

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

Petitioner written submission, 20 March 2025

I would like to thank the committee for continuing to support my petition PE1859, asking government to exempt falconry from current legislation banning the hunting of mountain hares through the method, falconry.

After repeated attempts to meet with Scottish ministers, I met with the Minister for Agriculture and Connectivity, Jim Fairlie MSP, a Scottish Government official and a member of the licensing team at NatureScot. The Minister has brought objectivity, common sense, open mindedness and stability to the position.

The meeting initially looked at the issue of accidentally taking mountain hare. I had to entirely redirect the conversation. Although falconers NOT targeting mountain hares as quarry should have the security of knowing that if their bird catches a hare despite the falconer not targeting the species, that they do not risk prosecution. My request has always been that falconers with large hawks or eagles, be allowed to actively hunt mountain hares in the pursuit of the UNESCO recognised part of the Intangible Heritage of Humanity which is the art of falconry.

This redirection of conversation lead to a highly constructive meeting which I believe was well received and brought out a good level of support for the request of PE1859.

I met again with the Minister in June 2024.

The Minister confirmed that he was on side and sympathetic to our request and that falconry should not have been caught up in the legislation. He explained to me the process to change primary legislation (the lodging of an amendment at Stage 2 of a wider, related Bill on passage through Parliament). He also suggested that he and officials would have a further meeting in my absence to fully pin down the government boundaries in the legislation, and this information would be shared with NatureScot, with whom I should then schedule a meeting to explore licensing in advance of a wider change to the law allowing an exemption for falconry.

The exploration was productive and in no way adversarial.

I left the meeting in the company of an official who shared their view that the legislation, passed in the way it was as a Stage 3 amendment with no consultation or stakeholder input, was a 'steam roller job' and that we had been 'whitewashed'.

These meetings at government level were refreshing and productive, but also highly frustrating. I was face to face offered the support and sympathy of the Minister, officials AND a representative of NatureScot, and yet catching a hare with my eagles had become and remained illegal.

I then met with NatureScot, who clarified that falconry as a 'purpose' was not licensable. Falconry can however be licensed as a 'method' for an alternative licensable purpose.

My company has for more than 25 years now, provided birds of prey, being flown in natural environments and in an entirely natural way, for filming (from blue chip natural history documentaries like Hostile Planet, through to easily digestible TV like Springwatch and Winterwatch for the BBC). We have completed scores of such projects, with lead/preparation times from as much as 4 years, through to little more than a few weeks.

We have also provided photography and film opportunities for presenter/camera operators and private film companies like Whitetail Films.

We provide photographic pieces for national/international magazines and to news agencies.

We fly birds in these natural environments and hunting situations for education bodies from teachers on projects with specific groups or classes, through to university departments. We also take private guests out where they can see, photograph and learn from birds, in a control situation, hunting and flying in the EXACT manner of their wild counterparts.

We even fly birds at altitude in these places where their 'footprint' is explored by scientific bodies who are trying to increase aviation safety (military and commercial) by creating computer technology and more recently AI, that can better differentiate between a high flying large bird like an eagle, a drone, or a microlight or paraglider.

Additionally, we try to create our own better understanding of how Golden Eagles compare to a White Tail Sea Eagle.

Based on this part of our work, NatureScot suggested that we make an application to NatureScot for a licence to hunt hares for the purposes 'filming, photography & education' through the method 'falconry', which would be duly explored and considered.

I prepared and presented my application, which was acknowledged by NatureScot on 16 September 2024.

A few requests for further information were made by NatureScot and once satisfied, 43 months after my eagles had been grounded by bad law, NatureScot issued me licence number 273361, valid from 11 October 2024 to 28 February 2026, and only within the historic 'open season' from 1 August to 28 February.

A bag limit of 50 hares per season is applied. The only licenced method of killing a hare is falconry. The purpose is science, research and education, and the purpose of photography.

My female Golden Eagle had at this point been entirely inactive since February 2021, and the male, Stanley, had had just a few weeks since February 2021 where we tried to fly him to stop the self mutilation that had started during his incarceration and subsequent melancholy.

Preparing them, both physically and mentally to return to their purpose in life took even longer than I had anticipated. Additionally, securing land to fly over was hard after not being on the hill for so long.

We eventually secured land which we rented, along with a self catering house for the whole month of February 2025.

Falconry is and always will be a low impact and fully sustainable method of hunting. With such a long period allowing their skills and reactions to dull, the eagles struggled significantly and it was very apparent to the observer. The hares were making the eagles look silly!

The birds finally got their eye in and their muscles properly back into shape only by the 3rd week on the hill. The first hare was taken on 7 February and no more were taken until 19 February. By this time, neighbouring estates had agreed to allow us to cross the estate boundaries and fly over their land too. Ultimately, 7 hares were taken. Our required return to NatureScot was submitted on 7 March 2025.

By comparison, a freedom of information request confirmed that NatureScot issue 45 licences between 1 August 2022 and 24 April 2024 allowing the killing of 3,805 hares by shooting.

Our contribution to the area economy during this February 2025 period, living in a very modest fashion, and including land rent, cottage rent, food, fuel for Land Rovers and argocat, vehicle repairs, equipment specific to the month, and additional staff wages to cover our absence from our falconry centre amounts to just short of £9,000.

We completed an education field trip for a high school teacher on research, and a magazine piece for Field Magazine.

With the licence in hand, we have of course re-established contact with our former clients in the film, TV and other media companies.

This has resulted in at least one commission as far out as 2028 (an organisation based in Brussels). Our ongoing concern in the short term, is the assurance of continued provision of further licences (my current licence extends only to 2026), and more importantly, this situation is unique to me, and the aim of PE1859 is to have the return of the freedom to hunt mountain hares to other otherwise inactive of aviary incarcerated birds of prey and their falconers.