

Wildlife Crime in Scotland
2012 Annual Report



natural
scotland
SCOTTISH GOVERNMENT

**A report published by the Scottish Ministers, on wildlife crime in
Scotland.**

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Ministerial Foreword



Wildlife crime is varied in its scope and type. It is often committed in remote rural areas, but it is also present in the middle of our cities. It is complex to investigate and can involve researching illegal trading on the internet, the use of advanced DNA techniques and painstaking searches of land and property. It can be barbaric and cruel and is very

often hugely detrimental to the conservation status of wildlife. When I closed my speech at the 20th Annual Wildlife Crime Conference earlier this year I demanded that we protect those animals that are unable to speak for themselves.

The goal of reducing wildlife crime in Scotland is closely aligned with the 'Greener' Scottish Government strategic objective; to 'improve Scotland's natural and built environment and the sustainable use and enjoyment of it'. We have a duty of care to our nation, future generations and all those visitors to Scotland, to protect our natural heritage, flora and fauna. We must achieve these stretching aims whilst balancing economic and other needs.

The aim of this first annual report into wildlife crime in Scotland is to establish a baseline of what is happening in Scotland. Every year hereafter, we will be able to provide better and clearer information as we continue to work with various departments and agencies to obtain meaningful data and refine their presentation. We will start to see trends emerging and pictures developing. These reports will inform debate and remind us all about the extent of wildlife crime and what still needs to be done.

Since 2008 when we commissioned the Natural Justice Report into the way wildlife crime is tackled in Scotland, there have been two key strands to Scottish Government policy in this area.

The first of these strands has been to ensure that there is a robust legal framework and that law enforcement has the tools to tackle this type of crime. We have supported the National Wildlife Crime Unit, based in Livingston; we have seen the development of a new specialist wildlife crime unit within the Crown Office and Procurator Fiscal Service and we have introduced ground-breaking new legislation in order to further protect birds of prey from illegal persecution. The second strand has been the building of a broad partnership through the Partnership for Action Against Wildlife Crime (PAW) Scotland. PAW Scotland involves conservationists, land managers and law enforcement, united in tackling wildlife crime.

We have been active in the fight against wildlife crime, but we are far from complacent. More needs to be done and we are determined to bear down on such crimes. This report and others to follow in years to come will help guide our actions.

Paul Wheelhouse MSP
Minister for Environment and Climate Change

Scotland's First Wildlife Crime Annual Report

Section 20 of the Wildlife and Natural Environment (Scotland) Act 2011 inserted a new Section 26B into the Wildlife and Countryside Act 1981. The new Section requires Scottish Ministers to produce an annual report on the state of wildlife crime in Scotland. It prescribes that Ministers must lay a report every calendar year on offences which relate to wildlife, to include information on incidences and prosecutions during the year to which the report relates, and on research and advice relevant to those offences.

The report aims to:

- Detail the wildlife crime priorities;
- Provide and explain crime incidence and prosecution data from a variety of reporting organisations in Scotland;
- Highlight activities of PAW Scotland groups;
- Provide and explain research on Scotland's wildlife which will positively reduce wildlife crime;
- Provide and explain information on the conservation status of key species in Scotland which are affected by wildlife crime and are a UK crime priority group; and
- Provide recommendations to Ministers for ongoing activity.

This report covers the calendar year 2012, but additionally draws on information from previous years.

Key Data

The Scottish Government Justice Department holds data on all crimes in Scotland. [Table 1](#) shows the figures for offences recorded under relevant legislation. There are several caveats to the use of this data.

Table 1: Court Proceedings for Wildlife Offences for Period 2007/08-2011/12

Legislation	Offences Relating to?	2007-08		2008-09		2009-10		2010-11		2011-12	
		Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty
Wildlife & Countryside Act 1981	Birds	14	5	10	7	7	5	6	4	15	12
Wildlife & Countryside Act 1981 and Wild Mammals (Protection) Act 1996	Cruelty to wild animals	10	4	9	8	4	3	2	2	4	3
Protection of Wild Mammals (Scotland) Act 2002	Hunting with dogs	15	6	8	6	10	7	9	3	5	0
Protection of Badgers Act 1992	Badger offences	11	7	1	0	2	2	3	3	2	1
Animal Health & Welfare Act 2006, Wildlife & Countryside Act 1981 and Control of Trade in Endangered Species(Enforcement) Regulations 1997	Other wildlife offences	6	6	11	6	2	2	4	4	11	10
Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003, Salmon and Freshwater Fisheries (Protection)(Scotland) Act 1951 and Scotland Act 1998 (River Tweed Order)	Possession of Salmon or trout unlawfully obtained	3	1	3	3	0	0	1	1	2	1
Salmon and Freshwater Fisheries (Scotland) Act 1976, Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003	Salmon and freshwater fisheries	25	20	32	26	3	2	21	17	16	11
Game (Scotland) Act 1772, Game (Scotland) Act 1832, Night Poaching Act 1828, Poaching Prevention Act 1862	Poaching & Game laws	6	6	3	2	4	3	8	4	8	5
Deer (Scotland) Act 1996	Deer offences	2	2	0	0	0	0	3	3	8	5
Nature Conservation (Scotland) Act 2004	Other conservation offences	1	1	1	0	1	1	0	0	1	1
TOTALS		93	58	78	58	33	25	57	41	72	49

A single crime or offence recorded by the police may have more than one perpetrator, or alternatively, an individual may be convicted of several cases of the same crime. There is the possibility that the crime or offence recorded by the police may be altered in the course of judicial proceedings, while a crime or offence may be recorded by the police in one year and court proceedings not concluded until a later year.

The final charges listed are for the main offence only. Therefore if a wildlife offence has been proven, however it is secondary to a firearms offence, the firearms offence will be listed as the main offence. In this scenario, the wildlife offence will be unrecorded. This is standard procedure by the Crown Office and the courts when recording any type of offence. Additionally, crimes and offences alleged to have been committed by children less than 16 years old are also generally dealt with through the children's hearings system rather than through the courts and will also not be shown.

PAW Scotland



The Partnership for Action Against Wildlife Crime (PAW) Scotland is a partnership organisation chaired by the Minister for Environment and Climate Change, Paul Wheelhouse, MSP. PAW Scotland is part of, and plays a full role in the wider PAW UK organisation. PAW Scotland has partners from conservation organisations, land managers and law enforcement, as well as Government agencies.

In 2008, a joint inspection by Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) and the Inspectorate of Prosecution in Scotland (IPS) produced a report titled Natural Justice which examined the prevention, investigation and prosecution of Wildlife Crime in Scotland. That report and the follow-up inspection in 2009 set the framework for the organisation of PAW Scotland.

Scottish Wildlife Crime Reduction Strategy

The Scottish Wildlife Crime Reduction Strategy was produced as a response to the first recommendation in the Natural Justice report. The purpose of the strategy was to provide support and direction for PAW partners. Please refer to [Appendix 1](#) to read the strategy in full.

The strategy recognised that “wildlife and the environment are subject to a number of factors such as climate change, demographic change and economic shocks which will bring new and different wildlife crime enforcement challenges.” It also acknowledged that “conservation interests will require to be balanced against the needs of economic and social development and that this balance needs to be reflected in the legislation that provides the framework for protection of wildlife and natural habitats”. The PAW Scotland Executive Group is currently reviewing the Strategy to establish where it needs to be updated.

PAW Scotland Sub-Groups

PAW Scotland operates a high level Executive Group and a wider Plenary Group both chaired by the Minister. The Plenary is open to all members of the Partnership. Between them the Executive and Plenary groups meet around 4 times per year.

The main work of PAW Scotland is delivered through a number of sub-groups, which are described in more detail below.

Alongside the PAW sub-groups, there are crime priority groups which meet to discuss and lead activities in relation to the UK crime priorities. The activities of the Poaching and Coursing, and Raptor crime priority sub-groups are covered within the priority sections of this Report.

More information on all the activities and membership of PAW Scotland is available on the PAW Scotland website at www.PAW.Scotland.gov.uk.

Legislation, Regulation & Guidance

This group was chaired by Sheriff Kevin Drummond until his retirement from the post. The main function of the group is to provide advice on wildlife crime and the law. The group had a key role in advising on aspects of the Wildlife and Natural Environment (WANE) Bill in 2010. Since then it has discussed and provided advice on a number of aspects concerning implementation of the WANE Act and legal aspects of wildlife crime enforcement. These have included:

- the snare training requirements introduced by the WANE Act, which are now in force across the country;
- the status of the enforcement of existing legislation in relation to illegal egg collections;
- the use of different types of Larsen traps for corvids; and
- the introduction of vicarious liability in relation to wild bird offences.

Training & Awareness

This group was chaired by Chief Inspector Kevin Findlater of the former Central Scotland Police. Following his retirement the Group is now chaired by Sergeant Andrew Mavin of Police Scotland. The group was created to ensure that training relating to, and awareness of, wildlife crime is maintained at an appropriately high level across Scotland. The group also make use of PAW partners to assist in training delivery (such as the British Deer Society who have carried out Deer Awareness Training Days for wildlife crime officers). Recent activities include:

- organising additional training for police wildlife crime officers, for example by bringing officers together with prosecutors to benefit from learning opportunities from cases; and
- organising the annual Wildlife Crime Conference which is open to all PAW Scotland partners.

