

Slide packs

Wildlife law training slide packs have been reissued, but they're going fast. The pack of 24 slides is designed specifically for use by WLOs who undertake training and give talks. The slides come with a complete set of explanatory notes; a bargain at only £50.

Please contact Rosemary Venner in the Investigations Office.

Wild Birds and the Law

This booklet is being reprinted to keep up to date with changes in legislation. This latest version has a purple front cover. Copies are £3 – or £2 each to WLOs or for bulk orders. Please contact Rosemary Venner to secure your copy.



RSPB Conservation Review

Egg collecting should have gone out with the Victorians, but sadly the RSPB estimates that there are still around 300 active eggers in the UK – and they are having a serious impact on some of our rarest and most vulnerable bird species.

Egg collecting is illegal under the Wildlife and Countryside Act 1981, but inconsistent punishment levels and reliance on financial penalties blunt the teeth of the Act. The RSPB is seeking an urgent revision of the legislation to ensure that its primary aim of wild bird conservation is fulfilled.

The case is set out in an article in the Millennium issue of *RSPB Conservation Review*. A 1990 article entitled *The Impact of Egg Collecting on Scarce Breeding Birds* described a 'risk index' which, for the first time, identified bird species most threatened by egg collecting. This new article describes a set of completely new indices which expand and refine this tool and highlights the species most at risk today.

Other topics covered in this issue of *RSPB Conservation Review* include 20 years of the EU Birds Directive, global warming and the Doñana disaster. If you haven't read *Conservation Review* before, you've been missing out!

To order your copy please send a cheque for £11 (£10 plus £1 p&p) to the RSPB.



M Hunt (RSPB Images)

Slavonian grebe: the species most threatened by egg collecting in the UK

Write to be read

We welcome contributions to *Legal Eagle*. Please let us know about wildlife crime initiatives, news, events and prosecutions in your force. Send your articles to the Editor, Joan Childs, RSPB Investigations Officer on the Investigations Section's direct fax number 01767 691052. The views expressed in *Legal Eagle* are not necessarily those of the RSPB.



The RSPB works with bird and habitat conservation organisations in a global Partnership called BirdLife International.

RSPB UK Headquarters, The Lodge, Sandy, Bedfordshire SG19 2DL. Tel: 01767 680551

RSPB Scotland Headquarters, 25 Ravelston Terrace, Edinburgh EH4 3TP. Tel: 0131 311 6500

RSPB South Wales Office, Sutherland House, Castlebridge, Cowbridge Road East, Cardiff CF11 9AB. Tel: 0029 2035 3000

RSPB Northern Ireland Headquarters, Belvoir Park Forest, Belfast BT8 7AT. Tel: 028 9049 1547



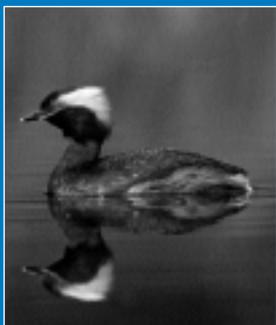
for birds
for people
for ever



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The RSPB's investigations newsletter

