

Wildlife crime in 2021

A report on the scale of wildlife
crime in England and Wales



Cyswllt Amgylchedd
Cymru | Wales
Environment Link

Wildlife and
Countryside





Contents

Introduction	2
Amphibians and reptiles	4
Badgers	6
Bats	12
Fisheries	16
Hunting	22
Illegal Wildlife Trade	29
Marine mammals	34
Plants and fungi	38
Raptor persecution	41
Conclusions and recommendations	49
End notes	52



Introduction

This is the sixth annual report produced by Wildlife and Countryside Link (Link) and Wales Environment Link members.

This report demonstrates the wide variety of fauna, flora and fungi that are subjected to wildlife crime across both nations. In the absence of official police figures (due to a lack of notifiable status for most wildlife crimes, meaning that police forces are not obliged to officially report them back to the Home Office), this report provides the reader with an overview of the type and extent of wildlife crime that took place in 2021.

The introduction to last year's report mentioned that the United Nations Office on Drugs and Crime (UNODC) had spent the spring and summer of 2021 inspecting the state of wildlife crime and law enforcement within the UK, with a view to producing a series of recommendations for the Government.¹ It was hoped that this UNODC work would galvanise the Government into some really meaningful action. As set out below, such action has not yet been forthcoming.

On a more positive note, we welcome measures to increase sanctions for those engaged in hare coursing, added to the Police, Crime, Sentencing and Courts Act of 2022. However, this is counter-balanced by a significant legislative threat to some of the laws that underpin the fight against wildlife crime. This threat comes from the Retained EU Law Bill introduced to Parliament in autumn 2022, which risks the loss or bowdlerisation of key protections for wildlife.

One area of concern highlighted last year was failures in prosecutions, due to a combination of a lack of training within police forces and poor administration/advocacy within the Crown Prosecution Service (CPS). Since that concern was highlighted twelve months ago there has been a noticeable improvement with advocacy at court resulting in positive outcomes against those who choose to commit wildlife crimes. The decision of the CPS and many police forces to hold staff training sessions on wildlife crime is yielding results. It is hoped that this progress continues.

Our fauna, flora and fungi deserve to be protected as once they have gone, they cannot be replaced. This report, drawn from the records of the charities and environmental NGOs working to protect nature on the ground, provides a species-by-species snapshot of the type and extent of wildlife crime that took place in England and Wales in 2021.

A missed opportunity? The 2021 United Nations Wildlife Crime report

As this report sets out, levels of wildlife crime remain stubbornly high; causing avoidable suffering to animals, harming our natural world and benefiting the wildlife criminals who frequently have close links to other forms of criminality.

These levels are unlikely to reduce unless a comprehensive plan to tackle wildlife is fully supported across Government.

In August 2021 Ministers were provided with just such a plan, drawn up the crime prevention office for the United Nations. The United Nations Office on Drugs and Crime (UNODC) 'Wildlife and Forest Crime Analytic Toolkit Report: United Kingdom of Great Britain and Northern Ireland' report provided a comprehensive blueprint for tackling wildlife crime in the UK.² Over 200 pages and through 72 separate recommendations, covering legislation, enforcement, prosecution, sentencing and monitoring, the report set out how more wildlife can be protected from the suffering and species losses, extending from mammals to invertebrates, inflicted by wildlife criminals.

The Government deserves credit for the commissioning of the report. It was Defra Ministers who invited the UN team to assess the UK's processes to tackle wildlife crime, and Defra Ministers who in December 2021 published the report in full with a commitment to "consider the recommendations to ensure our legislation and enforcement of wildlife crime is as strong as it can be".³ It is however disappointing to report that since then, no further progress appears to have been made in implementing the recommendations of the report, with the Home Office – the Department with the ability to action many of its conclusions – appearing not to mention it in any official communications.

Over a year since the submission of the report to Government, the recommendations of the report authors, drawn from international expertise and extensive engagement with police officers, civil servants and civil society, are gathering dust.

Those recommendations echo those made in Link wildlife crime reports over the years (and in this one), including three essential steps to enable wildlife crime to be more effectively tackled:

1. Making wildlife crimes notifiable (UNODC recommendation number 23)
2. Increasing resources for wildlife crime teams (UNODC recommendation numbers 6 and 8)
3. Reforming wildlife crime legislation (UNODC recommendation numbers 1 and 19)

The following chapters set out how the failure to take these steps is holding back the fight against wildlife crime.



To our knowledge, during the year 2021 there was **one conviction for an offence involving this group of animals.**

Amphibians and reptiles

Chapter provided by the Amphibian and Reptile Conservation Trust (ARC)

Extent of recorded crime

Unfortunately, in the absence of notifiable status for wildlife crimes and with limited voluntary resource, it is not currently possible to maintain a definitive central record of reports and proceedings concerning crimes against amphibians and reptiles.

Both the Bat Conservation Trust and the Amphibian and Reptile Conservation Trust receive enquiries and reports and maintain a general overview of crime issues. To our knowledge, during the year 2021 there was one conviction for an offence involving this group of animals. It related to re-development of a property in Headcorn, Kent, during which a disused swimming pool used by great crested newts was drained.⁴ The offender was fined £1,600 plus £245 to cover costs and a victim surcharge. The verdict also covered an offence relating to destruction of a breeding site for bats.

Although only one case appears to have come to court in 2021, many allegations of offending or imminent offending were received by Bat Conservation Trust, Amphibian & Reptile Conservation and others. The majority of these related to planned or ongoing construction works, involving risks to great crested newt, slow-worm, grass snake and common lizard. In some cases, these resulted in police investigations. There were also reports of snakes being deliberately killed, or snakes being found dead after apparent persecution.

Drivers of crime

Amphibians and reptiles are occasionally subject to persecution. Adders (*Vipera berus*) in particular are deliberately killed, typically because the offender is concerned about the risk of bites to people, pets or livestock. Grass snakes (*Natrix Helvetica*) and slow-worms (*Anguis fragilis*) are sometimes killed because they may be confused with adders. Animals are sometimes inadvertently killed during land management such as road verge mowing, or conservation management on nature reserves, but these would not typically be deemed offences.

Most allegations of offences involve land clearance during construction, or in preparation for it. Even where works on land require planning permission, legislation and planning procedures do not always result in the submission of ecological surveys. Survey reports are sometimes

inadequate. In addition, some developers appear to be willing to take a risk that proceeding with construction is unlikely to result in enforcement. They may also look to past convictions which have often resulted in comparatively low fines. However, there are potentially more robust deterrents in that invoking the Proceeds of Crime Act can result in significantly higher penalties, and there remains potential for custodial sentences.

Recent challenges

- Maintaining a national record of reports, allegations and proceedings remains a major challenge, primarily due to lack of notifiable status, limited resources and the lack of established procedures for sharing information between police forces and other stakeholders.
- When reports of offending are received, there appears to be substantial patchiness in response between forces over the type of response. Amphibian & Reptile Conservation was informed of several reports of offending in 2021 where there was either no police response or it appeared to follow poor practice, whilst in other cases the police response was exemplary.

Recent highlights

- Whilst the penalty was small, the conviction for an offence involving great crested newts in Headcorn, mentioned above, is a positive step as many similar cases have failed to reach court. In 2021 there were also a number of cases heading for resolution through cautions or conditional cautions, which can represent a useful method of case disposal under certain circumstances.

Matters to be addressed

- Wildlife crime needs to be a notifiable offence that allows for statistics to be accurately disseminated and made publicly available.
- Police forces must identify resources and capacity to undertake effective investigations into wildlife crime, including use of specialist advice.
- The Crown Prosecution Service needs to monitor the effectiveness of its network of specialist wildlife crime prosecutors, ensuring that in all areas a trained specialist is available and that prosecutions are effectively considered and handled.
- Amphibian & Reptile Conservation and others will continue to promote awareness of the procedures for reporting wildlife crime allegations, to encourage prompt investigations.
- There must be a review of case disposal options and sentencing.
- The implications for amphibian and reptile offending of a proposed stream-lining of planning regulations, review of the Habitats Regulations and changes in protection through the Nature Recovery Green Paper will be especially important to monitor.⁵
- The implications of the possible change in legal protection for some amphibians and reptiles through the statutory review of Schedule 5 of the Wildlife and Countryside Act 1981 need attention.
- It will also be important to continue monitoring how legislation and licensing are applied, especially where the offence is arguably an incidental but predictable outcome of the primary purpose of the act (as is often the case with habitat management and development).



Overall, a total of 526 badger incidents were reported in 2021.

© National Trust Images/Seth Jackson

Badgers

Chapter provided by The Badger Trust

Extent of recorded crime

The National Wildlife Crime Unit (NWCUC) carries out analytical work based on the incident data submitted to it by the Badger Trust, RSPCA and the League Against Cruel Sports. The UK Badger Crime Priority Delivery Group coordinated through NWCUC records badger related incidents in England and Wales. As detailed in **Table 1**, overall, a total of 526 incidents were reported in 2021, a 15.43% reduction in reports from 2020 (622 instances).

Despite the reduction in reported instances, it is not believed that the rates of badger persecution are in decline. Rather, fewer volunteers reporting the crime is considered more likely. Indeed, reports dropped at the same time four key informants of badger persecution ceased reporting instances of badger persecution for various reasons (including personal relocation and a breakdown of trust between volunteers and local police forces).

The most prevalent form of badger crime remains sett interference (58.7% of all reported badger related incidents). **Table 2** presents a breakdown of sett interference badger related incidents, of which 25% of these are related to illegal fox hunting. It is therefore also clear that badger persecution continues to overlap with the persecution of foxes which presents a seasonality of criminal activity.

The Covid 19 lockdowns may have influenced the rates of illegal badger persecution (as criminal gangs enhanced their use of social media to organise crime against badgers in locations then devoid of public activity), these trends remain evident. Most notably, the hunting and baiting of badgers continues to be organised and promoted through social media networks. Internet platforms such as Facebook and Instagram are used to network with other wildlife criminals in closed (private) groups, and platforms such as TikTok are used to share trophy footage of hunts and kills with sympathetic public audiences. It is therefore possible to see the interrelation between badger persecution crime and cyber enabled wildlife crime, both of which are UK wildlife crime priorities.

Table 1 – Types of report

Type of incident	Number of reports 2021	% (rounded)	Number of reports 2020
Sett Interference	303	27-	415
Baiting/Fighting	43	30+	33
Poisoning	15	35-	23
Traps/Snares	18	38-	29
Trading	0	0	0
Shooting	18	38-	29
Hunting Dogs/Lamps	10	150+	4
Other	119	34+	89
Non-Criminal	0		0
Total incidents	526	15 –	622

Table 2 – Types of sett interference sub categorized

Type of Sett Interference	Number of reports 2021	%	Number of reports 2020
Agricultural	23	32-	34
Blocking	77	1-	78
Damage Destroy	37	16+	32
Development	60	44-	107
Disturbance	15	28-	21
Forestry	4	20-	5
Hunt	47	54-	102
Sett Dug	40	11+	36
Total incidents	303	27-	415

Species and legislation

The European Badger (*Meles meles*) is the last of Britain's native large carnivores with a wide-ranging distribution across habitat types. Badgers in Britain, unlike their European counterparts, are highly social animals living in underground setts of between 9 and 29 individuals. Whilst their diet consists primarily of earthworms, badgers are also known to eat fruit, other insects, and small mammals.

Despite their mostly secretive nature, badgers have undergone extensive persecution throughout history which has led to their legal protection throughout the UK. Under the Protection of Badgers Act 1992, it is an offence to take, injure or kill a badger or attempt to do so, to inflict cruelty on a badger and to possess or sell a badger. It is also an offence to interfere with a badger sett whilst it is in current use. Interference includes damaging a sett or any part of it, destroying a sett, obstructing access to any sett or entrance, causing a dog to enter a sett, or disturbing a badger whilst it is occupying its sett.

Additional legal protection is sometimes provided by the Wildlife and Countryside Act 1981, the Animal Welfare Act 2006 and the Hunting Act 2004. Badgers are also listed on Appendix III of the Convention on the Conservation of European Wildlife and Natural Habitats.

Criminal badger persecution has been a UK Wildlife Crime Priority since 2009, due to the level of persecution.

Drivers of crime

The number of recorded incidents of illegal persecution against the badger make it one of the most demonised, yet protected, species in England and Wales – persecuted possibly by a wider cross section of society than any other species. Sett interference, badger baiting, shooting, snaring, poisoning, and hunting and lamping badgers with dog's all serve to evidence this. Furthermore, fox hunting and badger crime overlap by way of the blocking of badger setts to prevent fox refuge during illegal hunts.

Of increasing concern are offences caused by planning and development, forestry and agriculture, anthropogenic activities which negatively impact badgers, their setts, and their territories. Thus, in addition to organised criminals such as badger baiters and fox hunters, perpetrators of criminal badger persecution can include construction workers and householders seeking to develop land and property. Even with approved licensed operations the potential for illegal incidents is significant unless appropriate due diligence is exercised by the licence holder and/or contractor which in turn requires familiarity with the law.

