeshire	4	4	8
	Essex	5	5	10
	Hertfordshire	4	2	6
	Lincolnshire	7	1	8
	Norfolk	19	9	28
	Suffolk	11	2	13
	Total	52	26	78
Central England	Buckinghamshire	1	2	3
	Derbyshire	16	3	19
	Herefordshire	2	1	3
	Leicestershire	3	1	4
	Northamptonshire	7	2	9
	Nottinghamshire	3	2	5
	Oxfordshire	3	1	4
	Shropshire	7	7	14
	Staffordshire	3	1	4
	Warwickshire	1	0	1
	West Midlands	2	6	8
	Worcestershire	3	0	3
	Total	51	26	77
Northern England	Cheshire	7	4	11
	County Durham	11	7	18
	Cumbria	12	2	14
	East Riding Of Yorkshire	7	5	12
	Greater Manchester	4	2	6
	Lancashire	15	5	20
	Merseyside	1	2	3
	North Lincolnshire	0	1	1
	North Yorkshire	36	14	50
	Northumberland	16	4	20
	Redcar and Cleveland	1	1	2
	South Yorkshire	6	5	11
	Tyne and Wear	2	1	3
	West Yorkshire	5	2	7
	Total	123	55	178
South East England	East Sussex	2	1	3
	Greater London – Brent	0	1	1
	Greater London – City of London	0	1	1
	Greater London – City of Westminster	0	1	1
	Greater London – Croydon	1	0	1
	Greater London – Hackney	0	1	1
	Greater London – Hillingdon	1	1	2
	Greater London – Redbridge	0	1	1
	Greater London – Richmond Upon Thames	0	1	1
	Greater London – Waltham Forest	0	1	1
	Hampshire	7	4	11
	Kent	5	4	9
	Surrey	2	1	3
	West Berkshire	1	0	1

Incidents where the location was only given as "England", "Northern Ireland", "Scotland", "Wales" or "United Kingdom" are not included. The regional breakdown in Appendix II includes all incidents reported to the RSPB. Figures of reported incidents in Appendix I are for the specified categories only, therefore Appendix I and II figures will not correlate. The data above were extracted on 21 October 2015 and were accurate at the time of extraction.

Region	County	BoP	Other	Total
South East England (continued)	West Sussex	3	1	4
	Windsor and Maidenhead	0	1	1
	Wokingham	1	0	1
	Total	23	20	43
South West England	Bristol City	1	2	3
	Cornwall	1	0	1
	Devon	10	1	11
	Dorset	3	2	5
	Gloucestershire	4	1	5
	Somerset	9	2	11
	Wiltshire	5	3	8
	Total	33	11	44
Northern Ireland	Antrim	3	2	5
	Armagh	1	2	3
	Down	7	3	10
	Londonderry	2	1	3
	Tyrone	2	1	3
	Total	15	9	24
East Scotland	Aberdeenshire	4	1	5
	Angus	1	2	3
	Fife	4	0	4
	Perth and Kinross	3	4	7
	Unspecified	7	1	8
	Total	19	8	27
North Scotland	Highland	25	3	28
	Western Isles	2	0	2
	Total	27	3	30
South and West Scotland	Clackmannanshire	2	0	2
	Dumfries and Galloway	12	2	14
	East Ayrshire	1	1	2
	East Lothian	1	1	2
	Falkirk	1	0	1
	Glasgow City	1	0	1
	Midlothian	1	1	2
	North Ayrshire	1	0	1
	Scottish Borders	9	4	13
	South Lanarkshire	8	2	10
	Stirling	3	0	3
	Unspecified	11	0	11
	West Lothian	3	1	4
	Total	54	12	66
Wales	Cardiff	1	0	1
	Carmarthenshire	3	0	3
	Ceredigion	4	1	5
	Conwy	2	0	2
	Denbighshire	1	0	1
	Flintshire	2	0	2
	Gwynedd	1	0	1
	Isle of Anglesey	2	0	2
	Neath Port Talbot	1	1	2
	Pembrokeshire	1	1	2
	Powys	10	3	13
	Rhondda, Cynon, Taff	1	0	1
	Swansea City	1	1	2
	Vale of Glamorgan	1	0	1
	Total	31	7	38
UK	Overall total	428	177	605