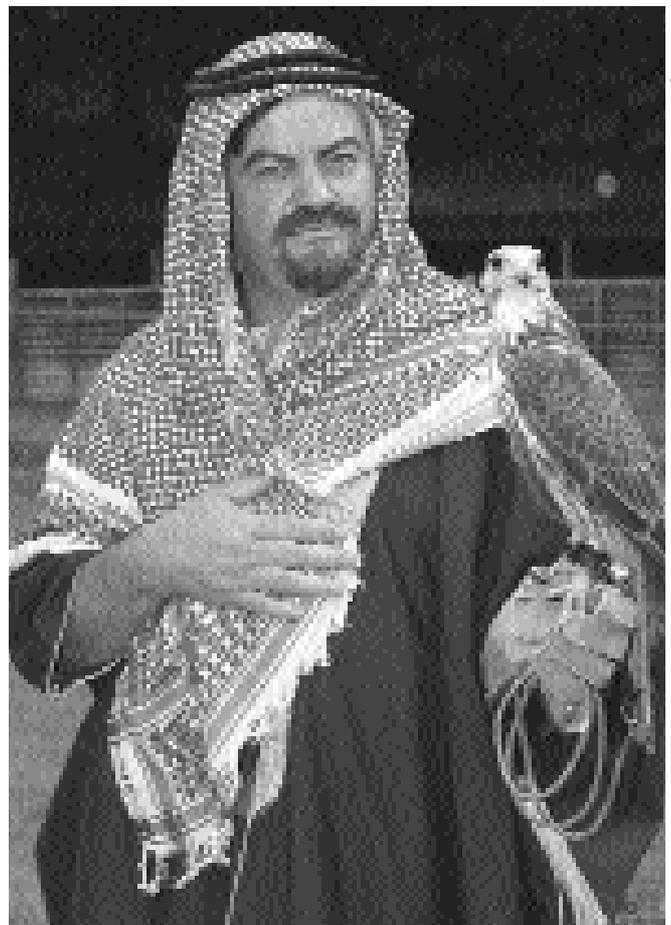
RSPB wins *Cook Report* legal battle

Falconer Ken Smith, who formerly ran the *World of Wings* Bird of Prey Centre at Hornsea in Humberside, has dropped his civil action against a number of parties, including investigative reporter Roger Cook and the RSPB, for allegations made about him in a 1993 TV programme.

Bird Bandits, part of Central TV's *Cook Report* series, exposed the illegal trade in wild peregrines. The RSPB advised the programme-makers on ornithological matters. The programme alleged that Smith had sold two wild peregrines to Chris Neal, a falconer working for the *Cook Report*. The programme secretly filmed Ken Smith admitting that he had supplied wild Scottish peregrines, fitted with Department of the Environment close rings to make them appear captive bred. Although Smith had registered them as captive bred siblings, DNA tests showed them to be unrelated.

To the RSPB's amazement, in 1996 Ken Smith and his son Shaun issued a writ claiming 'malicious falsehood' against Cook, Central TV, Chris Neal and the RSPB for the allegations made in the programme. The litigation, funded by the Legal Aid Board, finally collapsed at the High Court on 29 October 1999 when the Smiths abandoned their action.

RSPB Investigations Officer Duncan McNiven said, 'We are delighted to have won this action, which should never have been brought in the first place. Serious questions need to be asked about why the Legal Aid Board chose to fund such a groundless action. We always believed in the integrity of the programme makers and stand by the allegations made in the programme. Once again, DNA evidence has proved instrumental in exposing the trade in wild birds of prey'.



Courtesy of Central Television

Lawrence of Suburbia – Roger Cook poses as an Arab sheikh in *Bird Bandits*

Second COTES case in Scotland

Dave Dick describes some opportunistic detective work ...

'A birdwatching friend was surprised to see an advert offering for sale a stuffed red kite and a sparrowhawk in the October 1998 edition of *Scottish Supermart*. She sent me a copy and on 8 October I phoned the number given. A 'Mr George' confirmed he was selling the birds, saying he had already received an offer of £150 for the kite.

'After confirming that there were no CITES Article 10 sales certificates in relation to the birds, local police were asked to investigate. Consequently, PC Arlene Smith and a colleague seized two stuffed birds of prey from a Mr

George Macfarlane at an address in Wishaw, Lanarkshire. At Wishaw police office the next day I was shown a juvenile red kite and a female kestrel, not a sparrowhawk. However, this did not prevent Macfarlane from being charged with offering a sparrowhawk for sale.

'In interview Macfarlane claimed that the birds were bought for cash from a car boot at the Scone Game Fair in Perth some eight years before. He could not recall the name of the seller and said his two companions on the day had since died. The reintroduction of the Scottish red kite only began in 1989; the population at that time would only have been around 20 birds. Unfortunately, for a variety of technical reasons, a DNA match to these birds was impossible.

'Macfarlane appeared at Hamilton Sheriff Court on 29 October 1999. The deputy Fiscal accepted not guilty pleas to charges of offering for sale a sparrowhawk, and possession for sale of the kestrel and kite. Macfarlane pleaded guilty to offering for sale the red kite and was admonished – a conviction with no penalty. In mitigation he offered a repeat of the Game Fair story and the – wholly incorrect – suggestion that regulations governing the sale of such birds were less strict at that time. The kite was forfeited by the court as is mandatory under COTES and the kestrel was handed over to the RSPB by the Fiscal after Macfarlane signed a disclaimer.'