Funding

This group is chaired by Ron Macdonald of Scottish Natural Heritage (SNH). The group previously oversaw the distribution of a PAW Scotland fund of £200,000. Whilst the group had been on hold as that funding ended in 2011, group members were still involved in distributing funding from SNH to projects aimed at tackling wildlife crime issues, and are now actively inviting further applications for these funds. The group is exploring new funding avenues for projects aimed at tackling prevention, intelligence and enforcement aspects of wildlife crime. A list of the projects previously funded is at [Appendix 2](#).

Media

The media group is chaired by Louise Batchelor, former Environment Correspondent for BBC Scotland. Its role is to help publicise the work of PAW Scotland and raise its profile as well as informing the public of wildlife crime issues in general. Their regular work includes:

- improving PAW Scotland's engagement with the media;
- planning the publication of the annual bird of prey poisoning maps;
- issuing regular press releases to keep wildlife crime stories in the media spotlight; and
- drawing on the expertise of partners to write articles on wildlife crime and related topics for the PAW Scotland biannual e-newsletter as another awareness raising activity.

Science

This recently formed group is chaired by Dr Lucy Webster of Science and Advice for Scottish Agriculture (SASA). It consists of scientists from across the PAW Scotland partner organisations. The work of the group includes:

- reviewing scientific data, trends and patterns that relate to wildlife crime;
- identifying ways that science can help enforcement;
- reviewing evidence handling e.g. for DNA; and
- reviewing wildlife crime in the context of the conservation status of key species.

Dr Webster also sits on the PAW UK Forensics Working group and will act as a conduit between them.

Wildlife Crime Priorities

There are currently six UK wildlife crime priorities which are reassessed on a two yearly basis. They are agreed by officials from all UK administrations and police representatives (the UK Tasking and Coordinating Group) based on intelligence from the National Wildlife Crime Unit (NWCU) and scientific advice from the Joint Nature Conservation Committee (JNCC). This ensures that both the volume of crimes and the impact that they have are taken into account in setting priorities.

In alphabetical order, the current UK and Scottish priorities are:

- Badger persecution
- Bat persecution
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) issues
- Freshwater Pearl Mussel persecution
- Poaching (including deer poaching, hare coursing, fish poaching) and
- Raptor persecution (including poisoning, trapping, egg theft, nest disturbance).

Each priority has a delivery group that aims to improve the status of each priority area at the UK level. These groups are led by specific parties involved in the investigation of crimes or conservation of the species involved, with specific leads for prevention and enforcement. The NWCU leads on intelligence for all priorities.

The Poaching and Raptor Persecution priorities have additional Scottish delivery groups, as these were areas where high incidences of crime were taking place.

As freshwater pearl mussels are almost exclusively a Scottish issue, the group which has a UK remit, is chaired by SNH.

The following sections describe each of these priority areas, whilst also providing key data and case studies where available.

Badger Persecution



Badger cubs: Scottish Badgers

There are many incidents of badger persecution in Scotland. Many of the incidents that are reported each year take place as a result of otherwise lawful operations where those involved, either recklessly or in ignorance, damage or obstruct badger setts. These incidents could be avoided if those involved had taken the proper precautions and sought licenses for work carried out at, or near, a badger sett. Over 50% of all reported incidents (to the charity Scottish Badgers) fall into this category.

It is illegal to fell trees on or drive vehicles over a sett, or plough through a sett in a field. In a proactive move to prevent this type of incident occurring, Scottish Natural Heritage, supported by Scottish Badgers, now operate some open licences and operators are urged to seek advice before working on or near a badger sett.

Case Study

Crime: An injured badger was found hanging from a fence by a snare. An SSPCA inspector freed the badger and took it to a vet for treatment.

Following investigation, a local man admitted setting a snare likely to cause unnecessary suffering to an animal by wholly or partly suspending it, contrary to the Wildlife and Countryside Act 1981, and failing to ensure the welfare of the badger after it became caught in the snare, contrary to the Animal Health and Welfare (Scotland) Act 2006.

Following treatment and rehabilitation, the badger was released back into the wild.

Region: Dumfries & Galloway

Date of Offence: March 2012

Penalty: £160 fine

In contrast to unlawful or careless operations is deliberate interference. This involves individuals deliberately interfering with badger setts either to kill the animals (e.g. by filling a set with slurry) or for the purpose of baiting the badgers once they have been removed. This barbaric practice can be found in any part of Scotland but many cases are reported from the Central Belt down to the Borders. Past investigation and intelligence gathering has shown that criminals are likely to travel from far and wide to commit these types of offences and it is not unusual to

find that perpetrators are travelling into Scotland from elsewhere in the UK.

There is a second aspect to this type of crime and that relates to the welfare of the dogs used. Dogs can suffer terrible wounds and their owners often do not take them for veterinary treatment for fear of prosecution. Owners can regard the injuries to their dogs as a “badge of honour”. Scottish Badgers have confirmed that through a number of successful operations carried out by the Scottish Society for Prevention of Cruelty to Animals (SSPCA) and Police Scotland, the most effective way to stop these criminals is to confiscate their dogs.



Badger suspended in an illegal snare: Scottish Badgers

The ownership of dogs which have been trained to fight badgers or to locate them underground is of major importance to the criminal wishing to commit this type of offence and the loss of those dogs has a major effect on their ability to continue their activities.

Police recorded crime figures in [Table 6](#) show 63 crimes relating to badger offences in the five-year period from 2007-08 to 2011-12. [Table 1](#) shows 19 court proceedings for badger offences in the same period, 13 of which resulted in guilty verdicts. These figures are not directly comparable with the crime figures, because court proceedings often do not take place in the same year as the offence was committed. It is also not possible to ascertain if the offences were deliberate baiting type offences or unlawful activities carried out in ignorance.

One of the difficulties encountered in any prosecution relating to badger setts is the need to prove “current use”. This is currently being reviewed by Scottish Badgers in order that more robust evidence can be provided to the court in such cases.

Bat Persecution

Bat persecution is a wildlife crime priority as the illegal damage and destruction of roosts has been identified as one of the reasons for the decline in some bat populations. All bat species found in Scotland are classed as European Protected Species and as such, are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994.

The Bat Conservation Trust (BCT) lead the Bat Priority Delivery Group, whose aims are to reduce bat crime by:

- working with key stakeholders to raise awareness of responsibilities to, and criminal offences against, bats;

- promoting a preventative approach; and
- improving the submission of intelligence and standards of investigation relating to bats across the UK.

The group's membership includes the police and Scottish Natural Heritage and has particular focus on the prevention of criminal offences and identifying areas of organised criminal activity. They also continue to review the long-running Operation Bat police standard operating procedure to ensure that it remains fit for purpose. Recognising that the legislation in Scotland differed from that in England and Wales the group drew up a specific document for Scotland and this was distributed to all Scottish forces. The group also looks to identify opportunities to raise public awareness of criminal offending directed towards bats.

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any European Protected Species, licences can only be issued for specific purposes that are set out in the legislation.

Case Study

Crime: A man repeatedly swung a pool cue at a Pipistrelle bat, which was flying around inside a bar area. He eventually struck the bat, causing it to fall to the ground where it was picked up and put into a bin outside. The incident was brought to the attention of the police and SSPCA after video footage was posted on Facebook.

In court the man pleaded guilty to deliberately or recklessly injuring or killing a protected animal, contrary to the Conservation (Natural Habitats) Regulations 1994, and has a criminal record as a result of the conviction.

Region: Aberdeen City

Date of Offence: July 2012

Penalty: £160 fine

Data from the BCT shows the following number of investigations carried out in the UK and Scotland.

Table 2: BCT Crime Figures 2009-2012

Year	UK Investigations	Scottish Investigations
2009	81	7
2010	117	4
2011	138	4
2012	138	10

There are many explanations for such low levels of recorded bat-crime in Scotland, including the fact that bats are not generally as common in Scotland as

in some parts of England and Wales. The absence of survey work and in some areas the lack of availability of bat workers can also mean that offences go undetected and unrecorded. For these reasons the BCT take the view that bat crime in Scotland is under-reported.

Despite the relatively small number of recorded offences in Scotland there are examples of good results being obtained for bat conservation. The BCT take a proactive approach to bat crime aimed at preventing rather than prosecuting offences. Every year as a consequence of timely advice being provided to developers by enforcers and regulators, bat roosts that would otherwise have been damaged or lost have been saved.

In order to increase awareness of the threats to bats from development the BCT Scottish officer has delivered a number of talks to Council staff throughout Scotland. In addition there have been two training courses for arborists, three training courses for Police wildlife crime officers and two workshops at a PAW Scotland event.

Over 90% of incidents recorded by the BCT relate to development. Incidents of cruelty are far less common.

CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between governments that came into force in 1975, to protect species from, at worst, extinction in the wild. The import, export and use for commercial gain of certain species requires a CITES permit. The UK Animal Health and Veterinary Laboratories Agency wildlife licensing and registration service is the part of the UK CITES management authority responsible for dealing with CITES applications.

It is widely known that CITES is in place to protect rhinos or elephants in Africa or pandas in China, but it also protects certain types of wood (e.g. Ramin) and rare flora. Without this protection these plants and animals could end up in traditional Asian medicine, the illegal pet trade or as furniture. Without protection, they would be wiped out by organised gangs through illegal and unregulated trade.

Table 1 data shows that 28 out of 34 cases classified as “other wildlife offences” were successfully prosecuted in Scotland in the period 2007/08-2011/12. Of these, 6 offences were CITES related of which 4 realised guilty verdicts, as can be seen in the additional breakdown below.

