

Citizen Participation and Public Petitions Committee  
Wednesday 19 March 2025  
5th Meeting, 2025 (Session 6)

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

### Introduction

**Petitioner** Barry Blyther

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

**Webpage** <https://petitions.parliament.scot/petitions/PE1859>

1. [The Committee last considered this petition at its meeting on 8 November 2023.](#) At that meeting, the Committee agreed to write to the Minister for Environment and Land Reform, Police Scotland, and NatureScot. The Committee agreed to seek a Parliamentary debate on the issues raised in the petition.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Minister for Energy and Environment, Police Scotland, NatureScot and the Petitioner, which are set out in **Annexe C**.
4. The Committee continues to seek a Parliamentary debate on the issues raised in the petition.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 21 June 2021.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 9,046 signatures have been received on this petition.

### Action

9. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**March 2025**

## **Annexe A: Summary of petition**

### **PE1859: Retain falconer's rights to practise upland falconry in Scotland**

#### **Petitioner**

Barry Blyther

#### **Date Lodged**

24 March 2021

#### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

#### **Previous action**

I have written to MSPs Murdo Fraser, Andy Wightman and Alison Johnstone.

#### **Background information**

The heritage art of falconry has been practiced around the world for at least 4000 years and is recognised by UNESCO as an intangible cultural heritage of humanity. The wider concept of falconry has many disciplines within its scope, and these are in many ways controlled by both the species of bird of prey being flown, and the land that you have permission to fly it over.

For example, the spectacular Golden Eagle, one of only two species of eagle native to Scotland, needs extraordinarily vast, wide open spaces to be allowed to express itself and its flying style in a natural way.

To be conducive to the very high soaring flight in strong winds and among its natural home of the mountains, vast mountainous regions are where this bird can be flown at its very best. Bouncing backwards and forwards in field is really not what this species has evolved for millions of years to do.

Eagles are apex predators, and the result of flying them in these areas is that they will hunt their natural quarry. In the Scottish mountains, that quarry base is the mountain hare (*Lepus timidus*), that has evolved side by side with eagles for millions of years. The predator will be successful in its attempt at hunting hares just frequently enough to survive, and the hare almost always evades the predator, assuring its survival and the proliferation of the species.

People and falconers travel to Scotland from around the country and the world to witness this age-old wild dynamic play out in front of them.

A captive bred Golden Eagle, enjoying the safety net of Veterinary care when illness or injury arises (that would likely lead to the death of its wild counterpart) can live to 50 years old. Many, if not most, in this country are bred, kept and trained with the

ultimate aim to be flown over those high mountains each winter, and perhaps catch a mountain hare. In doing so, it fully expresses its nature and purpose and helps to keep the eagle stimulated, balanced, and ensures that it is a better contributor to captive breeding projects – It fully understands that it is an eagle and not an ornament.

New legislation comes in to force on March the 1st (with no mechanism for licensing), that makes it illegal for these birds with their falconers to continue to exhibit their natural instincts and behaviour within the reasonable framework of the law and principles of sustainable hunting as they have through time immemorial. The sustainable use of wild species is a key and proven strategy upheld by the International Union for the Conservation of Nature (IUCN) in order to promote the preservation and restoration of endangered species.

The purpose of the legislation was to prevent mass culls of tens of thousands of hares in Scotland each year on organised shoots. This petition is NOT aimed at this, rather its aim is to allow the continued practice of falconry in Scotland and her mountainous places, without risk of prosecution.

It seems unfair and unjustifiable that a piece of legislation brought into law to address a totally different issue, has the side effect of making the sustainable and legitimate branch of falconry illegal.

Unaddressed, this legislation will condemn hundreds upon hundreds of trained birds of prey to enclosed aviaries for the rest of their long lives, and therefore, I believe, presents an intolerable animal welfare issue of itself which the government does not appear to have anticipated.

It will end the dreams of hundreds of falconers and rob us of our heritage and right to properly fly our birds.

Business too will suffer. Substantial fees are paid by falconers to rent ranges to fly over, cottages to stay in, restaurants to eat in etc.

Film and production companies come to Scotland to film this wild behaviour (using trained birds of prey so wild eagles are not disturbed) for movies, documentaries and science.

