



## RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

### AGENDA

**1st Meeting, 2016 (Session 4)**

**Wednesday 13 January 2016**

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.
2. **Land Reform (Scotland) Bill:** Rob Gibson MSP to move—

S4M-15225 — That the Rural Affairs, Climate Change and Environment Committee considers the Land Reform (Scotland) Bill at stage 2 in the following order: Part 1, Chapters 1 and 2 of Part 2, Parts 3 to 10, Chapter 3 of Part 2, Part 11 (including, after section 102, the schedule) and the long title.
3. **Scottish Government's Wildlife Crime in Scotland - 2014 Annual Report:** The Committee will take evidence from—

Malcolm Graham, Assistant Chief Constable, Major Crime and Public Protection, and Sean Scott, Detective Chief Superintendent (Wildlife Crime Portfolio Holder), Police Scotland;

Tom Dysart, Specialist Prosecutor, COPFS Wildlife and Environment Crime Unit, Crown Office and Procurator Fiscal Service.
4. **Scottish Government's Wildlife Crime in Scotland - 2014 Annual Report:** The Committee will consider evidence heard earlier in the meeting.
5. **Draft Budget Scrutiny 2016-17:** The Committee will consider a draft report to the Finance Committee on the Scottish Government's Draft Budget 2016-17.

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The papers for this meeting are as follows—

**Agenda item 3**

Wildlife Crime Annual Report 2014 Cover Note

RACCE/S4/16/1/1

PRIVATE PAPER

RACCE/S4/16/1/2  
(P)

**Agenda item 5**

PRIVATE PAPER

RACCE/S4/16/1/3  
(P)

## Wildlife Crime in Scotland - 2014 Annual Report

### Background

1. Section 20 of the Wildlife and Natural Environment (Scotland) Act<sup>1</sup>, passed by the Scottish Parliament in 2011, introduced a requirement into the Wildlife and Countryside Act 1981<sup>2</sup> that Scottish Ministers must, after the end of each calendar year, lay before the Scottish Parliament a report on offences relating to wildlife.
2. The third of these reports, the *Wildlife Crime in Scotland - 2014 Annual Report*<sup>3</sup> was published by the Scottish Government on 30 September 2015, accompanied by a press release<sup>4</sup>.
3. At its meeting on 2 November 2015<sup>5</sup>, the Rural Affairs, Climate Change and Environment (RACCE) Committee agreed<sup>6</sup> to hold a formal evidence session with Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS). The Committee took evidence from these organisations during its consideration of the *Wildlife Crime in Scotland – 2013 Annual Report* on 29 October 2014<sup>7</sup>, and agreed to take evidence from them again on the most recent report.
4. In 2014, the Committee also took evidence from the Minister for Environment and Climate Change, Paul Wheelhouse<sup>8</sup>. This year, the Committee has agreed to write to the Minister for Environment, Climate Change and Land Reform, Dr. Aileen McLeod, following the evidence session with Police Scotland and COPFS.

### Wildlife Crime in Scotland – 2014 Annual Report

5. The report covers the calendar year 2014, using data for the 2013-14 financial year. This shift in focus is a response to the RACCE Committee's comments<sup>9</sup> on previous reports on the inhibitors to analysis presented by the provision of information referring to different time periods. In the Introduction and Appendix 2 of

<sup>1</sup> Wildlife and Natural Environment (Scotland) Act 2011. Available at:

<http://www.legislation.gov.uk/asp/2011/6/contents/enacted>.

<sup>2</sup> Wildlife and Countryside Act 1981. Available at:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>.

<sup>3</sup> Scottish Government (2015). *Wildlife Crime in Scotland - 2014 Annual Report*.

<http://www.gov.scot/Publications/2015/09/6676>

<sup>4</sup> Scottish Government press release, Annual Wildlife Crime Report, 30 September 2015:

<http://news.scotland.gov.uk/News/Annual-wildlife-crime-report-1dbe.aspx>

<sup>5</sup> RACCE Committee, Minutes, 2 November 2015:

[http://www.scottish.parliament.uk/S4\\_RuralAffairsClimateChangeandEnvironmentCommittee/Minutes/20151102\\_Minutes.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/Minutes/20151102_Minutes.pdf)

<sup>6</sup> RACCE Committee, Work Programme 2 November 2015:

[http://www.scottish.parliament.uk/S4\\_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/RACCE\\_-\\_web\\_work\\_prog\\_-\\_Nov\\_2015.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/RACCE_-_web_work_prog_-_Nov_2015.pdf)

<sup>7</sup> RACCE Committee, Official Report, 29 October 2014:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9597>