Legislation	Offences Relating to?	2007-08		2008-09		2009-10		2010-11		2011-12	
		Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty
Control of Trade in Endangered Species (Enforcement) Regulations 1997	Other wildlife offences	0	0	2	1	1	1	0	0	3	2

Much of the illegal trade through UK ports or airports is handled by the UK Border Agency. The NWCU also contributes to these cases by providing intelligence. Scottish police, prosecutors and courts also play a key role in enforcing CITES. In Scotland, CITES issues appear to be increasing with the use of the internet for buying and selling protected species, animal parts or other protected flora and fauna.

Case Study

Crime: A home in Fife was searched under warrant. Among the items recovered were a pilot whale skull and two harbour porpoise whale skulls, species identified as the most endangered under both European and domestic legislation. The occupier of the property had been trading a number of internationally endangered species via the internet.

In 2012, the man pleaded guilty in court to various offences of trading in endangered species.

Region: Fife

Date of Offence: August 2010

Penalty: 160 hours community service

Here in Scotland, as CITES related crime moves up the agenda, Police Scotland have already committed to sending more Wildlife Crime Officers on specialist training.

Freshwater Pearl Mussel Persecution



Freshwater Pearl Mussels: SNH

The freshwater pearl mussel is a globally threatened species that is listed as 'endangered' by the International Union for Conservation of Nature.

Scotland continues to support some of the largest remaining populations of freshwater pearl mussel, with several rivers supporting populations of more than one million individuals. Scotland is therefore extremely important to the continued survival of the species.

The freshwater pearl mussel places great demands on its habitat, requiring excellent water quality, clean riverbeds, and a healthy host fish population. As such it is a powerful environmental indicator. The species' requirement for excellent water quality has led to the decline of many populations, including in Scotland. Historically, pearl fishing was also an important pressure on freshwater pearl mussels across Europe.

Case Study

Crime: Construction activities for a hydro scheme at a Perthshire site, including the building of a pipeline, a ford and an access track, caused pollution of the surrounding watercourses and extensive environmental damage to the bed of the River Lyon. This resulted in the killing and injuring of an important colony of rare freshwater pearl mussels.

In court, the directors of the companies involved pleaded guilty to offences under environmental regulations. It is not known if the pearl mussel population will recover.

Region: Perthshire

Date of Offence: May-October 2010

Penalty: £15,000 fine

Even though pearl fishing has been illegal here since 1991 and appears to have declined across the species' range, it still persists in Scotland, where this and other forms of criminal damage (e.g. river engineering, pollution) continue to cause serious damage to vulnerable populations.

Examples of recent damage include a pearl fishing incident in the Outer Hebrides in 2009 that resulted in the death of 50% of that population. That population was already depleted due to historical pearl fishing, and so given the very long lifespan of the pearl mussel, it will take considerable effort and time to restore the population. In 2008 unauthorised river dredging resulted in the near total loss of an entire breeding bed of freshwater pearl mussels (at least 900 animals were killed). Most recently in 2011, pollution and damage that arose from a hydro development in Glen Lyon (see case study above) resulted in the smothering of extensive areas of riverbed that supported breeding freshwater pearl mussels causing massive damage.

Work has been underway to address this threat from criminal activity, with the freshwater pearl mussel identified as a UK wildlife crime priority. This work has been led by SNH, but involving Police Scotland and the NWCU, and has concentrated on raising awareness of the species and the threat posed by

criminal activity. This has included the publication and promotion of material such as leaflets and other educational material targeted at construction firms, fishermen, rafters, canoeists as well as the general public. A second national survey of mussel populations is also being carried out in 2013-2014, and the results of this should help to inform future work in wildlife crime prevention.

The first convictions have now been secured for damaging pearl mussels in the UK: one in 2008 for damage in a Cumbrian river as a result of unauthorised pearl fishing; and the recent Scottish case in February 2013 in Glen Lyon.

Partnerships have been set up with relevant stakeholders including fishery boards, landowners and gamekeepers in order to improve the flow of information about suspicious activity. Much of this work has been supported and/or led by the Scottish Investigative Support Officer based within the NWCUC, whose role is partly targeted at the freshwater pearl mussel. This has helped to raise awareness, improve the recording of crimes and improve the flow of intelligence whilst taking forward prosecutions.

Other partnerships have been established to implement conservation work. The largest example to date has been with the fishery trusts, government agencies (including SNH, Scottish Environment Protection Agency (SEPA), Forest Enterprise Scotland, National Park Authorities, Forestry Commission) and private bodies, to implement a large £3.5 million conservation project (part financed by the European Commission’s LIFE+ fund). This project, “Pearls in Peril”, includes action to address wildlife crime as well as significant work to improve the water quality and river habitat. In order for this conservation project to be successful, it is vital that criminal activity ceases. This is because the long lifespan of the pearl mussel means that it can take decades for conservation work to be truly effective, but take only days for criminal activity to reverse those efforts.

There have been 72 suspected criminal incidents involving damage to freshwater pearl mussel sites in Scotland over the past 14 years. These have been recorded by SNH and the NWCUC on a yearly basis. See [Table 3](#) for data related to suspected incidents in the past 5 years. The period 2008 to 2010 has shown the highest recorded number of incidents.

Table 3: Suspected Criminal Incidents Involving Freshwater Pearl Mussels

Year	Number of Suspected Criminal Incidents
2008	14
2009	13
2010	12
2011	4
2012	2

Poaching and Coursing

The Poaching Priority Delivery Group, which is chaired by Scottish Land & Estates, undertakes awareness raising, the sharing of intelligence and actively supports police operations where appropriate. Many poaching and coursing crimes take place at night, making it exceedingly difficult and dangerous to catch criminals.

The group includes representatives from:

- Association of Salmon Fisheries Boards
- British Association for Shooting and Conservation
- British Deer Society
- National Wildlife Crime Unit
- Police Scotland
- Scottish Land and Estates.



Red Deer: SNH

Poaching and coursing are the most commonly reported of all wildlife crimes in Scotland and have been shown to have links with other types of rural, violent and organised crime. As a result, these crimes are of particular interest to the police and are especially concerning to rural communities.

Case Study

Crime: Water bailiffs caught two salmon poachers, having earlier spotted one of the men on hidden camera footage. They later caught one of the poachers in the act, and found the other in possession of three dead salmon.

The men admitted fishing for salmon without permission and one admitted being in possession of the illegally caught fish. Both were convicted.

Region: Perthshire

Date of Offence: May 2011

Penalty: 150 hours community service and a £360 fine

As well as the major cruelty aspect of coursing, these crimes often have an impact not only on the landowner or manager, but also the wider community and rural businesses because of the associated violence and thefts.

[Table 1](#) shows that in 2011-12 there were a number of court proceedings for offences linked to poaching, coursing or related crimes. These included:

- Eight offences under poaching and game laws (five guilty results)
- Eight deer offences (five guilty results)
- Sixteen salmon and freshwater fisheries offences (eleven guilty results)

- Two offences relating to possession of salmon or trout unlawfully obtained (one guilty result)
- Five offences related to hunting with dogs (no guilty results).

To address these types of offences in 2012 there were some successful joint police and land manager operations targeting hare coursing and salmon poaching in specific hot spots. Schemes were also undertaken at a local level – one of these was the Deer Watcher scheme undertaken by the Morven Deer Management Group (also supported by PAW Scotland funding). This project was a very high visibility campaign designed to let people know that there was an active deer watcher and associated surveillance on the Morven DMG ground. For what is a very remote area this proved a very effective scheme.

The delivery group recorded that in 2012:

- There was an increase in deer poaching, particularly in the north (north of Inverness).
- Coursing for deer with dogs happens countrywide, but predominantly in the south.
- There was insufficient intelligence for police to carry out a preventative deer poaching operation.
- Good partnership working takes place with water bailiffs and Police.
- There is good engagement with the NWCU.
- There is evidence to confirm that dogs are being specifically bred for deer coursing; an indicator for further criminal activity in future.



Brown Hare: SNH

Various initiatives to combat poaching are underway or being considered by the group which include:

- Operations with members and the Police to monitor hotspots, as well as investigating a VIP telephone system to encourage greater communication amongst the PAW groups;
- A leaflet on poaching funded by SNH, to be distributed at relevant public events;
- A survey of National Farmers Union (NFU) Scotland and Scottish Land & Estates on hare coursing issues to establish the extent of the problem and gain further intelligence;
- An aide memoire to assist land managers and rural workers in reporting a suspected wildlife crime to the police;
- A communications protocol between SSPCA and the group is being investigated to improve the flow of information and intelligence;
- Awareness-raising on hare coursing including the new closed seasons; and
- Interpretation boards to be produced on poaching and fresh water pearl mussels to be placed along rivers.

Raptor Persecution

In Scotland, raptor persecution continues to be a high profile issue which receives a great deal of attention from the public, media and Parliament. While Scotland's birds of prey are highly valued by most and considered to be emblematic of Scotland's wild places, predation by these birds can cause problems for some game-bird managers, farmers and other land managers. In some cases conflicts, or perceived conflicts, can lead to the illegal killing and persecution of raptors.



Poisoned Golden Eagle: RSPB

Bird of prey populations in Scotland are making a recovery from previous decades of persecution and from the historical use of certain agricultural pesticides. Some species such as buzzards are doing well. Others such as golden eagles, red kites and hen harriers remain in a vulnerable conservation status for a variety of reasons, but all species are still susceptible to targeted persecution. Whatever the conservation status of a bird of prey, the illegal killing and persecution is wholly unacceptable and PAW partners are united in working together to see these archaic and barbaric practices stamped out.

Within Scotland, this priority is managed by the PAW Scotland Raptor Group – formerly the Raptor Persecution Priority Delivery Group. The priority species for the group are the golden eagle, hen harrier, goshawk, white-tailed (sea) eagle, red kite and peregrine. The group meets regularly throughout the year and members include senior representatives from:

- British Association for Shooting and Conservation
- Game and Wildlife Conservation Trust
- National Wildlife Crime Unit
- Police Scotland
- Royal Society for the Protection of Birds (RSPB)
- Science and Advice for Scottish Agriculture
- Scottish Gamekeepers Association
- Scottish Land & Estates
- Scottish Natural Heritage
- Scottish Raptor Study Groups.

In 2012 the group worked on initiatives to assist with enforcement aspects of raptor persecution and this included work on:

- a protocol for evidence gathering by field workers;
- a protocol for satellite tagging and recovery of downed birds;
- developing methodologies with police on making use of low-level intelligence; and
- information sharing between NGOs and the NWCU.

The Group has also been involved in the production of the PAW Scotland annual poisoning maps. These maps have been published in Scotland since 2009 and are designed to establish an agreed set of data on the issue of raptor poisoning, to help build trust between the PAW partners and to focus attention on the hotspot areas for this dangerous practice. The data used is supplied and verified by SASA who provide the toxicology analysis to confirm if a bird has been deliberately poisoned.



Bird of Prey Poisoning Map

The last few years have shown an encouraging decline in raptor poisoning numbers. It is too early to say yet whether this represents a genuine reduction in overall raptor persecution, or whether there has been a corresponding increase in other forms of persecution. See [Table 4](#) below for confirmed raptor poisoning figures.

Table 4: Confirmed Raptor Poisonings 2008-2012

	Red kite	Buzzard	Peregrine falcon	Golden eagle	Tawny owl	Sparrow-hawk	Sea eagle	Total
2008	2	14	0	0	0	0	1	17
2009	4	22	0	2	1	0	1	30
2010	7	13	2	4	0	1	1	28
2011	4	7	2	1	0	2	0	16
2012	0	2	0	1	0	0	0	3
Totals	17	58	4	8	1	3	3	94

Tables [5a](#) and [5b](#) record wider persecution activities associated with raptor crime including illegal trapping, shooting, egg or chick collecting and nest disturbance. Any of these activities can have a serious adverse effect on the status of some raptors.

Table 5a: Details of Recorded Raptor Crimes 2012

Species	Offence Type	Police Force Area
Osprey	Nest Disturbance	Central
Osprey	Nest Disturbance	Central
Peregrine	Chick Theft	Dumfries & Galloway
Golden Eagle	Shot	Dumfries & Galloway
Buzzard	Poisoned	Dumfries & Galloway
Buzzard	Poisoned	Grampian
Goshawk	Trapped	Grampian
Hen Harrier	Shot	Grampian
Peregrine	Egg theft	Lothian & Borders
Golden Eagle	Poisoned	Northern
Buzzard	Unknown	Strathclyde
Buzzard	Trapped	Tayside
Golden Eagle	Trapped	Tayside

Table 5b: Numbers of Recorded Raptor Crimes 2012, by Species Involved and Offence Type

Species	Number of crimes	Offence Type	Number of crimes
Buzzard	4	Poisoned	3
Golden Eagle	3	Trapped	3
Peregrine	2	Nest Disturbance	2
Osprey	2	Shot	2
Goshawk	1	Chick Theft	1
Hen Harrier	1	Egg Theft	1
Total	13	Unknown	1
		Total	13

It is acknowledged that there may be other incidents where raptor persecution was suspected but there was insufficient evidence to record a crime. As with many other types of wildlife crime, these incidents often take place in remote locations where detection is difficult, therefore some incidents may remain unreported.

Case Study

Crime: A walker found the carcass of a bird of prey inside a crow trap and reported it. Police officers, including a Wildlife Crime Officer, attended at the scene the next day and found the remains. The bird, which had starved to death, was later confirmed to be a buzzard.

A man pleaded guilty to an offence under the Wildlife and Countryside Act 1981 and was convicted of failing to carry out a daily inspection of the trap.

Region: Perthshire

Date of Offence: February 2011

Penalty: £450 fine

Raptor Persecution - Future Work

The PAW Scotland Raptor Group is looking at the forward plan of the group now that some significant pieces of work have come to a conclusion. Under consideration is the value of publishing other data or perhaps additional maps, to show wider persecution such as the findings of poisoned bait which are not currently shown in the poisoning maps.

Several initiatives are underway to improve the evidence base on raptor persecution. Collaborative work between the Highland Foundation for Wildlife, Natural Research, RSPB and SNH is advancing understanding of causes of death in young golden eagles. By attaching satellite transmitters to young golden eagles a picture of movements by these birds is being built up which includes causes of death. A detailed analysis of these data sets will be carried out in 2013. Work is also underway to attach satellite transmitters to hen harriers (notably on

the Langholm Moor Demonstration site) and to peregrines in the Cairngorms National Park.

Conservation frameworks have been published for golden eagles (2008) and hen harriers (2011) revealing the impacts of a range of factors, including persecution, on these birds. The framework for hen harriers is being updated to include the results of the latest national survey (2010) and a considerable body of information from the Scottish Raptor Monitoring Scheme. Several scientific papers have been published over the past five years pointing to the extent and significance of persecution, and its association with particular areas and land-uses.

In 2013 work began to develop an Action Plan for hen harriers, involving intelligence gathering, enforcement and awareness raising activities. This commenced with the “Heads up for Harriers” campaign to raise awareness of the hen harrier with the public and to ensure the message about illegal persecution remains in the wider public consciousness.

Persecution of hen harriers is particularly difficult to determine as the birds rarely take carrion (and so tend not to succumb to poisoning), and some of the reports of birds being present in an area and then evidently disappearing may be for natural reasons related to food supplies, habitat quality or some other factor. The group is keen to work with estates to set up nest cameras to develop the evidence base on causes of nest failure. It is hoped that lessons learnt from this action plan can be utilised to gain best practice and form the basis of similar plans for other species.



Red Kite: SASA

Government and Agencies

Scottish Government

The Scottish Government employs 1.5 Full Time Equivalent (FTE) staff carrying out wildlife crime policy work and the management of PAW Scotland.

The practicalities of dealing with wildlife crime however are not limited to policy staff. Inspectors employed by Scottish Government's Agriculture, Food and Rural Communities Directorate are familiar with wildlife legislation. These inspectors carry out around 1200 investigations every year and will forward details of any suspected wildlife crimes that they may come across to the police.

Marine Scotland also has responsibility for marine nature conservation issues, and employs over 100 Marine Enforcement Officers as well as using patrol vessels and surveillance aircraft.

The Role of SNH

Scottish Natural Heritage (SNH) is a government funded agency with responsibility for Scotland's natural heritage. Their purpose is to:

- promote, care for and improve Scotland's natural heritage;
- help people enjoy it responsibly;
- enable greater understanding and awareness of it; and
- promote its sustainable use, now and for future generations.

SNH have lead contacts within their seven operational areas that help to coordinate local involvement with wildlife crime, working closely with the police and local area officers.

Representatives from SNH sit on both the Raptor Group and the Freshwater Pearl Mussel Group providing expert advice on conservation issues affecting those species.

SNH also provides grant-aid support for wildlife crime initiatives, and has part-funded the Scottish Investigative Support Officer post within the NWCU. The post has specific responsibilities in the gathering of intelligence in relation to raptors and freshwater pearl mussels.

The Role of SASA

Science and Advice for Scottish Agriculture (SASA) is a government department in Edinburgh which provides several services for wildlife crime investigation.

The Wildlife DNA Forensic Unit was established in January 2011, in collaboration with TRACE Wildlife Forensics Network, to analyse non-human DNA evidence recovered during the course of a wildlife crime investigation and is led by Dr Lucy

Webster. Police forces in Scotland are able to submit specimens for testing to the unit free of charge.

DNA analysis can provide crucial evidence to the investigation of wildlife crimes where there are often no witnesses available. The majority of casework involves the identification of species from a sample (e.g. blood, feather, skin). Sometimes however, it is also necessary to identify DNA from specific animals, using a method known as DNA profiling. Animal DNA profiling is applied to test for a link between a sample recovered from a crime scene and a suspect.



Hare swabbing: SASA

Casework the unit has carried out to date has included:

- the identification of wild bird DNA on an egg blowing kit;
- matching dog DNA profiles recovered from the carcass of a coursed hare to a suspect's dog (see sampling hare for dog DNA in photo); and
- identifying the sex of deer remains recovered in a poaching investigation to determine whether they had been taken out of season.

As well as being the main provider of animal DNA analysis for wildlife crime casework from around the UK, the unit aims to develop and validate new methods of DNA analysis. Current projects include the validation of DNA profiling methods for red deer and the establishment of a rhino DNA database of zoo and museum specimens, funded by DEFRA – as reported in the BBC program “Costing the Earth” on 9 April 2013.

SASA also provide toxicology testing for all animals that are suspected poisoned and may result in the basis of a criminal investigation. SASA's Pesticides and Wildlife Branch produce an annual report on animal poisonings which are recorded from information held in the Wildlife Incidents Investigations Scheme (WIIS). The team also regularly analyse suspicious substances, suspected baits and poisoning paraphernalia.