Dave Dick
Scottish Investigations Officer

Taking terns

Ashley Garrett of Larkspur Close, South Ockendon, Essex was convicted at Cromer Magistrates' Court on 2 August 1999 of taking seven wild birds' eggs from the National Trust Reserve at Blakeney Point, Norfolk. The eggs were those of herring gull, black-headed gull, common/arctic tern and Sandwich tern. Garrett, who collects stuffed birds, claimed that he had wrongly read that he could take gulls eggs and not being 'up on birds' had mistakenly taken other birds' eggs. He was also convicted of disturbing nesting little terns at the Blakeney colony, a species listed on Schedule 1 of the Wildlife and Countryside Act 1981. He was fined a total of £800.



The eggs seized from Garrett by Norfolk Police

Mark Thomas (RSPB)

'Painters and desecrators' kill house martins

Richard Woolmer of Minerva Close, Haverhill, Suffolk and Michael Heyes of The Street, Little Thurlow, were each given a conditional discharge for 12 months and ordered to pay £121 costs at St Edmundsbury Magistrates' Court on 24 September 1999 after house martin nests were torn down from a farm building in Great Thurlow, Suffolk.

Magistrates heard how in July the RSPCA found that 23 nestlings and eggs had been destroyed during painting work at Hall Farm, Great Thurlow, part of the Vestey Estate near Haverhill. Adult birds were wheeling around the nest site.

Woolmer said that he was a sub-contractor who was told that the nests



Robert T Smith (RSPB Images)

A painter has pleaded guilty to destroying house martin nests on a Suffolk farm

had to come down by his foreman Heyes. Woolmer claimed he did not want to do it but feared he would not be paid. Woolmer pleaded guilty to destroying the nests, killing nestlings and destroying eggs and Heyes pleaded guilty to aiding and abetting.

Fish farmer's fines cut

A fish farmer who was fined £3,200 for shooting and killing herons (See *Legal Eagle* 22) has had her fine reduced on appeal. Fifty-six-year-old Rosalind Underhill of Rainbow Valley Trout Farm at Oakford near Tiverton, Devon admitted shooting tens of herons that were eating her fish stocks.

Investigators visiting Rainbow Valley found four dead grey herons. Underhill had been convicted at Tiverton Magistrates' Court on four charges of killing protected herons and fined £800 for each. At the appeal hearing at Exeter Crown Court Judge Michael Parry QC reduced the total fine to £1,000.

'Joint' operation nets the Crang brothers

A hoard of wild birds' eggs has led to two Devon brothers being fined over £3,500. Plans for display drawers recovered at the scene suggested that rare breeding birds like white-tailed eagle were next on the hit list. A substantial quantity of cannabis was recovered from a separate address, meaning prison for one of the men.

In 1998 Operation Easter identified Seymour Crang as a possible egg collector. Following work by Devon and Cornwall Police WLOs with the assistance of the RSPB (see *Legal Eagle* 21), Operation Jourdain swung into action and on 30 March 1999 warrants were executed on a number of addresses.

Cannabis worth £10,000 – for which he received a custodial sentence for possession – and nearly 350 eggs were discovered at the home of Everett Crang. There were nearly 2,000 eggs – including those of rare breeding birds – in temporary storage in the loft space at the address of Seymour Crang's grandmother, along with the display drawer plans. Data cards recovered at the scene indicated that 5% of the collection had been originally taken by

two well-known egg collectors. Evidence also indicated that eggs had been taken as recently as 1998 and 1999.

RSPB enquiries confirmed that a clutch of three osprey eggs found during the operation were taken from a site near Aviemore in 1988 and two golden eagle eggs from western Scotland in 1985. Three pigeon rings and a pigeon leg found with a clutch of peregrine eggs gave a strong clue as to when they were taken. Of particular local concern were 35 circl bunting eggs, a species whose UK population of only 450 pairs is confined to south Devon. Thirteen Cetti's warbler eggs may have come from the nearby Slapton Ley Nature Reserve.

Seymour Parish Crang and Everett John Crang of Milton Park of Mayflower Drive, Brixham, Devon appeared at Torbay Magistrates' Court in Torquay on 6 December 1999. Seymour Crang pleaded guilty to possession of 127 eggs of species listed on Schedule 1 of the Wildlife and Countryside Act 1981 and 1,085 other eggs. He was fined £3,000 plus £55 costs. Everett pleaded guilty to possession of seven Schedule 1 eggs,



Guy Shorrocks

Police removing eggs from Grandma's house

337 other eggs and three stuffed birds. He was fined £600 and £55 costs. The court ordered forfeiture of the eggs and containers. A number of charges were withdrawn and Seymour signed a disclaimer for a further 604 eggs, including 96 Schedule 1 eggs.

