

1 Do you agree with the proposed ban on the use and purchase of glue traps (sections 1-3)?

No

Please provide your reasons for your answer in the box provided.:

Trap operators are already trained to a high standard and the likelihood of non-intended captures are minimal. The removal of any method of controlling pests will only promote population growth and this will have an adverse effect on public health, agriculture and pest control businesses. As with any trapping practices, training could be reviewed and enhanced so that effective control could still take place with minimal disruption or non-intended species being caught. Consideration should be given to the licensing of glue traps for use by professional pest controllers, as is the case in England.

2 Do you agree there is a need for additional regulation of the use of certain wildlife traps?

No

Please provide your reasons for your answer in the box provided.:

Legal traps are now designed and used within an enclosed tunnel of some description. They are not used the way the old Fenn trap was used and now have a downward pressure action to dispatch the target animal instantly when it enters the trap from the side and through the tunnel. Set correctly, it is

virtually impossible for a raptor to be caught by one of these traps and so the regulation of such is not necessary. Criminals may continue to use the now illegal Fenn trap, but these people will not be registered or attend a training course. It needs to be considered why legally set traps and operators may have to be registered or licensed. Time and effort would be better served holding an amnesty to collect as many old Fenn traps as is possible so that criminals can no longer use them.

To add to this argument, the Scottish Government acted on a suggestion in The Werritty Review stating that the industry should be given 5 years to address concerns surrounding raptor persecution and to ensure a favourable conservation status. No such thing was considered and plans to regulate were initiated. We are not aware of a single raptor persecution conviction in Scotland over the past year. Our industry has worked tirelessly, condemning any wildlife crime, and has successfully aided in reducing raptor persecution to an all time low.

3 Do you agree with the proposed licensing system for the use of certain wildlife traps (sections 4-5)?

No

Please provide your reasons for your answer in the box provided.:

Cage trap operators already adhere to a system whereby an individual has to be registered and issued with a unique number for traceability purposes. This is understandable since the welfare of live animals could be questioned should anyone not adhere to the codes of practice appertaining to the trap they operate. Modern traps have advanced in both operation and lethality over the past 5 years and the likes of the Fenn trap is now no longer in use. The development of traps, such as the DOC, Tully and the Goodnature A24 ensured that traps that are designed to kill do so effectively. They have passed stringent trials and have been designed to be instantaneously lethal. These traps are also much more expensive and more time-consuming to operate than their predecessors. These facts alone will deter many from setting traps illegally as if a land manager is willing to invest in effective legal traps, then they will be sufficiently trained to operate them. The accountability should focus on those using illegal traps who would not even consider being trained and registered.

Additional regulation of legitimate and experienced trap operators is unnecessary, burdensome and will incur more expense when licensing becomes cost-neutral. Less trapping will be conducted and increased damage will be inflicted in both agricultural and conservation sectors. It should also be noted that modern trap design meets or exceeds the humane standards set for traps used under the Agreement of International Humane Trapping Standards (AIHTS). Therefore even where AIHTS does not apply the humaneness of properly conducted trapping is comparable.

4 Do you agree there is a need for additional regulation of land to be used to shoot red grouse?

No

Please provide your reasons for your answer in the box provided.:

The shooting of grouse is governed by recently strengthened laws surrounding raptor persecution. More severe penalties are now in place, including increased fines and prison sentences. Vicarious liability for landowners is in place and NatureScot are readily able to utilise powers to restrict the use of general licences. Incidents of raptor persecution are also at an all-time low.

The introduction of a licensing system would be discriminatory towards a landowners' right to shoot grouse. It is disproportionate given the enormous reduction of offences and would also incorporate those who shoot over small walked-up shoots who do not conduct muirburn or manage the land for driven grouse shooting. If restrictions or regulations were to be introduced, any sanctions should only be imposed where there is proof beyond reasonable doubt that a raptor offence has taken place and by someone directly involved in the active management of that land. It will be all too easy for those opposed to shooting to make a vexatious complaint or allegation in order to initiate an investigation resulting in a licence being withdrawn or suspended. It is also worth noting that raptor numbers are at a high and are clearly thriving on managed moorland.

5 Do you agree with the proposed licensing system for land to be used to shoot red grouse (sections 6-7)?

No

Please provide your reasons for your answer in the box provided.:

The introduction of a licence is unfair and the Bill is unworkable. It imposes unnecessary regulations on moor owners, particularly following a substantial decrease in offences relating to raptors. We must also question why to take a grouse you must be on licensed land covered by a CoP but this does not apply to the taking of any other game.

Should a licence be introduced then it should be issued freely and without a time restriction. NatureScot will have discretionary powers to grant or refuse

applications on appropriateness. There is no clarification as to what this means but there is also no justification for such broad and undefined discretionary power. Whether someone is shooting 1 grouse on moorland or 100, a licence should not be refused unless there is evidence of raptor offences closely related to that present situation.

Sporting businesses often plan over a year ahead so there are grave concerns that a licence may only be granted for a maximum period of 12 months. Businesses will not be able confidently to book in customers as they will not be sure whether they will even have a licence the following year. This isn't just about the shooting of grouse. This will affect hospitality and tourism in areas that rely on it so heavily. If one removes the incentive to shoot grouse, then moorland will no longer be well managed and the conservation status of red listed species will suffer. Investment in both conservation and in the local economy will decline.

