

Malcolm McMillan
Chief Executive
Scottish Law Commission
140 Causewayside
Edinburgh
EH9 1PR

8 September 2014

Dear Mr McMillan,

Ninth Programme of Law Reform – Wildlife Crime

I am writing to you on behalf of Professor Colin Reid in his capacity as Chair of the Legislation, Regulation and Guidance Group of the Partnership for Action against Wildlife Crime (PAW) – Scotland to propose that Wildlife Crime be included in the Scottish Law Commission's Ninth Programme of Law Reform. The Partnership for Action against Wildlife Crime Scotland (PAW Scotland) represents a wide range of bodies concerned with the prevention and tackling of wildlife crime. Coordinated by Scottish Government, it includes agencies such as Scottish Natural Heritage, Police Scotland and law enforcement representatives as well as organisations representing a wide range of conservation and land management interests.

It has been agreed by the Group that the current legislation on wildlife crime is problematic at best, with the Wildlife and Countryside Act 1981 having been amended on many occasions – the fact that it contains a section 14ZC and Schedule ZA1 is a sign of its patchwork form – and more seriously now the Act exists in two very different versions for Scotland and for England and Wales. This is confusing even for those who work regularly with the Act – anecdotes have been heard of practitioners arriving at a planning enquiry with three different versions, each thought to be up-to-date. The Act must also be read in conjunction with the Conservation (Natural Habitats etc.) Regulations 1994 and other significant legislation such as the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011. As these more recent Acts have gone through the legislative process the need for consolidation has been raised by the Scottish Parliament and acknowledged by Ministers, but this has not been progressed.

The similar position in England and Wales is now being addressed by the Law Commission, whose work would mean that a project in Scotland would have several useful reference points. Whether purely as a consolidation exercise, or taking the opportunity for more thorough recasting of the law (without challenging the existing policy framework), it appears that wildlife crime is an outstanding candidate for the Commission's attention.

Professor Reid (or myself in the first instance) shall be very happy to answer any queries or to discuss this further.

Yours sincerely,



Karen Hunter
Wildlife Crime Policy Officer
Wildlife Management Branch

Cc Professor Colin Reid, University of Dundee and Chair of PAW Scotland Legislation,
Regulation and Guidance Group
Cc Hugh Dignon, Scottish Government