Appendix III

Confirmed and probable bird of prey and owl persecution during 2014

Persecution type	Month	Species	Confirmed	Probable	County
Shooting and attempted shooting	January	Buzzard	1	0	Nottinghamshire
		Buzzard	1	0	Norfolk
		Merlin	0	?	South Lanarkshire
		Hen harrier	0	1	Northumberland
		Buzzard	1	0	Norfolk
		Sparrowhawk	1	0	County Durham
		Buzzard	1	0	Suffolk
		Buzzard	1	0	Lincolnshire
	February	Buzzard	1	0	North Yorkshire
		Long-eared owl	0	1	Kent
	March	Buzzard	1	0	Derbyshire
		Buzzard	0	2	West Yorkshire
		Sparrowhawk	1	0	Wokingham
		Sparrowhawk	1	0	Derbyshire
	April	Red kite	1	0	Northamptonshire
		Buzzard	1	0	North Yorkshire
		Peregrine falcon	1	0	Stirling
		Peregrine falcon	2	0	Greater London – Croydon
		Hen harrier	0	1	Highland
		Buzzard	1	0	Dumfries and Galloway
	May	Peregrine falcon	1	0	Devon
		Buzzard	4	0	Scottish Borders
		Hen harrier	0	1	North Yorkshire
		Goshawk	1	1	Aberdeenshire
	June	Hen harrier	1	0	East Ayrshire
		Red kite	1	0	Highland
		Peregrine falcon	2	0	Dumfries and Galloway
		Red kite	1	0	West Yorkshire
		Buzzard	1	0	Falkirk
	July	Kestrel	1	0	Norfolk
		Buzzard	1	0	Down
	August	Buzzard	0	1	Antrim
		Peregrine falcon	1	0	Suffolk
		Montagu's harrier	0	1	Norfolk
	September	Peregrine falcon	1	0	Scottish Borders
		Sparrowhawk	1	0	Leicestershire
		Peregrine falcon	1	0	Down
		Buzzard	1	0	Denbighshire
	October	Tawny owl	0	1	East Riding of Yorkshire
		Buzzard	1	0	North Yorkshire
		Barn owl	1	0	Cheshire
	November	Buzzard	1	0	Suffolk
		Buzzard	1	0	Cambridgeshire
		Little owl	1	0	North Yorkshire
		Buzzard	1	0	Scottish Borders
	December	Buzzard	1	0	Norfolk
		Barn owl	1	0	Leicestershire
		Buzzard	1	0	Somerset
		Barn owl	0	1	Cheshire
		Buzzard	1	0	Suffolk
		Tawny owl	1	0	East Lothian
		Number of birds	46	11	

Nest destruction	April	Peregrine falcon	0	?	Derbyshire
	May	Goshawk	?	0	Aberdeenshire
		Buzzard	0	?	Highland
	June	Barn owl	2	0	Suffolk
		Peregrine falcon	0	?	Cumbria
		Golden eagle	?	0	Highland
		Number of birds	2	0	
Illegal spring trapping	February	Buzzard	1	0	West Yorkshire
	March	Goshawk	?	0	Aberdeenshire
		Birds of prey (except owls)	?	0	Scottish Borders
	April	Goshawk	1	0	Derbyshire
	May	Birds of prey (except owls)	?	0	Scottish Borders
	June	Birds of prey and owls	?	0	North Yorkshire
		Birds of prey and owls	?	0	North Yorkshire
		Birds of prey and owls	?	0	North Yorkshire
	August	Birds of prey (except owls)	0	?	Shropshire
	October	Buzzard	1	0	North Yorkshire
		Peregrine falcon	0	1	Lincolnshire
	December	Tawny owl	1	0	Suffolk
		Number of birds	4	1	
Illegal trapping (other)	January	Buzzard	0	2	Powys
	May	Birds of prey (except owls)	?	0	Scottish Borders
	July	Kestrel	0	1	Suffolk
		Birds of prey (except owls)	?	0	Shropshire
	November	Sparrowhawk	1	0	Antrim
		Buzzard	0	?	Northumberland
		Number of birds	1	3	
Other	March	Barn owl	0	1	Lancashire
		Buzzard	0	1	Lancashire
	April	White-tailed eagle	0	1	Aberdeenshire
	May	Hen harrier	0	?	South Lanarkshire
		Birds of prey (except owls)	?	0	Scottish Borders
		Goshawk	?	0	Aberdeenshire
	July	Goshawk	0	?	Shropshire
		Buzzard	0	?	Shropshire
	September	Hen harrier	0	1	Lancashire
		Hen harrier	0	1	Lancashire
	Unspecified	Birds of prey (except owls)	?	0	Undefined
		Number of birds	0	5	

For definitions of the categories “confirmed” and “probable” please see page 8.

