

Scottish Government Wildlife and Natural Environment Bill

Summary

Whether or not SGA members have followed the Wildlife and Natural Environment Bill in detail on its path through Scottish Parliament, there is no doubt that it will impact on all of us in different ways. We have prepared a summary of the main points coming out of the legislation which was passed on March 2nd.

SOME OLD LEGISLATION HAS BEEN BINNED

The Bill originally set out to tidy up archaic legislation but it ended up affecting much more than that. It will however do away with Game licenses, and some of the old poaching laws have been tidied up. We comment below on the main features and the changes brought about by the new legislation.

CHANGES TO SNARING

At one stage, there was genuine concern we were in danger of losing snaring altogether, such was the pressure put on MSPs by the anti-snaring lobby. However, patient negotiation and briefings, site visits, parliamentary meetings, and commitment to training following co-ordinated action across land management sector, Government recognised the importance of snaring as a predator management tool. Even so, it was only after the final debate that we were certain snaring had been retained. However, there are now a number of conditions which we must adhere to:

<ul style="list-style-type: none">• Training and accreditation	All snare practitioners must be trained and accredited. SGA, GWCT and BASC set up a joint training course, which was rolled out in 2010. This is currently being reviewed to reflect the new legislation. Once updated, SGA will advise further about training requirements
<ul style="list-style-type: none">• ID tagging	Snares operated by practitioners must be fitted with an ID tag. We are entering into discussions with the authorities about the format of these tags. The ID number is likely to follow the same number for Crow cages and Larsen traps
<ul style="list-style-type: none">• Record keeping	We must record the location of, and date each snare is set, catches and date of any catch. SGA is developing a larger diary in which this information can be recorded.

Progress of the snaring legislation will be reviewed again in five years time, and it is possible that with a different Government, we may face further moves to ban snares. It is therefore 100% in our interests to ensure that we reduce any problems through the highest standard of training and competence, minimising non-target catch, and where possible, make greater use of breakaway snares.

Start date – The SGA is currently working with land management colleagues and the Scottish Government to clarify any update to training, accreditation and the start date for new requirements. We will update members as soon as Government clarifies implementation. No date has been indicated at present.

DEER MANAGEMENT

The main headlines as far as Deer Management is concerned are:

- The principle of voluntary stalking competence testing remains in place
- Close seasons have been retained
- A Code of practice for Deer Management is to be introduced

The SGA welcomes the WANE Bill with regard to voluntary competence testing. This recognises both the depth of self-regulation already in existence, and the rich heritage of knowledge possessed by professional stalkers, which has made Scottish deer management a highly responsible activity.

Even so, we will work with other organisations to ensure that such knowledge and skills are fully engaged in competence testing through development of Deer Stalking Certification (DSC) and Deer Management qualifications (DMQ). It is up to us and other land management colleagues to make the voluntary system work, otherwise we may face the possibility of mandatory testing, following SNH review in 3 years time.

We welcome the retention of close seasons, providing a natural welfare benefit for deer, particularly as these seasons include harsh weather months.

We look forward to sight of the draft Code of Practice for deer management. Much has been made about the need to draw economic, environmental and social benefits together in deer management. The Code should underline these benefits, and we will play our part in ensuring that it does so. We remain of the view that some aspects of deer management, such as driving with vehicles, collaborative and helicopter-assisted culling of deer, and the use of night-time stalking fail to take sufficient account of deer welfare. We are also of the view that appropriate use of fencing and their maintenance will help solve local concerns. This needs to be built into the code.

Start date – Deer management changes will probably commence in the Autumn or Winter, once the Code of Practice for Deer Management is in place.

HARES – CLOSE SEASONS

Close seasons are to be introduced for both Brown and Mountain Hares. Although we sought adjustment to the start of the close seasons to allow for management control without impacting on breeding or welfare, these will now be as follows:

- Mountain hare - 1st March to 31st July
- Brown Hare - 1st Feb to 30th September
- Scottish Government may introduce special protection outside of close season (14 day maximum), for instance in the event of particularly harsh weather

There are exceptions which would allow action during the close seasons to prevent serious damage to livestock, crops, vegetables, fruit, growing timber or other property – so long as the damage could not have been foreseen. For instance, if you notice Hares damaging young trees or growing crops, you may take immediate action. However, if you do not take immediate steps and damage continues, you would have to apply for a license. You would not then be allowed to control Hares until the license has been confirmed.