The filming and broadcast of natural history documentaries showcasing the natural hunting behaviour of eagles and other birds of prey in Scotland is key to helping both a whole generation of youths and the public as a whole to value, cherish and understand nature. Additionally, such filming of eagles and other birds of prey hunting in their native habitat portrays some of Scotland's most unique and beautiful facets and thus contributes to the promotion of the truly unique ecological heritage of Scotland to a domestic and international audience. These film makers will now have to go elsewhere and thus promote other destinations.

Falconry based companies eke out an income during their lean winters by taking guests out to see this amazing spectacle. Those companies' futures are jeopardised by the sudden and unjustified loss of income and trade.

Finally, licences are to be made available to land owners to shoot the hares in a bid to protect habitat, crops and forestry. Currently, many estates do not shoot hares to ensure there is a realistic population to attract falconers trade to their doors. If falconry is to be lost as a legitimate pastime in the mountains, I believe, the hares will almost certainly be shot on many estates in far greater numbers than would be accounted for in falconry.

This petition requests an amendment to the legislation, exempting the taking of mountain hares in the practice of Falconry.

## **Annexe B: Extract from Official Report of last consideration of PE1859 on 8 November 2023**

**The Convener:** Our next continued petition is PE1859, which was lodged by Barry Blyther, who I see is with us in the public gallery—he is a faithful attendee when his petition is being considered.

The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to allow mountain hares to be hunted for the purposes of falconry. We last considered this petition at our meeting on 18 January 2023.

As the committee will recall—well, some of our committee will not, as certain members have changed over time—we took evidence from the petitioner and the Minister for Energy and the Environment. Following those evidence sessions, we had some questions for the minister, Police Scotland, the Crown Office and Procurator Fiscal Service and our friends from NatureScot. A summary of the issues raised, replies received and additional submissions from the petitioner has been provided by the Scottish Parliament information centre and is available in the meeting pack.

As I said, the petition asks for legislation to be changed to allow mountain hares to be hunted for the purposes of falconry, and we have received representations from the petitioner to reiterate that he is asking that falconers be exempt from any risk of prosecution for actively hunting mountain hares.

As members will see from the minister's—I think disappointing—response and recall from the evidence session that we held, the Government does not intend to make such a change. That is a disappointing position for us to be in at this stage. Do colleagues have any comments on the issues or suggestions for how we should respond and proceed?

**David Torrance:** Considering the responses that we have had from the Government, I suggest that we write to the Minister for Energy and the Environment to recommend that guidance is produced to clarify how falconers can practice in licensed activities; the areas in which there is not a high density of mountain hare; and what action to take if a bird accidentally takes a mountain hare.

I also suggest that we write to Police Scotland to ask how reports of mountain hare being taken in areas of low density will be recorded and how that information will be shared with NatureScot and falconers.

Further, I suggest that we write to NatureScot to ask how it will monitor reports from Police Scotland and whether it will work to produce maps for falconers to indicate which areas are considered suitable for birds of prey to fly within. If NatureScot intends to produce maps, we could ask how it intends to evaluate and update the information in the light of reports from Police Scotland.

**The Convener:** In the first instance, are colleagues content for us to proceed on those lines?

I think that Mr Ewing would like to make a further suggestion.

**Fergus Ewing:** I agree with David Torrance's suggestions. However, in light of the ministerial response, which, as you say, convener, is disappointing, we should seek to press the issue by seeking a parliamentary debate to pursue the petition's call, which is to urge the Parliament to amend the 2020 Act to allow mountain hares to be hunted for the purposes of falconry. A debate in Parliament would allow consideration of what, in many ways, is a very serious matter.

The first reason why a debate would be useful is the circumstances whereby the ban came into force, which was through a stage 3 amendment on which the petitioner and his fellow falconers had no opportunity whatsoever to be heard. In fact, it seems that nobody thought of them at all, and they did not have the opportunity to state their case. The whole point of the Scottish Parliament is that everybody should be able to state their case in the legislative process at the first stage. Stage 3 is not supposed to be used for the purposes of introducing brand-new material, particularly not legal bans that can result in criminal convictions. Therefore, of itself, that point of principle deserves to be highlighted in Parliament.

However, turning briefly to the arguments on the substance, it seems to me that the effect on hares of allowing the continuance of falconry would be de minimis. NatureScot has admitted that the number of hares that would be affected is minuscule and completely irrelevant to the question of the size of the population. Moreover, I understand from the petitioner, who has kindly given us a great deal of his wisdom and experience, as others have, that it is only certain types of birds of prey—eagles and hawks, I think—that will go for hares. Others will not and cannot. However, eagles and hawks need to prey on hares. Alternative prey do not work, so that suggestion, which has been made by some, is completely irrelevant.

