



[REDACTED]

Our Reference: [REDACTED]

Your Reference: F. A. O. Ben Macpherson MSP - Falconry and Mountain Hares - Animals and Wildlife (Penalties, Protection, and Powers) (Scotland) Act 2020

14 April 2021

Dear [REDACTED],

Thank you for your email of 19 March 2021 to Ben Macpherson, Minister for Rural Affairs and the Natural Environment, raising your concerns regarding falconry and a licensing regime for the taking of mountain hares.

I would like to assure you that the Scottish Government recognises the social and cultural heritage associated with falconry. As you are aware, blue (or mountain) hares are now a protected species following the passage of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act in June 2020. The protection came into force on 1 March 2021. This means that the species can no longer be taken for sporting or recreational purposes.

As the then Minister for Rural Affairs and the Natural Environment, Mairi Gougeon, explained during the Stage 3 debate of the Animals and Wildlife Bill, the Scottish Government has always maintained that large-scale culls of mountain hares are not acceptable if they threaten their conservation status. The current NatureScot assessment is that the species is currently in unfavourable conservation status with inadequate data. NatureScot is the statutory adviser to Scottish Ministers on policies relating to the natural heritage of Scotland.

The Scottish Government therefore decided to support this amendment as we believe it achieves an appropriate balance between the interests of those involved in legitimate land management and protecting an iconic Scottish species.

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Birds of prey can still be used to take mountain hares for other purposes where carried out under a licence granted by NatureScot, as specified in section 16 of the Wildlife and Countryside Act 1981. An example would be to prevent serious damage to timber or agriculture or for the conservation of natural habitats. It should also be noted that birds of prey can still be used to legally hunt other species, such as grouse and rabbits. Any changes to the specified purposes for allowing licensed taking of mountain hares under the Wildlife and Countryside Act 1981 would require primary legislation.

NatureScot has engaged with land management, conservation and welfare bodies, including representatives of the Scottish Hawk Board and other operators, to help develop their approach to the licensing regime for the culling of mountain hares.

I hope this proves to be helpful.

Yours sincerely

  
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[REDACTED]  
[REDACTED]@gmail.com

Our Reference: [REDACTED]  
Your Reference: Mountain Hare in Peril

24 August 2020

Dear [REDACTED],

Thank you for your letter to Scottish Ministers regarding the section in the recently-passed Animals and Wildlife (Penalties, Protections and Powers) Act which gives further protection to mountain hares. As I work within the team responsible for this policy area, I have been asked to reply.

As the Minister for Rural Affairs and Natural Environment, Mairi Gougeon, explained in her speech to the Scottish Parliament during the Stage 3 debate on the Bill, the Scottish Government is giving careful thought to how the licensing arrangements for mountain hares will work and when the new protected species status will come into force.

We intend to discuss this with stakeholders and to consult on the licensing process. One of the most important points to now consider is how to ensure the regime is robust and balances the need to protect mountain hares while also allowing individuals to apply for licences to control mountain hare numbers where this is necessary and consistent with the licensable purposes set out in section 16 of the Wildlife and Countryside Act.

The Minister is aware of the concerns that have been raised by the RSPB and others that some land managers may seek to undertake substantial pre-emptive culling of mountain hares in the period before mountain hares are given protected species status.

The Scottish Government has always maintained that any large-scale culling that threatens the conservation status of mountain hares is not acceptable and that remains the case. The Minister has been clear that we expect all land managers to act responsibly and with restraint during the period

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following 1 August 2020. However the Scottish Government will be following the situation carefully for any indication of attempts to carry out excessive culls, and we will consider taking action to curtail this activity at any point if it is believed that it is necessary to do so.

Yours sincerely

  
**NATRES : Wildlife and Flood Management**

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## **PE01859**

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

### **Scottish Government submission of 02 June 2021**

The Scottish Government recognises the social and cultural heritage associated with falconry.

During the course of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 ('the 2020 Act') through Parliament, an amendment was submitted to add mountain hare to Schedule Five of the Wildlife and Countryside Act 1981 ('the 1981 Act'). Following the passage of the 2020 Act, mountain hares (or blue hares) are now a protected species. The protection came into force on 1 March 2021 and means that, in line with other species listed under Schedule Five of the 1981 Act, mountain hares can no longer be taken for sporting or recreational purposes.

The mountain hare is a priority species for conservation action under the UK Biodiversity Action Plan, and is also on the Scottish Biodiversity List, which means that it is considered to be of 'principal importance' for biodiversity conservation in Scotland.

As the then Minister for Rural Affairs and the Natural Environment, Mairi Gougeon, explained during the Stage 3 debate of the 2020 Act, the Scottish Government understands and accepts that in a variety of circumstances it is essential to control hares and other species, for example to protect new trees, manage grazing impacts and mitigate the spread of disease.

However, the Scottish Government also recognised the fact that mountain hares are now classified as being in an 'unfavourable-inadequate' conservation status, and there was considerable concern amongst some stakeholders and members of the public over the number of hares killed each year.

When considering the amendment the Scottish Government also took into account the report by the Grouse Moor Management Group (a.k.a. the Werritty report) which recommended that:

- The shooting of mountain hares should be subject to increased legal regulation; and
- Should the conservation status of mountain hares prove to be 'unfavourable' then a licensing system for the shooting of mountain hares should be introduced.

After careful consideration of the evidence, the Scottish Government supported this amendment as it felt that it delivered an appropriate balance between the interests of those involved in legitimate land management and protecting an iconic Scottish species.

While there is no longer an open season for mountain hares and the species can no longer be taken for sporting or recreational purposes, birds of prey can still be used to take mountain hares for other permitted purposes specified in Section 16 of the 1981 Act, for example to protect timber or agriculture, under a licence granted by NatureScot. This is in line with the licensing scheme that was operated during the close season for mountain hares, from 2011 to 2020.

In addition, birds of prey can still be used to take other traditional quarry species including birds, rabbits and stoats for sporting and recreational purposes.

Other species listed under Schedule Five of the 1981 Act include adders, pine martens, and red squirrels. Any changes to the permitted reasons for taking a species listed under Schedule Five of the 1981 Act would require primary legislation. Thorough consideration would also need to be given not only to the consequences of such a change on the conservation status of mountain hares, but to the implications for all the other Schedule Five species that would be affected by such a change.

[Redacted]

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**From:** [Redacted]  
**Sent:** 02 June 2021 16:36  
**To:** petitions@parliament.scot  
**Cc:** [Redacted]; [Redacted]  
**Subject:** RE: Correspondence from Public Petitions Committee  
**Attachments:** Wildlife Penalties - response to petition PE01859 - May 2021.docx

Good afternoon

Please find attached a response to [PE1859: Retain falconers rights to practice upland falconry in Scotland](#) as requested.

Please let me know if we can provide anything further.

Thanks

[Redacted]

[Redacted]

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