Seymour Crang was not prepared to be interviewed and it was essential to link him to the collection. While a statement from his grandmother was helpful, it was forensic handwriting analysis on container labels and the drawer plans, compared with entries in his address book, that confirmed the link. PC Steve Saunders, DC Martin Relland and Sgt Nevin Hunter of the Devon and Cornwall Police are to be congratulated for their efforts in pulling this enquiry together.



Guy Shorrocks

Messenger pigeons – these rings helped establish when the peregrine eggs were taken

Mass poisoning in Wales

One of the largest incidents of poisoning has been uncovered in mid-Wales. Twenty-four birds, including a red kite, buzzards and ravens, were found dead at Llanerch Pentir near Aberystwyth on 24-26 April 1999.

Post-mortems revealed that they were deliberately killed by Fenthion, an organophosphate pesticide. However, the Farming and Rural Conservation Agency FRCA (Wales) concluded that there was insufficient evidence to link anyone to the crime.

C H Gomersall (RSPB Images)



The raven – a victim of a mystery poisoner in Wales

Plantlife report

Plantlife, the wild plant conservation charity featured in *Legal Eagle 22*, has recently launched *Plant Crime – is the law working to save our threatened plants?*

The report, compiled by botanists, conservationists and police WLOs, assesses the extent of wild plant crime and exposes the increasing problem of illegal exploitation of commercially valuable species. Fourteen successful convictions in the last 18 years are highlighted, but these are likely to represent only a small proportion of the true scale of offences as many will remain undetected and unreported, particularly those in remote areas.

There are three main areas of conservation concern: bulbs (notably bluebells and snowdrops), bog-mosses (*Sphagnum* species) and mosses in general. Bulb theft is an organised business due to the considerable amounts to be made. Snowdrops are worth 10p per bulb and some rare variants can be worth £45. Nurseries and car boot sales account for some of the material and much goes abroad. A recent haul of 12,000 snowdrop bulbs from Westminster Wood near Buntingford in Hertfordshire was thought to be worth £15,000. Two men are facing charges in Luton, Bedfordshire.

WLO Chief Superintendent Steve Parnwell of the Cambridgeshire Constabulary is producing a crime intelligence pack for WLOs.

Plantlife is keen to work with the police to improve enforcement of existing legislation and intends to use the forthcoming legislative opportunities to ensure that plants receive the protection they deserve.

The report has helped to raise awareness of the problem and Plantlife has called for extra vigilance from the general public. It also intends to continue to campaign for a central database of offences, but until then it is keen to keep records of all convictions and WLOs are invited to forward any details to Plantlife.

The report is posted on Epicentre and is available from Plantlife, 21 Elizabeth Street, London SW1W 9RP Tel: 0171 808 0100; Email: enquiries@plantlife.org.uk. A Code of Conduct which lists the legislation relating to plants is also available.

Martin Harper and Steve Parnwell



Snowdrop

Wildlife site destroyed by farmer

A Devon farmer has ploughed up a herb-rich grassland site, home to rare species such as the marsh fritillary butterfly. English Nature is investigating the incident. It fears 80% of the Southmoor Farm SSSI has been destroyed. The farmer levelled and reseeded several fields, fertilised others and cut or deepened drainage ditches. The damage highlights the weakness of laws that supposedly protect SSSIs. Under new laws proposed by the Government the farmer could face fines of up to £20,000 and be required to restore the damage or meet the bill for the site's restoration.



The rare marsh fritillary butterfly

Alan Barnes (RSPB Images)

Bob calls it a day

Bob Philpott, the scourge of the Jourdain Society, has finally hung up his binoculars and retired from the police. Having been a serving officer for 29 years, Bob was the Wiltshire WLO for 13 of those years and combined an enthusiasm for wildlife issues with the seniority of his rank as Chief Inspector to place wildlife liaison in Wiltshire firmly on the map.

While many WLOs will be aware that Bob was chair of the Data Management sub-group of the government's Partnership for Action Against Wildlife Crime (PAW), fewer will know that he was a committee member of the Wiltshire Wildlife Trust. Fewer still will know that he was also a bird ringer until giving it up due to an allergy to feathers!