The last thing that I will say—this is really quite sad—is that the petitioner has highlighted that the eagle that he has is now self-harming, because it cannot behave naturally. It is not allowed to, and the petitioner does not want to break the law, as a law-abiding citizen. As a result, that bird is suffering—because of something that happened in Parliament on which his owner and his owner's peers had no opportunity even to state their case. The really disappointing thing in this is that the Scottish Government has not fessed up to that and said that a mistake was made. It has shrugged off all responsibility.

That is perhaps a bit of a rehearsal for the debate, convener, but it is heartfelt nonetheless and I hope that members might feel that a debate is needed. It would not need to be an extended debate—it would not need to be three hours long—but it would allow the matter to be ventilated. I think that there would be considerable interest among colleagues, because I recall from the debate that there was some disquiet among some of the older hands, if I may say so, that the procedure that was followed for stage 3 of that bill was not appropriate.

**The Convener:** Thank you, Mr Ewing. I agree that there is broader interest in the matter in the Parliament. Indeed, there was considerable interest when Stanley the eagle visited the precincts of the Parliament.

I think that we were disappointed by the evidence that underpinned the decision that was made and the digging in that we heard during the round-table evidence session that we held. We had hoped that the logic and evidence that we had heard might lead the Government to take a different position, but that is not the case.

When we next approach the parliamentary authorities in relation to committee debating time, are colleagues minded to seek to have a debate on the issue in the chamber?

**Members *indicated agreement.***

**The Convener:** We will therefore seek to do that and to highlight the issue more generally as a result. We will see what progress can be made in that way and take forward those actions. We had a well-informed debate on surgical mesh not long ago and then our committee debate on our report, but I expect us to have an opportunity for a debate in the chamber in the new year. Therefore, we will seek to have the issue of allowing mountain hares to be hunted for falconry purposes as one of possibly two short debates that we would take to the chamber on that occasion.

## **Annexe C: Written submissions**

### **Minister for Energy and Environment written submission, 27 November 2023**

#### **PE1859/NN: Retain falconers' rights to practise upland falconry in Scotland**

Thank you for your letter of 10 November 2023 regarding the Citizen Participation and Public Petitions Committee's consideration of the above petition at its meeting on 08 November 2023.

You have stated that the Committee recommends that the Scottish Government produce guidance to clarify how falconers can ensure they are acting in accordance with the legislation. In particular, the Committee would welcome guidance to clarify:

- how falconers can participate in licenced activities;
- the areas in which there is not a high density of mountain hare; and
- what action to take if their bird accidentally takes a mountain hare.

I note that the Committee also agreed to seek a Parliamentary debate on the issues raised in this petition.

In response, the Scottish Government will seek to engage with relevant stakeholders to produce the guidance recommended. I also look forward to an update on the Parliamentary debate in due course.

**Gillian Martin MSP**

### **Police Scotland written submission, 6 December 2023**

#### **PE1859/OO: 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 1<sup>st</sup> 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.

**NatureScot written submission, 8 December 2023**

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

Thank you for your letter of 10 November 2023 regarding the above petition which the Citizen Participation and Public Petitions Committee's considered at its meeting on 08 November 2023.

The Committee recommends that guidance is produced to clarify how falconers can practise in licensed activities; the areas in which there is not a high density of mountain hare; and what action to take if a bird accidentally takes a mountain hare. In particular, the Committee would like to know:

1. How NatureScot will monitor reports of mountain hare being taken in low density areas from Police Scotland
2. Whether NatureScot will work to produce maps for falconers to indicate which areas are considered suitable for birds of prey to fly within.
3. How NatureScot intends to evaluate and update these maps in light of reports from Police Scotland.

### **Monitoring reports of mountain hares being taken accidentally**

NatureScot has frequent communication with Wildlife Crime Liaison Officers at the divisional level and regular liaison meetings with Police Scotland at the national level. Information and intelligence about wildlife crime and related incidents is shared under an Information Sharing Agreement. It is anticipated that incidents involving mountain hares will be infrequent and this information can be managed through established channels. We would encourage falconers to report any accidental take of mountain hares to Police Scotland, so that the police can provide appropriate advice and are suitably informed in the event of any reports or complaints from third-parties.

### **Maps indicating upland areas with higher and lower densities of mountain hares**

In our submission dated 16 March 2023 we describe some upland areas of Scotland where the likelihood of an eagle catching a mountain hare is very low or non-existent. Our submission also mentions some moorland areas in eastern Scotland where the chances of an eagle catching a mountain hare are much higher. To support the guidance for falconers NatureScot will provide small scale maps indicating upland areas of Scotland with: i) no known populations of mountain hares; ii) sparse populations of mountain hares; and iii) higher population densities of mountain hares.

### **How will information on the distribution of mountain hares be updated?**

Mammal records are collated from a variety of different sources in the National Biodiversity Network (NBN) database and displayed on the NBN Atlas Scotland website. We will ensure that falconers' reports of mountain hares are entered on the NBN Database to add to our knowledge of the distribution of mountain hares. The guidance for falconers will also encourage them to take part in the Volunteer Mountain Hare Survey to help fill in gaps in knowledge about distribution and numbers of mountain hares.

The Volunteer Mountain Hare Survey was launched in March 2021 to gather information on the distribution and numbers of mountain hares in Scotland. Hillwalkers, naturalists and other outdoor enthusiasts are encouraged to record sightings when they are out and about using the free a smart phone app called Mammal Mapper or a paper-based recording form. Although the number of participating volunteers is promising, several more years' worth of data are needed before this survey can provide a clearer picture of the distribution and numbers of mountain hares.

### **Petitioner written submission, 4 March 2024**

#### **PE1859/QQ: Retain falconers' rights to practise upland falconry in Scotland**

The Scottish Government continues to demonstrate a lack of joined up thinking and policy.

During the recent Stage 2 consideration of the Wildlife Management and Muirburn (Scotland) Bill, ministers proposed and approved, through amendment 61, that falconers will NOT have to apply for a licence to hunt grouse. This was justified under consideration for the fact that falconers account for a tiny number of grouse, falconers hunting grouse are very small in number, and as is and has always been the case, conservation of species is always at the forefront of falconers' activities. Additionally, where falconers fly, raptor persecution (raptor persecution is the reason the Bill exists) is of course at zero - no falconer will fly their precious birds where persecution is likely so having falconers on land is an excellent way of eliminating raptor persecution.

I support this decision from ministers. It shows good sense and appreciation of the reality of falconry.

Grouse moor management methodology is designed to create the best possible habitat for grouse, both in terms of improvement of the environment for, and minimise predation upon them. This creates a very high grouse population. Grouse as a prey species naturally produce very large (single) broods of young. The shooting of the surplus birds is simply capitalising on that excess surplus which would normally suffer natural mortality and predation.

The moorland management methods used have the EXACT same effect on mountain hares. They too are a natural prey species that flourish in huge numbers because they benefit equally from the environment created for grouse, and from the minimal predation upon them on grouse moors. Mountain Hares (still listed as a Species of Least Concern by the IUCN) breed up to four times per year, generally producing 2 or 3 young per litter, meaning that each female can produce up to 12 young per year. This is the source of the massive proliferation on grouse moors where we wish to hunt with our eagles and other large hawks.

While ministers recognise the proliferation of grouse, the small numbers of falconers that take grouse with falcons, and the small number of grouse that each falconer will take, (by nature, the number of grouse taken by falconry will be less than one tenth of one percent of the number taken by shooting) and thus have agreed that no licence is required for a falconer to hunt them, they equally continue to deny the right of falconers to hunt that same huge proliferation of surplus mountain hares, which ministers themselves have recategorised as a pest species for licensing. The hare proliferates as a by-product of the grouse moor management and will either proliferate beyond control, or be wiped out by disease if left unchecked.

The number of falconers that will actively hunt mountain hares in Scotland is a tiny fraction of the number who hunt grouse. The number of hares taken by falconers has already been confirmed by the Government's own advisory body NatureScot as being 'so infinitesimally small that its impact cannot be noted'.

The legislation was designed to prevent the large scale culls of hares in Scotland by shooting. Falconry is a bycatch that should be exempted - like grouse, the number of hares taken by falconry will represent a tiny fraction of those that were historically taken by shooting.

There are approximately 230,000 breeding pairs of grouse in Scotland. Falconry as a low impact and sustainable practice can hunt grouse with no licence.

There are between 135,000 and 200,000 mountain hares in Scotland living cheek by jowl with the grouse, but if my eagle hunts one, I will become a criminal. This is unjustified and discriminatory.