Furthermore, the government – sanctioned badger culls have taken place in regions of England since 2013 as part of a controversial bovine tuberculosis (bTB) control strategy. Whilst this form of persecutory management is legal, the ongoing cull of a usually protected species has an unknown impact on the perception of badger persecution with the public at large and thus has potential to undermine the protected status of badgers and their setts.

Recent challenges

Reporting and recording issues

The primary challenge faced by charities and the police in regard to badger persecution, is the reliance upon the public to recognise, record and report instances of badger persecution.

Firstly, 64% of English adults are unaware that badgers and their setts are legally protected and so the public cannot always recognise signs of illegal activities; and secondly, the lack of notifiable status for badger persecution has resulted in badger crime going under-represented within police crime databases. Thus, not all police forces are aware of the severity of badger crime instances occurring in their jurisdiction, a fact which can erode trust between local police and badger protection volunteers reporting the incidents.

Furthermore, the lack of notifiable status places a burden on animal charities such as Badger Trust and the RSPCA who are therefore required to document the national picture. This burden on voluntary organisations means there can be significant time lapses between crime occurrences, reporting and investigation.

Social Media

The role of the internet is presenting both opportunities and challenges for police forces. Whilst the recording and sharing of footage online can be utilised by police and animal agencies as evidence, the use of the internet to network, organise, and normalise badger crime has presented significant policing challenges. Police are not only finding more of their time and resources are taken up with requesting technology reviews on devices, but wildlife crime officers are faced with the need to develop expertise in cyber criminology.

The increased ease of accessibility to wildlife crime through online activity is seeing an increase in the number of younger people taking up violent wildlife crime activities. In effect, the demographic of badger persecutors is shifting from that of traditional badger baiters and diggers towards the killing of badgers and other wildlife with dogs to gain online notoriety.

Prosecutions

Regarding prosecutions, at times there is evidence that cases have not progressed due to some of the limited availability of staff and expert witnesses and, taking into account time limits, there is no doubt that some investigations have failed as a result. It should be noted this is not as a result of lack of commitment from these organisations.

Whilst some incidents of badger crime that are referred to the police for investigation are dealt with effectively, sometimes the level of investigation fails to reach an expected reasonable standard. The lack of available and rapid access to competent or expert witnesses is still problematic. Court cases are often heavily contested by defence specialists, ranging from Barristers to Solicitors, with duty Crown Prosecution Service (CPS) lawyers having limited knowledge of wildlife crime. The attendance of a specialist prosecutor at the first hearing onwards is rare, and the lack of knowledge by the inexperienced appointed prosecutors has shown to be a worrying issue. Commercial development crimes are possibly committed in the knowledge that evidential requirements are such that there is low risk of prosecution in comparison to the high financial gain secured through illegally developing areas where there are resident badgers.

Furthermore, the low sentencing for crimes against badgers (up to six months imprisonment under the Protection of Badgers Act 1992) does not compare with crimes against domestic animals (up to five years imprisonment under the Animal Welfare Act 2006). Lower sentences for badger crime compared to crimes against domestic animals is not scientifically justified and does not prove to be an effective deterrent to criminals. As an example, one of the most represented forms of badger crime, sett interference, relates to planning and development activities. Sentences for sett damage caused by development activities are currently not stringent enough to offer a true deterrent to the large corporations responsible for undergoing development in established badger habitats.

Recent highlights

The illegal persecution of badgers remains a UK Wildlife Crime Priority, having, it is featured in the NPCC Wildlife Crime Strategy 2022 – 2025, and is still one of the priorities currently being considered for offences against the species to become notifiable to the Home Office.

The UK Badger Crime Priority Delivery Group was again able to produce analytical data to indicate geographical hot spots, timelines and methodology of crime linked to the reports of incidents and information it received. These figures were utilised to instigate social media campaigns to raise awareness of badger crime and how to recognise, record, and report it.



The data were also used to instigate enforcement action via dissemination to UK Badger Crime Priority Delivery Group members and the Regional Enforcement Groups in England and Wales. The launch of “A guide for Investigating the illegal persecution of badgers” a joint partnership between the Badger Trust and Naturewatch Foundation in 2019, has led to the guide being used by law enforcement, lawyers, and badger groups, which has raised the awareness of badger crime and assisted in addressing it.

Following the Covid-19 pandemic which interrupted police and badger group crime training in 2020, in 2021 Badger Trust resumed training in a hybrid (virtual/in person) capacity. Seven (previously untrained) police forces were trained in person with further online sessions provided. Several refresher courses were also delivered to forces with prior training, and three training events for badger groups on badger crime and evidence were hosted online. Furthermore, CPS training commenced for CPS specialist wildlife lawyers and an advanced course was held to 28 staff from various forces. This CPS decision to increase wildlife crime training is hugely welcome and will help to address the prosecution issues identified above.

In addition to hybrid training on badger crime, Badger Trust continued to maintain records of badger crime recorded to the trust by Badger Groups and members of the public using the online recording system and telephone help line. Given the increase in badger baiting and planning and development related crimes observed in 2020 – 2021, Badger Trust progressed with the development of the Badger Watch app with research and app development partners from the University of Exeter. The app, which is currently in Beta testing, is scheduled for public launch in November 2022 and will be accompanied by a ‘Badger Crime Awareness’ month. The Badger Watch app will guide users through the process of recognising, recording, and reporting badger crime in the field which will also be a useful field guide for police officers.

Finally, Badger Trust provided advice and assistance on a number of investigations across England & Wales and continued to support Link, UK Badger Crime Priority Delivery Group and CPS community forums.

Matters to be addressed

- Offences and incidents need to be recorded in a consistent manner by statutory agencies, in order to provide consistent statistics for appropriate analysis, identify trends and resource allocation. Police forces need to identify resources and increase their capability to effectively investigate allegations of offences. Likewise, they should be provided with the resources needed to gather intelligence relating to wildlife crime from the internet. It is therefore a priority matter to have badger crime listed as a notifiable offence so that occurrences are most effectively recorded and managed. The traditional reliance upon organisations such as the RSPCA has resulted in an overburden of data collection on charitable organisations. Notifiable status would not only allow police forces to better understand national and regional trends in badger crime occurrence, and therefore direct resources accordingly, but the appropriate management of records by law enforcement, would alleviate the pressure from charity organisations who currently maintain such data.
- Overall, despite a slight reduction in reports in 2021 compared to 2020, the rates of badger persecution remain high and as such continue to evidence the need for badger persecution to remain a wildlife crime priority. Notifiable status would help improve the accuracy of the national picture and allow resources to be allocated accordingly.
- Further to the notifiable status, it is recommended that badger crime sentencing be upgraded from 6 months to 5 years, bringing it in line with recent sentencing changes applied to the Animal Welfare (Sentencing) Act 2021. Increased sentencing would provide a more effective deterrent to criminals and would automatically see notifiable status awarded to badger crime offences. There is also a need to confirm the link between crimes against badgers and humans, as there may be further benefit to tougher sentences to badger criminals who also commit crimes such as theft and violence towards humans.
- In the absence of notifiable status, police agencies must build trusted relationships with local Badger Groups to encourage and facilitate more rigorous reporting and investigating of badger persecution. The high rates of badger persecution linked to illegal fox hunting also presents opportunities for resources to be directed into rural communities during peak hunting season.
- CPS needs to identify specialist prosecutors in all areas and look at the training provided, in addition to ensuring that badger crime cases are prosecuted through the court system by recognised experienced appointed lawyers.
- The availability of competent or expert witnesses, whether ecologists from statutory agencies or alternative people with suitable knowledge, skill and experience, needs to be improved.



© National Trust Images/Bat Conservation Trust/Hugh Clark

The UK hosts 18 species of bats. All are protected against injuring, killing and disturbance.

Bats

Chapter provided by the Bat Conservation Trust (BCT)

Extent of crime

The Bat Conservation Trust annual data on bat related police incidents is examined by the National Wildlife Crime Unit (NWCU) who produce an analytical tool kit that provides insight into trends, seasonality, and geographical hotspots for offending. The ten-year average on incident reports is 135.2 incidents per year, however early 2022 signs indicate a significant drop in numbers, which is being monitored closely to establish factors influencing such changes.

68% of the ten-year total offence types involve the damage or destruction of roosts. The three bat species impacted are common pipistrelle, brown long-eared bat and lesser horseshoe. BCT, the police and partners are aware there is more preventative work to be done in relation to such impact and losses.

The peak periods for crime related incidents involving bats remain the same, June through to September. This is one of the most sensitive periods of the year for bats, when they are gathered in large numbers in maternity colonies to give birth and rear young. The NWCU analytical tool kit is available to police forces and can provide a more targeted approach to crime prevention and offender identification.

Species and legislation

The UK hosts 18 species of bats. All are protected against injuring, killing and disturbance. Their breeding and resting places (roosts) are protected against damage and destruction even when the animals are not present.

Protection is provided primarily by the following legislation

- in England & Wales the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2017
- in Scotland the Conservation (Natural Habitats etc) Regulations 1994
- in Northern Ireland the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995.

Table 3 – Extent of crime (figures as of August 2022 and cover the whole UK)		
	2020	2021
BCT incidents recorded	105	136
Referrals to the Police	105	136
Number of known Police outcomes	105	136
Number of Community Resolution, ‘Out of Court’ disposals	2	13
Number of defendant cautions	0	1
Number of defendants convicted	1	5
Number of incidents ongoing by Police	1	9

Drivers of crime

Development of property and land can be evidenced as the main drivers for those who commit bat-related offences. Development projects can negatively impact species and their habitats; for bats it’s through demolition or conversion of pre-existing buildings and felling of trees with roosts, whilst ignoring planning and licensing processes. Evidence has shown that the root causes and primary motivation for such offending is to save on construction or demolition time and or costs by those involved.

Recent challenges

The Bat Conservation Trust Wildlife Crime Project works at both a strategic and tactical level across the UK.

Strategically, the project supported the UNODC Wildlife and Forest Crime Analytic Toolkit Report published by Defra in December 2021. The document produced an executive summary containing recommendations which are critical in protecting our UK species and habitat from criminal activity. Of note was the need to identify such offending by making all wildlife crimes notifiable, with wildlife crime codes to reduce ambiguity and disparity between nations and certainly between UK Police constabularies. However, the recommendations within the executive summary are only advisory which means the UK is not accountable for actioning them. BCT are working with Link and other organisations to further the establishment of notifiable wildlife crime types so that we understand the extent of offending in the UK and can then focus resources to address it more effectively and efficiently.

Tactically, evidence shows (by the nature of offending) that bats are seen by a minority of individuals and corporations as a pest or inconvenience and this attitude results in the species being persecuted, which provides crime prevention challenges.

However, this is not always the case. In 2021 BCT saw a surge in hobby ‘explorers’, who share videos of their explorations on social media. This is often called ‘Urban Exploring’. Bats live in the sort of places that are now attracting such exploration, from abandoned houses to caves, underground WW2 bunkers and disused railway tunnels. Many of these locations are of heritage and archaeological/geological significance and protected in law. Such places are often entered illegally and may be dangerous and unstable; this creates a concern for the health and safety of those involved. One case involved a person entering a sealed off cavern and stroking roosting bats, they recorded this activity and posted it on social media. This person was identified, located, interviewed, and issued with an out of court disposal.

BCT alerted UK police forces to the 'Urban Exploring' issue and solutions were developed, including the use of educational display materials and position statements, as well as advice and guidance on zoonotic diseases and the highlighting of vulnerable sites.

Recent highlights

Each year bat-related offences are prevented through early intervention by many individuals, groups, and organisations, such as bat volunteers, trusts, ecologists and the Police, who provide advice to those who might be in danger of committing criminal offences.

The project ran two workshops at the 2021 National Wildlife Crime Enforcers Conference, 'Bats and Covid' and 'Crime Prevention and Planning'. The workshops generated positive discussions with leading authorities and the latter has resulted in the development of a Police crime prevention document which is currently on trial in southern England. The use, in appropriate police cases, of restorative justice measures also known as 'Out of Court Disposals' is welcomed, often bringing conservation benefits to the species that would otherwise not be available in court.

In 2021 we have seen a significant rise in the use of restorative justice outcomes for bat-related offences. These finalisation outcomes are identified by their evidential, public interest and conservation impact factors as well as offender behaviour. Restorative justice outcomes involve agreements with the offender to protect and enhance the value of the location for the species, often with planting to improve the habitat for both bats and their insect prey species, as well as replacement roost installation. Other outcomes involve financial reparations to local conservation trusts and groups. However, there are cases where prosecution is required.

Two directors for a housing developer were prosecuted and fined £7,400 for renovating a former primary school without taking bats into account – on an estate that's named after bats! The developer renovated an old school to create two new houses, however they failed to follow the conditions of a bat licence issued by the statutory regulator. The directors both pleaded guilty on behalf of the company.

