

## Briefing for the Citizen Participation and Public Petitions Committee on petition PE2035: Recognise legal control of generalist predators as a conservation act, lodged by Alex Hogg on behalf of The Scottish Gamekeepers Association

### Brief overview of issues raised by the petition

- The petitioner, the Scottish Gamekeepers Association (SGA) argues that legal control of generalist predators, such as foxes and crows, “should be recognised as an act of conservation” benefitting ground-nesting birds, against the backdrop of the nature emergency.
- The petitioner [cites research published in 2010 by the Game and Wildlife Conservation Trust](#) (GWCT) which linked reductions in foxes and crows through predator control with an average threefold increase in breeding success of lapwing, golden plover, curlew, red grouse and meadow pipit.
- Predator control is carried out for a number of different purposes in Scotland – including for conservation (where for example foxes and crows predate on nesting birds and their eggs), protecting agricultural interests, and to maintain or increase red grouse numbers on shooting estates.

#### Fox control and the law

- Lethal fox control is legal in Scotland, subject to various welfare protections such as those under the [Wildlife and Countryside Act 1981](#) and [Wild Mammals \(Protection\) Act 1996](#), which prohibit control methods considered to be cruel and regulate use of methods such as snares.
- The [Hunting with Dogs \(Scotland\) Act 2023](#) prohibits hunting foxes with dogs (it repealed and replaced previous restrictions in the [Protection of Wild Mammals \(Scotland\) Act 2002](#)).
- In an agricultural context, [the Agriculture \(Scotland\) Act 1948](#) permits the control of foxes (and certain other species) for the prevention of damage to specified agricultural interests such as crops and livestock.
- Foxes can be controlled using a number of methods - principally snares followed by shooting, or free shooting.

#### Lethal control of crows and other birds

- All wild birds, their nests and eggs are protected by law under [the Wildlife and Countryside Act 1981](#) (as amended). It is an offence to intentionally or

recklessly kill, injure or take any wild bird (apart from [Schedule 2 species outside the closed season](#)), unless licensed to do so by NatureScot (Scotland's statutory nature conservation agency).

- NatureScot issues General Licences each year which allow any authorised person to kill or take certain bird species for particular purposes, without applying for an individual licence. General Licences specify which species they cover, what control methods are permitted and any other conditions.
- [General licences](#) permit lethal control of corvids (the crow family) including hooded and carrion crows for the purpose of conserving wild birds.

### **SGA calls for more predator control for conservation of Capercaillie**

- The [SGA has criticised NatureScot, Forestry and Land Scotland, as well as RSPB Scotland and Wildland \(partners in the Cairngorms Connect project\)](#) for not carrying out sufficient predator control, with associated negative impacts on the breeding success of Capercaillie, a bird considered to be at risk of extinction in Scotland due to various pressures.
- NatureScot [published a Review of Capercaillie Conservation and Management in 2022](#) which recommended a number of interventions to improve breeding success of Capercaillie – including predator control.
- At a strategic level, NatureScot recognises the role of predator control in conservation. For example, NatureScot [has published a Shared Approach to Wildlife Management](#) supported by a number of land management and conservation organisations including the GWCT and SGA. The Concordat states “Wildlife management is integral to conservation management, farming, forestry and tourism in Scotland”.
- RSPB Scotland [published a response to the NatureScot report on Capercaillie in May 2022](#) which sets out its approach to predator control for conservation (which must satisfy four tests) including links to information on the extent to which it deploys predator control on its reserves.

### **Funding support for predator control (agricultural payments)**

- Scottish Government [support for predator control is available under the Agri-Environment Climate Scheme](#). Guidance states that “Predator control is an important part of conservation and wildlife management. It can be carried out to control crows (carrion crow, hooded crow, jay, magpie), as well as foxes, stoats and weasels which prey on birds such as black grouse and waders, particularly during the breeding season.” Scottish Government [advice via the Farm Advisory Service on predator control and conservation states](#) “Predator control is a long-established part of rural land management in Scotland, primarily for the protection of game and livestock. It can be a controversial issue with the wider public, but there is considerable scientific evidence that targeted, legal predator control can play an important role in the conservation of some of our most vulnerable wildlife, particularly ground-nesting game and wading birds, such as black grouse, capercaillie, grey partridge, curlew and lapwing”.

### **The Wildlife Management and Muirburn (Scotland) Bill and proposed snaring ban**

- The [Wildlife Management and Muirburn \(Scotland\) Bill](#) is being considered at Stage 1 in the Scottish Parliament. The Bill increases regulation of wildlife traps by introducing a licensing scheme for certain kinds of trap including live capture traps used to capture crows. The reforms aim to increase welfare standards and address concerns about misuse of traps to illegally persecute birds of prey. More information can be found [in the SPICe Bill briefing](#). This followed [recommendations made in 2019 by the independent Grouse Moor Management Group \('Werritty review'\)](#). Regarding the wider impacts of predator control on grouse moors, the Werritty review stated that: "Effective predator control is an integral part of grouse management. This practice can also benefit some other species – most notably waders such as Curlew, Golden Plover and Lapwing which can be locally abundant; and Mountain Hares... Black Grouse and ground-nesting raptors (Hen Harriers and Merlins) can also benefit". The Rural Affairs and Islands (RAI) Committee discussed provisions of the Bill with stakeholders [on 14 June 2023](#) (where they heard from the Scottish Gamekeepers Association amongst others) and [on 21 June 2023](#).
- Whilst the Bill does not seek to impact on levels of legal predator control, the wider debate around the Bill has included discussion of the levels of predator control that take place on grouse moors, with groups such as the [Revive Coalition criticising what they describe as "mass killing"](#). Other groups have sought to emphasise that predator control to support shooting interests can also benefit species of conservation concern (recognised in the Werritty review, as noted above).
- On [22 August 2023 the Scottish Government published a consultation on proposals to ban the use of snares \(or other type of cable restraint\)](#) for the purpose of killing or trapping a wild animal, or in a way likely to injure a wild animal. There are clear implications for land managers and gamekeepers who currently use snaring to control foxes. This follows a 2022 statutory review of snaring and the publication by the Scottish Animal Welfare Commission (SAWC) [of a position paper on snaring also in 2022](#), which recommended that snaring should be banned on animal welfare grounds. The [Scottish Government had previously said it intended to introduce provisions on snaring](#) at Stage 2 of the Wildlife Management and Muirburn (Scotland) Bill. This issue was also discussed with stakeholders in the RAI Committee sessions mentioned above, [with the SGA and Scottish Land and Estates for example arguing that snaring needs to be retained as part of the predator management 'toolkit'](#).

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31 August 2023

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at [spice@parliament.scot](mailto:spice@parliament.scot)

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP