

**From:** [Redacted 11(1) Personal Information]  
**To:** @rspb.org.uk; @scottishlandandestates.co.uk; @scottishlandandestates.co.uk; @scottishspca.org; @scottishspca.org; (www.cb); @seabird.org  
**Cc:** SSPCA Taskforce Report Published Today  
**Subject:** 21 June 2023 17:38:00  
**Date:**

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Good Afternoon All,

Please see below link to SSPCA Taskforce Report which was published today.

[Scottish Society for the Prevention of Cruelty to Animals: powers review - report - gov.scot \(www.gov.scot\)](https://www.gov.scot/scottish-society-for-the-prevention-of-cruelty-to-animals-powers-review-report)

The Minister for Energy and Environment will provide a response to the report in due course.

Kind regards,

[Redacted 11(1) Personal Information]

**From:** [Redacted II(1) Personal Information]  
**To:** [Redacted II(1) Personal Information]  
**Subject:**  
**Start:** FW: SSPCA Taskforce Report Discussion with COPFS, NWCU and Police  
**End:** Scotland 11 October 2022 14:00 :0 0  
**Location:** 11 October 2022 15:00 :0 0  
Microsoft Teams Meeting

---

---Original Appointment---

**From:** [Redacted II(1) Personal Information]

**Sent:** Wednesday, October 5, 2022 10:32 AM  
**To:** [Redacted II(1) Personal Information]

**Subject:** SSPCA Taskforce Report Discussion with COPFS, NWCU and Police Scotland  
**When:** 11 October 2022 14:00-15:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London  
**Where:** Microsoft Teams Meeting

Good Afternoon All,

Please accept this invitation to meet to discuss [Redacted II(1) Personal Information]  
report before submits her final version

Kind regards,

[Redacted II(1) Personal Information]

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Microsoft Teams meeting

Join on your computer, mobile app or room device

Click here to join the meeting <[https://teams.microsoft.com/join/19%3ameeting\\_ZW7jNjhhymlUmzUwZS00OGVlTlRk0MDEzMzY3ZmE2NzZlY2E%40threadv2/0?context=%7b%22id%22%3a%220e77447-1083-4dec-b89f-27c765076840%22%2c%22oid%22%3a%22c01a745c-22b3-424b-a561-98f587d3c43b%22%7d](https://teams.microsoft.com/join/19%3ameeting_ZW7jNjhhymlUmzUwZS00OGVlTlRk0MDEzMzY3ZmE2NzZlY2E%40threadv2/0?context=%7b%22id%22%3a%220e77447-1083-4dec-b89f-27c765076840%22%2c%22oid%22%3a%22c01a745c-22b3-424b-a561-98f587d3c43b%22%7d)>

Meeting ID: 366 111 049 620  
Passcode: gQ8mk3

**From:** [Redacted 11(1) Personal Information]  
**To:** [Redacted 11(1) Personal Information]  
**Subject:** [Redacted 11(1) Personal Information]  
**Date:**

---

FW: SSPCA Taskforce Report Final Meeting  
[OFFICIAL] 23 November 2023 12:17:54

[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Nature Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

---

**From:** [Redacted 11(1) Personal Information]

**Sent:** Tuesday, October 4, 2022 4:30 PM

**To:** [Redacted 11(1) Personal Information]

@scotland.police.uk>

**Cc:** [Redacted 11(1) Personal Information]

@seabird.org>; [Redacted 11(1) Personal Information]

@gmail.com

**Subject:** RE: SSPCA Taskforce Report Final Meeting [OFFICIAL]

Thanks [Redacted 11(1) Personal Information]

A date didn't align with everyone so I've booked a meeting with [Redacted 11(1) Personal Information] from COPFS on 11/10 at 2pm.

I know you can't make this so I will pop something else in for you and [Redacted 11(1) Personal Information] on the 13<sup>th</sup> unless there's any chance you could move things around.

Kind regards,

[Redacted 11(1) Personal Information]

---

Directorate for Environment and Forestry | Natural Resources Division | 3 H-South Victoria Quay | Edinburgh EH6 6QQ

**From:** [Redacted 11(1) Personal Information] @scotland.police.uk>

**Sent:** 03 October 2022 07:58

**To:** [Redacted 11(1) Personal Information] @gov.scot>

**Subject:** RE: SSPCA Taskforce Report Final Meeting [OFFICIAL]

**OFFICIAL**

Hi [Redacted 11(1) Personal Information]

I can do 13<sup>th</sup> between 0900 and 1500.

I can do 15<sup>th</sup> 0900, 1100 or 1300-1500

Thanks

[Redacted 11(1) Personal Information]

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**From:** [\[Redacted 11\(1\) Personal Information\]@gov.scot](mailto:[Redacted 11(1) Personal Information]@gov.scot) [[mailto:\[Redacted 11\(1\) Personal Information\]@gov.sco](mailto:[Redacted 11(1) Personal Information]@gov.sco)]  
**To:** [\[Redacted 11\(1\) Personal Information\]@scotland.police.uk](mailto:[Redacted 11(1) Personal Information]@scotland.police.uk)>; [\[Redacted 11\(1\) Personal Information\]@nwcu.police.uk](mailto:[Redacted 11(1) Personal Information]@nwcu.police.uk)>; [\[Redacted 11\(1\) Personal Information\]@copfs.gov.uk](mailto:[Redacted 11(1) Personal Information]@copfs.gov.uk) **Cc:** [\[Redacted 11\(1\) Personal Information\]@seabird.org](mailto:[Redacted 11(1) Personal Information]@seabird.org); [\[Redacted 11\(1\) Personal Information\]@gmail.com](mailto:[Redacted 11(1) Personal Information]@gmail.com); [\[Redacted 11\(1\) Personal Information\]@gov.scot](mailto:[Redacted 11(1) Personal Information]@gov.scot)  
**Subject:** SSPCA Taskforce Report Final Meeting

Hi All,

Thank you for your time to date.

Before [Redacted 11(1) Personal Information] submits her final report she would like to hold one last meeting with you all before she finalises it.

Would you have availability for an hour long meeting on the following dates?

- 11/10/22 – 2pm – 5pm
- 13/10/22 – All day
- 14/10/22 – All day

Kind regards,

[[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Natural Resources Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



**From:** [\[\[Redacted 11\(1\) Personal Information\]](#)  
**To:** [\[\[Redacted 11\(1\) Personal Information\]](#)  
**Subject:** FW: Follow Up Discussion - SSPCA Taskforce - 16 September  
**Date:** 23 November 2023 12:18:53

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[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Nature Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

---

**From:** [Redacted 11(1) Personal Information]  
**Sent:** Wednesday, September 7, 2022 4:34 PM  
**To:** [Redacted 11(1) Personal Information] @scotland.police.uk>  
**Cc:** [Redacted 11(1) Personal Information] @gmail.com>; [Redacted 11(1) Personal Information] @seabird.org>  
**Subject:** FW: Follow Up Discussion SSPCA Taskforce 16 September

Hi [Redacted 11(1) Personal Information]

How are things? Following on from our previous discussion you advised it would be good for [Redacted 11(1) Personal Information] replacement or similar colleagues?

Do you have any names for us that we could contact for a follow up session with [Redacted 11(1) Personal Information] ?

She is keen to begin finalising her report and recommendation.

Kind regards,

[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Natural Resources Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

**From:** [Redacted 11(1) Personal Information]  
**To:** [Redacted 11(1) Personal Information]  
**Subject:** FW: SSPCA Powers [OFFICIAL]  
**Date:** 23 November 2023 12:28:39

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[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Nature Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

---

**From:** [Redacted 11(1) Personal Information] @gov.scot> **Sent:** Wednesday, January 25, 2023 10:42 AM  
**To:** [[Redacted 11(1) Personal Information] @gov.scot>  
**Cc:** [Redacted 11(1) Personal Information] @gov.scot>  
**Subject:** FW: SSPCA Powers [OFFICIAL]

FYI

**From:** [\[Redacted 11\(1\) Personal Information\] @scotland.police.uk](mailto:[Redacted 11(1) Personal Information]@scotland.police.uk)  
**Sent:** 25 January 2023 07:56  
**To:** [Redacted 11(1) Personal Information] @gov.scot>; [\[Redacted 11\(1\) Personal Information\] @copfs.gov.uk](mailto:[Redacted 11(1) Personal Information]@copfs.gov.uk)  
**Subject:** RE: SSPCA Powers [OFFICIAL]

**OFFICIAL**

Hi [Redacted 11(1) Personal Information]

I am arranging with DCS [Redacted 11(1) Personal Information] to discuss and will endeavour to get a reply to you this week.

