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Animal Concern Advice Line (ACAL) is a recognised Scottish charity: No. SC030982.
Animal Concern Advice Line was established in 2001 to take on the charitable work of Animal
Concern which was founded as the Scottish Anti-Vivisection Society in 1876.
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SNH General Licences for the free-for-all slaughter of native birds.

To all Scottish Government Ministers and all MSPs

Dear Member of the Scottish Parliament,

As you know earlier this year Natural England suspended some of the General Licences it “issued” to permit the killing of wild birds. They were suspended due to a threat of a legal challenge over the fact that the licences were not applied for, considered and then issued only if thought justified. Instead they were simply published on the internet allowing anyone who reads and complies with them to go ahead and kill unlimited numbers of the species of birds covered by the licence. Natural England have now revised their General Licensing scheme and made several changes, though they might still face a legal challenge.

I wrote to the Scottish Government and Parliament at that time asking for a suspension of the equivalent licences issued by Scottish Natural Heritage in Scotland. I also requested a review of the General Licence system in Scotland. I made it very clear that what was needed was a full review of the whole principal of the General Licence scheme, not just the regular review of what birds to add to or take off the licences.

SNH refused to suspend the licences but they and the Scottish Government made much of the decision by SNH to bring forward a planned consultation on the General Licence scheme. However when that consultation was launched SNH made it explicitly clear it was not a review of the whole scheme but, just as I had predicted, it was only the regular review of what birds to add to or remove from the scheme.

Last month I wrote once more to the Scottish Government and Parliament and asked yet again that the whole General License system be reviewed. Included below is the reply of 4th November sent on behalf of Roseanna Cunningham, Cabinet Secretary for the Environment, Climate Change and Land Reform.

As you will see my request for a review has again been refused. The first statement in the reply is “All wild birds are protected”. Total nonsense. It is still permitted for anyone, after reading a signed licence on a website, to kill unlimited numbers of several species of native wild birds without telling anyone why they want to kill them or how many they kill. They don’t have to provide any evidence of damage caused by the birds or prove their competence in the humane killing of the birds.

It is still permissible in Scotland for people to trap birds in their back gardens and kill those birds by bashing their heads against a wall. It is still permissible for gamekeepers to kill unlimited numbers of several native species of wild birds to “protect” non-native pheasants and other birds which are intensively reared and then released to be shot for “sport”. This might be permissible, but it is no longer acceptable.

If you do think this is acceptable in the 21st century please check to see if you have a new 50p piece in your pocket. That’s the coin which replaced ten bob notes and that’s Queen Elizabeth 2 on the front, not Queen Victoria.

I have to ask a very basic question. Who makes decisions on the General Licences? The Government employees at SNH or the politicians elected to take such decisions?

As the Scottish Government does not intend taking SNH to task on this I ask the Scottish Parliament to take action to have this out of date policy reviewed and replaced with one more suited to the 21st rather than the 19th century.

Yours sincerely,

John F. Robins,
Animal Concern Advice Line

LINK TO GENERAL LICENCES: <https://www.nature.scot/general-licences-birds>

General Licence 1 allows the user to kill Magpie, Carrion crow, Hooded crow, Jackdaw, Jay, Rook, Ruddy duck, Canada goose and Great black-backed gull by the use of any firearm, (including semi-automatic firearms, shotguns and air guns); targeted falconry; the destruction of eggs and nests; the pricking or oiling of eggs. Various types of Larsen traps and multi-catch cage traps can be used to catch birds before killing them. If all of the above become boring they can also catch and kill them by hand.

General Licence 2 allows the user to kill Collared dove, Feral pigeon, Woodpigeon, Carrion crow, Hooded crow, Jackdaw, Magpie, Rook, Canada goose, resident Greylag goose (during July and August only) and the Great black-backed gull. Permitted killing methods are the same as under General License 1.

Below is included the response to the latest request for review of the General License Scheme:

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Mr John F Robins
Secretary, Animal Concern Advice Line
By email:
john@jfrobins.force9.co.uk

Our ref: 2019/0029645
4 November 2019

Dear Mr Robins

Thank you for your email of 6 October 2019 to Scottish ministers raising your concerns regarding Scottish Natural Heritage's consultation on general licences. This falls under the portfolio of Roseanna Cunningham, Cabinet Secretary for the Environment, Climate Change and Land Reform. I have been asked to respond.

All wild birds are protected. The law also recognises that in certain situations, birds may need to be controlled to safeguard other interests, such as air safety, preventing agricultural damage and protecting public health and safety where there's unlikely to be any conservation impact. They are a light touch form of regulation and they avoid the need for people to apply for individual licences for these specific circumstances. General licences are granted for these reasons where Scottish Natural (SNH) understand that there may no other satisfactory alternative. Lethal control should always be a last resort. It is also only allowed if a species is not at risk and any licensed activity will not risk the population as a whole in Scotland.

The Scottish Government expects users to comply with the conditions attached to the licence which includes a registration and reporting requirement for the use of meat baits and certain types of traps. Operators are also required to be able to communicate what other satisfactory solutions have been tried prior to the use of the licence if challenged. Where SNH have evidence that there has been illegal activity taking place in certain areas they can restrict the use of these licences.

The use of general licences is explicitly covered by the legislation in question (see Section 16(5) (a) of the Wildlife and Countryside Act) and as such Scottish Natural Heritage were not consulting on the principal of such licences. These approaches to regulation are widely used in Scotland and elsewhere by other Regulators and this is in keeping with the principles of Better Regulation.

SNH periodically reviews the list of species on the general licences and operational aspects of the licensing system to ensure they conform with best practice and developments in legal thinking.

The Scottish Government considers that general licences can be an effective and appropriate approach to regulation. However, we have to ensure that they are: adaptable; enabling; clear; proportionate; legally compliant; and do not undermine the overarching objectives of the Birds Directive. This includes balancing species conservation and welfare with these other interests.

To this end Scottish Natural Heritage have consulted widely on their general licences for 2020. This included the opportunity to provide detailed comment on specific licences as well as the opportunity to make more general comments.

The 12 week consultation was open to the public and it ran from 17th July to 9th October. Scottish Natural Heritage have had over 700 responses to the consultation and will be considering them in due course in order to shape general licences in 2020 and beyond.

I hope this proves to be helpful.

Yours sincerely



Jonathan Young
Policy Officer