The Bat Conservation Trust views prosecutions as a last resort. It is far better and often more cost effective for developers to lawfully protect and conserve habitats and species on their sites, rather than finding themselves facing court, and the consequences of their offending with losses to wildlife, a developer's reputation, and finances. Whilst the Covid-19 pandemic has influenced enforcement outcomes, the project functions to support police investigations and ensure offenders do not benefit from their illegal actions, whilst seeking parity on sentencing. The commitment of those involved in the prevention, investigation, and enforcement of wildlife crime during 2021 are recognised and applauded with grateful thanks.

Matters to be addressed

- Wildlife crime offences must be notifiable, in a manner that makes statistics available in a form that enables their assessment.
- Police forces need to identify and deploy resources sufficient to undertake effective investigations into wildlife crime.
- A review of court procedures/legislation is needed so that consideration be made, that penalties issued for wildlife offences could achieve conservation gains.
- Police forces should encourage senior management to provide investigating officers the time to deal with Wildlife crime.
- A UK sentencing guideline for wildlife crime is required.





Fisheries crime takes many forms – from rod fishing in rivers and lakes without a licence, to illegally netting salmon or carp for commercial gain.

© Shutterstock Martin Hilberd

Fisheries

Chapter provided by the Institute of Fisheries Management (IFM)

Extent of crime

The **Table 4** provides figures for 2016 – 2021. Note that for 2020 and 2021 these figures cover England and Wales; prior to that they are for England only. Figures have been provided by the Environment Agency (EA), Natural Resources Wales (NRW), the Association of Inshore Fisheries Conservation Areas (IFCAs) and the Angling Trust (AT).

Each fisheries crime type is discussed below to explain them and provide context. However, note that the Covid-19 pandemic restrictions for most of 2020 had a major impact: people went out much less, so less crime was committed. Many of the ‘illegal fishing incidents’ reported were due more to perceived breach of Covid regulations – people weren’t supposed to be out. With less enforcement staff out, less fisheries crime was detected or substantiated; and with fewer solicitors and courts operating, prosecutions were much reduced. In 2021 Covid restrictions were reduced compared with 2020, however, it still wasn’t quite a ‘normal’ year.

Regulatory agencies

Fisheries crime takes many forms – from rod fishing in rivers and lakes without a licence, to illegally netting salmon or carp for commercial gain, to the trafficking of baby eels (elvers) to Asia, to using unlawful means to catch sea fish or shellfish around the coast – again for illicit profit.

Different authorities are responsible for enforcement. In England, the Environment Agency (EA) is responsible for freshwater fisheries crime under the Salmon and Freshwater Fisheries Act 1975. In Wales it is the equivalent agency – Natural Resources Wales (NRW). They are responsible for issuing and enforcing the use of licences and other regulations to fish for or protect salmon, sea trout, trout, coarse fish, eels and other resident and migratory fish. The ten regional Inshore Fisheries & Conservation Authorities (IFCAs) in England are responsible for managing sea fisheries around the coast and in estuaries up to 6 nautical miles out. Beyond that, within UK waters, the Marine Management Organisation (MMO) is responsible.

Table 4 – Number of reports and convictions of fisheries crime
Note: 2016 – 2019, England only. 2020 and 2021 England and Wales

No. incidents reported						
Type	2016	2017	2018	2019	2020	2021
Rod fishing	3415	3616	2245	2680	3673	2727
Salmon, sea trout and trout poaching	24	72	21	26	10	75
Eel and elver fishing or export	2	4	0	4	1	2
Theft Act (Stealing of fish from private waters)	10	2	17	7	2	25
Sea Fisheries – nets, boats and cockling	364	475	398	378	477	508
Total	3815	4169	2681	3095	4163	3337
No. cases of criminal offending confirmed						
Type	2016	2017	2018	2019	2020	2021
Rod fishing	3108	3246	2030	2563	628	1623
Salmon, sea trout and trout poaching	24	71	20	26	7	67
Eel and elver fishing or export	1	3	0	4	0	1
Theft Act (Stealing of fish from private waters)	5	2	17	6	1	21
Sea Fisheries – nets, boats and cockling	342	455	390	369	469	438
Total	3480	3777	2457	2968	1105	2150
No. defendants convicted						
Type	2016	2017	2018	2019	2020	2021
Rod fishing	2184	2569	1521	1934	604	805
Salmon, sea trout and trout poaching	7	13	6	10	0	9
Eel and elver fishing or export	1	2	0	2	0	1
Theft Act (Stealing of fish from private waters)	5	2	16	5	0	1
Sea Fisheries – nets, boats and cockling	65	62	83	86	45	30
Total	2262	2648	1626	2037	649	846

Whilst the EA, NRW and IFCA are the primary fisheries enforcement agencies, some fisheries crime is reported directly to the police. It is likely that much fisheries crime reported to the police is passed on to the EA and NRW, so are likely to be subsumed into our figures. Fisheries offences of more direct relevance to the police are thefts of fish (e.g. large carp) from private fishing lakes. This report probably doesn't report those accurately.

Rod fishing

These are reports, confirmations and convictions of the number of cases of people going angling without a rod licence, or flouting byelaws (for method of fishing) in rivers and lakes (rod licences aren't needed for sea fishing). These are mostly detected in patrols by the EA and NRW enforcement officers and the Voluntary Bailiff Service (VBS) of the Angling Trust for the EA.

The Angling Trust's Voluntary Bailiff Service and Fisheries Enforcement Support Service (FESS) of the Angling Trust provided the following for the Environment Agency in 2021:

- 13,817 Patrols
- 31,070 Volunteering hours.
- 766 Incidents reported to both the EA, police and other agencies.
- 118 Joint patrols with the EA and 123 with the police

Operation 'Clamp Down 10', a joint operation with the EA to detect and reduce rod licence crime, was launched in Taunton this year with activity taking place all over the South West Region.

The FESS held a number of Police Training days over the year. The events were run by the FESS with support from the EA. The training days were designed to give the police officers a grounding in angling law especially in relation to the Theft act and its application to angling. The days also gave police officers a chance to meet colleagues from the EA, FESS, and VBS teams to establish and help working relationships.

Salmon, sea trout and trout poaching

Salmon, sea trout and trout (brown and rainbow) are all highly prized for their meat. They have been caught for centuries to eat, and due to their value they have also been caught illegally for sale – so called 'poaching'. The number of cases has been highly variable, with no trend, with 10 reported in 2020 to 72 in 2017. These cases are detected in patrols by, and intelligence provided to EA and NRW enforcement officers.

In a major case in Wales, a poacher who took £60,000 of salmon and trout from the River Teifi, avoided prison. This story is taken from the Guardian, in July 2022⁶:

"The ringleader of a fish-poaching operation that caused "staggering damage" to salmon and sea trout populations in a Welsh river avoided prison after a judge expressed regret that he did not have the power to give him a custodial sentence.

Bricklayer Emlyn Rees, 35, from the village of Cenarth in Carmarthenshire, headed an operation that caught 989 sea trout and 302 salmon over seven years.

The judge at Swansea crown court told Rees he would probably have sentenced him to time in prison if he had the power, but instead fined him £1,600 and had his fishing equipment confiscated. The judge also made a confiscation order for £61,791.50 – the value of the fish – but as Rees claimed he had no savings, he was ordered to pay a nominal £1.

The investigation was triggered after Natural Resources Wales (NRW) enforcement officers patrolling a stretch of the River Teifi near Cenarth found that a net was illegally set in the river. They watched the river overnight and spotted a poacher return to check the net. He escaped by jumping into the river but was traced to his home, where a detailed ledger of his illegal catches was found.



NRW said the illegal fishing by Rees and his associates led to the loss of an estimated 686,534 salmon eggs and 2,285,164 sea trout eggs.”

Eels

Eels are caught as juveniles (elvers) or larger life stages (yellow and silver eels) with about 300 licences issued in England per year. The figures for illegal eel fishing in the chart at the start of this chapter represent the number fishing without a licence or flouting byelaws for improper use of gear or location for fishing. Compliance is generally high.

There is also the potential for the very lucrative illegal export of elvers to the Far East for aquaculture. Elver trafficking from Europe to Asia is one of the most significant wildlife crimes on Earth, worth an estimated £3 Billion in 2017, when retail sales of end product are considered. Whilst the current level of this crime is believed to be low in the UK, Heathrow can be one of the European airport hubs by which to transfer illegal exports; in 2020 there was a conviction of a UK fish trader who exported £6M worth of eels from Spain and France to China via Heathrow. It is welcome that this is a priority for the Border Force and we ask that all authorities to remain vigilant to this lucrative crime on a listed endangered species.

Brexit caused the legal trade of elvers from England and Wales to the EU and Northern Ireland to be much reduced from 1 January 2021. This could increase the attraction of illegal eel fishing to supply traffickers for the lucrative trade to Asia, again we ask the national and local enforcement agencies to be vigilant.

Theft

This offence is usually applied when fish are stolen (for onward sale) or caught without permission from a privately owned fishery – most usually a lake. Numbers are low*, but highly variable, with a notable peak in 2021. The average conviction rate has been high with 95% of confirmed cases convicted.

* Of all the fisheries crime figures reported here, these are those most likely to be under-reported, as these are usually reported direct to the police, and it has not been possible to collate figures from the 43 police forces. This is an area we continue to seek improvement – for more consistent reporting to and by the police such that a complete picture on fisheries crime can be recorded.

Sea Fisheries

The Inshore Fisheries Conservation Authorities (IFCAs) are responsible for the sustainable management of inshore fisheries in their Districts and the management of fisheries within marine protected areas.

IFCA Districts include estuaries and extend seaward to 6 nautical miles from territorial baselines. IFCAs deliver compliance and enforcement within their Districts to prevent and detect illegal sea fishing. The compliance and enforcement activities of the IFCAs is associated with the prevention and detection of breaches of local byelaws and aspects of national marine fisheries management measures; notably technical conservation regulations which include minimum conservation size regulation as well as aspects of the Shellfish Act 1967 (which is concerned with, amongst other things, the management of aquaculture).

In recent years IFCAs have had to take on the significant new role of the management of the UK's network of Marine Protected Areas. This has substantially increased the enforcement roles of IFCAs.

To deliver compliance and enforcement, IFCAs work closely with both Marine Management Organisation (MMO), a Defra agency. The remit of the latter includes aspects of fisheries control out to 200 nautical miles and which includes the control and enforcement of national total allowable catch regulations and quota management.

Given the distinct role of the IFCAs from the MMO, but recognising the shared interests and responsibilities for marine fisheries management, the IFCAs and the MMO operate a shared Intelligence System. This national system follows the principles of the National Intelligence Model and is informed by internally and externally generated reports of illegal fishing.

For example, in 2018 1,463 verified intelligence reports were submitted through the joint intelligence system by IFCAs. The processing and grading of this information enables combined agency (including the MMO, IFCAs, EA and others such as Local Authorities & CEFAS) coordination of enforcement activities in both a reactive and proactive manner. This is achieved through a regional joint Tactical Coordination Process.

The effects of Covid-19 are seen in the figures. Whilst commercial fishing continued throughout the public health restrictions in place during the reporting period, it was severely reduced due to a fall in market demand, both domestic and foreign. Marine fisheries compliance continued throughout the period. Fisheries compliance and enforcement was reduced, to reflect the need to balance the need to protect fisheries and the marine environment with the risks to public health. There was a general increase in commercial and ostensibly recreational hand gathering of (in particular) shellfish, resulting in an increase in enforcement actions associated with this activity. Enforcement in this area is generally associated with ensuring that hand gathering does not disturb protected intertidal areas.



Emlyn Rees, from Cenarth in Carmarthenshire, ran an illegal fishing operation on the River Teifi.



Operating a drone to assist with enforcement observations.



Measuring scallops to ensure they comply with size limits.

Matters to be addressed

- Consistency must be achieved regarding recording of fisheries crime, particularly by police forces
- Awareness must continually be raised regarding the actual impact of and facts concerning fisheries related crime.
- Intelligence must be acted upon by our enforcement agencies - and feedback provided.
- Adequate resources are needed. Most government agencies have had their funding reduced in recent years – for example there are now about 50% of the full-time enforcement officers in the Environment Agency and Natural Resources Wales, that there were 15 years ago. Detection, enforcement and deterrent of crime is linked to the amount of resource deployed.
- A lack of legal market for elvers to the EU from 2021, post-Brexit, is could tempt some to fish for the lucrative illegal Asian market. NWCU and the local agencies (EA and NRW) are asked to be extra vigilant to keep this very significant crime to a minimum in the UK.



In 2021 proceedings for breaches of the Hunting Act increased to 80. This is the highest number since 2015.

© National Trust Images/John Hubble

Hunting

Chapter provided by the League Against Cruel Sports (LACS)

Extent of crime:

The **Figures 1** and **2** show the number of alleged breaches of the Hunting Act that have resulted in court proceedings and, of those, the amount that have resulted in a conviction. These figures are from the Ministry of Justice ⁷, cover England and Wales, and are from 2005 – 2021 (the first chart spotlights the figures for 2021 and 2020):

These figures show progress in 2021, when number of proceedings for breaches of the Hunting Act increased to 80. This is the highest number since 2015.

A review of where the highest increases have been seen shows that it is in Norfolk (2 to 17) and Suffolk (1 to 14), both places where police forces have taken part in Operation Galileo and other police activities designed to reduce the impact of hare coursing. This policing focus on hare coursing breaches of the Hunting Act is welcome, and corresponds to positive changes to legislation to increase hare coursing sanctions, in the form of coursing amendments added to the Policing, Crime Sentencing and Courts Act 2022.⁸

In contrast to this progress on hare coursing, proceedings against people accused of breaching the Hunting Act by illegally hunting foxes with pack hounds have been limited in 2021.

Table 5, collated from 2020 & 2021 data collected by the League Against Cruel Sports, shows information on the outcomes of suspected Hunting Act offences that relate to an organised fox/hare/deer hunt and other related offences where a member or supporter of the Hunt is the suspect.

The figures shown 21 cases closed (we know 9 of these closures to be by the Police, 7 by CPS), 3 cases resulting in cautions, and 11 cases proceeding to court (of those 11, 2 were dismissed, and 9 led to convictions, of which 1 has been successfully appealed). 12 cases remain open.

Figure 1 – alleged breaches of the Hunting Act		
	2020	2021
Proceeded against	25	80
Convicted	17	42
Conviction rate	68%	53%

Figure 2 – Hunting Act Offences MOJ data 2005 – 2021

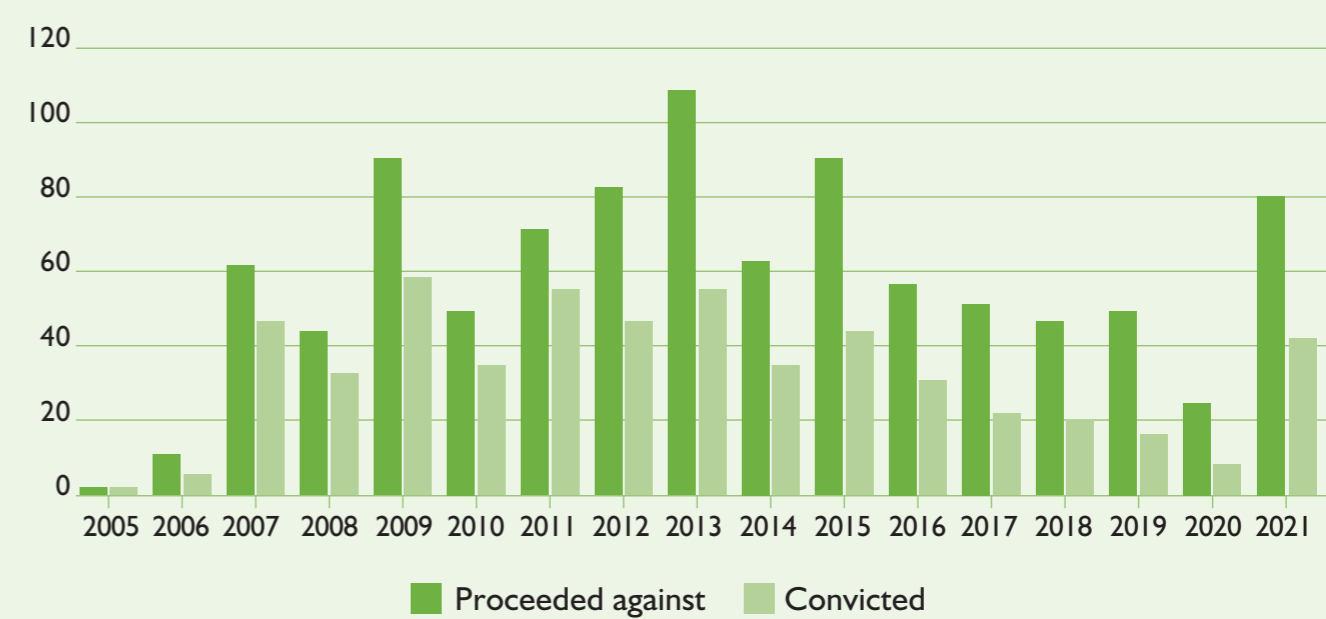


Table 5 – outcomes of suspected Hunting Act offences		
Status	2020	2021
Closed – case discontinued by CPS		
Closed – CPS insufficient evidence	4	4
Closed – discontinued by CPS	2	1
Closed – failings by CPS		
Closed – failings by Police	1	
Closed – not charged	1	1
Closed – caution(s)	1	2
Closed – Police decision NFA	4	2
Open – case passed to Police		
Open – reported to Police		6
Closed – case dismissed at Court	2	
Closed – guilty	6	2
Closed – guilty and appealed (G)		1
Closed – not guilty		
Open – awaits appeal	1	
Open – awaits Court	1	2
Open – case file preparation		1
Closed – NFA	3	1
Closed – no records available		1
Open – passed to Trading Standards		1
Total	26	21

During the last season several fox packs have disbanded or merged. There are now a total of 191 fox packs, compared to 195 last season.

Species and legislation

Although the Hunting Act 2004 refers within the legislation to any, “wild mammal”, the focus of attention is very much concerned with particular species of animal that are still persecuted through illegal hunting and other associated crime. These species are the Red Fox *Vulpes Vulpes*, Red Deer *Cervus elaphus*, Roe Deer *Capreolus capreolus*, European Hare *Lepus europaeus*, European Otter *Lutra lutra*, European Badger *Meles meles* and the American Mink *Neovison vison*.

Other associated crimes can be dealt with by such legislation as the Protection of Badgers Act 1992, Deer Act 1991, Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Hare coursing was banned by the 2004 Hunting Act, and whilst this clearly had an effect, many rural communities have seen the activity continue, with a consequential impact on the local hare population. In reality, the Game Act (1831) is the legislation used most often to prosecute offenders due to the legal points required to be proven to a court beyond reasonable doubt, although tougher sentences for coursing have been introduced through the Police Crime Sentencing and Courts Act 2022, which sees offenders liable for an unlimited fine and up to six months imprisonment.

Drivers of crime

Since the Hunting Act 2004 became law, the vast majority of hunts have adopted “trail hunting”, a practise where hounds following a pre-laid trail of scent, whether that be fox-based or artificial. The term did not come into existence until hunting became a criminal offence.

A considerable weight of evidence from monitors across England and Wales suggest that hunting of foxes, hare and red deer continues in some areas in spite of the law, under the cover of trail hunting.

After the well-publicised trial and conviction of Mark Hankinson (Director of the Masters of Foxhounds Association) in October 2021 for inciting or encouraging others to commit Hunting Act crimes (his appeal was subsequently successful⁹), many landowners no longer issue trail hunting licences.

With the creation of the British Hound Sports Association as some form of governing body for hunting as a result of the Hankinson trial, it will be interesting to see what, if anything changes within hunting moving forwards.

The key driver for the continuation of illegal hunting is perceived tradition because that is how it has always been and there are those that do not want to see it end whilst on their watch. An argument that it helps with predator control is also outdated as there are more humane ways of dispatching animals.

With regards to coursing, then money from betting remains a key driver. Deer are also targeted by coursers, a crime that reports suggest is becoming more prevalent.

Recent challenges

During 2021, there have been a number of high-profile issues with hunting that have played out into 2022. Most notable was the trial of Mark Hankinson (former Director of the Masters of Foxhounds Association) which has been commented upon earlier within this chapter.



Offences of hare coursing can now attract up to six months imprisonment and an unlimited fine if convicted at court.

During 2021 there were a number of criminal investigations into allegations of illegal hunting, nearly all of which failed for a variety of reasons including a lack of police training on the legislation who then failed to investigate effectively, whilst others reached the CPS “full code test for charging / summons to be issued but then failed at court for similar reasons with the prosecutors, whether that be lawyers or barristers.

Some of these matters have become evident at court which has resulted in negative comment from presiding District Judges during trials. It is envisaged that this situation will improve over the coming months as a result of the National Police Chief’s Council dialogue in 2021 with key stakeholders, leading to the setting up a working group in January 2022 on hunting with pack hounds. Although this report relates to 2021, since the beginning of 2022, it is noticeable how much of an increase there has been in police investigations into allegations of illegal hunting, along with an improvement in dialogue and engagement with Crown Prosecution Service lawyers.

Recent highlights

Hare coursing

Last year’s report commented extensively on hare coursing, and the fact that the Game Act 1831 is not an effective piece of legislation in terms of matching the harm caused (to both the hare population and rural communities) to the consequences at court. Courts were limited by the Act in what outcome they could impose, resulting in fines that are relatively low – limited to a maximum of £1000 where the offence involves fewer than 5 people. However, now that the Police Crime Sentencing and Courts Act 2022 has been enacted on the 1st of August 2022, offences of hare coursing can now attract up to six months imprisonment and an unlimited fine if convicted at court. The Act also allows for other powers such as offenders having to reimburse the police for kennelling costs and a court being able to disqualify an offender from owning or keeping a dog.

Through Operation Galileo, originally set up by Lincolnshire Police to combat hare coursing in 2018, over 30 police forces have now joined together to combat hare coursing and using a number of sanctions on perpetrators once caught. This includes Criminal Behaviour Orders on conviction and enforcing offenders to stay away from particular locations.

Hare coursing offenders travel widely and will offend in the parts of the country where they believe they are most likely to escape capture and Police attention. There is a clear link

between police commitment to hare coursing and a reduced level of offending locally (but displacement of the offending elsewhere, rather than a true reduction). Operation Galileo seeks to better understand the tactics most likely to stop coursing rather than displace it. There are now 32 Operation Galileo forces, sharing information about enforcement tactics that work. Notifiable status for hare coursing crimes would greatly aid this work by allowing key offenders to be better tracked, paving the way towards the eradication of the practice.

Hunting with pack hounds

In March 2021, the Western Hunt hounds were out on exercise with hunt staff when they attacked a cat and killed it within the confines of its own garden. The Master of the hunt was subsequently convicted of being in charge of hounds dangerously out of control contrary to Section 3 of the Dangerous Dogs Act 1991 but then appealed the Magistrates decision. In April 2022 at Truro Crown Court, in front of His Honour Judge Carr, the conviction was upheld.

At the time of writing this chapter, there are a number of illegal hunting cases that are due to be heard in Court later in the year for illegal hunting. This includes fox hunts such as the Duke of Beaufort in Wiltshire, the Puckeridge in Hertfordshire, the Eggesford in Devon and the South Shropshire together with Hare Hunts such as the Dunston Harriers in Norfolk.

In November of this year, the sentencing of two men will take place that relates to the keeping of hounds of the Dwryd Hunt from North Wales. Officers from North Wales Police and the RSPCA executed a search warrant at the hunt kennels in November 2021 and subsequently seized the whole pack of hounds together with some other dogs. The Master of the hunt was charged with Animal Welfare Act offences and breaches of a Court Order previously imposed, together with another man who was charged with Animal Welfare offences. The trial was scheduled for Llandudno Magistrates Court in November 2022, however both men pleaded guilty to a number of these offences at a pre-trial hearing in October. This Master had previously been convicted in 2018 of offences under the Animal Welfare Act 2006 for causing a badger to fight with dogs and had received a custodial sentence.

In December 2021, the terrier man for the East Essex hunt, Paul O Shea, was caught being filmed flushing a fox from an artificial earth with the use of a “hard” terrier (one that will still attack and bite a fox as opposed to stand off and indicate). The horrific and graphic film footage also showed O Shea then trying to pin the fox to the ground using a four-

pronged fork. The footage was handed to Essex Police which resulted in O Shea being interviewed and subsequently charged with two offences of illegal hunting and causing an animal unnecessary suffering. He pleaded guilty to both offences. O Shea was banned from keeping dogs for five years, fined £233, received an eighteen week custodial sentence that was suspended for two years and also handed a two hundred hour community service order. This sentence was significant as since the Animal Welfare (Sentencing) Act 2021 was enacted, offenders are liable for a custodial sentence of up to 5 years.

In March 2022, the Eggesford Hunt were alleged to have trespassed on land and disturbed a dressage clinic that was taking place. The chaos it caused with both the horses in the clinic, mares in foal and two stallions in paddocks resulted in a number of the horses requiring veterinary treatment and a mare in foal subsequently dying. A member of this Hunt has been charged with illegal hunting and causing animals unnecessary suffering contrary to the Animal Welfare Act 2006.

Training progress

At the end of 2021, the Crown Prosecution Service started training for their lawyers who have wildlife crime within their portfolio, for Hunting Act and Protection of Badgers Act. This proved very successful through running three seminars in Birmingham, London and Leeds. Although this captured a large proportion of the Country with CPS regional leads for wildlife, there still remain a few gaps that need training, such as the south-east. As a result of this there is a recommendation that these seminars are on-going so as to ensure a resilient structure continues throughout England and Wales.

Matters to be addressed

- All police forces to ensure they have officers effectively trained in the Hunting Act 2004 and associated legislation e.g. Protection of Badgers Act 1992. All too often cases are discontinued due to police forces not having the tools to understand what they see on film footage and how this applies practically to the law.
- The Crown Prosecution Service (CPS) to continue to develop their bank of trained lawyers in the Hunting Act 2004 and Protection of Badgers Act 1992.
- The CPS instructing barristers at short notice to advocate a case in Court must stop. It is clear in cases how poorly prepared some prosecutors are and cases are discontinued due to a lack of preparation and understanding of the evidence and law when coming up against barristers / QCs who have had ample time to prepare.
- The (welcome) new National Police Chiefs Council working group on pack hounds to be more consultative with external groups.
- Police forces still have a challenge encouraging witnesses to recognise hare coursing and to report it when they see it. The best evidence that can put before a court is of a person actively involved, but on many occasions, witnesses don't recognise that a 999 call is entirely appropriate where an offence is in progress, so police forces must publicise what hare coursing is and what effect it has on local communities.



Illegal Wildlife Trade

Chapter provided by WWF UK and TRAFFIC, with text contributions from Born Free & FOUR PAWS UK

Extent of crime

Number of known CITES prosecutions in the UK from 2011 – 2021:

A lack of available data/records continues to constrain our understanding of the scale, scope, and character of illegal wildlife trade (IWT) in the UK. This impedes the ability of the Government and national agencies to direct resources to effectively address IWT, measure impact and track trends. Current methods to monitor, record and quantify confirmed crimes are inadequate and needs to be addressed. In 2021, we are aware of 4 CITES prosecution cases in the UK, which is the same as 2020 although down on 2019. Border Force seizure records show a marked increase in total seizures in comparison to 2020 (from 438 to 720), which might reflect changes linked to the Covid-19 pandemic and a resumption of travel and trade.

Legislation

International trade in wildlife is regulated by the Convention on International Trade in Endangered Species (CITES). The UK implements CITES through the Control of Trade in Endangered Species (COTES) regulations. Defra (UK CITES Management Authority) is advised by the CITES Scientific Authorities, the Royal Botanic Gardens, Kew (RBG Kew) on plants and the Joint Nature Conservation Committee (JNCC) on animals. The Animal and Plant Health Agency (APHA) provides policy advice to the government on CITES and wildlife enforcement and issues import, export and sale licences for species listed on the appendices of CITES and the annexes to the Trade Regulations.

The police have primary responsibility for enforcing the provisions of COTES. UK Border Force (UKBF) has primary responsibility for enforcing the Customs and Excise Management Act 1979 (CEMA) and the offences relating to imports and exports of wildlife contrary to the provisions of CEMA and the COTES Regulations. During the reporting period the UK National Wildlife Crime Unit (NWCU) CITES priorities included: the European eel; illegal trade in raptors; ivory; medicinal & health products; reptiles; rhino horn and timber.

Table 6 – Number of known CITES prosecutions in the UK from 2011 – 2021

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
6	15	17	14	7	15	4	5	8	4	4

Table 7 – Border Force summary seizure records from 2021

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Caviar and Caviar extract	7	8	8	9
Live Coral and derivatives	2	4	2	2
Ivory and ivory items	2	1	6	79
Live animals and birds	3	3	2	5
Live plants	0	3	4	16
Parts or derivatives of animals and birds	62	57	54	156
Parts or derivatives of plants	21	4	10	8
Timber or wood products	20	41	21	23
TCM (parts or derivatives of endangered species)	2	35	18	22
Total Seizures	119	156	125	320

Drivers of crime

Ultimately, demand for live species and wildlife products drives wildlife trafficking offences. Wild animals can be desired as pets, which drives illegal imports into the UK. Some live wild animals are also illegally exported; for example, European eels from UK waters are exported to meet global demand for consumption.

Wildlife products, such as wild plants, traditional medicine products and ornaments made from wildlife parts such as ivory, are desired by some individuals. The money that can be made by selling these goods to UK-based or overseas buyers drives criminal involvement, and increasingly involves organised criminal groups operating across multiple jurisdictions. Lack of awareness of the law also leads some individuals to unknowingly trade illegal goods without the correct permits, for example tourists bringing illegal wildlife products, such as coral or rosewood, back from holiday.

Wildlife trafficking is further stimulated by a growing and largely unregulated market online, easily accessible through social media. An array of platforms facilitate trade, often with illegal trade passing as legal and advertisements for illegal wildlife trade easily found.

Recent challenges

In 2021 Russell Oxley a professional taxidermist from Ilkeston, Derbyshire pleaded guilty to offences relating to the prohibited purchase and offering for sale of the skull and horns of six Gaur Bison, an Annex 'A' species that is vulnerable to extinction in the wild.¹⁰

In August 2018, officers from the NWCUC were alerted to items being advertised on an internet site trading in taxidermy items, these included adverts for three Bison skull and horns. The commercial use of Annex 'A' species is strictly controlled and requires an exemption certificate, commonly known as an Article 10. Having identified Oxley as the seller, officers from NWCUC, Derbyshire Police and an APHA Wildlife Inspector searched Oxley's home and seized items, including six Gaur Bison skull and horns. Oxley admitted purchasing the items and listing three of them for sale. He said that he had mistakenly believed they were not Annex A listed species and did not require A10's. Checks carried out with APHA confirmed that Oxley had not applied for or been issued with any A10's. These checks and information gained during the investigation showed clearly that Oxley regularly traded in CITES listed species and had a good understanding of both the identification of species and their requirements under the relevant legislation.

Oxley was fined £1,000 and £1,100 costs and all the skulls and horns were forfeited. Two further charges of purchasing and keeping for sale remained on file. As the case was heard in a Crown court, the maximum sentence was 5 years and/or an unlimited fine. Despite this, the sentencing for this case followed a pattern commonly seen for CITES cases in which even following successful prosecutions, fines and sentences are typically in the lower end of the range available.

Recent highlights

In August 2021 Ngie Law, from Derby was sentenced to a two-year jail sentence, suspended for two years, and a six-month curfew in connection with the illegal trade of ivory.¹¹ He pleaded guilty to 18 counts of buying, selling and possessing ivory goods without a permit, and fraudulently evading duty, between 2011 and 2016.

This followed an investigation led by Derbyshire Rural Crime team supported by the NWCUC and supported by UK Border Force, which began in November 2016 after UK Border Force intercepted a package to China which contained ivory. A search warrant was then carried out at the 44 year-old's address and officers discovered a large amount of ivory goods, which included a number of ornamental items and cutlery.

Poaching for ivory remains a major threat to African elephants in the wild and it is believed the ivory was sourced primarily from elephants which had been poached between 1970 and 1990. Further enquiries showed there had been transactions for online sales and purchases totalling more than £60,000 over the five-year period 2011 – 2016.

The CITES opportunity to address the risk of zoonotic disease

From Born Free and FOUR PAWS UK

The Covid-19 pandemic, with its likely origins in wild animals, has brought home the devastating consequences of emerging zoonoses for human health and wellbeing and the global economy. The trade in and trafficking of wild animals is an important potential risk factor for the emergence and transmission of zoonotic pathogens. Wild animals are collected, farmed, transported, exported and traded in huge numbers, often enduring appalling conditions. Crowding, stress and injury among such animals provide the perfect environment for pathogens to spread and mutate, and their close proximity to people when they are traded and sold creates the opportunity for human transmission.

At the time of writing, the 19th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is due to be held in Panama. CITES, as the international wildlife trade regulator, clearly has a role to play in mitigating future risk, alongside other international bodies concerned with human and animal health, trade, food and transport, and relevant national authorities.

This is a unique opportunity for the UK Government to instruct its delegation to support efforts to regulate the international commercial wildlife trade in order to address the serious zoonotic risks that it poses.

The UK should therefore do all it can to support the adoption of the draft Resolution and associated Decisions proposed in CoP19 Doc 23.2 by Côte d'Ivoire, Gabon, The Gambia, Liberia, Niger, Nigeria and Senegal. The draft Resolution would:

- Recommend that Parties adopt a One Health approach when implementing the Convention, particularly Articles III, IV, V and VII in respect of live animals in trade, and in regulating captive breeding, transport of live specimens, and develop associated One Health CITES Action Plans; and
- Task the Secretariat in collaboration with the Committees with the creation of a CITES One Health Expert Panel and dedicated web page to provide expert advice and share experience in order to guide Parties and support the creation and implementation of One Health CITES Action Plans and associated risk assessments.

The adoption of the draft Resolution and associated decisions provides an opportunity for CITES authorities to initiate measures, as a matter of urgency, to mitigate the risk of future pandemics resulting from zoonotic pathogen emergence and disease transmission from wildlife trade.

CoP19 is due to conclude around the time of the publication of this report. If not adopted at CoP19, the UK should work to ensure the progression of the One Health resolution at the next CITES opportunity.



Matters to be addressed

- A number of these issues have been carried forward and remain ongoing areas of concern to be addressed.
- The UK Government should produce an annual wildlife crime report for England and Wales, similar to that produced by the Scottish Government, which includes data on recorded wildlife crimes, related court proceedings and penalties, with additional information on priority crime areas.
- Clear guidance is needed on where to access information about illegal wildlife trade (CITES) prosecutions (COTES and CEMA recordable crimes) as although they are recordable crimes, it is not possible to find out about these prosecutions as they are not recorded centrally anywhere.
- Specific wildlife crime officers should be employed for each police force with recognised targets against which to report and associated resources allocated.
- Research to understand why the number of CITES prosecutions has declined over recent years.
- All relevant agencies should ensure that wildlife crimes are included in training for call handlers and those who monitor reporting of incidents in the first instance, as well as providing enhanced training for police officers on wildlife crime.
- Training for crime recorders is needed so that IWT crimes are correctly recorded.
- Through CITES, the UK should support efforts to increase actions to address illegal wildlife trade and to reduce the risk of zoonotic disease from it.



Around 27 species of cetaceans (collective term for whales, dolphins and porpoises) live seasonally or year-round in English and Welsh waters.

© National Trust Images, Christie Green

Marine mammals

Chapter provided by Whale and Dolphin Conservation

Extent of recorded crime

The only region in the UK with suitably recorded data is Cornwall. Here, according to a report compiled last year by Cornwall Marine and Coastal Code Group (CMCCG), a dedicated volunteer effort with a hotline number, incidents of marine mammal disturbance recorded had tripled in recent years (2014 – 2020).

Table 8 gives an overview over the recorded incidents in Cornwall in the past years, this includes cetaceans and seals.

After a recent serious seal stampede in Yorkshire caused by a runner, as well as another seal injured in a dog attack on Spurn Head, the Seal Alliance has released a new report showing that seal disturbance is a chronic issue of conservation concern. In addition, a Seal Research Trust report shows seal disturbance has significantly increased since 2013, especially in the summer, and is widespread right around the Cornish coast. Boat trips, RIBs and air-based activities resulted in the highest proportion of disturbance incidents.

Species and legislation

Around 27 species of cetaceans (collective term for whales, dolphins and porpoises) live seasonally or year-round in English and Welsh waters, as well as grey and harbour seals. Cetaceans are offered strict protection under Habitats Directive Article 12, which is transposed into national law under the Conservation of Habitats & Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is an offence (subject to exceptions) to deliberately capture, kill, or disturb cetaceans.

Seals enjoy the protection afforded by the Conservation of Seals Act 1970. In some circumstances, cruelty to wild mammals is an offence under the Wild Mammals (Protection) Act 1996. Disturbance of seals is a criminal offence under Part 2 of the Wildlife Countryside Act 1981, where the disturbance takes place on a site of special scientific interest and seals are a designated feature of the site.

Table 8 – Extent of recorded disturbance incidents in Cornwall (data provided by Cornwall Marine and Coastal Code Group)

Disturbance incidents	2018	2019	2020	2021
Number of incidents recorded	326	193	366	450
Number of probable cases of criminal offending	73	90	33	254
Number of cases referred to the police	3	6	1	2
Number of cases where criminal offending confirmed	N/K	N/K	N/K	N/K
Number of cases and charges prosecuted	N/K	N/K	N/K	N/K
Number of defendants prosecuted	N/K	N/K	N/K	N/K
Number of defendants convicted	N/K	N/K	N/K	N/K

N/K stands for Not Known

February 2022 saw the presentation of a ten-minute bill entitled the Seals Protection Bill. A bill to amend The Wildlife Countryside Act 1981 to make the intentional or reckless disturbance or harassment of seals an offence.

Drivers of crime

Recreational and commercial tourism can be a driver for potential crimes against marine mammals. Individuals can approach marine mammals by either getting in the water with them and behaving inappropriately or approaching them inappropriately from any watercraft or vessel. In the UK, there is a perceived conflict with some fisheries, particularly in relation to seals taking commercial or protected fish species. There is evidence of cruelty through the illegal injuring or killing of seals with guns and other weapons.

As of 1st March 2021, amendments made to the Conservation of Seals Act 1970 by Schedule 9 of the Fisheries Act 2020 came into force. Individual seals can no longer be controlled under the 'netsman's defence' as this defence was removed from the legislation as of 1st March 2021, to ensure compliance with new US import rules.

Recent challenges

Crimes against marine mammals are rarely reported, as people are often unaware that such cases are considered a crime or are reluctant to contact the Police. Reported cases rarely lead to prosecution – which further leads to fatigue with members of the public not wanting to continue to report repeat incidents due to lack of action by the authorities. Furthermore in some cases handling of the call by the call centre at 101 can be extremely off putting leaving members of the public feeling they have wasted police time.

It is essential to get an incident logged with the police, since, even if nothing comes of it, it is important to show the incident is in the system and that wildlife crime exists. This will help enable us to better understand the extent and trends over time. Although it still appears that not all incidents are adequately recorded by the police, leading to misleading or underreported data. Members of the public are encouraged to ask for an incident number to ensure reports are logged. Cases that are logged with the police need to be clearly identifiable as potential marine mammal crime.

In 2020, restrictions on travel existed due to the Covid-19 pandemic. As a result more UK residents went on domestic holidays. This led to a perceived increase in disturbance of marine mammals around the coastline.

It appears that in some cases insufficiently trained officers have spoken to perpetrators and unclear messaging has been given leading to erroneous understandings of best practice.

Recent highlights

Disturbance of marine and coastal wildlife is an increasing problem around the UK's coast. The continued perceived increase in disturbance cases has led to the disturbance issue having more of a public profile on social and traditional media.

Wildlife crime officers continue to highlight the importance of getting incidents logged via 101, even if nothing comes of it. Previously, individuals were engaging with interested police officers directly, but this meant many incidents were not officially logged.

The UK's national training scheme for minimising disturbance to marine wildlife (WiSe) seeks to minimise marine disturbance through delivering training to vessel operators and to other key organisations, including the police. Such training can help individuals to understand disturbance legally and biologically, with the aim to ensure safe and responsible marine wildlife watching. The online Adventure WiSe course is a new course presented as part of the WiSe Scheme suite of professional practitioner courses. The Adventure WiSe course has been developed to be the WiSe Scheme professional standard for sea kayakers, wild swimmers, coasteerers, stand-up paddle boarders, snorkellers, coastal rock climbers and coast walkers to help them minimise disturbance to marine and coastal wildlife.

Cornwall is leading the way nationally, with the formation of a regional stakeholder group to tackle the issue of marine wildlife disturbance by recreational water users. The Cornwall Marine and Coastal Code Group, formed in 2013 and works to:

- Increase awareness of marine and coastal wildlife disturbance issues, laws, and voluntary codes of conduct.
- Provide an informal forum of experts, regulators, and major conservation landowners to advise on the best course of action following serious or repeat marine wildlife disturbance incidences in Cornwall.
- Develop relevant resources, projects and training programmes for partner organisations, users, operators, and other interested parties.
- Formulate action or joint position statements where specific issues are highlighted.
- Input, monitor and review the Marine Wildlife Disturbance Register.
- Agree an action plan for the group. Membership of the Cornwall Marine and Coastal Code Group is open to any organisation involved in the conservation, protection and management of marine and coastal biodiversity, either substantially or wholly in Cornwall, and which is also a member of the Cornwall Marine Liaison Group.

Matters to be addressed

- All wildlife crimes, including marine incidents, should be notifiable offences and incident reports should be recorded as notifiable crimes.
- All incidents should be recorded to the appropriate level of detail, so data can be analysed effectively. Offences should be recorded in a manner that makes statistics available for appropriate analysis, in order to identify trends and inform resource allocation.
- Legislation used to prosecute wildlife crime should be reviewed and updated to be fit for purpose to enable prosecution of marine mammal disturbance.
- Public awareness needs to be raised about existing marine mammal protections, what constitutes good behaviour.
- Public awareness needs to be raised about how to gather the evidence required to report incidents (including photographic and video footage).
- A Wildlife Crime app (like that produced by Partnership for Action against Wildlife crime in Scotland) needs to be developed, along with other guidance for reporting adequate details of marine mammal wildlife crime.
- 101 call handlers and general Police officers need to be educated about Wildlife Crime to allow appropriate communication with members of the public reporting incidents and appropriate response to perpetrators
- Police awareness and ability to deal with marine wildlife crime, including that of 101 call handlers, need to be maintained and improved, including among wildlife crime officers.
- Crime data should be accessible on a transparent website.
- Wildlife crime officers need to be linked with any regional efforts, using the Cornwall Marine and Coastal Code Group as an example of good practice.
- Police should undertake regular WiSe training.
- The wildlife watching industry should be regulated, with commercial tour boat operators being licenced, monitored, and, where required in some circumstances, to follow a set route. This should be happening alongside legal requirements to protect cetaceans, such as a maximum amount of time spent with animals to minimise disturbance.



In March 2021, thousands of bluebell bulbs were illegally uprooted in a woodland near Fakenham in Norfolk.

Plants and fungi

Chapter provided by Plantlife

Extent of recorded crime

Domestic crime relating to wild plants and fungi is not recorded and therefore no data is available. This makes it impossible to assess the true scale or nature of this type of crime.

Species and legislation

There are several laws protecting wild plants and fungi in the UK:

- The Theft Act 1968, under Section 14(3), makes it an offence to pick, for commercial purposes and without permission, any wild plant including bryophytes, lichens and other fungi.
- The Wildlife and Countryside Act 1981 prohibits the intentional uprooting, picking and commercial trade of any wild plant listed in Schedule 8 and the intentional uprooting of any wild plant without permission from the landowner or occupier.
- The Timber and Timber Products (Placing on the Market) Regulations 2013 and the Forest Law Enforcement, Governance and Trade Regulations 2012 prohibits the placing of illegally harvested timber and products derived from such timber on the market.
- The Conservation of Habitats and Species Regulations 2017 protects a number of highly threatened species, including Lady's Slipper orchids (*Cypripedium calceolus*), Early Gentians (*Gentianella anglica*) and Yellow Marsh Saxifrage (*Saxifraga hirculus*).
- The Control of Trade in Endangered Species Regulations 2018 enforces the protection of plants listed in the Appendices of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) from exploitation. There are over 30,000 plant species listed on CITES Appendices, most species are in Appendix II and can be traded internationally with the correct documentation. For specimens listed on Appendix I, trade is only permitted under special circumstances.

Drivers of crime

There are both unintentional and intentional plant and fungal crimes. Some illegal activity occurs because there is a lack of awareness of legislation protecting plants and fungi; this can range from bringing protected plants or plant products into the UK without the required documentation, to collecting wild plants without landowner's permission.

Intentional crimes are motivated by the desire to have wild or rare specimens for collections, or to sell them for financial gain, including on the internet. Large-scale collection of wild-sourced foods for commercial use, such as wild mushrooms in restaurants, has become a problem in some areas, such as the New Forest in Hampshire and Epping Forest in Essex.

Additionally, wild-harvested plants and fungi are traded nationally and globally. There has been a threefold increase in medicinal and aromatic plant trade since 1996 and it is estimated that 60 – 90% of medicinal and aromatic plants are collected from the wild.

Recent challenges

A multitude of trading platforms makes the scale of the internet a challenge for surveillance and monitoring of wildlife crime. Identifying illegally sourced plants, and difficulties in tracking shipments resulting from online transactions, further complicates the task.

Recent highlights

In March 2021, thousands of bluebell bulbs were illegally uprooted in a woodland near Fakenham in Norfolk. Two individuals were convicted and fined £200 each.

There appears to be an increasing trend in thefts of rare wild orchids across England. For example, in June more than 50 bee orchids were dug up and stolen from a Cotswolds road verge identified for conservation management. The case was reported to Gloucestershire police who monitored the area following the incident and took to social media to raise awareness that such action is a criminal offence.

Matters to be addressed

- Offences should be recorded in a manner that makes statistics available.
- Police forces should identify resources capable of undertaking effective investigations into wildlife crime particularly for those related to plant and fungi crime.
- CPS should consider how presentation of cases where offenders plead guilty at first hearing might be improved.
- There should be a sentencing guideline for wildlife crime.



© Shutterstock Alexwilko

© National Trust Images/John Miller



Frequently Asked Questions

Is it ok to pick wild flowers when I'm out and about?

Picking wild flowers is an important way for people to connect with nature. In general, it is legal to pick common species of wildflowers, leaves or berries for personal use. Plantlife recommends finding places where they are in abundance and then picking a small proportion – 1 in every 20 is a good 'rule of thumb'.

However, you should not dig up plants, pick any part of rare or protected species, nor any part of wild plants or fungi on a site designated for nature conservation, such as a Site of Special Scientific Interest (SSSI). It's also illegal to pick, uproot or remove plants if by-laws are in operation which forbid these activities, for example on Nature Reserves, Ministry of Defence property or National Trust land. If you're not sure, then leave them alone.

What should I do if I see someone collecting bags full of wild flowers or fungi?

Wild plants or fungi may only be collected for commercial use (selling or making into products to sell) with the permission of the landowner and if they are not protected species. Any suspected criminal activity should be reported directly to the police.

There are thousands of bluebells in my local woods – can I dig one up to replant in my garden?

No. Digging up a wild plant – even if it is a common species to be replanted – counts as 'intentional uprooting', which is illegal unless you have the permission of the landowner or occupier.

Raptor persecution

Chapter provided by RSPB

Extent of crime

In total, in 2021 there were 90 incidents of confirmed raptor persecution recorded in England and Wales. 80 of these occurred in England (see **Figure 3**). This is the second-highest figure the RSPB has ever recorded in England, following 2020's unprecedented high of 105 incidents. This suggests that raptor persecution is not returning to pre Covid-19 levels.

The detection rate of confirmed incidents is a fraction of those actually being committed. Shooting continues to be the most commonly detected type of bird of prey persecution. For detailed maps and charts of incident types per country, see the RSPB Raptor Persecution Map Hub.¹²

Species and legislation

Raptor persecution is one of the UK government's seven Wildlife Crime Priorities.¹³ All birds of prey (also known as "raptors") are fully protected under the Wildlife and Countryside Act 1981. Offences include the killing, taking and injuring of birds, and damage and destruction of nests and eggs. There are also offences relating to possession, sale and prohibited methods of killing and taking. Trade offences relating to raptors are also covered by the Control of Trade in Endangered Species (Enforcement) Regulations 2018. Offences involving the abuse of pesticides are covered under various pieces of legislation.

Drivers of crime

Scientific monitoring of raptor populations, supported by wildlife crime data, intelligence, and conviction data, continues to show the key driver of raptor persecution is the conflict with land managed for gamebird shooting (see **Figure 5** and **Figure 6**). This involves both red grouse in the uplands and pheasant and partridge in the lowlands. Raptors are being deliberately targeted to reduce potential predation on game bird stocks and disturbance to quarry species on shoot days. In particular, there is concern about the conservation impacts on species like golden eagle and hen harrier.

Figure 3 – Confirmed raptor persecution incidents in England and Wales 2012 – 2021

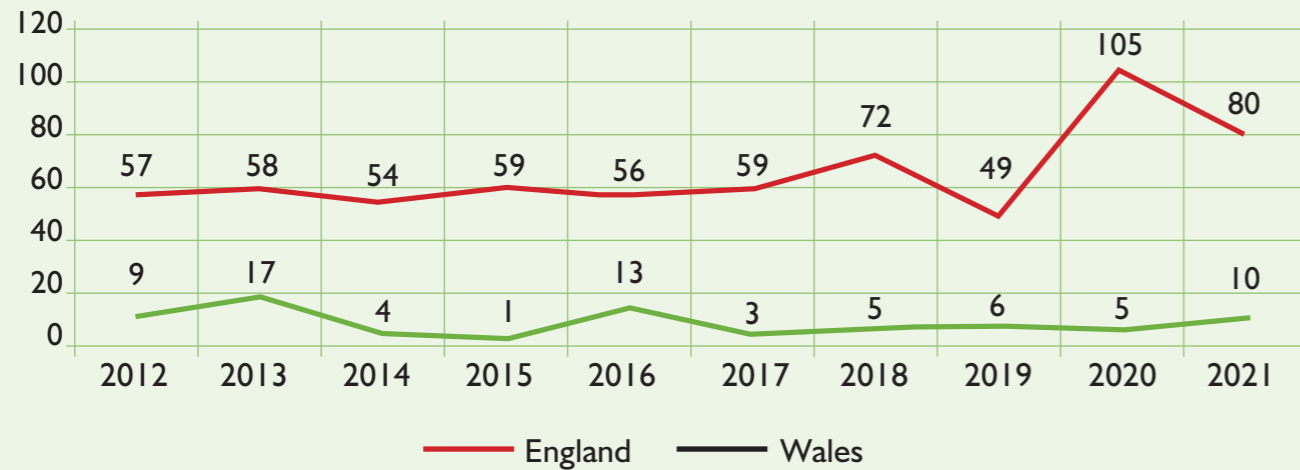


Table 9 – Raptor persecution in England and Wales

Year	Number of incidents recorded/ reported*	Number of probable* cases of criminal offending	Number of cases where criminal offending confirmed*	Number of cases and charges prosecuted	Number of defendants prosecuted	Number of defendants convicted
2018	256	37	77	2 cases total Case 1: 9 charges (all discontinued) Case 2: 5 charges (found guilty of 3)	2	1
2019	224	36	55	0	0	0
2020	312	57	110	Case 1: 1 charge, (pleaded guilty)	1	1
2021	302	61	90	Case 1: 8 charges (3 pleaded guilty, 2 discontinued) Case 2: 9 charges (all pleaded guilty) Case 3: 1 charge (pleaded guilty) Case 4: 1 charge (discontinued)	4	3

* Please see the notes at the bottom of this report section which define RSPB classifications of ‘reported’, ‘confirmed’, ‘probable’.