Thanks

[Redacted 11(1) Personal Information]

**From:** [\[\[Redacted 11\(1\) Personal Information\]](#)  
**To:** [\[Redacted 11\(1\) Personal Information\]](#)  
**Subject:** [\[Redacted 11\(1\) Personal Information\]](#)  
**Date:** [\[Redacted 11\(1\) Personal Information\]](#)  
FW: SSPCA Powers  
23 November 2023 12:28:58

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[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Nature Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

---

**From:** [Redacted 11(1) Personal Information] @gov.scot>  
**Sent:** Tuesday, January 24, 2023 3:37 PM  
**To:** [Redacted 11(1) Personal Information] @scotland.police.uk>; [Redacted 11(1) Personal Information] @copfs.gov.uk>  
**Cc:** [Redacted 11(1) Personal Information] @gov.scot>; [Redacted 11(1) Personal Information] @gov.scot>  
**Subject:** SSPCA Powers

Hi both,

As discussed separately, please could you send over the views of PS and COPFS regarding the proposed additional SSPCA powers as soon as possible?

The Minister has a very tight deadline to make a decision on this and we need your feedback before moving forward with it.

Please let me know if there are any issues with providing it in the next day or two or if you'd like to discuss.

Thanks  
[Redacted 11(1) Personal Information]

**I am currently working at home. The best way to get in contact with me is via MS Teams or Outlook.**

Wildlife Management Team | Natural Resources Division | Environment and Forestry Directorate  
M: [Redacted 11(1) Personal Information]  
Scottish Government | 3-H South, Victoria Quay, Leith, Edinburgh, EH6 6QQ

## **Summary of Powers**

### **SSPCA inspectors**

The Animal Health and Welfare (Scotland) Act 2006 provides for the welfare of animals controlled by man on a permanent or temporary basis. Section 49 of the 2006 Act includes provision for Scottish Ministers or Local Authorities to appoint inspectors.

The Scottish Ministers currently use these provisions to authorise SSPCA staff as animal welfare inspectors so that, on completion of the relevant training, they can do the following:

Without a warrant:

- enter non-domestic premises, for the purpose of taking possession of a suffering animal or destroying an animal, if the inspector believes immediate entry is appropriate in the interests of the animal;
- enter non-domestic premises, to search for and seize any evidence (including animals) as evidence in relation to a “relevant offence”, if they believe that any delay caused by seeking a warrant would frustrate the purpose of that search;
- enter and inspect any non-domestic premises, for the purpose of ascertaining whether or not an offence under Part 2 of the 2006 Act has been committed.

With a warrant:

- enter any premises, for the purpose of taking possession of a suffering animal or destroying an animal (where appropriate);
- enter any premises, to search for and seize any animal or other thing as evidence in relation to a “relevant offence” under Part 2 of the 2006 Act.

A “relevant offence” is one that relates to unnecessary suffering, mutilation, cruel operations, administration of poisons, animal fights, ensuring the welfare of animals that you are responsible for, abandonment and breaching a disqualification order.

Part 2 offences include all “relevant offences” and those relating to breaches of care notices or regulations (made in relation to the welfare, activities involving certain animals or the keeping of certain animals), sale of animals to children and the offering of animals as prizes.

This means that SSPCA inspectors can use their powers of entry to any land or premises, including domestic premises with a warrant, only in a limited set of circumstances. They can gain entry to ascertain if a Part 2 offence has been committed, to take possession of animals if it is in the interest of the animal and to seize evidence of “relevant offences”.

### **Police constables**

The Wildlife and Countryside Act 1981 sets out that constables may do the following if they suspect that a person is committing, or has committed, an offence in Part 1 of the Act.

Without a warrant:

- stop and search the person if they suspect with reasonable cause that evidence will be found on that person;
- search for, search or examine things if they suspect with reasonable cause that evidence will be found in or on that thing;
- arrest the person;
- seize and detain potential evidence or things liable to forfeiture under the Act;
- and enter land other than a dwelling or lockfast premises.

With a warrant:

- enter premises, if necessary using reasonable force, not covered by the provisions described above.

Part 1 offences include those relating to wild birds, other protected animals, poaching, snaring, non-native species and possession of pesticides.

**From:** [\[Redacted 11\(1\) Personal Information\]](#)  
**To:** [\[Redacted 11\(1\) Personal Information\]](#)  
**Subject:** [\[\[Redacted 11\(1\) Personal Information\]](#)  
**Date:** [\[Redacted 11\(1\) Personal Information\]](#)  
**Attachments:** FW: SSPCA powers proposal  
23 November 2023 12:30:14  
[Document1.docx](#)

---

[[Redacted 11(1) Personal Information]  
Wildlife Management Policy Officer

Directorate for Environment and Forestry | Nature Division | 3 H South Victoria Quay | Edinburgh EH6 6QQ

---

**From:** [[Redacted 11(1) Personal Information] @gov.scot>  
**Sent:** Friday, January 13, 2023 4:35 PM  
**To:** [Redacted 11(1) Personal Information] @scotland.police.uk>; [[Redacted 11(1) Personal Information] @copfs.gov.uk>  
**Cc:** [Redacted 11(1) Personal Information] @gov.scot>; [Redacted 11(1) Personal Information] @gov.scot>  
**Subject:** SSPCA powers proposal

Hi both,

As discussed separately, below are the limited powers that we think could be provided to the SSPCA as a compromise between full Section 19 powers and no additional powers.

We think this would address the main concern about evidence of illegal activity or items being removed from an incident the SSPCA had attended. At the same time it would not lead to the SSPCA becoming an alternative first port of call for the public reporting wildlife crime under the Wildlife and Countryside Act as the SSPCA could only use the new powers in situations and on land or property where they are already responding to a case under their existing powers in the Animal Health and Welfare (Scotland) Act 2006.

Full Section 19 powers	Suggested limited Section 19 powers
Without a warrant: <ul style="list-style-type: none"><li>• stop and search the person if they suspect with reasonable cause that evidence will be found on that person;</li><li>• search for, search or examine things if they suspect with reasonable cause that evidence will be found in or on that thing;</li><li>• arrest the person;</li><li>• seize and detain potential evidence or things liable to forfeiture under the Act;</li><li>• and enter land other than a</li></ul>	Without a warrant: <ul style="list-style-type: none"><li>• N/A</li><li>• search for, search or examine things if they suspect with reasonable cause that the evidence will be found in or on that thing;</li><li>• N/A</li><li>• seize and detain potential evidence or things liable to forfeiture under section 19 of the W&amp;CA;</li><li>• and enter land other than a dwelling</li></ul>

<p>dwelling or lockfast premises. With a warrant:</p> <ul style="list-style-type: none"><li>• enter premises, if necessary using reasonable force, not covered by the provisions described above.</li></ul>	<p>or lockfast premises. With a warrant:</p> <ul style="list-style-type: none"><li>• N/A – we expect that if required, it will be Police Scotland who acquire a warrant.</li></ul>
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I've also attached a quick summary for reference of the current powers available to the SSPCA under the Animal Health and Welfare (Scotland) Act 2006 and powers available to police constables under the Wildlife and Countryside Act 1981.

We think this would address the main issue put forward by SSPCA regarding having to call the police to deal with aspects of incidents that could easily be dealt with by SSPCA inspectors on the spot. At the same time the proposal would ensure that Police Scotland retained primacy in tackling wildlife crime cases.

Kind regards

[Redacted 11(1) Personal Information]

[Redacted 11(1) Personal Information]

| Wildlife Management Team | Natural Resources Division | Environment and Forestry Directorate

M: [Redacted 11(1) Personal Information]

Scottish Government | 3-H South, Victoria Quay, Leith, Edinburgh, EH6 6QQ

**From:** [\[\[Redacted 11\(1\) Personal Information\]](#)  
**To:** [EW: SSPCA Taskforce report \[OFFICIAL\]](#)  
**Subject:** 23 November 2023 12:30:45  
**Date:**

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[Redacted 11(1) Personal Information]

Directorate for Environment and Forestry | Nature Division | 3-H-South Victoria Quay | Edinburgh EH6 6QQ

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**From:** [Redacted 11(1) Personal Information] @gov.scot>  
**Sent:** Thursday, January 12, 2023 10:23 AM  
**To:** [Redacted 11(1) Personal Information] @scotland.police.uk>; [Redacted 11(1) Personal Information] @copfs.gov.uk>  
**Cc:** [Redacted 11(1) Personal Information] @gov.scot>; [Redacted 11(1) Personal Information] @gov.scot>  
**Subject:** RE: SSPCA Taskforce report [OFFICIAL]

Thanks [Redacted 11(1) Personal Information] – I've booked a Teams meeting in for 2.30pm today. See you then.

[Redacted 11(1) Personal Information]

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**From:** [\[Redacted 11\(1\) Personal Information\] @scotland.police.uk>](#)  
**Sent:** 12 January 2023 09:58  
**To:** [\[Redacted 11\(1\) Personal Information\] @gov.scot>](#); [\[Redacted 11\(1\) Personal Information\] @copfs.gov.uk>](#) **Subject:** RE: SSPCA Taskforce report [OFFICIAL]

## OFFICIAL

Hi [Redacted 11(1) Personal Information]

Apologies, I finish at 3. Normally I would be glad to work on but I need to collect the kids from school. How about a bit earlier? Even half 2?

[Redacted 11(1) Personal Information]

---

**From:** [\[Redacted 11\(1\) Personal Information\] @gov.scot\]](#)  
**Sent:** 12 January 2023 09:56  
**To:** [\[Redacted 11\(1\) Personal Information\] @scotland.police.uk>](#); [\[Redacted 11\(1\) Personal Information\] @copfs.gov.uk](#) **Cc:** [\[Redacted 11\(1\) Personal Information\] @gov.scot](#); [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)  
**Subject:** RE: SSPCA Taskforce report [OFFICIAL]

Hi [Redacted 11(1) Personal Information]

Thanks for the quick response, are you free between 3-4pm today?

[Redacted 11(1) Personal Information]

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**From:** [\[Redacted 11\(1\) Personal Information\] @scotland.police.uk](#)>  
**Sent:** 11 January 2023 17:23  
**To:** [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)>; [\[Redacted 11\(1\) Personal Information\] @scotland.police.uk](#)>; [\[\[Redacted 11\(1\) Personal Information\] @copfs.gov.uk](#)  
**Cc:** [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)>; [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)>  
**Subject:** RE: SSPCA Taskforce report [OFFICIAL]

OFFICIAL

Hi [\[Redacted 11\(1\) Personal Information\]](#)

Apologies, I am delivering the Wildlife Crime Officer Introduction course on 16th and 17th. I am also out the office all day on 19th and unavailable on 18th. The only time I'm available next week is first thing next Friday.

Sorry, next week's diary is packed.

Or I could do tomorrow or Friday this week?

[\[\[Redacted 11\(1\) Personal Information\]](#)

Sent with BlackBerry Work ([www.blackberry.com](http://www.blackberry.com))

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**From:** [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)  
**Sent:** 11 Jan 2023 17:11  
**To:** "[\[\[Redacted 11\(1\) Personal Information\] @scotland.police.uk](#)>; [\[Redacted 11\(1\) Personal Information\] @copfs.gov.uk](#)  
**Cc:** [\[Redacted 11\(1\) Personal Information\] @gov.scot](#); [\[Redacted 11\(1\) Personal Information\] @gov.scot](#)  
**Subject:** SSPCA Taskforce report

Hi both,

I hope you're well.

I was wondering if you have time for a quick 30 minute discussion about the SSPCA Taskforce recommendations early next week on Monday 16<sup>th</sup> or in the morning on Tuesday 17<sup>th</sup> January?

If you could let me know as soon as possible it would be appreciated.

Kind regards  
[\[Redacted 11\(1\) Personal Information\]](#)

| Wildlife Management Team | Natural Resources Division | Environment and Forestry  
Directorate  
M: [\[Redacted 11\(1\) Personal Information\]](#)

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Nature Division Bill Team | Nature Division | Directorate for Environment and Forestry

M: [Redacted 11(1) Personal Information]



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**From:** [\[Redacted 11\(1\) Personal Information\]@copfs.gov.uk](mailto:[Redacted 11(1) Personal Information]@copfs.gov.uk)>

**Sent:** Monday, July 17, 2023 11:43 AM

**To:** [\[Redacted 11\(1\) Personal Information\]@gov.scot](mailto:[Redacted 11(1) Personal Information]@gov.scot)>

**Subject:** RE: Wildlife Management and Muirburn Bill request for meeting

Morning [Redacted 11(1) Personal Information]

Sorry to take so long to respond, whilst I am happy to speak with you, I wished you to be aware that a new head of unit has just been appointed and will take up the role on 24 July 2023, accordingly I am not at present clear if they would prefer to speak with you. I have emailed my seniors to ascertain what they wish done and will revert to you as soon as I hear.

Best wishes

[Redacted 11(1) Personal Information]

Wildlife & Environmental Crime Unit

Crown Office

Tel : [Redacted 11(1) Personal Information]

Email : [\[Redacted 11\(1\) Personal Information\]@copfs.gov.uk](mailto:[Redacted 11(1) Personal Information]@copfs.gov.uk)

(Mon-Wed)

---

**From:** [\[Redacted 11\(1\) Personal Information\]@gov.scot](mailto:[Redacted 11(1) Personal Information]@gov.scot)>

**Sent:** 12 July 2023 13:43

**To:** [\[Redacted 11\(1\) Personal Information\]@copfs.gov.uk](mailto:[Redacted 11(1) Personal Information]@copfs.gov.uk)>

**Subject:** Wildlife Management and Muirburn Bill request for meeting

Good afternoon [Redacted 11(1) Personal Information],

I hope you don't mind me emailing out of the blue? I am part of the Scottish Government policy team working on the Wildlife Management and Muirburn (Scotland) Bill, currently progressing through the Scottish Parliament.