Barn Owl Post Mortem: SASA

Using state-of-the-art analytical systems and refined analytical methods, residues of individual and multiple poisons can be identified and quantified at ultra-low levels from often the smallest specimen e.g. an egg shell fragment. The type and amount of chemical(s) detected often gives an indication as to whether an incident arose from a deliberate (illegal) attempt to poison wildlife. Field evidence gathered by Scottish Government Rural Payments and Inspectorate staff is often required to establish if a poisoning incident has resulted from the approved use or misuse of a formulated product.

The Pesticides and Wildlife Branch also undertake investigations of suspected illegal gassing of animal burrows or dens, such as badger setts. The tests are conducted on site, and in situ, both of the fumigant gas and if required, of any residues.

The Pesticides and Wildlife Branch collect and hold all the data used to construct the annual bird of prey poisoning maps published by PAW Scotland. These maps suggest a decline in the number of recorded incidences of confirmed abuse (i.e. the deliberate use of an illegal substance such as Carbofuran) over the past 3 years. It is considered that a combination of PAW partnership working and the introduction of vicarious liability have had a deterrent effect in this area of crime.

Scotland's Rural College

Vets and scientists at SAC Consulting Veterinary Services (a division of Scotland's Rural College – SRUC – formerly Scottish Agricultural College) provide specialist services to the statutory enforcement authorities involved in the investigation of wildlife crime. This work is funded by Scottish Government.

Where wildlife are found dead or fatally injured and wildlife crime is suspected, a post mortem examination is carried out to investigate the cause of death. Samples are collected and laboratory based examinations assist in the forensic investigations.

These cases involve a wide range of species and in 2012-13 included a peregrine falcon, buzzards, red kites, sea eagles, golden eagles, owls, gulls, pigeons, deer, hares, foxes, badgers, otters, red squirrels, pine martins and toads. Deaths are often due to injuries as a result of road traffic or other unfortunate accidents but malicious causes including shooting, trapping and poisoning have been identified. SAC Consulting staff provide scientific input, collect relevant evidence and compile reports in support of prosecutions and in cases that proceed to court act as witnesses in support of the prosecution case.

Police Reform



On 1 April 2013 the structure of policing in Scotland changed significantly with the establishment of the single Police Service of Scotland. The National Police Reform Team was tasked with producing a sustainable single police service, based in communities, and built on the ethos of partnership and prevention.

Each of the now 14 territorial divisions (previously 8 regions) have a Wildlife Crime Liaison Officer (WCLO). This structure allows for the delivery of the principles and business benefits of Police Reform, together with the recommendations of Her Majesty's Inspectorate of Constabulary Thematic Inspection (Natural Justice Report, 2008). These posts will act as a conduit between local policing and national coordination, and also between policing and local partners. The WCLOs will be managed locally and responsibility for delivery will be with Local Commanders.

In addition, two roles within the Specialist Crime Division (SCD) have been established. A national Portfolio Lead at the Superintendent level will maintain oversight of strategic developments and requirements relating to the wildlife crime area of business. Although this will be undertaken as a part time role, a full time National Coordinator position at Sergeant level has also been established and will have responsibility for national policy, performance and training. By placing national coordination in the SCD this recognises that wildlife crime impacts seriously on Scotland's valuable natural heritage and that it has proven linkages into organised crime groups and therefore other serious crime including drugs, money laundering and firearms offences.

[Table 6](#) below details the gross number of police recorded crimes for the 5 years to 2011/12. It is not possible to compare these figures to the prosecutions data in [Table 1](#) as prosecutions may not happen in the same calendar year as the date of the original charge. What can be seen from the data below is that hunting with dogs and deer offences have both increased in volume, whereas other offences are more subject to fluctuation.

Table 6: Wildlife Crimes Recorded by Police in Scotland from 2007/2008 to 2011/2012

Offence Category	Total Number of Crimes					5-year Total
	2007/08	2008/09	2009/10	2010/11	2011/12	
Birds	64	49	40	58	55	266
Hunting with dogs	5	6	37	31	31	110
Cruelty to wild animals	20	20	27	40	26	133
Offences involving Badgers	6	15	11	20	11	63
Other wildlife offences	45	46	41	68	17	217
Salmon, freshwater fisheries offences	65	132	62	79	101	439
Possession of salmon or trout, unlawfully obtained or as result of offence	2	6	5	6	3	22
Poaching & Game laws	22	9	17	16	15	79
Deer offences	5	28	20	33	47	133
Other Conservation offences	4	1	3	2	1	11
Total	238	312	263	353	307	1473

The National Wildlife Crime Unit



uk|National Wildlife
Crime Unit

The UK National Wildlife Crime Unit (NWCUC) is a national police unit which assists in the prevention and detection of wildlife crime by obtaining and disseminating intelligence and by directly assisting law enforcement agencies in wildlife crime investigations.

On behalf of the United Kingdom and devolved Governments, the NWCUC undertakes analysis to identify and assess wildlife crime threats. The management of the identified threat is carried out via the Tasking and Coordinating Group (TCG). The NWCUC also produces intelligence products which include a UK Strategic Assessment on wildlife crime and from which wildlife crime priorities are agreed on a two yearly basis, by the different administrations and the Joint Nature Conservation Committee (JNCC).

UK wildlife crime priorities are set to capture and respond to new threats, taking into account scientific advice using a risk-based intelligence led approach that mirrors law enforcement agencies across the UK. Each priority is taken forward via a Priority Delivery Group who progress the priority in relation to prevention, intelligence and enforcement, including activities such as:

- Setting of objectives;
- Awareness raising (across law enforcement agencies; partners; stakeholder communities and the public);
- Raising the priority profile via media exposure;
- Increase in information sharing; and

- Coordination of enforcement activity.

Scottish Investigative Support Officer

The NWCU's Scottish Investigative Support Officer (SISO) plays a significant role in partnership working and is jointly funded by SNH and Police Scotland. The SISO post (held by PC Charles Everitt) focuses on issues of significant threat in Scotland (raptor persecution and the illegal taking of freshwater pearl mussels). In addition, he leads and furthers investigations by providing expert advice, acting as a single point of contact and by providing corroboration to Wildlife Crime Officers. Cases of note include:

- Involvement in a multi-agency operation to secure the first conviction for possession of a dead red kite in 2011. A gamekeeper was fined £1,500 at Inverness Sheriff Court;
- Provision of advice during an operation to search an estate after 3 golden eagles were found poisoned in 2011. A sporting manager was fined £3300 for illegal possession of Carbofuran, which was believed to be the largest ever find of poison in the UK;
- A known egg thief was spotted in a gull colony on Rum in May 2011, collecting eggs. He pleaded guilty to the taking of 20 wild birds' eggs and to being in possession of various articles for the purposes of committing wildlife offences. The man was sentenced to six months' imprisonment and in the first order of its kind the court imposed an Anti-Social Behaviour Order, prohibiting him from entering Scotland during the bird breeding season for an indefinite period; and
- The first CITES related investigation in Scotland of the illegal selling of protected marine species parts (whale & porpoise skulls, turtle shells, walrus tusks and whale teeth) over the internet. A sentence of 160 hours of community service was handed out in November 2012.

NWCU Facts and Figures

Annually, the NWCU process a huge volume of intelligence across all types of wildlife crime. In order to aid future analysis and retrieval of intelligence for statistics, NWCU classify each intelligence log from a set list of categories. All priority areas have their own categories so that statistics can be produced. Categories of intelligence are not directly comparable from year to year.

Intelligence logs are subject to regular review by Intelligence Officers to ensure that they remain necessary for a policing purpose, are adequate and up to date. On review, if grounds for inclusion in the intelligence database no longer exist (for a policing purpose) the logs are deleted. Therefore, reporting of numbers of intelligence logs should not be used to comment on long term trends as totals for previous years may have been reviewed. It must be noted that an intelligence log is not a detected crime; it is a tool for police to use to establish a bigger picture of what is happening in a given area.

For the 5 year period 2007-2012 it can be seen from [Table 7](#) that the most prolific areas in terms of intelligence logs held by the NWCUC relate to coursing and poaching.

Table 7: NWCUC Intelligence Logs 2008-2012

Year	Intelligence Logs	Three most common priority intelligence types (as a percentage of the total number of intelligence logs)
2008	758	Raptor Persecution (16%), Hare Coursing (14%) and Fish Poaching (12%)
2009	1051	Hare Coursing (16%), Deer Poaching (14%) and Raptor Persecution (14%)
2010	1315	Deer Poaching (16%), Fish Poaching (13%) and Hare Coursing (12%)
2011	1105	Deer Poaching (17%), Hare Coursing (17%) and Fish Poaching (17%)
2012	1068	Fish Poaching (14%), Deer Poaching (12%) and Other Poaching (6%)

The Scottish SPCA and Wildlife Crime

The Scottish Society for the Prevention of Cruelty to Animals (SSPCA) receive reports on suspected wildlife crime from a number of sources including members of the public, police officers, other enforcement agencies e.g. SEPA, and NGOs with an interest. Wildlife crime is generally dealt with by the Special Investigations Unit (SIU); a small team operating covertly to detect the perpetrators of wildlife and other animal related crime.

SSPCA Inspectors are authorised by Scottish Ministers to act under the provisions of the Animal Health and Welfare (Scotland) Act 2006 and are a Crown reporting agency.

The following figures provided by the SSPCA relate to wildlife crime cases only.