For further details re these prosecution cases, including breakdown of charges see RSPB paper *Birdcrime 2021 Appendices*.

Note that the data displayed here were extracted from RSPB database on 23 August 2022 and were accurate at time of extraction but are constantly being updated and may be subject to change.

In 2021 raptor crimes took place across England and Wales on land that was being managed for or connected to a variety of uses. However, a minimum of 64 (71%) of all confirmed incidents were linked with gamebird shooting. Of these, 52 (58%) related to pheasant and partridge shooting, largely in lowland areas, and 5 (5%) related to red grouse shooting, found largely in the north of England (see **Figure 5**).

Government research published March 2019 shows 72% of 58 satellite-tagged hen harriers were killed, or most likely killed, on or near grouse moors (2007– 2017).¹⁴ Crimes against raptors in Wales 1990 – 2019, a paper written by RSPB Cymru and published in 2021 by the Welsh Ornithological Society, summarises the plight of raptors in Wales over the past three decades.¹⁵ It shows that the probability of a persecution incident from 2010 to 2019 was three times higher in areas where driven shooting of gamebirds is available for sale.

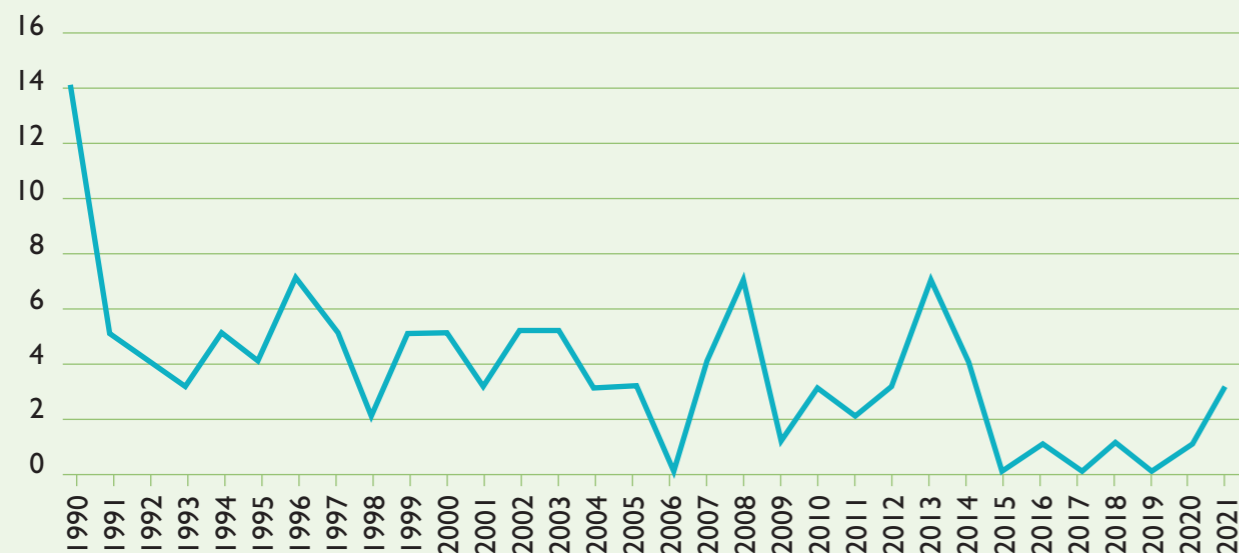
Recent disappointments

- Bird of prey persecution reached the second highest level ever recorded in England during 2021, yet during the year there were only three raptor persecution related convictions in England. In Wales the number of convictions is lower still, with only 16 convictions since 1990, the most recent being over ten years ago, in July 2012. **Figure 4** shows the risk of being caught and convicted in England and Wales remains frustratingly low.
- Raptor persecution is punishable by jail, but to date no-one in England or Wales has served a custodial sentence for a raptor related crime.
- Since 2018, 73 hen harriers are known to have been illegally killed or gone missing in suspicious circumstances in the UK (Source: Raptor Persecution UK). This included Yarrow, Tarras and Reiver, three birds satellite-tagged by the RSPB. All three birds disappeared in suspicious circumstances in areas associated with driven grouse shooting in Northern England.¹⁶
- Hen harriers remain on the verge of extinction as a breeding species in England, and persecution incidents continue. A particularly shocking case involved a bird tagged by Natural England, named Asta, whose tag was found attached to a dead crow. It was quickly established that the tag and harness had been removed intact from Asta (which would not be possible without causing serious injury to the bird) and intentionally fitted to the crow by a human.
- All this comes despite the Defra Hen Harrier Action Plan. Although the most recent figures show that 119 young hen harriers fledged in England in 2022¹⁷, the future of these individuals looks bleak considering that the peer-reviewed science indicates that many of these will most probably be illegally killed or suspected to be subject to persecution. The government’s own study in 2019 found illegal killing was the number one factor suppressing the UK hen harrier population.
- The toxic rodenticide brodifacoum is increasingly being detected in birds of prey in concentrations well beyond lethal levels, raising concerns that this ‘professional use’ substance may be not only being misused, but also abused by those attempting to poison birds of prey under the guise of legitimate activity.

Table 10 – England and Wales raptor persecution 2020 – split into incident types

Raptor persecution incident type	Number of confirmed incidents
Shooting	35
Poisoning	27
Illegal Pole/Spring Trapping	1
Illegal Trapping (Other)	14
Nest Destruction	3
Persecution Other	10
Total	90

Figure 4 – Birds of prey persecution-related convictions in England and Wales 1990 – 2021



Recent highlights

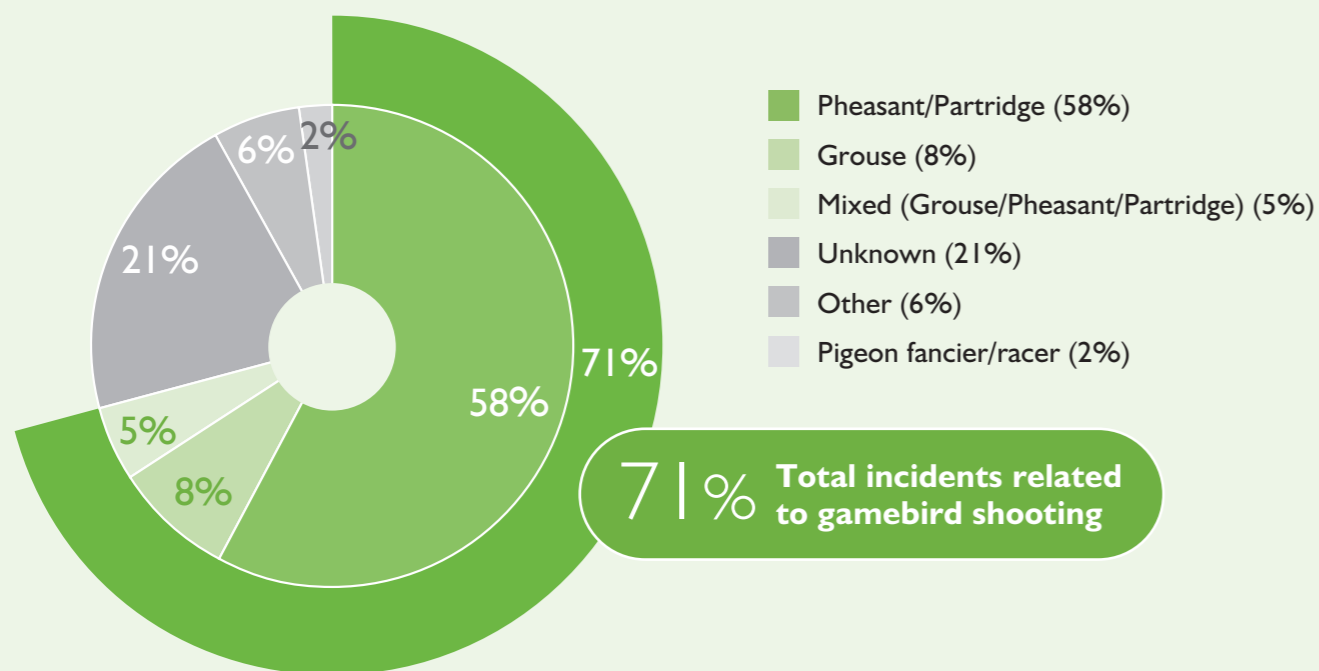
- Following the publication of the RSPB’s Birdcrime report for 2020¹⁸, it was excellent to see the NWCU recognise that raptor persecution is at an all-time high. Aided by the UNODC report recommendations they are successfully securing funding for dedicated resources to tackle raptor persecution.
- September 1 2022 saw the launch of the new National Police Chiefs’ Council (NPCC) Wildlife and Rural Crime Strategy for 2022 – 25¹⁹, which includes an ambition to create a more enduring policing model for rural and wildlife crime.
- The Wales Bird Crime Enforcement Group has been set up by Welsh government to mirror the Bird of Prey Persecution Priority Delivery Group. It involves enforcement agencies and supporting organisations, to discuss and tackle ongoing issues relating to crimes involving bird species.
- There has been a notable and welcomed increase in multi-agency enforcement operations tackling raptor persecution in the last 18 months in England and Wales.
- Public support for birds of prey continues. In July 2022, hundreds gathered at Wild Justice’s Hen Harrier Fest to hear talks, share their passion for wildlife and unite peacefully against the ongoing persecution of birds of prey. A ‘Walk for Hen Harriers’ also took place on an Invernessshire grouse moor in August, organised by Hen Harrier Action.
- The employment of an RSPB Raptor Officer, a role part-funded by the Welsh Government, has been a great success. It has generated significant ongoing cases, gathered intelligence about raptor persecution in Wales, and is bolstering satellite-tagging efforts.

Matters to be addressed

We are calling on the UK and Welsh Governments to:

- Make use of the full range of sentencing available to them
- Introduce licensing for driven grouse shooting in England and Wales, as is planned for Scotland in 2023. The RSPB is also calling for stronger regulation for pheasant and partridge shooting.
- Improved General Licence conditions and better regulation of the use of crow cage and other traps, including: provision for the removal of licences if wildlife protection laws are breached; prohibition of use during closed season; requirement for traps and identifiable users to be registered; submission of annual returns for all General Licence users.

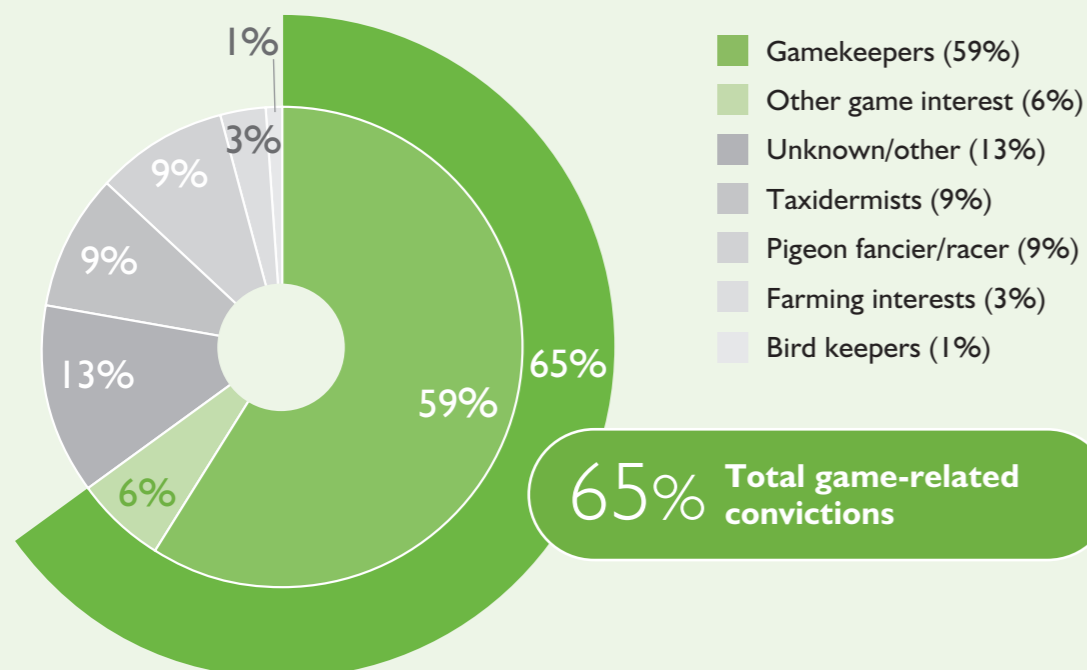
Figure 5 – The 90 confirmed raptor persecution incidents in England and Wales 2021, split into likely persecution groups



Note: The above Figure 3 shows confirmed incidents which have been classified as connected with main persecution groups (with high or reasonable certainty >50%) based on evidence and intelligence. See RSPB paper *Birdcrime 2021 Appendices* for further details.