?: no bird found, but the most likely/known target is listed

Items grouped by grey shading refer to one incident involving more than one species.

The data above were extracted on 21 October 2015 and were accurate at the time of extraction.

Appendix IV

Confirmed poison abuse incidents during 2014

Month	Victim	Number	Poison	County	Bait
January	Rook	1	Alphachloralose, Carbofuran	South Lanarkshire	Hare and rabbit bait
January	Bird	1	Metalddehyde	North Yorkshire	Pheasant bait
January	Dog	1	Metalddehyde	North Yorkshire	
February	Peregrine falcon	1	Carbofuran	South Lanarkshire	–
March	Cat	1	Bendiocarb	Surrey	–
March	Fox	1	Bromadiolone	Surrey	–
March	Dog	4	Methomyl	Greater London – City of London	–
March	Buzzard	1	Carbofuran	Tyrone	–
March	Fox	1	Carbofuran	Tyrone	–
March	Raven	1	Carbofuran	Down	–
March	Buzzard	4	Withheld	Highland	–
March	Red kite	12	Withheld	Highland	–
April	Peregrine falcon	1	Aldicarb	West Midlands	–
April	Buzzard	1	Withheld	Fife	–
May	Dog	1	Aldicarb	Powys	–
May	–	B	Aldicarb	North Yorkshire	Egg bait x 5
May	–	B	Alphachloralose	North Yorkshire	Egg bait x 2
May	–	B	Bromadiolone, Difenacoum	Bristol City	Grain
May	Raven	1	Carbofuran	Somerset	–
June	Red kite	3	Alphachloralose	Down	–
June	Peregrine falcon	1	Alphachloralose	Conwy	–
July	Peregrine falcon	1	Carbofuran	Londonderry	–
July	Red kite	1	Carbofuran	Stirling	–
August	Red kite	1	Carbofuran	Shropshire	–
September	Red kite	1	Withheld	Highland	–
September	–	B	Aldicarb, Bendiocarb, other	North Yorkshire	Rabbit bait
October	Buzzard	1	Aldicarb, Carbofuran, Isofenphos	Armagh	–
October	Buzzard	1	Bendiocarb	Powys	–
October	Cat	1	Bendiocarb	Powys	–
October	Red kite	1	Bendiocarb	Powys	–
October	Dog	1	Unknown	Wiltshire	Blue pellets
November	Red kite	2	Methiocarb	County Durham	–
November	Buzzard	1	Carbofuran	Tyrone	–
November	Cat	1	Carbofuran	Down	–
December	Cat	1	Carbofuran	Midlothian	–
December	Red kite	1	Aldicarb, Carbofuran, Methiocarb	County Durham	–
December	Red kite	1	Alphachloralose	Dumfries and Galloway	–
Number of victims		53			

B indicates that bait was found, but there was no victim (or there was no toxicological confirmation that possible victims had actually been poisoned).

Items grouped by grey shading refer to one incident involving more than one species.

The data above were extracted on 21 October 2015 and were accurate at the time of extraction.

“Withheld” indicates that the incident is under investigation and/or the poison has not yet been publicly named.

Non-bird incidents are included where it is assessed that there is a likelihood that wild birds were at risk.

Appendix V

Schedule 1 nest robberies during 2014

Confirmed

Species	Number of nests	Nest contents	County
Peregrine falcon	1	Chicks	Derbyshire
Peregrine falcon	1	Eggs	South Yorkshire
Total	2		

Probable

Species	Number of nests	Nest contents	County
Peregrine falcon	1	Unknown	Greater Manchester
Peregrine falcon	1	Chicks	Dumfries and Galloway
Peregrine falcon	1	Chicks	Cumbria
Peregrine falcon	1	Eggs	Northumberland
Peregrine falcon	1	Chicks	Derbyshire
Peregrine falcon	1	Chicks	Greater Manchester
Avocet	4	Eggs	South Yorkshire
Total	10		

The data above were extracted on 21 October 2015 and were accurate at the time of extraction. Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) receive additional protection during the breeding season.