- Between 2007 and 2012 the SSPCA were involved in 188 wildlife crime cases. 155 of these were handled solely by the SSPCA and in the other 33 cases SSPCA were assisting the police.
- Of these cases, 67 were reported for prosecution, 112 were not reported and the remaining 9 cases were still ongoing.
- 37 of the cases reported have resulted in a successful prosecution (14 assisting the police and 23 solely SSPCA). Successful prosecutions were recorded in cases where some charges were upheld resulting in a fine, ban or custodial sentence being handed down.

SSPCA cases of note include:

- A man found with over seventy thousand images of baiting badgers and deer with dogs pled guilty in court and was fined, placed on curfew and banned for life from keeping animals.

- A man found guilty of placing snares round a badger sett killing several badgers. He was fined over £3,000 and was warned a custodial sentence had been an option.

Crown Office - Prosecutions and Convictions

Historically, wildlife crimes were reported by the police and other agencies to local Procurators Fiscal where they were marked and prosecuted by local prosecutors. Often due to the numbers of cases reported in a particular locality certain prosecutors would develop an interest and familiarity with such cases and become expert.

As the Crown Office and Procurator Fiscal Service (COPFS) began to go through a period of substantial reform in the 2000s, the role of the specialist prosecutor came to be acknowledged.

The joint thematic inspection by Her Majesty's Inspectorate of Constabulary for Scotland and the Inspectorate of Prosecution in Scotland published in 2008 (Natural Justice) considered and reported on the prevention, investigation and prosecution of wildlife crime. It made a number of recommendations for the improvement of prosecutions.

COPFS initialised an internal review in 2011 of the operation of the specialist prosecutor arrangements for both wildlife and environmental crime and it was decided that a single national team of full-time dedicated wildlife and environmental crime prosecutors would be established. That unit became the Wildlife and Environmental Crime Unit (WECU) and began operating on 15 August 2011.

This model of specialism involves full-time dedicated prosecutors who investigate and manage the prosecution of all cases involving crimes against wildlife and the environment in Scotland. They also mark all cases of animal cruelty and investigate and prosecute more complex cases of this type.

WECU has four members of legal staff and is supported by a specialist member of Crown Counsel (the present Principal Crown Counsel) who provides support and legal advice on specific points of law or appeals in wildlife and environmental crime. There is also a communications officer from COPFS Media Relations.

The specialist prosecutors work with police and other reporting agencies from the investigation stage onwards in many cases, providing advice and guidance to investigators. Thereafter any reports of wildlife and environment cases are considered and decisions will be made regarding what, if any, prosecutorial action should be taken and at what level. The prosecutor will own their case unless in the case of an appeal where it will be passed to the specialist Crown Counsel where possible.

The particular benefits that fiscal specialism and the role of WECU have brought to the investigation and prosecution of wildlife crime include:

- promoting a consistency of response from prosecutors in Scotland to a complex area of crime;
- allowing prosecutors to build close working relationships with specialist investigators, be that from police or other agencies;
- early intervention in particularly complex or higher level cases;
- improving the quality of reporting of wildlife crime to COPFS; and
- allowing the quality of prosecutions to continuously improve.

2012 WECU Case work

Data showing the breakdown of wildlife cases reported to COPFS in 2012 – and the actions taken in respect of each category can be seen in [Table 8](#). It is important to note that these figures do not include the results of cases which concluded in 2012 but which had been reported to COPFS prior to 2012.

The table shows the following:

- 118 wildlife cases were received by COPFS in 2012. 115 of these cases were marked (3 were still under consideration at the time of this report).
- Of the 115 marked cases, 22 were either marked as having insufficient admissible evidence (17), were not a crime (4) or were time-barred on receipt from the reporting agency (1). There were therefore 93 cases where the prosecutor had to consider whether the public interest lay in favour of taking some form of prosecutorial action or not.
- Of the 93 cases, some form of prosecutorial action was taken in 84 cases (90%).
- Of the 84 cases where prosecutorial action was taken, a warning was issued in 14 cases (17%), a Fiscal Fine was issued in 12 cases (14%) and prosecution in court was undertaken in 58 cases (69%).
- Of the 58 cases prosecuted, 19 remained outstanding at the time of this report.
- Of the 39 cases which had concluded, proceedings were discontinued by the prosecutor in 5 (13%), an acquittal of all wildlife charges from the case resulted in 5 (13%) – however in 4 of these 5 cases the accused was convicted of other charges at that time - and a conviction resulted in 29 cases (74%).

WECU Liaison work

The Head of Unit and specialist prosecutors within WECU represent COPFS at PAW Scotland. COPFS sits on 3 of the 5 groups with the exception of the Funding and Science groups, but do attend the high level PAW Executive and Plenary groups.

Regular engagement is conducted with Scottish Government, the police, the SSPCA, RSPB, SNH, SASA and other criminal justice partners on matters of policy and training.

Specifically in 2012, WECU participated in the following training events:

- a judicial training day for Sheriffs on wildlife and environmental crime;

- training day for Animal Health & Welfare Officers;
- SSPCA joint training; and
- the presentation of a workshop at the annual Scottish Badgers conference on how a case progresses from crime scene to sentencing.

The specialist prosecutors have also attended various training events with other prosecutors from the rest of the United Kingdom and Europe. They also met with a representative of the Australian authorities who was on a fact finding mission on wildlife crime and studying the specialist model of prosecution in Scotland.

Notes and Definitions on the COPFS data are available in [Appendix 3](#).

Table 8: Wildlife Cases Reported to COPFS in 2012 and Actions Taken

	Not yet marked	No action	Warning	Fiscal Fine	Discontinued after prosecution raised	Prosecution ongoing	Acquittal	Conviction	Total
Badger related				1		1			2
Bat related		1 (1)						1	2
Bird related (non-raptor) ⁱ		7 (5)			1	3		3	14
COTES/CITES related		1 (1)							1
Deer related		4 ⁱⁱ (1)	1			1		1	7
Egg Collecting									0
Hare or rabbit related	1	4 ⁱⁱⁱ (3)	3	1	3	1	3 ^{iv}	6	22
Pesticide related		1							1
Raptor related	1							2 ^v	3
Salmon related		9 (7)	8	10		9	2 ^{vi}	14	52
Snare/Trap related		3 (3)	1			4		2	10
Other	1	1 (1)	1		1				4
TOTAL	3	31 (22)	14	12	5	19	5	29	118

- i One case involved both a bird and a rabbit – it has been categorised under bird.
- ii Data from one case on the reason for no action was not available. It has therefore not been included in the bracketed number.
- iii Data from one case on the reason for no action was not available. It has therefore not been included in the bracketed number.
- iv In two of the three cases, the accused was convicted of other wildlife offences from other associated cases at that time. In one of the cases, the accused was convicted of other non-wildlife offences in the same case.
- v Both cases involved disturbing ospreys in their nests.
- vi In one of the cases, the accused was convicted of other non-wildlife offences in the same case.

Legislative Changes

The Wildlife and Natural Environment (Scotland) Act 2011 (WANE) introduced a number of changes to the legislation dealing with wildlife crime and wildlife management in Scotland.

These included:

- Introduction of vicarious liability;
- New regulation requiring training for snaring operators and tagging of snares; and
- A new approach to dealing with non-native species.

Vicarious Liability

Parliamentary debates on the Wildlife and Natural Environment Bill highlighted the need for further measures to help deal with crimes against birds of prey. This followed a number of high-profile cases in the north of Scotland. The provisions introducing vicarious liability came into force on 1 January 2012.



Golden Eagle: SASA

Vicarious liability applies to offences committed by an employee, agent or contractor of anyone who has the legal right to shoot wild birds on a piece of land, or anyone who manages operations connected with that right. Owners or managers cannot be convicted under vicarious liability unless it can be proved that a person for whom they are responsible committed a relevant offence. It would be a defence if the owner or manager can show they took all reasonable steps and exercised all due diligence, and did not know of the offence.

Vicarious liability is not in itself an offence, but rather a land owner or manager may be held to be vicariously liable for relevant offences as set out in Section 18 of the 1981 Act. The relevant offences are those in:

- Section 1(1), (5) or (5B)
- Section 5(1)(a) or (b)
- Section 15A(1).

These offences are in relation to the intentional or reckless killing, injuring of a wild bird or the damage to, or destruction of a nest or egg(s); the prohibition of certain methods of killing wild birds (e.g. by the use of traps or poisons); and the possession of certain prescribed pesticides.

The offences to which vicarious liability applies carry a maximum penalty of six months imprisonment or a maximum fine of £5,000 or both.

There have not been any convictions under the vicarious liability provisions as yet. Any relevant offence which is investigated will be considered for vicarious liability implications. In the meantime it is reported that many responsible land owners and managers have been prompted to review their management and training practices to ensure their employees are aware of duties and responsibilities under the law. This in itself is a positive effect of the new legislation.

Snaring Legislation

Snaring is commonly used in Scotland as a means of control for some predator and pest species but must be carried out in accordance with the requirements set out in Section 11 of the Wildlife and Countryside Act 1981.

Following a public consultation on snaring in 2006, the then Minister for Environment, Michael Russell MSP, decided to allow snaring to continue but announced a package of measures to the Scottish Parliament in March 2008 designed to deliver improvements in the animal welfare aspects of the use of snares to control predator and pest species.