Figure 6 – The occupations or interests of the 115 individuals convicted of bird of prey persecution-related offences in England and Wales 1990 – 2021



Case studies

Birds of prey dumped down well

The discovery of a tomb of dead raptors down a well on a Wiltshire pheasant shoot was a graphic illustration of the horrors of raptor persecution.

An RSPB covert surveillance camera captured gamekeeper Archie Watson depositing a buzzard down a well, and other items on other occasions, often preceded by the sound of gunshots.

In June 2022, Watson received a 12-month community order (180 hours unpaid work) and was told to pay £393 costs. He pleaded guilty to offences relating to the possession of deceased birds of prey.

While whoever killed the birds is unknown, we believe the birds recorded (at least 11 buzzards and four red kites) were illegally killed. This was the largest raptor persecution case in England in terms of body count.

Eagles killed on the south coast

White-tailed eagles were persecuted to extinction in England in the 18th century. They have since been reintroduced to the south coast thanks to the Roy Dennis Wildlife Foundation in partnership with Forestry England. However, it's clear the species is still being targeted even today.

The RSPB is aware of three eagles that have died in the south of England in 2021 and 2022, where investigations have been launched. One of these was an illegally killed white-tailed eagle in West Sussex during 2021, the victim of abuse of the pesticide bendiocarb. A multi-agency investigation, led by Sussex Police, is ongoing.

In Dorset, in 2022, a young white-tailed eagle was found dead on a shooting estate with seven times the lethal dose of the rodenticide brodifacoum.

Widespread concerns have been raised about the response by Dorset Police, who had every reason to search the estate in order to investigate this incident but chose not to: this despite representations from the NWCU and RSPB based on the satellite tag data supplied by the eagle project and years of enforcement experience of raptor persecution cases.

Another dead eagle, found on the Isle of Wight, has gone for toxicology examination following anomalies in its satellite tag data.

Raptors killed on Norfolk pheasant shoot

Most recently, gamekeeper Matthew Stroud was convicted of multiple raptor persecution offences in Norfolk.

Offences included shooting five buzzards and one goshawk, the poisoning of another buzzard, the laying of poison baits and illegal possession of poisons including strychnine. He received a 200-hour community order and was ordered to pay fines, costs and compensation totalling more than £1,200.

The RSPB Investigations team conducted lengthy enquiries on an area of land managed by Stroud for pheasant shooting at Fengate Farm in Weeting. Following a number of visits, in August 2021 they discovered a pheasant carcass – later found to contain the banned toxic chemical strychnine. The use of a poison bait such as a pheasant, laced with pesticides, is one of the most common methods of illegally killing birds of prey. A subsequent search with Norfolk Police and partners uncovered further poison baits plus shot and poisoned raptors. Stroud's phone also contained the photo of a goshawk and several buzzards which he admitted to shooting. They also found the deadly banned poison strychnine and phostoxin, a dangerous fumigant which was stored improperly.

Stroud also became the first person convicted for the unauthorised release of gamebirds on a Special Protection Area (SPA).

However, it was difficult not to be disappointed with the outcome considering the significance of the offences. The RSPB would like to see Magistrates use the full range of sentencing options available, to set a precedent for future cases and deter others from illegally killing birds of prey. The lack of sentencing guidelines for wildlife crime is an urgent action to address.

NOTE – Classifications used:

Reports/reported – This is the total number of incidents collated by the RSPB each year for the category of offence in question eg raptor persecution (ie this includes all of the below categories: confirmed, probable, unconfirmed.)

Confirmed – The circumstances indicate that an illegal act has taken place. These incidents are typically substantiated by evidence such as post-mortem or toxicological analysis, or reliable eyewitness evidence.

Probable – The circumstances indicate that by far the most likely explanation is that an illegal act has taken place.

Unconfirmed – The circumstances indicate that an illegal act has possibly taken place.



Conclusion and recommendations

This is a concerning time for wildlife in England & Wales. With declines in species populations continuing²⁰, levels of wildlife crime appear not to have fallen from the very high levels recorded in 2020.²¹ The amount of crime committed against wildlife remains stubbornly high.

This snapshot, as with earlier Link wildlife crime reports, can never be a truly accurate portrait of the extent of wildlife crime, as virtually no wildlife crimes are classed as a notifiable, i.e., one that police are obliged to officially record and report to the Home Office. The above chapters set out the problems that this recording shortfall creates for wildlife crime enforcement. Without a robust and resilient process to capture reports of wildlife crime, those reports can fall victim to insufficient follow-up and investigation. As highlighted in the 2020 National Wildlife Crime Unit strategic assessment of UK wildlife crime:

“Accurate measuring of confirmed crimes will assist in the identification of national, regional and local priorities. Geographical ‘hot-spots’, trends and patterns would be revealed by location and over time. Police forces need to identify crime levels so they can make appropriate resource allocation to effectively investigate. It is currently impossible to obtain accurate data on wildlife crime levels in England and Wales.”²²

It remains frustrating that Home Office Ministers could ask how many wildlife crimes have actually taken place and yet here in the twenty-first century no-one could answer that despite all the technology available. Those same Ministers have the ability to transform this situation with one decision, to make key wildlife crimes notifiable.

On a more positive note, this report is able to highlight improvements in police (and Crown Prosecution Service) training and resourcing in 2021. This has been seen to some effect within hunt related cases where more offences are being identified by wildlife crime officers, better investigations are taking place and subsequently more are going to court.

These enforcement improvements need to be sustained - and complemented by the reform of legislation to enable more successful prosecutions of wildlife criminals. It is welcome that sanctions for hare coursing offences have recently been increased through the Police, Crime Sentencing and Courts Act 2022. However, this increase in penalties has taken 191 years to take place, having last been legislated for in the Game Act 1831. The antiquated legislation most wildlife crime prosecutions rely on needs to be updated, at a much faster pace than has been the case so far.

It is concerning to report that a real legislative threat to tackling wildlife crime is before Parliament. The Retained EU Law Bill had its second reading in October 2022 and is intended to 'save, repeal, replace, restate or assimilate' the retained EU law (known as REUL) applying in the UK. The Bill will cover over 2,400 pieces of REUL, which will either be dropped or adapted into UK law. These laws include the Conservation of Habitats and Species Regulations 2017, which (amongst other protections for habitats and species), make it a criminal offence to damage the habitats of key species including badgers and bats. As the above chapters make clear, such damage to habitats constitutes the majority of wildlife crimes against these species. These vital protections will now either be dropped from UK law, or (more likely) be hastily rewritten by the 2023 deadline, or by an extended deadline in 2026. A hasty rewrite could weaken the regulations, and with them the legislative underpinning for tackling common wildlife crimes. Link, along with partners from across civil society, is calling for the Retained EU Law Bill to be withdrawn.²³

Just as it started, this report ends with a plea for the Government to implement the UN Wildlife Crime recommendations submitted to it in 2021. Three core recommendations from the UN, the need for which is demonstrated in each and every chapter of this report, would kick-start the more effective detection, prosecution and prevention of wildlife crime:

Make wildlife crimes notifiable

It is accepted that to make all wildlife crimes notifiable would not be realistic due to the sheer numbers., Link members have worked together with NWCUC to compile a shortlist of essential crimes which should be prioritised for notifiable status.²⁴ A paper has now been submitted to the National Crime Registrar making the case for key wildlife crimes to become notifiable.²⁵

Increase resources for wildlife crime teams

A number of police forces now have teams dedicated to tackling wildlife, heritage and rural crime. However, the size and scale of those teams is variable from force-to-force. It is recommended that all police forces within the UK have such teams established, especially where the large percentage of their area is of a rural nature. They are a cost-effective resource (both for capacity and public reassurance) when put into place.

Reform wildlife crime legislation

Seven years on from its publication it is high time for the Government to implement the Law Commission's 2015 wildlife law report, which reviewed wildlife crime legislation and made recommendations to improve its effectiveness.²⁶ As the review highlighted, some of the legislation relied on for tackling wildlife crime is nearly two hundred years old and requires urgent updating.

If the Government is truly committed to the protection and restoration of our wildlife, from butterflies, to badgers, to buzzards, then it must bring down levels of wildlife crime. Time is running out to recover nature this decade – doing more to effectively combat wildlife crime will go some way in helping with that ambition.



This report is supported by



The National Wildlife Crime Unit is a supporting partner to this report



© National Trust Images/Martin Freeman

End notes

- 1 www.wcl.org.uk/docs/WCL_Wildlife_Crime_Report_Nov_21.pdf
- 2 www.unodc.org/documents/Wildlife/UK_Toolkit_Report.pdf
- 3 www.gov.uk/government/news/un-report-praises-uk-efforts-on-wildlife-and-forest-crime
- 4 www.kentonline.co.uk/weald/news/man-given-hefty-fine-after-destroying-habitat-for-bats-and-n-254463/
- 5 www.wcl.org.uk/nature-green-paper-whats-the-big-idea-defra.asp
- 6 www.theguardian.com/environment/2022/jul/08/poacher-who-took-60k-of-salmon-and-trout-from-welsh-river-walks-free
- 7 www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2021
- 8 www.gov.uk/government/news/new-legislation-to-crack-down-on-illegal-hare-coursing-now-in-force
- 9 www.bbc.co.uk/news/uk-england-dorset-62239377
- 10 www.nwcu.police.uk/news/wildlife-crime-press-coverage/derbyshire-man-sentenced-for-the-illegal-trade-in-protected-species/
- 11 www.derbyshire.police.uk/news/derbyshire/news/news/forcewide/2022/april/more-than-60k-seized-from-man-who-traded-in-illegal-ivory/
- 12 www.rspb.org.uk/raptormap
- 13 www.nwcu.police.uk/how-do-we-prioritise/priorities/
- 14 www.gov.uk/government/news/study-suggesting-widespread-illegal-killing-of-hen-harriers-on-english-grouse-moors-published
- 15 www.birdsin.wales/wp-content/uploads/2021/08/Birds-in-Wales-18-1-text-pp3-19.pdf
- 16 www.community.rspb.org.uk/ourwork/b/investigations/posts/scottish-hen-harrier-reiver-disappears-in-suspicious-circumstances
- 17 www.gov.uk/government/news/119-hen-harrier-chicks-fledge-in-england-in-2022
- 18 www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/birdcrime-2020/#:~:text=The%20RSPB's%20Birdcrime%20report%20reveals,or%20connected%20to%20gamebird%20shooting.
- 19 www.nwcu.police.uk/news/wildlife-crime-press-coverage/2022-2025-npcc-wildlife-rural-crime-strategy-launched/#:~:text=The%20purpose%20of%20the%20NPCC,our%20rural%20communities%20or%20wildlife.
- 20 www.worldwildlife.org/press-releases/69-average-decline-in-wildlife-populations-since-1970-says-new-wwf-report
- 21 www.wcl.org.uk/wildlife-crimes-during-the-pandemic.asp
- 22 www.nwcu.police.uk/wp-content/uploads/2021/01/Strategic-Assessment-UK-Wildlife-Crime-November-2020-public-version.pdf
- 23 www.wcl.org.uk/docs/Greener_UK_and_Link_REUL_Bill_second_reading_briefing.pdf
- 24 www.wcl.org.uk/docs/assets/uploads/Shortlist_of_wildlife_crimes_to_be_made_notifiable_18.02.21.pdf
- 25 www.wcl.org.uk/docs/assets/uploads/Notifiable_status_for_wildlife_crimes_Evidence_dossier_17.10.22.pdf
- 26 www.lawcom.gov.uk/project/wildlife-law/

This report is dedicated, with thanks, to Martin Sims. As Chair of the Link Wildlife Crime Group over recent years, and across a long career in policing, Martin has made a huge contribution to efforts to tackle wildlife crime.



Wildlife and Countryside Link is the largest environment and wildlife coalition in England, bringing together 67 organisations to use their strong joint voice for the protection of nature, animals and people.

Wildlife and
Countryside



www.wcl.org.uk



Wales Environment Link (WEL) is a network of environmental, countryside and heritage non-governmental organisations working across Wales since 1990.



Cyswllt Amgylchedd
Cymru | Wales
Environment Link

www.waleslink.org

November 2022