Bob's greatest triumph was Operation Avocet, when he organised an audacious raid on the summer dinner of the Jourdain Society at the Red Lion Hotel in Salisbury in July 1994, and seized a number of egg collections on display. Not satisfied with this, Bob then organised co-ordinated raids in eight counties on the addresses of Jourdain Society members. The result was the seizure of over 11,000 wild birds' eggs and the conviction of six Jourdain Society members. In addition, a civil action launched against the police by one of the defendants resulted in a useful County Court judgement clarifying the position on the confiscation, under the Police Property Act 1897, of eggs taken contrary to the Protection of

Birds Act 1954 but which were not actionable under the Wildlife and Countryside Act 1981 (see *Legal Eagle* 21).

Bob's legacy has been to raise the profile of wildlife liaison in Wiltshire and he leaves a comprehensive network of WLOs in the county, now in the capable hands of Sgt Mark Barrett. Bob has had a long association with the RSPB's Investigation Section and has been one of our closest allies over the years. We wish him well in his semi-retirement, in the sure knowledge that he will be keeping in touch.



Guy Shorrocks (RSPB)

Bob Philpott with some of the eggs from Operation Avocet

Going batty

Bat groups have been working closely with Staffordshire Police's Rural Crime Unit (RCU) on licence training for RCU officers who have in turn trained bat workers on evidence-gathering at bat-related crime scenes.

Co-operation between the police and bat groups heralds new hope for bat protection



R Revels (RSPB Images)

The 11th WLO conference

Ryton Police Training Centre in Warwickshire hosted the 11th Annual Police WLO Conference. Over 180 delegates attended during the weekend 8-10 October 1999. Talks covered subjects as diverse as persuading the Crown Prosecution Service to take a case, implications for enforcement of the lead shot ban, genetic markers for parrots, and sponsorship for WLOs. Delegates heard case studies from the past year and international perspectives from Interpol and the Royal Society for the Conservation of Nature, Jordan. A key theme throughout was the continuing support for wildlife enforcement through the success of the Partnership for Action Against Wildlife Crime (PAW). The weekend also provided opportunities for making new contacts and socialising in the bar while attempting the infamous quiz. The Warwickshire Police and DETR must be congratulated for organising another smooth-running event.

The 1999 WLO quiz was closely contested. A total of 55 marks were available and encouragingly no team got less than half marks for the first time. Two teams scored 46 and the team with fewer members was awarded first place. Second place went to a consortium of JNCC, HMCE, EN and TRAFFIC. First place went to PC John White of Northumbria Police, Sgt Malcolm Henderson of Lothian and Borders Police, and PC Steve Caine and PC John Simpson of the Ministry of Defence Police.

England leads on lead ban

Legislation to restrict the use of lead shot in England came into force on 1 September 1999. The Environmental Protection (Restriction on Use of Lead Shot) (England) Regulations 1999 prohibits the use of lead shot:

- on or over any area below high-water mark
- on or over an SSSI (Site of Special Scientific Interest) (listed in a schedule of the regulation)

- for coots, moorhens, golden plovers, snipe and all ducks, geese and swans regardless of location. Anyone contravening the legislation, or causing or permitting another to do so, will be liable to a fine of £1,000.

It will now be a matter for the Scottish Parliament and Welsh Assembly to decide what to do to restrict lead shot use in Scotland and Wales. The Government has to have UK-wide legislation in place by the end of 2000 to comply with international obligations under the Afro-Eurasian Waterfowl Agreement.



E Woods (RSPB Images)

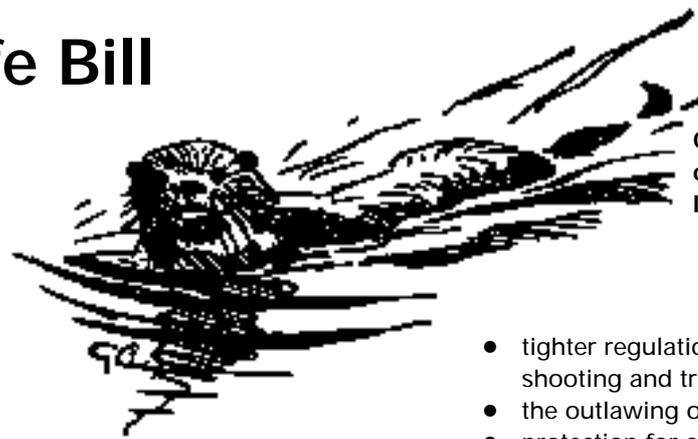
The use of lead shot for snipe is now banned

