

T: 0300 244 4000
E: scottish.ministers@gov.scot

Finlay Carson
Convener
Rural Affairs and Islands Committee

27 June 2023

Dear Convener,

I am writing to make the Rural Affairs and Islands Committee aware of the Scottish Government's proposals to bring forward provisions to allow for a limited extension of the SSPCA's current powers to investigate wildlife crime following publication of the independent Scottish Society for the Prevention of Cruelty to Animals (SSPCA) Taskforce report.

We are grateful to the SSPCA Taskforce for conducting the review and producing their final report and we agree with the recommendation that further partnership working between the SSPCA and Police Scotland should be taken forward. Having considered the report in detail, we also propose that further limited powers for SSPCA inspectors should be provided.

Our proposal is to provide SSPCA inspectors with additional powers to search, examine and seize evidence in connection with specified wildlife crime offences under Part 1 of the Wildlife and Countryside Act 1981 and certain offences in the Wildlife Management and Muirburn (Scotland) Bill 2023. These powers would only be given to an inspector appointed under section 49(2)(a) of the Animal Health and Welfare (Scotland) Act 2006 and each inspector would be separately and individually authorised by the Scottish Government in connection with the new powers. All inspectors would be required to undertake specified training prior to being given authorisation to exercise the new powers. Authorisations could be withdrawn at the discretion of the Scottish Government.

In addition to the additional training requirements, protocols will be established between the SSPCA and Police Scotland to ensure effective partnership working and that Police Scotland have primacy over cases and offences under the Wildlife and Countryside Act 1981 and the Wildlife Management and Muirburn (Scotland) Bill 2023.

It is intended that an important limitation would be placed on the exercise of these powers, namely that the additional powers could only be exercised when an inspector is already responding to a case using their existing powers under the 2006 Act.

This has been a long-running issue and we believe that the approach we are proposing represents a balanced compromise. It will allow SSPCA inspectors who are already on the spot, investigating potential animal welfare offences under their existing powers, to seize and secure evidence of related wildlife crimes without delay and potential loss of that evidence. The proposal would not however lead to SSPCA becoming an alternative wildlife crime

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enforcement agency. Police Scotland would retain primacy as the enforcement body for all wildlife crime and the public should continue to report those crimes to Police Scotland.

Following further consultation with stakeholders the proposed changes will be brought forward as an amendment at Stage 2 of the Wildlife Management and Muirburn (Scotland) Bill 2023.

Yours Sincerely



Gillian Martin

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

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