Appendix VI

Wild bird-related prosecutions in 2014

Date	Act	Section/ Reg	Charges	Prosecutor	Court	Surname	Plea	Outcome
4-Mar-13	Wildlife and Countryside Act 1981	1(2)(B)	1	Crown Prosecution Service (CPS)	Coventry Magistrates	Wheal	NG	G
19-Mar-14	Wildlife and Countryside Act 1981	1(2)(A)	2	Fiscal	Stirling Sheriff	Marsh	NG	NP
	Wildlife and Countryside Act 1981	1(1)(A)	2	Fiscal	Stirling Sheriff	Marsh	NG	NP
	Animal Health and Welfare (Scotland) Act 2006	24(1)	1	Fiscal	Stirling Sheriff	Marsh	NG	NP
	Animal Welfare Act 2006	4(1) and 32(1)	1	Fiscal	Stirling Sheriff	Marsh	NG	NP
	Wildlife and Countryside Act 1981	5(1)(B)	1	Fiscal	Stirling Sheriff	Marsh	NG	NP
14-Apr-14	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	1	CPS	Newcastle-Upon-Tyne Magistrates	Burford	G	G
	Animal Welfare Act 2006	4(1) and 32(1)	2	CPS	Newcastle-Upon-Tyne Magistrates	Burford	G	G
	Animal Welfare Act 2006	9 and 32(2)	7	CPS	Newcastle-Upon-Tyne Magistrates	Burford	G	G
16-May-14	Theft Act 1968	1(1)	1	CPS	Sevenoaks Magistrates	Fidan	U	G
	Wildlife And Countryside Act 1981	1(1)(A)	2	CPS	Sevenoaks Magistrates	Fidan	U	G
28-May-14	Plant Protection Products (Sustainable Use) Reg 2012	17(1)	1	CPS	Beverley Magistrates	Sanderson	NG	D
	Wildlife and Countryside Act 1981	18(2)	1	CPS	Beverley Magistrates	Sanderson	NG	D
	Plant Protection Products (Sustainable Use) Reg 2012	17(5)	1	CPS	Beverley Magistrates	Sanderson	NG	D
	Plant Protection Products (Sustainable Use) Reg 2012	17(6)	1	CPS	Beverley Magistrates	Sanderson	G	G
	Plant Protection Products Reg 2011	9	1	CPS	Beverley Magistrates	Sanderson	NG	D
05-Jun-14	Wildlife and Countryside Act 1981	1(1)(A)	8	CPS	Swindon Magistrates	Ephgrave	G	G
25-Jun-14	Customs and Excise Management Act 1979	170(2)(B)	1	CPS	Teeside Crown Court	Yafano	G	G
	Fraud Act 2006	1	1	CPS	Teeside Crown Court	Yafano	G	G
	Control Of Trade In Endangered Species (Enforcement) Reg. 1997	8(1)	1	CPS	Teeside Crown Court	Yafano	G	G
27-Jun-14	Wildlife and Countryside Act 1981	1(1)(A)	1	CPS	Nottingham Magistrates	Robinson	G	G
31-Jul-14	Pests Act 1954	8(1)(A)	2	CPS	Basingstoke Magistrates	Stevens	G	G
01-Aug-14 *	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	6	CPS	Basildon Crown	Cranfield	G	G
11-Sep-14	Firearms Act 1968	1(1)(A)	1	CPS	Torquay Magistrates	Ali	G	G
	Wildlife and Countryside Act 1981	1(2)(A)	1	CPS	Torquay Magistrates	Ali	G	G
22-Sep-14	Wildlife and Countryside Act 1981	18(1)	1	CPS	Slough Magistrates	Flissi	G	G
26-Sep-14	Firearms Act 1968	1(2)	3	CPS	St Helens Magistrates	Tickle	G	G
	Wildlife and Countryside Act 1981	1(2)(A)	2	CPS	St Helens Magistrates	Tickle	NG	NG

Penalty type	Penalty	Penalty Type 2	Penalty 2	Details
Fine	£200			Defendant was found guilty of possession of wild bird eggs (2 guillemot, 1 razorbill and 1 mute swan). Ordered to pay £300 costs and a £20 victim surcharge.
				Defendant (gamekeeper) was reported for a number of alleged offences relating to a Larsen trap containing a jay and a tawny owl. The court returned a verdict of not proven.
Jail	9 weeks suspended for 18 months	CO	150 hours	Defendant (falconer) pleaded guilty to nine charges under the Animal Welfare Act 2006 relating to birds of prey, and one charge contrary to Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) relating to the commercial display of owls. Sentenced to 9 weeks imprisonment suspended for 18 months, £250 costs with a £80 victim surcharge, 150 hours community unpaid work order, and forfeiture order on a number of owls. Disqualified from owning or keeping any bird, participating in the keeping of any bird, being party to an arrangement under which he is entitled to control or influence the way in which any birds are kept, dealing in birds, and transporting or arranging for the transport of any bird for 10 years.
Jail	9 weeks suspended for 18 months	CO	150 hours	
Jail	9 weeks suspended for 18 months	CO	150 hours	
Fine	£100 total			Defendant was found guilty of intentionally killing a goose and a mute swan, and for theft of the swan. Fined £100 and ordered to pay £85 costs and a £20 victim surcharge.
Fine	£100 total			
CD	6 months			Defendant (gamekeeper) pleaded guilty to storage of unapproved pesticides carbofuran, mevinphos, strychnine and aldicarb. Ordered to pay £15 costs.
Fine	£275			Defendant pleaded guilty to intentionally killing eight wild birds including blackbird, long-tailed tit, fieldfare, robin, collared dove and wood pigeon. Fined £275 and ordered to pay £27 victim surcharge and £85 costs. A 0.22 air rifle was forfeited and destroyed.
Fine	£300			Defendant (taxidermist) pleaded guilty to the prohibited offering for sale of a kestrel and associated fraud, and evasion of export restrictions in relation to a western screech owl. Ordered to pay £715 costs.
CD	12 months (concurrent)			
CD	12 months			
CO	2 months			Defendant pleaded guilty to shooting a wild grey heron. Sentenced to a two-month community order (curfew) from 9 pm to 6 am, commencing on 24 August 2014. Ordered to pay £85 costs and £60 victim surcharge.
Fine	£700			Defendant (gamekeeper) pleaded guilty to setting two spring traps in a non-approved manner, one of which caught a tawny owl. He was fined £700 and ordered to pay £650 costs plus a £50 victim surcharge.
Fine	£1,000			Defendant (taxidermist) pleaded guilty to six COTES offences regarding trading in Annex A specimens. Species/items included three tawny owls, a barn owl, a leopard and a swordfish rostrum. Fined £1,000 and ordered to pay £750 costs and a £100 victim surcharge. The four owls, leopard and rostrum were forfeited. Sentenced to 28 days imprisonment unless the fines were paid in 14 days.
Fine	£100			Defendant pleaded guilty to possessing a dead wild bird (buzzard) and a firearms offence. Ordered to forfeit and destroy the bird and gun, and to pay a victim surcharge plus £85 costs.
Fine	£100			
Jail	16 weeks suspended for 12 months	Fine	£85	Defendant pleaded guilty to attempting to injure wild birds (mute swans) by shooting at them with an airgun. He was sentenced to 16 weeks' imprisonment suspended for 12 months, and fined £85.
Fine	£200			Defendant (gamekeeper) found not guilty of two charges of possession of two and four dead buzzards. Found guilty of three firearms offences and fined £200. Firearms and ammunition were forfeited and destroyed. Ordered to pay £85 costs and £20 victim surcharge.

Appendix VI (continued)

Wild bird related prosecutions in 2014

Date	Act	Section/ Reg	Charges	Prosecutor	Court	Surname	Plea	Outcome
01-Oct-14	Wildlife and Countryside Act 1981	1(1)(A)	2	CPS	Norwich Magistrates	Lambert	NG	G
	Plant Protection Products (Sustainable Use) Reg 2012	17(6)	1	CPS	Norwich Magistrates	Lambert	G	G
	Plant Protection Products (Sustainable Use) Reg 2012	17(1)	1	CPS	Norwich Magistrates	Lambert	G	G
	Plant Protection Products Reg 2011	9	1	CPS	Norwich Magistrates	Lambert	G	G
	Firearms Act 1968	1(2)	1	CPS	Norwich Magistrates	Lambert	G	G
	Wildlife and Countryside Act 1981	1(2)(A)	1	CPS	Norwich Magistrates	Lambert	G	G
	Wildlife and Countryside Act 1981	18(2)	1	CPS	Norwich Magistrates	Lambert	NG	G
19-Nov-14	Wildlife and Countryside Act 1981	14(1)(A)	3	CPS	South Lakeland Magistrates	Gill	NG	G
	Wildlife and Countryside Act 1981	14(1)(A)	3	CPS	South Lakeland Magistrates	South Lakes Wild Animal Park	U	G
11-Dec-14	Wildlife and Countryside Act 1981	1(1)(A)	3	Fiscal	Aberdeen Sheriff	Mutch	NG	G
		5(1)(A)	1	Fiscal	Aberdeen Sheriff	Mutch	NG	G
17-Dec-14	Control of Trade in Endangered Species (Enforcement) Reg. 1997	3(1)	1	CPS	Exeter Magistrates	Marshall	G	G
	Wildlife and Countryside Act 1981	7(1)	1	CPS	Exeter Magistrates	Marshall	G	G
	Wildlife and Countryside Act 1981	14(1)(B)	1	CPS	Exeter Magistrates	Marshall	U	D
	Wildlife and Countryside Act 1981	1(1)(A)	1	CPS	Exeter Magistrates	Marshall	U	D
23-Dec-14	Wildlife And Countryside Act 1981	18(A)	1	Fiscal	Stranraer Sheriff	Stewart	G	G

*Final hearing date may not be accurate.

Key to Appendix VI

CD	Conditional discharge	NG	Not guilty
CO	Community order	NP	Not proven
CU	Curfew order	NSP	No separate penalty
D	Discontinued	U	Unknown
G	Guilty		
NCA	No case to answer		

Note that the 2014 prosecution figures do not include the full annual data set usually included from the RSPCA (data delay). As a result, the prosecution figures for 2014 will be lower than the true figure, in particular for categories involving the taking, sale and possession of non-bird of prey species.

Penalty type	Penalty	Penalty Type 2	Penalty 2	Details
Jail NSP NSP Jail Jail Jail	10 weeks suspended for 1 year 6 weeks suspended for 1 year 6 weeks suspended for 1 year 10 weeks suspended for 1 year			Defendant (gamekeeper) was found guilty of two charges relating to the killing of 11 birds of prey (10 buzzards and a sparrowhawk) and possession of pesticides (mevinphos and aldicarb) and other items capable of being used to prepare poison baits. This follows an earlier guilty plea to five other charges including three offences of illegal storage and use of pesticides and unlawful possession of nine dead buzzards. Ordered to pay £930 costs and £80 victim surcharge. The dead birds and pesticides were forfeited.
Fine Fine	£2,000 £5,000			Defendant (wildlife park owner) was found guilty of three counts of allowing sacred ibis to escape from a wildlife park into the wild. Fined £2,000 and ordered to pay £750 costs and a £120 victim surcharge. Company (wildlife park) was found guilty of three counts of allowing sacred ibis to escape from a wildlife park into the wild. Fined £5,000 and ordered to pay £250 costs and a £120 surcharge.
Jail Jail	4 months concurrent 4 months concurrent			Defendant (gamekeeper) was found guilty of four charges relating to the illegal use of two cage traps, taking a goshawk, killing a goshawk, and the taking of a buzzard. He received a four month prison sentence to run concurrently on each charge. He is the first individual to be imprisoned for raptor persecution.
Jail Jail	5 months suspended for 2 years 5 months suspended for 2 years			Defendant (falconer) pleaded guilty to falsifying an Article 10 Certificate for a golden eagle, and to keeping the eagle without registration. Sentenced to a five month prison sentence suspended for two years, forfeiture of the golden eagle, and a five year disqualification from holding Annex A birds.
Fine	£675			Defendant (landowner) pleaded guilty to being vicariously liable for four offences committed by a gamekeeper he employed, including the poisoning of a buzzard and possession of banned pesticides. Fined £675.

A bad apple can spoil everything

Take the bloke who thinks it's okay to kill birds of prey.

Maybe you know him. He might even be someone who tells you it's part of the job. He understands that killing protected wildlife is illegal. He's aware that it drags the good name of gamekeeping through the mud. But who will end up in court, possibly prison, when it all goes wrong? He'll watch his own back. It's unlikely he'll be watching yours.



If you have any information about the illegal killing of birds of prey, call the RSPB's confidential hotline on **0845 466 3636***.

Together,
we can make a stand for what's right.

rspb.org.uk/goodmen

*Calls to this number are not recorded and will be treated in the strictest confidence.

The RSPB is a member of BirdLife International, a partnership of nature conservation organisations working to give nature a home around the world.