As part of the package of measures to improve snaring, The Snares (Scotland) Order 2010 introduced changes to snaring legislation in that:

- snares must be fitted with effective stops to prevent nooses from closing too far;
- the action of each snare must be checked each time before it is set to ensure that it is free running;
- all snares that are not staked in place must be fixed with an effective anchor; and
- snares must never be set on or near features that could result in unnecessary suffering to the target animal, such as setting snares in such a place where an animal caught by the snare is likely to become fully or partially suspended or drown.

Further amendments to the 1981 Act were introduced through the Wildlife and Natural Environment (Scotland) Act 2011. From 1 April 2013, it has been an offence to set a snare in Scotland unless a snaring operator has successfully completed a snaring training course run by an approved body as set out in the Snares (Training) (Scotland) Order 2012.

A snaring operator who has successfully completed a snaring training course should apply to their local police station for a unique identification number which must be attached to all snares set from 1st April 2013. The Snares (Identification Numbers and Tags) (Scotland) Order 2012 sets out the process for obtaining a snaring identification number and tagging requirements.

Anyone found guilty of an offence under Section 11 of the 1981 Act will be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or both.

Non-Native Species



Invasive Marbled Crayfish: Charles Everitt

The legislation governing the release and planting of non-native species in Scotland was also modernised by the WANE Act 2011, coming into force on 2 July 2012. This legislation is based on the precautionary principle, creating offences designed to prevent further establishment of non-native species in Scotland.

New tools for dealing with non-native species problems were also created – these ‘Species Control Orders’ can be made to oblige owners or occupiers to take action in relation to invasive species. This could be as simple as requiring them to allow contractors to access their land but it could require some real action on their part to contain, control or eradicate an invasive species.

In recognition of the depth and variety of knowledge required to outline what action is necessary to deal with non-native species issues, the power to create Species Control Orders was given to Scottish Ministers, Scottish Natural Heritage, the Scottish Environment Protection Agency and Forestry Commissioners. At the time of writing no Species Control Orders have been created.

It is anticipated that the second wildlife crime annual report to be published in 2014, will cover any effects that these changes in legislation have made.

Future Direction

Wildlife crime is ongoing across Scotland in its various forms and the two areas which have the most detrimental effect in terms of Scotland's biodiversity and reputation are crimes against freshwater pearl mussels and birds of prey.

In light of several raptor persecution cases coming to light during the first half of 2013, on 1 July the Minister for Environment and Climate Change announced new measures to deliver further protection and these included:

- restrictions on the use of general licences where, on the balance of probabilities raptor persecution has taken place;
- a review of penalties for wildlife crime offences; and
- a review of the use of technology such as surveillance to aid criminal investigations.

These measures will deliberately not require legislative changes. In the 2013 annual report we shall review their development and impact, although likely it may be too early to tell if they have indeed had an opportunity to make an impact on crime figures.

With regard to freshwater pearl mussels, projects such as Pearls in Peril along with the second national population survey due to be carried out 2013/14 will also influence and add to the debate regarding future direction and policy.

Various groups are still calling for estate licensing to be developed however this broad and highly complex approach will effect law abiding estates and require public consultation and primary legislation. It was debated during the WANE Bill and the proposed amendment to the Act was withdrawn after lengthy debate.

As confirmed by the Minister's foreword, this report will lay the foundations for further establishing the picture of wildlife crime in Scotland. In time, it may be able to demonstrate emerging trends in crime data which can assist in policy decision making. As can be seen from this first report, challenges already exist as crime and prosecution data is incomparable due to the nature in which it is recorded and reported. This report and future reports could act as a driver to looking at how wildlife crime is handled and reported on going forward.

PAW Scotland will continue to work with all partners to find the best way forward to deliver the reduction in wildlife crime that the Scottish Government and public seek.

Appendix 1 - Wildlife Crime Reduction Strategy 2008

This strategy starts from the premise that wildlife and the natural environment are vital to our economy and to our identity in the eyes of the Scottish public and the wider world. Our natural heritage is a precious asset that requires protection from those who abuse and damage it. Wildlife crime therefore includes crimes against flora and fauna, not only in Scotland but against endangered species across the world, and also crimes against the habitats which support wildlife. It is therefore part of the wider issue of environmental crime.

The strategy recognises that wildlife and the environment are subject to a number of factors such as climate change, demographic change and economic shocks which will bring new and different wildlife crime enforcement challenges. The strategy also acknowledges that conservation interests will require to be balanced against the needs of economic and social development and that this balance needs to be reflected in the legislation that provides the framework for protection of wildlife and natural habitats.

The goal of reducing wildlife crime in Scotland is closely aligned with the 'Greener' Scottish Government strategic objective; to 'improve Scotland's natural and built environment and the sustainable use and enjoyment of it'.

The purpose of this strategy is to provide support and direction for organisations involved in dealing with wildlife crime in Scotland within the Partnership for Action Against Wildlife Crime. Enforcement of wildlife crime laws is primarily a matter for police and prosecutors, there are however also a number of other bodies who have a close interest in the prevention and detection of wildlife crime. These organisations include animal welfare, conservation and land management interests.

Scotland has a good track record in maintaining relevant wildlife protection legislation. Crimes against wildlife and habitats are set out mainly, but not exclusively, in the following primary legislation and in associated secondary legislation:

- The Wildlife and Countryside Act 1981
- The Deer (Scotland) Act 1996
- The Protection of Badgers Act 1992
- The Conservation (Natural Habitats, &c.) Regulations 1994
- The Protection of Wild Mammals (Scotland) Act 2002
- Nature Conservation (Scotland) Act 2004
- The Game (Scotland) Act 1832 (and others)
- Conservation of Seals Act 1970
- Salmon and Freshwater Fisheries (Consolidation)(Scotland) Act 2003 and other fisheries legislation

Partnership for Action Against Wildlife Crime

The Partnership for Action Against Wildlife Crime, PAW, was established to unify efforts to combat wildlife crime in the UK. PAW's Mission Statement is:

'Working in partnership to reduce wildlife crime by raising awareness and promoting effective enforcement'

The aim of the partnership is to create opportunities to work together to combat wildlife crime.

PAW Scotland

PAW Scotland is the Scottish arm of PAW and the delivery mechanism for the Scottish Government action on wildlife crime. Membership of PAW Scotland is open to any organisation that is a member of PAW and who wishes to play an active role in combating wildlife crime in Scotland.

The structure of PAW Scotland is as follows:

a plenary group: this group comprises all the partners of PAW Scotland. It will meet at least twice a year. The plenary group is chaired by the Minister for Environment;

an executive group: this group is responsible for managing the business of PAW Scotland and co-ordinating action against wildlife crime throughout the course of the year. The group comprises the chairs of the sub-groups and representatives of the main sectoral interests within PAW Scotland. Other partners may be co-opted as necessary. The executive group is chaired by the Minister for Environment

sub-groups: these groups are responsible for taking forward work in relation to legislation and guidance; media and communications; intelligence and information sharing; training; and funding. Membership of the sub-groups will be selected by the chairs of the sub-groups and the Minister for Environment;

local groups: these groups will be formed to establish and enhance local co-operation and co-ordination in combating wildlife crime. It is expected that local police forces will normally take the lead in establishing and running these local groups.

Strategic Objectives

Partnership

- To build trust and improve relationships between all groups with an interest in sustaining Scotland's wildlife and environment
- To take the lead in considering strategic issues concerned with combating wildlife crime and to report periodically

- To present a single unified voice in opposition to wildlife crime
- To change perceptions and attitudes to wildlife crime to make it unacceptable
- To build the PAW Scotland brand identity to become the primary Scottish source of information and guidance on wildlife crime
- To share experience, knowledge and best practice
- To change and reinforce public opinion against wildlife crime
- To provide financial support for innovative educational projects
- To support the development of local PAW Scotland groups

Legislation and guidance

- To monitor use and effectiveness of wildlife crime legislation
- To monitor and report on significant cases and decisions
- To recommend changes to legislation where required to Scottish Government
- To produce and maintain guidance for all those involved in combating wildlife crime
- To make best use of scientific advice when writing legislation and guidance

Enforcement

- To raise the profile of wildlife crime within the statutory enforcement agencies and the judiciary
- To seek to ensure wildlife crime is treated as any other crime and as mainstream police work
- To support the national network of police wildlife crime officers
- To assist in the development and delivery of training for wildlife crime officers and others involved in combating wildlife crime
- To promote and encourage the use of and research into forensic technologies, for application in wildlife crime investigations
- To provide financial support for innovative wildlife crime enforcement projects

Appendix 2 - PAW Scotland Funded Projects

Current wildlife crime projects being supported by SNH grant aid

SNH ref	Applicant	Project	Sum Awarded £	% of total/ eligible cost	Paid to Date	Main theme(s)*	Description
50000	RSPB Scotland	PAW - Combating Wildlife Crime in Scotland – 2012/15	45,000	45%	15,000	e, i	To reduce the incidence of wildlife crime across Scotland through providing specialist advice and supporting the work of PAW in Scotland, delivering training, raising awareness and understanding of wildlife crime issues.
			45,000		15,000		