New Irish Wildlife Bill

The long-awaited Wildlife (Amendment) Bill, updating the 1976 Wildlife Act, was issued by Minister Síle de Valera in Dublin on 1 July 1999. The bill provides protection for Natural Heritage Areas which contain areas of special importance for wildlife in Ireland and cover about 7% of the total land area. It also strengthens existing protection for Special Areas of Conservation (SAC).

The Bill includes:

- better provisions for land purchase for habitat conservation
- improvements to provisions to prevent hedge cutting and destruction



Otter hunting is outlawed by the new Irish Wildlife Bill

- new regulations to control trading and collection of animals and plants
- strengthened protection of wild birds and other animals from disturbance

- tighter regulation of hunting, shooting and trapping
- the outlawing of otter hunting
- protection for all wild animals not just designated protected species.

There are also more severe penalties for breaches of the law. Maximum penalties range from £500 and three months imprisonment to £50,000 and a two year sentence.

Improved protection for wildlife in Queen's speech

Proposals outlined in the Queen's Speech of 17 November that look to give greater protection for wildlife and habitats in England and Wales have been welcomed by conservationists.

The Speech highlights Government measures for the next Parliament and the proposed Bill will include better protection for Sites of Special Scientific Interest (SSSIs) covering all activities that might cause damage, and strengthened penalties in cases of deliberate damage. Conservation agencies will have powers to introduce

positive management and improved powers to act against third party damage.

There will also be:

- the option of custodial sentences for wildlife species offences
- search warrant provisions to cover all species offences
- power for police officers and DETR Wildlife Inspectors to require tissue samples to be taken for DNA analysis
- rationalised time limits for bringing prosecutions in all species offences.

Recklessly disturbing a place of rest or shelter or a nest site will become an offence and there will be new powers for DETR Wildlife Inspectors to check compliance with species sales controls.

Graham Elliot, Head of Investigations for the RSPB, has welcomed the proposals, saying, 'We hope that finally there will be a real deterrent to wild bird criminals and better protection for wildlife and sites. We hope that Scotland and Northern Ireland will soon bring forward similar proposals of their own.'

Egg collecting Brit arrested in Spain

A Briton, resident in the village of C6mpeta near Malaga, was arrested in June on charges of being in possession of a collection of 4,253 birds' eggs. The haul includes eggs from the Andean condor, griffon vulture, goshawk, osprey, black kite and lanner falcon.

Carlos Sanchez (RSPB Images)



Griffon vulture - victim of egg-collecting ex-pat

Coral smuggler corralled

The first person in the US to be convicted of smuggling coral has been jailed. Petros Leventis was found guilty of smuggling corals from the Philippines that were listed on Appendix II of CITES. Leventis and his company, Greek Island Imports, were charged with a number of offences including violations of the Lacey Act which makes it an offence to import wildlife taken in violation of a US or foreign law.

'Hungary' chickens cause stork shootings

Hungarian police arrested a farmer's son after he shot three young white storks near their rooftop nest in the village of Kerkakutas. White storks are protected and declining in Hungary. The man, who said the storks were putting his chickens off their food, faces a year in prison.

French hunting decisions

The Conseil d'Etat - the highest court in France - annulled orders given by the Director of the Office National de la Chasse in 1996 to his guards, to not continue reporting hunting incidents beyond the legitimate period of two hours after sunset and two hours before sunrise, and to allow the clipping of the wings of live decoys.

The court of Human Rights in Strasbourg declared the Loi Verdeille (Verdeille Law) to be untenable, particularly concerning the 'right' of hunters to hunt on other people's land without needing their permission.

The hunting lobby's reaction was a proposal to the Senat, the upper chamber in the government, for a law to legalise night hunting, arguing that it was allowed in six other European countries. The law was passed, and parliament is now preparing a new law to deal with all the contentious hunting issues.

The anti-hunting in France petition has now hit half a million signatures in the UK. The total number of signatures Europe-wide is now more than the hunters have collected. The petition will be presented to the European Parliament in January 2000.



C H Gomersall (RSPB Images)

White storks shot in Hungary