You may be aware that the Scottish Government has committed to introduce via Stage 2 amendment, a limited extension of powers to the Scottish SPCA as well as taking action to reform snaring legislation pending the outcome of a review.

I was wondering if you had any availability over the next few weeks to discuss the Bill and potential amendments with our team?

**From:** [\[Redacted 11\(1\) Personal information\]](#)  
**To:** [\[Redacted – 11\(1\) Personal information\]](#)  
**Cc:** [SCD Local Crime Command](#)  
**Subject:** Meeting with Minister Mairi Gougeon [OFFICIAL]  
**Date:** 12 January 2023 14:54:00  
**Attachments:** [image001.png](#)

---

## OFFICIAL

Good afternoon [Redacted – 11(1) Personal information]  
DCS [Redacted – 11(1) Personal information] staff officer is DC [Redacted – 11(1) Personal information]; \_\_\_\_\_

[scdlocalcrimecommand@scotland.police.uk](mailto:scdlocalcrimecommand@scotland.police.uk).

[Redacted 11(1) Personal information], Scottish Government, will be in touch with you. He is keen to arrange a meeting between DCS [Redacted 11(1) Personal information] and Minister Mairi Gougeon to discuss what search / seizure powers, if any, should be extended to SSPCA. SG are keen that this meeting be conducted before the end of January.

Thanks

[Redacted – 11(1) Personal information]

Detective Sergeant [Redacted 11(1) Personal information]

Specialist Crime Division (SCD)

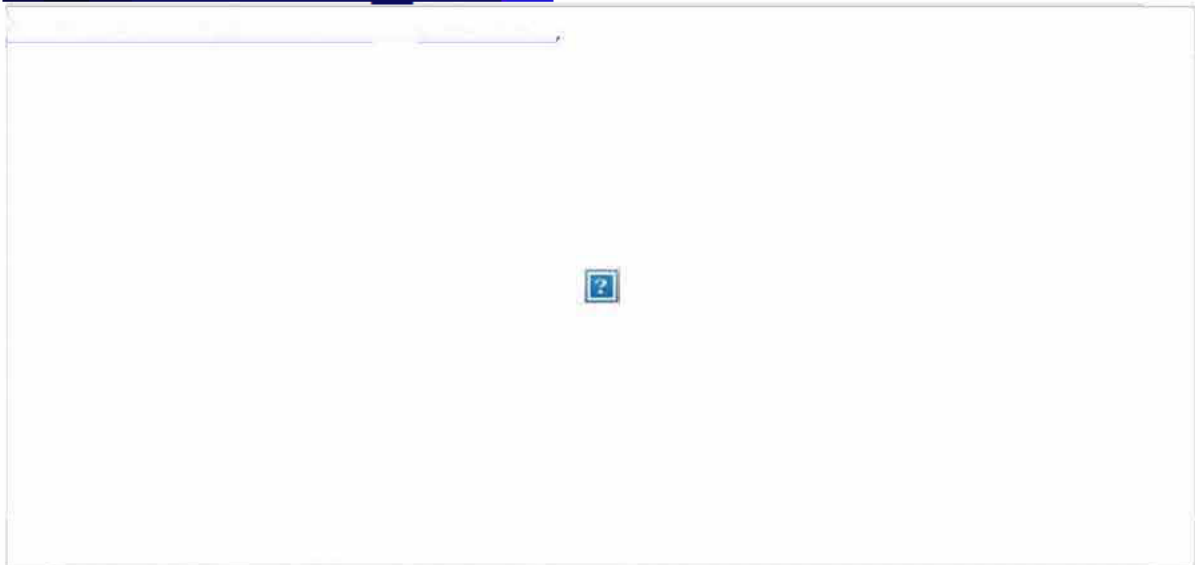
Police Scotland

Tel: [Redacted 11(1) Personal information]

**Website:** [www.scotland.police.uk](http://www.scotland.police.uk)

**Twitter:** @policescotland \_\_\_\_\_

**Facebook:** [005006291604551795f0330tland](#)



## Response ID ANON-SJHM-3ERK-7

Submitted to Wildlife Management and Muirburn (Scotland) Bill: use of snares and powers of Scottish SPCA inspectors: Consultation  
Submitted on 2023-09-29 11:20:59

Redacted - Out of Scope

Unsure

Please provide the reasons for your response here:

Redacted - Out of Scope

### Section 2 – Powers of Scottish SPCA Inspectors

5 Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the 2006 Act, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife and Countryside Act 1981?