The modification of the licences by NatureScot is also dangerous. Unless there is a clear offence against raptors then no licence should be modified. A clear conviction might result in a revocation, but the modifying of licences is disproportionate and unwarranted. It constitutes a sanction.

It is again worrying that suspension or revocation could be so easily initiated. An allegation which leads to a police investigation may result in the suspension of a licence. This could be devastating both for the business and for the reputation of all involved. The suspension or revocation of a licence will be national news and trial by media will begin. Once tarred, the stigma will never be lost and the damage will have been done, even when a licence is re-issued upon no charges being brought.

It is also a concern that Ministers are seeking to take powers to extend licensing to other birds, which could result in licensing being applied to land where other species are taken or killed without the need for consultation or primary legislation.

6 Do you agree with the proposal to give the Scottish SPCA additional powers to investigate wildlife crime (section 8)?

No

Please provide your reasons for your answer in the box provided.:

A charity should never be allowed statutory powers to investigate and we are already concerned at the extent of the SSPCA's powers in the context of law enforcement. The SSPCA is already a reporting agency. There is clearly a conflict between the role of a charity in campaigning and fundraising and involvement in law enforcement. Giving additional powers to the SSPCA as is proposed also raises questions about the position in law of the SSPCA as to whether they are a public or private body which is particularly relevant in terms of the Regulation of Investigatory Powers Scotland Act 2000 (RIPSA). SSPCA staff are not trained to a sufficient level to ensure vital evidence is secured and to ensure that a sufficient case file would make it into the courts. There is also the vital issue of ensuring that forensic evidence is properly gathered and the integrity of that evidence is assured, which is particularly important in the context of wildlife crime.

As a former police officer I had to be successful over another 49 applicants who will fail the initial process. Then followed 8 separate assessment days over a 6-month period whereby potential officers were frequently lost and numbers dwindled significantly. The successful candidate would then go on to an intensive 15 week law input, which included 3 major exam assessments. If this stage was completed then the probationary officer would then have 2 years to gather evidence to support their progression to be fully inducted as a confirmed officer. A two and a half year assessment and training process so that evidence gathering could be perfected and investigations carried out correctly.

A current vacancy within the SSPCA for an Admin/Intelligence Officer asks for an application and, amongst other things, rota planning, input intelligence reports and link reports, conduct open source research, control holiday allocation, work with ARRC database (referrals and court outcomes), handle phone enquiries, spreadsheet work and the taking of minutes in meetings. This is not a specialised intelligence role and the broad spectrum of work will ensure that an investigation will suffer from lack of experience, training and commitment to the task.

There is also the vital question of accountability where the police are accountable in way that charities are not. If the SSPCA is to take on an expanded role as a policing/law enforcement body then it needs to be subject to proper oversight and accountability.

7 Do you agree there is a need for the additional regulation for muirburn?

No

Please provide your reasons for your answer in the box provided.:

Muirburn, along with mowing and leaving vegetation unmanaged, should be an available and unlicensed management tool, as elevation, orientation, composition etc results in there being no 'one size fits all' approach that land managers can use. Compared with unmanaged plots, the latest research has found that muirburn, along with mowing, can support an increased diversity of vegetation, with higher levels of sphagnum moss that supports the formation of peat. Burning has also been found to be particularly good both for carbon uptake, and nutrient content for grazing animals, and that over a period of 10 years, burnt areas can absorb more than twice the carbon when compared with mown areas.

Whilst there can be some initial benefits to allowing heather to grow unmanaged, it becomes less efficient at taking up carbon as it ages, and it can result in a lowering of the water table compared to those areas managed either by burning or cutting. The drying out of moorland can result in an increased risk of wildfires, especially given our warmer and drier summers. Unlike the controlled cool muirburn carried out on grouse moors, these can result in huge carbon losses and environmental damage as was seen with the 2019 wildfire of Scotland's Flow Country, a UNESCO world heritage site which had become overgrown. This resulted in over 22 square miles of moorland being severely damaged, with 700,000 tonnes of CO₂ equivalent released into the atmosphere, doubling the country's greenhouse gas emissions for the six days it burned!

8 Do you agree with the proposed licensing system for muirburn (sections 9-19)?

No

Please provide your reasons for your answer in the box provided.:

There is no clear evidence or science to support additional regulations when referring to burning on peat deeper than 40cm. It would be helpful to understand how this figure came to be a defining level.

Peat levels differ massively in localised areas and so the ability to remain on a depth more shallow than 40cm would effectively require a walker with a peat probe checking every square meterage where the fire was going to be active.

Muirburn has been effectively used by experienced practitioners for decades and the natural firebreaks are most effectively created by utilising this method where suitable, or it would not have been frequently conducted. The staged burning and regeneration promotes a healthy mix of different types of heather stages, supplying both food and shelter for many species. This practice has never been licenced and does not need to be licenced since there is no clear evidence that it is adversely destructive when done properly. There is, however, evidence to the contrary, as wild birds and mammals thrive on grouse moors. Sadly, this evidence is repeatedly and conveniently overlooked.