

# Dr Nick Fox submission of 19 April 2022

## PE1859/BB - Retain falconer's rights to practise upland falconry in Scotland

My name is Dr Nick Fox, OBE. I have been a falconer since 1965. I am a professional raptor biologist and farmer, and I wrote the submission to UNESCO resulting in Falconry being inscribed on the Representative List of the Intangible Cultural Heritage of Mankind. I have read The Petition PE1859 and the submissions PE1859/A-W, together with the Scottish government statements. While agreeing with comments made by the falconers, especially on the practicalities of flying eagles, I will not repeat them again here.

I note:

- That the Scottish Government failed to take advice from its scientific advisors: NatureScot.
- That NatureScot stated that it would have no hesitation in granting licences for falconry.
- That the Werritty Report covered shooting, not falconry.
- That Scottish Mountain Hares fluctuate between around 100,000 - 400,000 animals, producing a similar number of young per year, of which about 26,000 were shot and around 1,000 were caught by trained raptors.
- Bill Kidd MSP's concern that Mountain Hares could not sustain falconry pressure. A harvest rate of <1% of annual production is well below normal acceptable limits.

I note that in PE1859/O the Scottish Government makes irrelevant comments on registerable species and then contradicts itself in submission PE1859/W essentially prohibiting the flying of hawks within the range of the Mountain Hare. This is an ill-thought out prohibition which in itself is illegal, going far beyond the law. Were it to be true:

- No falconry would be permissible in those areas.
- No falconry would be permissible anywhere in Scotland where there are any protected species.
- No cats or dogs would be allowed to roam free in Scotland because of the presence of protected species. Both kill more hares than do trained raptors.
- Scottish government would be discriminating against falconers in its failure to issue a similar prohibition to cat and dog owners.

- Human disturbance has more impact than direct predation.

One can only conclude that the authors do not know the law, nor understand basic ecology.

I note that about 121 falconers hawk Mountain Hares and employ staff, and hire services, estates and hotels in this pursuit. Falconry qualifies as a 'Protected Belief' under the Equality Act 2010 and the Human Rights Act 1998 and this has not been taken into consideration or mitigated against. It should have been.

I note with regret the decision of the Scottish Government to down grade the status of the Mountain Hare from a game species to a pest species. By limiting the licensed purposes for which hares may be killed solely to pest control reasons the species no longer enjoys the status and management resources that game species do. The highest densities of Mountain Hares are on managed land, and without this incentive there will no longer be a reason to conserve them. It is an own goal.

I note that the Scottish Government believes that a licence for falconry could lead to a demand for licences to shoot. They are two different methods and should not be confused.

I note that the Scottish Government has not consulted with the police as to the resources and practicalities of attempting to enforce this legislation. With no ecological benefit, this is a waste of police time. Unenforceable legislation erodes respect for the law. I write as a retired Wildlife Inspector under the Wildlife and Countryside Act.

I note that this legislation was rushed through by the Green Party, during peak pandemic, without consulting their statutory advisers, NatureScot. Given that there is clearly no significant benefit to Mountain Hares or to animal welfare, this smacks to me of political manoeuvring against fieldsports.

I do not know the legal process needed to get out of this mess. Falconry is already both a 'Method' and a 'Purpose'. Possibly the easiest way to solve the problem is to issue a General Licence authorising Falconry for 'social purposes' as already listed. This would not require any changes to the legislation and addresses the social and cultural issues outlined above.