Unsure

Please provide the reasons for your response here :

Police Scotland acknowledges and appreciates the Scottish Government is committed to the limited increase in powers set out in the most recent consultation for the Wildlife Management and Muirburn (Scotland) Bill.

With the scope of proposed powers considered, Police Scotland maintains some concerns.

Impartiality remains a significant concern.

We also have concerns about the possible negative public reaction to Inspectors enforcing their new powers, and with PPE considerations in general.

Power to search land under Sec 19 WCA 1981 is a significant and intrusive undertaking. It is essential that the SSPCA have the necessary oversight. Transparency, fairness and accountability are vital considerations when granting a charity additional investigative powers which will infringe on people's rights.

The following section of the proposal will be crucial as far as Police Scotland is concerned;

“Police Scotland will retain primacy over investigation of wildlife cases including offences under the 1981 Act and the Wildlife Management and Muirburn (Scotland) Bill 2023...”

A Joint working 'standard operating procedure' will be required to ensure that Police Scotland are retaining primacy as mentioned in the consultation proposal. Effective lines of communication between the SSPCA and our Local Wildlife Crime Police Officers will be key.

Police Scotland will ensure any increase in SSPCA powers will be met with our full and meaningful cooperation.

6 Do you agree with our proposal to provide Scottish SPCA inspectors who are acting under their existing powers under the Animal Welfare Act 2006, with additional powers to search, examine and seize evidence in connection with specific offences under the Wildlife Management and Muirburn Bill?

Unsure

Please provide the reasons for your response here :

The comments expressed in the answer to questions 5 are applicable for this question also.

7 Do you agree with the limitations and conditions placed on these proposals set out below?

Yes

Please provide the reasons for your response here :

The individualised nature of this process will be crucial to ensure that SSPCA inspectors are fully aware of the scope of their proposed new powers. If powers are to be increased, Police Scotland believes that individual authorisation, training and accountability are indeed required.

About you

8 What is your name?

Name:

[Redacted 11(1) Personal Information]

9 Are you responding as an individual or an organisation?

Organisation

10 What is your organisation?

Organisation:

The Police Service of Scotland

11 Organisation's Sector

Law Enforcement

Other (please specify):

12 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

13 Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

14 What is your email address?

Email:

[Redacted 11(1) Personal Information]

15 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

16 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

**From:** [\[Redacted – 11\(1\) Personal information\]](#)  
**To:**  
**Cc:**  
**Subject:** RE: SSPCA powers proposal [OFFICIAL]  
**Date:** 31 January 2023 16:00:45  
**Attachments:** [image001.png](#)

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## OFFICIAL

Good afternoon [Redacted – 11(1) Personal information]

I hope you are well.

I have discussed this proposal with Detective Chief Superintendent [Redacted – 11(1) Personal information], *Wildlife Crime Lead, Police Scotland*, and have offered him my opinion in my capacity as *Wildlife Crime Coordinator, Police Scotland*.

I can confirm that, based upon the conditions you have outlined below, Police Scotland will not oppose the proposal. However, this is on the basis that:

- SSPCA only utilise Section 19 WCA 1981 search powers when already on land lawfully, ie utilising other search powers already afforded to them.
- Whilst already on said land SSPCA are responding to time critical circumstances only, where there is a significant risk of evidence being lost / compromised by waiting for police to respond.
- Any evidence of wildlife crimes are provided to Police Scotland as soon as practicably possible, who will continue to have primacy over offences under terms of WCA 1981, and as such will progress the investigation. However, in certain circumstances, if agreed by Police Scotland and SSPCA, SSPCA may report subsequent cases.
- No powers of arrest, search of persons, or to crave a search warrant are provided.

Let me know if you wish to discuss further.