<sup>8</sup> RACCE Committee, Official Report, 5 November 2014

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9617#.VGNgAIRFC70>

<sup>9</sup> RACCE Committee, letter to the Minister for Environment, Climate Change and Land Reform on Wildlife Crime in Scotland – 2013 Annual Report, 5 December 2014:

[http://www.scottish.parliament.uk/S4\\_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.12.05\\_-\\_Convener\\_to\\_Minister\\_Wildlife\\_Crime\\_letter\\_Final.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2014.12.05_-_Convener_to_Minister_Wildlife_Crime_letter_Final.pdf)

the Report<sup>10</sup>, the Scottish Government has described how it was not possible to provide crime and court proceeding statistics in a calendar year format and how all other data has been presented on a financial year basis for consistency.

6. The report contains the following chapters:

- **Headline Trends** - containing information on crimes recorded by Police Scotland, crimes reported to the Crown Office and Procurator Fiscal Service (COPFS), criminal proceeding statistics, people with a charge of wildlife crime proved and penalties applied;
- **Additional Data Sources** - outlining information from sources such as Science and Advice for Scottish Agriculture (SASA), SAC Consulting, Scottish Natural Heritage and the Scottish Society for the Prevention of Cruelty to Animals (SSPCA);
- **Wildlife Crime Priority areas** – these are identified as:
  - i. Badger persecution
  - ii. Bat persecution
  - iii. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
  - iv. Freshwater Pearl Mussels
  - v. Poaching (including deer poaching, hare coursing and fish poaching)
  - vi. Raptor persecution

This chapter also contains information on fox hunting and the Protection of Wild Mammals (Scotland) Act 2002, following increased interest in this subject during the summer of 2015. The Minister undertook to include information on breaches of the 2002 Act in correspondence to the Committee on 1 September 2015<sup>11</sup>;

- **PAW Scotland** – an update on the work of the Partnership for Action Against Wildlife Crime (PAW) Scotland<sup>12</sup>;
- **Police Scotland** – Details on the work of Police Scotland throughout 2014;

<sup>10</sup> Scottish Government (2015). Wildlife Crime in Scotland - 2014 Annual Report.

<http://www.gov.scot/Publications/2015/09/6676>

<sup>11</sup> [Minister for Environment, Climate Change and Land Reform, Aileen McLeod, letter to the Committee on Fox Hunting and the Wild Mammals \(Scotland\) Act 2002, 1 September 2015: http://www.scottish.parliament.uk/S4\\_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/20150901\\_Minister\\_on\\_Fox\\_hunting.pdf](http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/20150901_Minister_on_Fox_hunting.pdf)

<sup>12</sup> Further details on PAW Scotland can be found on the Scottish Government's website: <http://www.gov.scot/Topics/Environment/Wildlife-Habitats/paw-scotland>

- **Legislative Changes** – Information on the Environmental Protection (Restriction on the Use of Lead Shot) (Scotland) Amendment Regulations 2013 which temporarily allowed the use of lead shot at Barry Buddon during the Commonwealth Games;
- **Priority Work for 2015** – Includes information on the anticipated outcome of the Wildlife Crime Penalties Review Group<sup>13</sup> (subsequently published in November 2015<sup>14</sup>).

### Other information

In November 2015, the Wildlife Crime Penalties Review Group published its report<sup>15</sup> on whether the penalties for wildlife crimes were adequate and a deterrent.

In February 2015 Scottish Environment Link published a report entitled Natural Injustice<sup>16</sup> which was a review of the way four types of wildlife crime: persecution of badgers, bats, freshwater pearl mussels and raptors, were being investigated. The report tracked the response to 148 cases reported to the Police between 2008 and 2013.

### Committee consideration

7. The Committee's timetable for consideration is laid out below:

- Evidence session with Police Scotland and Crown Office and Procurator Fiscal Service on 13 January 2016;
- Consideration of a draft letter to Minister on 27 January 2016.

### Clerks/SPICe

### Rural Affairs, Climate Change and Environment Committee

<sup>13</sup> Further details on the Wildlife Crime Penalties Review Group are available on the Scottish Government's website: <http://www.gov.scot/Topics/Environment/Wildlife-Habitats/paw-scotland/about/groups/penalties-review>

<sup>14</sup> Wildlife Crime Penalties Review Group Report, November 2015: <http://www.gov.scot/Publications/2015/11/2196>

<sup>15</sup> Wildlife Crime Penalties Review Group Report, November 2015: <http://www.gov.scot/Publications/2015/11/2196>

<sup>16</sup> Scottish Environment Link Natural Injustice Report, February 2015: <http://www.scotlink.org/wp/files/documents/Natural-Injustice-paper1-FINAL.pdf>