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**Edward Mountain MSP
Convener of the Net Zero, Energy and Transport Committee
Scottish Parliament**

17th February 2025

Dear Convener,

Thank you again for inviting Scottish Environment LINK to give evidence to the Committee on 4th February 2025.

In addition to the evidence provided and the separate written information requested by the Committee, I wanted to add further context to my answer in response to the question asked by Mark Ruskell MSP relating to the Land Reform Bill and anomalies in the Wildlife Management and Muirburn Act (2024).

Alongside my response given as part of the evidence session, I have attached a briefing drafted by Scottish Environment LINK member, RSPB Scotland, which outlines concerns about grouse shoot licences issued under the Wildlife and Countryside (Scotland) Act 1981.

Scottish Environment LINK recommend that the identified legislative loophole is closed through an amendment to the Wildlife Management and Muirburn Act (2024) at the earliest opportunity, and through the Land Reform Bill as a suitable vehicle.

Yours sincerely,

Sarah Madden
Vice Convener, Land Use & Reform Group



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RSPB Scotland briefing

Concerns about Grouse Shoot Licences issued under the Wildlife and Countryside (Scotland) Act 1981.

Last spring, RSPB Scotland warmly welcomed the overwhelming cross-party support given by MSPs as the Scottish Parliament passed the Wildlife Management and Muirburn Act (WMM Act), bringing in legislation to licence the shooting of grouse. This implemented the recommendations of the independent Grouse Moor Management Group accepted by the Scottish Government in November 2020. Provisions in the Act, amending section 16 of the Wildlife and Countryside (Scotland) Act 1981, mean that if wildlife crimes, such as raptor persecution, were found to be linked to management of a grouse shoot, NatureScot would have the power to suspend or revoke that licence. RSPB Scotland, and other organisations and individuals who had long campaigned for such legislation were satisfied that this presented, at last, a significant deterrent to the illegal killing of birds of prey that had blighted our country's reputation for decades.

However, last summer, we became aware that some land management organisations were challenging the widely held assumption that entire landholdings would be covered by such licences. We have subsequently been advised by NatureScot that they received legal advice that suggested that would have to concede that the area covered by a grouse shoot licence was at the discretion of the landowner and only needed to cover areas where grouse are killed or taken.

NatureScot's initial view, which we and many others shared, is that "raptor persecution undertaken in connection with grouse moor management could take place anywhere on a property, not just on the grouse moor itself". However, NatureScot's concession, over a legal interpretation of the wording of the Act relating to the area of land to be covered by a grouse licence has created a significant loophole that significantly undermines the clear policy intent of the legislation, to tackle raptor persecution.

There is a considerable amount of evidence, from police investigations and witness testimony, that raptor persecution and other wildlife crime offences often occur well away from areas used specifically to shoot and take red grouse, for example on adjacent agricultural and forestry land where predator control activities by gamekeepers are also undertaken to create reduced predation pressures on the grouse moor itself, and thereby to boost grouse numbers for sporting clients.

This loophole has in many ways been exacerbated by NatureScot in creating a new licensing condition that attempts to re-establish that potential link between some offences occurring 'off the moor' to grouse moor management, but the view from Police Scotland Officers and others we have spoken to is that it will be virtually impossible to enforce. We are further concerned that the new condition omits other 'relevant offences' included in the WMM Act.

There is growing disquiet across the conservation sector that these changes will simply lead to continued illegal killing of birds of prey on some grouse moors, facilitated by an inability to impose meaningful sanctions.

Recent conversations we have had with NatureScot, Scottish Government officials and Police Scotland have all indicated that the required approach is now an amendment to the WMM Act to address this legislative loophole and to ensure that the licence to shoot grouse is applied to the **whole** landholding.

We know that the Scottish Government recognises this situation, and we urge them to amend the WMM Act at the earliest opportunity, and through the Land Reform Bill as a suitable vehicle.

Ian Thomson
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Duncan Orr-Ewing
Head of Species and Land Management, RSPB Scotland