There is a further exception within the close season to allow for humane dispatch, and also for live catch, so long as there is later release. The latter might cover research activity.

Start date – it is likely that the start date will be from 2012, as it is felt impractical to implement part-way through a close season. The legislation will be put in place prior to that, probably in Autumn 2011.

CATCHING UP

Catching up was not previously recognized in Scottish legislation, but is now under the WANE Bill. There are two separate catching up periods:

- 28 days from the start of the close season for Pheasants and Partridges – this is to allow birds to settle and recognizes the possibility that changeable weather can interrupt a start to catching up
- A separate provision will now exist for Grouse, allowing catching up so long as a bird is in captivity for no more than 12 hours. This will facilitate such actions as dosing to prevent disease

NON-NATIVE SPECIES – RESTRICTIONS

The management of non-native species caused a lot of debate during the different stages of the Bill. Although the Bill now defines Pheasants & Red Legged Partridges as Non-native species, their significance to the rural economy is recognized and they are exempted from non-native restrictions.

VICARIOUS LIABILITY

Vicarious Liability is introduced through the WANE Bill, and is targeted at reducing raptor persecution by making landowners accountable for the actions of employees.

Proceedings may also be taken against Landowner irrespective of whether an employee is charged or not. The SGA is concerned how Vicarious Liability might result in changes to employment conditions, so we will maintain a watching brief on developments.

We also feel that the introduction of Vicarious Liability doesn't resolve underlying issues that can lead to wildlife crime. We believe that there is more work to be done on conflict resolution.

Start date – likely to be put in place for Autumn / Winter 2011 commencement

MUIRBURN – MORE FLEXIBILITY

There is now more flexibility over the muirburn seasons following changes introduced by the WANE Bill. There will now be a 'Standard' season and an 'Extended' season, as follows:

- Standard = 1st Oct to 15th April
- Extended = 16th April to 30th April (with permission of landowner)

It will be possible to apply for licences to undertake out-of-season burning.

Start date – it is likely the proposed dates will be introduced this summer depending on confirmation from SNH that they will be in a position to accept licence applications from September.

OTHER ISSUES

- Proposals to remove shooting rights in the event of any wildlife problems on land were defeated
- The transfer of some police powers to other agencies, such as SSPCA, was withdrawn
- Attempts to extend Single Witness evidence failed. As incidents generally require the corroboration of another witness, it was felt that this was unworkable in practice.

- An attempt to change the definition of Livestock, which could have meant that a license to protect Pheasants and Partridges would only have been granted where birds were fully enclosed or housed, was defeated. It may therefore be possible to apply for license to protect Pheasants and Partridges in release pens. Of course, it remains to be seen whether the authorities are willing to grant a license in such circumstances.

OVERALL IMPRESSIONS

It has been a hard slog over 18 months of consultation and debate! The Bill had the potential to cause real damage to land management (such as licensing of shoots, removal of sporting rights, banning of snaring, licensing release of pheasants and partridges). The Government has listened to land managers and has supported the voluntary principle with regard to self-regulation of deer stalking competency and snare training and accreditation). It has been persuaded that there is merit in a 'balance' to wildlife matters. We will continue to push Government to demonstrate the extent of this.

For our part, we must prove that we can run the voluntary approach with land management colleagues. Most political parties commented on the good work carried out by owners and keepers, recognizing the benefits to the rural economy made by game management. But none of us can sit back and think the fight is over. The SGA is keeping a close eye on how the legislation is put into practice. Through best practice, we must take the steam out of any areas that have generated headlines in the past, such as snaring and raptor persecution. Incidents in these areas simply provide ammunition to our opponents. We will continue to push for balance by showing that game management is good for biodiversity, good for jobs as well as good for the rural economy and community.