

Police Scotland submission 6 December 2023

PE1859/00: Retain falconers' rights to practise upland falconry in Scotland

How reports of mountain hares being taken in areas of low density will be recorded?

Under Sec 9(1) of the Wildlife and Countryside Act 1981 it is an offence to intentionally (or recklessly) kill, injure or take a mountain hare. The use of birds of prey to hunt mountain hares for sporting or recreational purposes was prohibited on 1st March 2021. Mountain hares are a protected species in Scotland.

When a report is made to Police Scotland an incident is raised on the STORM system. This system logs initial details of the incident being reported and can include; locus, reporter, nature of the suspected crime/incident etc. The incident is given an incident number and must be finalised appropriately under the Scottish Crime Recording Standards. If a member of the public were to contact Police Scotland to report a mountain hare being taken by a bird of prey an incident would be raised. If deemed appropriate, the incident would then be allocated to a Police Officer to attend and/or carry out enquiries.

If a crime is identified then a crime report would be raised. This is separate from an incident being raised. A crime report is the Police report that contains all the details of the crime(s) under investigation. The enquiry Officer will update the Crime report with any developments as the investigation progresses. Crime reports are monitored by Divisional Crime Management Departments who ensure compliance with Scottish Crime Recording Standards and local practices.

With regards to taking a mountain hare with a bird of prey, each incident has to be judged entirely on its own merit in terms of identifying or disproving criminality. A STORM incident should be recorded for each incident that is reported to the Police. A crime report may be raised and investigation undertaken if there is an indication of recklessness or intentionality. If the incident appears to be a genuine accident and meaningful steps were taken to avoid such an incident, there may not be a crime recorded. This is not guaranteed as, previously stated, each incident will be judged on its own merit.

In summary, a STORM incident should be raised for every occasion an incident is reported to Police Scotland. A crime report may be raised depending on the individual circumstances.

How this information will be shared with NatureScot?

Police Scotland and NatureScot have well established lines of communication for sharing various different aspects of wildlife and environmental information. These include pre-arranged recurring meetings and also more spontaneous information sharing meetings- arranged as and when required.

I believe the very low frequency of incidents predicted, involving birds of prey taking mountain hares, would negate the need for regular recurring meetings to discuss. Any information that needs to be shared can be shared with NatureScot as and when required via existing channels.