While I still believe that it was not this government's intention to impact falconry via the change in the status of mountain hares (unless there is a behind the scenes hidden agenda), it has done so, and it remains a welfare disaster, is discriminatory - you can kill a hare with your cat, your car or while exercising your dog, but our eagles remain incarcerated by the legislation for fear that this naturally occurring, non domesticated, highly evolved predator and obligate carnivore may catch a hare and incriminate the falconer.

The sensible and correct decision on exempting falconers from licensing for hunting grouse is further proof and justification that the government should join up its thinking and acquiesce to our request that the legislation pertaining to mountain hares be amended with the line 'Except in the practice of falconry'.

## **Petitioner written submission, 14 March 2024**

### **PE1859/RR: Retain falconers' rights to practise upland falconry in Scotland**

During the passage of PE1859, I have reported a number of times of the direct impact of current legislation upon my Golden Eagles. Stanley our male (who has started self mutilating due to his government enforced inactivity) appeared with the committee at Holyrood, and our female who now has her own story.

My Golden Eagle is 24 years old and flew her winters over the mountains of the Cairngorms and Grampians and would occasionally take a mountain hare.

The relationship that forms between an eagle and falconer is based entirely on trust and loyalty which, if ever broken by the falconer, is NEVER forgiven by the eagle. We ultimately exist in a position of servitude to the eagle. We give them our time effort, our hearts and souls. We burn our muscles and lungs in exertion as we traverse the high places in brutal weather to get them to 'their' places, where they can truly be eagles. We owe them that, and spend our lives either giving it to them, or thinking about doing so.

Eagles are long lived (at 24, my female is around middle aged) and the reality is that in a falconers life, he or she may barely have the resources, fitness and energy to dedicate to two eagles in their lives. A falconer and their eagle will be together for far longer than most marriages last. Two or three times longer than your children will stay at home. It is a lifelong commitment.

Our male (Stanley) came here and was flown by Roxanne because we hoped to breed him with the female. It is a perfect life completing circle for a falconer to fly a bird for its whole long life, and at the mid point, have the loyal adult eagle produce a youngster so you can fly their progeny too.

This breeding cycle also gives complete fulfilment to an eagle. Working and flying hard to 'survive' through winter, and produce young during the calmer months of early spring and summer as is their instinct. It is complete satisfaction for the eagle, (and a tremendous boost for the conservation of species) and for our female, as a bird that has her whole life (until the passing of legislation) flown over the mountains of Scotland for hours at the time at stupendous height - she is truly a magnificent eagle - is what has created demand for her to appear 'as wild' on film and documentaries aired across the world.

Genes like hers are those that we should secure and cherish, ensuring we always have the best genetics in captivity to support wild populations where needed. Wild eagles don't bumble around flat fields in Glasgow chasing stoats as the Government seems to think they do!

The point is, because of government legislation, I have had to keep my female eagle and Stanley apart. Breeding them would create an eagle destined to NEVER be able to be flown like an eagle and express itself as we are legally bound to allow by flying in a way that allows 'The Freedom to express behaviour natural to the species'. I would not want to demean an eagle to fly (I use the word 'fly' loosely) in the way government says we must, and an eagle trained to fly the way she does, cannot be repurposed to do something completely different.

Furthermore, the value of eagles in this country has utterly collapsed because of the legislation. Nobody wants to take on an eagle that they can't allow to fly like an eagle at its natural quarry. Eagles are slow growing and slow to mature, so the breeding cycle is long, and the food demands are very high (and expensive). I now cannot justify breeding a Golden Eagle because I do not want to condemn a young bird to a half life, and because it is no longer financially viable to produce one. Like the mountain hare, the government has completely devalued eagles.

To the point of this submission. Hearing each other from a distance, Stanley and the female eagle call to each other a great deal, and now, at 24 years old, in an aviary that she has now lived in for 3 years and with no male beside her and no nest, the female eagle has produced her first egg. We have the event on CCTV (date stamped) and it is absolutely heart wrenching. My ultimate hope and dream of the past 20+ years in touching distance, but unattainable. An eagle now incubating a precious egg that will never hatch, just like any other she may lay under the current legislation. Potential genes never realised or secured.

In short, a life of flying, training and skills honed and genes ready to flourish, all utterly wasted. My heart broken. My eagles point of existence erased and denied.

To give my eagle her life, and her point of existence back, (and that of many others) I ask that the government amends current legislation around mountain hares with the line 'Except for the purpose of falconry'.