Kind regards

[Redacted 11(1) Personal information]

Detective Sergeant [Redacted – 11(1) Personal information]

Wildlife Crime Coordinator

Specialist Crime Division (SCD)

Police Scotland

**Tel:** [Redacted 11(1) Personal information]

**Website:** [www.scotland.police.uk](http://www.scotland.police.uk)

**Twitter:** @policescotland

**Facebook:** [www.facebook.com/policescotland](https://www.facebook.com/policescotland)



**From:** [Redacted 11(1) Personal information]

**Sent:** information]@gov.scot] 13 January 2023 16:35

To: [Redacted 11(1) Personal information]@scotland.police.uk>; [Redacted 11(2) Personal information]@copfs.gov.uk  
 Cc: [Redacted 11(1) Personal information]@gov.scot; [Redacted 11(1) Personal information]@gov.scot  
 Subject: SSPCA powers proposal

Hi both, As discussed separately, below are the limited powers that we think could be provided to the SSPCA as a compromise between full Section 19 powers and no additional powers. We think this would address the main concern about evidence of illegal activity or items being removed from an incident the SSPCA had attended. At the same time it would not lead to the SSPCA becoming an alternative first port of call for the public reporting wildlife crime under the Wildlife and Countryside Act as the SSPCA could only use the new powers in situations and on land or property where they are already responding to

powers under their existing powers in the Animal Health and Welfare (Scotland) Act 2006	Proposed limited Section 19 powers
<p>Without a warrant:</p> <ul style="list-style-type: none"> <li>• stop and search the person if they suspect with reasonable cause that evidence will be found on that person;</li> <li>• search for, search or examine things if they suspect with reasonable cause that evidence will be found in or on that thing;</li> <li>• arrest the person;</li> <li>• seize and detain potential evidence or things liable to forfeiture under the Act;</li> <li>• and enter land other than a dwelling or lockfast premises.</li> </ul> <p>With a warrant:</p> <ul style="list-style-type: none"> <li>• enter premises, if necessary using reasonable force, not covered by the provisions described above.</li> </ul>	<p>Without a warrant:</p> <ul style="list-style-type: none"> <li>• N/A</li> <li>• search for, search or examine things if they suspect with reasonable cause that the evidence will be found in or on that thing;</li> <li>• N/A</li> <li>• seize and detain potential evidence or things liable to forfeiture under section 19 of the W&amp;CA;</li> <li>• and enter land other than a dwelling or lockfast premises.</li> </ul> <p>With a warrant:</p> <ul style="list-style-type: none"> <li>• N/A we expect that if required, it will be Police Scotland who acquire a warrant.</li> </ul>

I've also attached a quick summary for reference of the current powers available to the SSPCA under the Animal Health and Welfare (Scotland) Act 2006 and powers available to police constables under the Wildlife and Countryside Act 1981.

We think this would address the main issue put forward by SSPCA regarding having to call the police to deal with aspects of incidents that could easily be dealt with by SSPCA inspectors on the spot. At the same time the proposal would ensure that Police Scotland retained primacy in tackling wildlife crime cases.

Kind regards

[Redacted 10(4)(e) Personal information]

(he / him) *Why have I put this?*

**I am currently working at home. The best way to get in contact with me is via MS Teams or**

**Outlook.**

[Redacted 10(4)9E] Personal Information | Wildlife Management Team | Natural Resources Division | Environment and Forestry Directorate

M: [Redacted 11(1) Personal information]

Scottish Government | 3 H South, Victoria Quay, Leith, Edinburgh, EH6 6QQ

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do Thur 20<sup>th</sup> or Wed 26<sup>th</sup>?

Would you want me to bring any figures or data? or just some general views from Police Scotland? The only reason I ask is that with all our various legacy system National data can take a long time to gather! So the sooner I know the better.

We can do MS Teams or I can come up to meet the team in person?

Thanks,

[Redacted – 11(1) Personal information]  
National Wildlife Crime Coordinator  
Specialist Crime Division  
Police Scotland  
Tel: [Redacted – 11(1) Personal information]

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**From:** [\[Redacted – 11\(1\) Personal information@gov.scot\]](mailto:[Redacted – 11(1) Personal information@gov.scot])  
**Sent:** 12 July 2023 13:46  
**To:** [\[Redacted – 11\(1\) Personal information@scotland.police.uk\]](mailto:[Redacted – 11(1) Personal information@scotland.police.uk])  
**Subject:** Wildlife Management and Muirburn Bill - request for meeting

Good afternoon [Redacted – 11(1) Personal information],  
I hope you don't mind me emailing out of the blue? I am part of the Scottish Government policy team working on the Wildlife Management and Muirburn (Scotland) Bill, currently progressing through the Scottish Parliament.

You may be aware that the Scottish Government has committed to introduce via Stage 2 amendment, a limited extension of powers to the Scottish SPCA as well as taking action to reform snaring legislation pending the outcome of a review.

I was wondering if you had any availability over the next few weeks to discuss the Bill and potential amendments with our team?

Kind regards,

[Redacted – 11(1) Personal information]

Wildlife Legislation Team | Nature Division | Directorate for Environment and Forestry  
M: [Redacted – 11(1) Personal information]