* e - enforcement
i - intelligence
p – prevention

PAW Grants Offered and Administered through the PAW Funding Group

SNH ref	Applicant	Project	Sum awarded £	% of total/ eligible cost	Final Amount Paid	Main theme(s)*	Description
10984	National Wildlife Crime Unit	Scottish Investigations Support Officer	42,000	50	41,501	e	Enforcement support for police tackling a wide range of wildlife crime incidents across Scotland. Completed. Post continued and subject to SNH grant-aid 2011/12.
11228	RSPB	Eyes to the Skies – red kites	10,000	14	6,640	p, i	Satellite tagging and awareness raising surrounding red kites. 21 kites tagged. Suspected persecution cases involving tagged birds currently with the police. Educational aspect of project very successful. Completed.
11291	Game & Wildlife Conservation Trust	Snare & trap training courses for wildlife crime specialists	3,948	70	2,247	p	Provided awareness raising course for wildlife crime professionals (police, procurators fiscal) in the legal setting & use of traps and snares. 1 training event held in September 2010. Second course was not taken forward as expected. Completed.
11300	Scottish Gamekeepers Association	Professional training delivery for snaring courses	2,438	63	2,438	p	Provided 2 courses to train people to provide training for others in the use of snares compliant with best practice and the imminent laws on snaring. Now 4 full time trainers providing courses. SGA alone has provided 25 courses. Completed.
11412	Morvern Deer Management Group	Poaching prevention initiative	8,083	50	8,138	p	Trial and development of a model for appointing and supporting a seasonal deer watcher to tackle locally intense deer poaching issues. Two seasons completed. No poaching incidents recorded over first winter following high profile employment of 'watcher'. High level of public engagement following grant has also improved local intelligence. Awaiting report on second winter. Completed.
11491	Scottish Badgers	Lead role, Prevention, UK persecution plan	12,660	50	12,591	p, i	Badger crime training for police, preparation of information/ awareness materials and media plan. Pilot "scenes of crime/expert witness" training day undertaken for 17 volunteers, provide input to Level 2 "scenes of crime" training scheme, providing contact and an incident log for NWCU, Scottish Badgers and SSPCA on all badger incidents, provide

							an "Operation Meles" leaflet for the public, media strategy produced. Post continued funding through SNH for 2011/12. Completed
11494	Bat Conservation Trust	Scottish investigations project	5,643	50	5,488	p include e	Development of impact statements to support prosecutions, trialed the use of UV lights in identifying bat roosts (unfortunately unsuccessful), information / awareness materials produced. Training course for WCOs held in August 2010. Investigations database now live and providing monthly incident returns. Completed
11500	University of Strathclyde	[Human] DNA typing from bait & carcasses	5,000	44	5,000	e	Piloting the recovery of human DNA from animal parts to provide evidence of contact e.g. linking poison baits with vehicles, guns, containers & suspects; or deer grallochs & remains with meat in butchers shops and restaurants. Results from testing kits will be analysed in November 2010 and final report due before the end of the year. Final report received, and press release issued 7 September 2011. Completed
11535	Scottish Rural Property and Business Association (SRPBA)	Delivery of poaching & hare wildlife crime priority action plan	4,720	37	4,720	p, i	Delivered UK poaching plan actions (in Scotland) with a focus on hare coursing and deer poaching. Included publicity (posters etc). Completed
11732	Cairngorms National Park Authority	Cairngorms raptor track project	18,971	38	18,971	p, i	Purchased and fitted 6 satellite tags to 3 raptor species in the national park – as a deterrent to persecution by poisoning and shooting. 2 more tags purchased for fitting 2011. Movements of birds shown on www.raptortrack.org . Completed
11742	Grampian Police / Tactical & Coordinating Group	Support for covert wildlife crime operations.	36,461	12	22,300	e	7 covert operation funded across Scotland. Completed
11748	Royal Zoological Society of Scotland	Wildlife DNA forensic testing laboratory	20,000	39	20,000	e	Project was launched in February 2011 at the Wildlife Crime Officers conference. The funding from PAW has provided start up equipment for DNA analysis testing. Grant complete and testing laboratory in full operation. Completed

12065	University of Glasgow School of veterinary medicine	Characterisation of wildlife crime related mortality	3,000	60	3,000	i, e	Funding equipment and study into wildlife crimes and post-mortem analysis of wildlife crimes. Condition of grant is to offer up to 50 free wildlife crime post-mortem cases up to February 2012. Completed
12034	Grampian Police	How to Report a Wildlife Crime cards	1,470	100	1,470	i	Production of 20,000 'How to report a wildlife crime' cards for distribution to all Scottish Police force areas. Completed
12069	Feisean Nan Gaidheal	Gur le Gùg – Hatch with Song	5,000	17	5,000	p	Novel approach using the medium of song and the Gaelic language to put across the need to protect our wildlife. There is also the production of an education pack which will ensure that the lessons will continue beyond school visits so the project has a legacy - Completed
12144	SSPCA	Infrared Digital Cameras and memory cards	510	75	510	e, i	Funding for purchase of surveillance equipment to examine activity at badger setts. Completed
			174,904		155,014		

PAW Grants Offered and Administered out-with the PAW Funding Group but Administered through SNH Grants

SNH ref	Applicant	Project	Sum awarded £	% of total/ eligible cost	Final Amount Paid	Main theme(s)*	Description
12222	National Wildlife Crime Unit	Scottish Investigations Support Officer	60,000	50	60,000	i, e	This follows on from the work from the previous grant (ID 10984). This post will provide advice and support in tackling a wide range of wildlife crime incidents across Scotland. Completed – 31 March 2013
12285	Scottish Badgers	Lead role, Prevention, UK persecution plan 2012/13	2,500	12	2,500	p, i, e,	Continuation of project 12107 in 2012/13 as described below. Completed – 31 March 2013

12017	Scottish Badgers	Lead role, Prevention, UK persecution plan 2011/12	2,500	6	2,500	p, i, e,	Badger crime training for police, preparation of information/ awareness materials and media plan. Pilot "scenes of crime/expert witness" training day undertaken for 17 volunteers, provide input to Level 2 "scenes of crime" training scheme, providing contact and an incident log for NWCU, Scottish Badgers and SSPCA on all badger incidents, provide an "Operation Meles" leaflet for the public, media strategy produced. This follows on from the work on the previous grant 11491. Completed (see also 12285).
12256	Tools and Resources for Applied Conservation and Enforcement (TRACE) forensics network	Forensic research: Freshwater pearl mussel	5,000	42	5,000	e	Investigation into whether it is possible to obtain and analyse DNA traces from shells and equipment used by pearl fishers. Investigations into possibility of establishing provenance of pearls and shells using stable isotope analysis. Completed.
12109	James Hutton Institute	Forensic research: provenance of poisons	9,205	43	9,205	e	Pilot study to look at poisons implicated in wildlife crime to allow forensic analysis to look at their origin. Completed.
			79,205		79,205		

* e - enforcement
i - intelligence
p - prevention

Responses to other PAWS funding applications – 2008/09 – 2010/11

Applicant	Project	Response
Tayside Police	PAW Scotland stand at Scottish Game Fair 2009 (part of ongoing support)	Withdrawn
National Wildlife Crime Unit	Scottish researcher	Rejected by Funding Group
RSPB	Tayside Countrywatch	Overlap existing SNH grant
RSPB	Galloway red kite community engagement project	Overlap existing SNH grant
Scottish Badgers	Investigations support officer	Overlap existing SNH grant
Braesgill Ltd	Whiten Head coastal monitoring project (fisheries and netting)	Re-application with statutory partners invited
Crimestoppers	Publicity campaigns	Referred to PAW Scotland Media group
Whale & Dolphin Conservation Society	Watching wisely	Rejected by Funding Group
SASA	Wildlife DNA forensic testing laboratory	Ineligible applicant (Resubmitted by Royal Zoological Society of Scotland)
Cairngorms National Park Authority	Cairngorms National Park wildlife and environmental crime officer	Rejected by Funding Group
National Wildlife Crime Unit	Pilot of an intelligence officer for Scotland	Rejected by Funding Group
Peaton Hill Community	Peaton Hill community nature reserve - wildlife crime nature trail	Re-directed to and funded by SNH grants
Scottish Countryside Alliance Education Trust	Countryside days	Late application, no funds available. Withdrawn

Appendix 3 - Notes and Definitions for COPFS Data

- The information provided is as at 15 May 2013.
- [Table 8](#) only shows wildlife cases reported to COPFS in 2012. It does not show the result of any case concluded in 2012 but which was reported to COPFS prior to 2012.
- The table only shows cases where at least one statutory wildlife offence has been reported. It does not show any case where only a common law offence has been reported which may have a wildlife element, such as breach of the peace or culpable and reckless conduct.
- Cases are categorised only once, according to the nature of the main offence contained within the report from the investigating agency to COPFS.
- Where a creature was caught in a snare/trap, the case is categorised as “Snares/Traps”.
- Where there is more than one accused with different outcomes, the case is categorised at the highest level of outcome (i.e. the column furthest to the right).
- In the "No Action" column, the number of cases which were not a crime, time barred on receipt by COPFS or where there was insufficient admissible evidence are shown in brackets. Other cases are where the public interest did not lie in favour of prosecutorial action, for example where there are mitigating circumstances or where prosecutorial action was considered disproportionate to the circumstances of the offence.
- “Fiscal Fine” means a conditional offer by the Procurator Fiscal under section 302 of the Criminal Procedure (Scotland) Act 1995 and accepted, or deemed to have been accepted, by the accused. A conditional offer has a maximum level of £300.
- A case may be discontinued after a prosecution for a number of reasons and includes, for example, where the evidential position has changed since the time the case was marked.
- “Acquittal” is where any wildlife offence in a case has been prosecuted and all accused have been acquitted of all of the wildlife offences prosecuted in the case.
- “Conviction” is where any wildlife offence from a case has been prosecuted and at least one accused in the case has pled or been found guilty of at least one of the wildlife offences prosecuted in the case.



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