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BIRDCRIME 2006

Offences against wild bird legislation in 2006



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Summary of reported incidents in 2006

This report summarises offences against wild bird legislation reported to the RSPB in 2006. Further copies are available on request from the RSPB Investigations Section at The Lodge, Sandy, Bedfordshire SG19 2DL, or from the RSPB website (www.rspb.org.uk). It is believed that these published figures represent only a fraction of the total number of incidents, as many remain undetected and unreported, particularly those that occur in remote areas.

In 2006, the RSPB received 1,109 reports of potential offences against wild birds in the United Kingdom (see Appendices I and II). In 2006 there were:

- 185 reports of shooting and destruction of birds of prey, with the confirmed shooting of 28 individual birds of prey
- 182 reports of poisoning incidents, including 85 confirmed incidents of abuse and seven confirmed incidents of illegal possession of pesticides, involving the confirmed poisonings of at least 95 individual birds or animals
- 72 egg-collecting incidents, including confirmed egg robberies from 16 nests of Schedule 1 species
- 39 reports of illegal taking, possession or sale of birds of prey
- 66 reports of illegal taking, possession or sale of wild birds other than birds of prey, predominantly finches
- 23 reports relating to illegal disturbance or photography of Schedule 1 birds
- 475 reports of shooting and destruction of non birds of prey, including trappings and nest destructions.

1,109 incidents is the highest number of reports that has ever been received in one year by the Investigations Unit (2001–2005 saw an average of 625 incidents) and the figure is more than double the number of incidents recorded in 2004. Whether this reflects an actual increase in bird crime incidents is difficult to assess, as the increased figures may reflect the fact that a higher percentage of witnessed wildlife offences are being reported.

This increase may be due to increased public awareness of wildlife offences and new methods of reporting incidents to the RSPB, such as the online reporting system. It is also believed that efforts by the newly formed National Wildlife Crime Unit, to record all wildlife crime, has significantly improved the recording of offences against wild birds. This increase in recorded incidents involving wild bird

crime reinforces the belief that the data is only a small fraction of the total amount of persecution occurring.

The breakdown of reported incidents from the United Kingdom shows that 57% occurred within England, 27% in Scotland, 13% in Wales and 1% in Northern Ireland (2% occurred in an unknown location in the United Kingdom). In England, the north and northwest regions had the highest number of reports, with a combined total of 273 incidents, and in Scotland the south and west regions had a total of 160 incidents recorded.

In 2006, the RSPB received information on 62 individual prosecutions involving wild birds. These cases involved a total of 173 charges, of which 136 were proved. Of the 62 prosecuted individuals, 55 were found guilty and convicted. Fines for the year totalled £26,650 and five people were imprisoned.

NB. References to previous years' figures may vary slightly from relevant issues of *Birdcrime* following late reports of incidents.

Shooting and destruction of birds of prey

Bird of prey persecution remains a priority for the RSPB Investigations Unit and, unfortunately, there appears to be no decline in the number of incidents recorded. In 2006, there were 185 reported incidents of illegal shooting, trapping and nest destruction of birds of prey (see Appendix IV). This is the highest number reported since 2000 when there were 186 reported (2001–2005 average of 145 incidents). However, when comparing the percentage of bird of prey shooting and destruction incidents within all reported incidents, this has reduced, as in 2006 they accounted for 17% of incidents (2001–2005 average of 23.2% of all reported incidents).

Of the 185 reports, 29 were confirmed and 40 were probable; the most common form of persecution was shooting, with 17 raptors and owls confirmed as shot (and another 19 that were probable shootings).

There were 14 trapping incidents involving or targeting birds of prey, resulting in the injury or death of four buzzards and one peregrine. In addition, there were 17 reports of bird of prey and owl nest destruction, involving the confirmed or probable destruction of 15 nests. There were also 59 other persecution offences reported, where birds of prey had been injured or killed but the exact methods were not known; these included the confirmed persecution of 10 buzzards and a goshawk.



Tawny owl

Case studies

Sandringham gamekeeper fined for trapping tawny owl

A gamekeeper on the Sandringham Estate in Norfolk was fined £500 after pleading guilty at Kings Lynn Magistrates Court on 3 November

2006 to setting an illegal trap that maimed a tawny owl in December 2005.

Dean Wright, of Anmer, Norfolk, was also ordered to pay £470 costs by District Judge Philip Browning, who described his actions as 'unwise and unprofessional'. The court heard that Wright had become so frustrated with rats near a pheasant feeding area that he left the trap uncovered, resulting in the owl being trapped.

The owl was discovered with its legs caught in a steel spring trap attached to a post in woodland on the estate in December 2005. The RSPCA attended the scene and rescued the bird but, despite treatment for its injuries, the tawny owl was destroyed as it was unfit to be returned to the wild. Following further investigations by Norfolk Police and the RSPB, Wright, one of 14 gamekeepers employed on the estate, pleaded guilty to setting the trap. Three other charges relating to the setting of the trap, causing unnecessary suffering to the owl and the use of rat poisons were dropped by the Crown Prosecution Service (CPS).

During the hearing, the defence said that Wright was in charge of around 350 traps on the estate. It was the estate's policy to deal with vermin in a manner that was considerate and in compliance with the regulations, but on this occasion Wright had made a mistake. Wright was subject to unspecified disciplinary action from his employers but did not stand to lose his job.

Deeside gamekeeper who stalked hen harrier

A former gamekeeper on the Dinnet Estate, Deeside, was convicted of offences relating to hen harrier persecution after he was filmed by RSPB Scotland pursuing a young hen harrier and aiming his shotgun at it.

At Stonehaven Sheriff Court, on 17 February 2006, Colin Marshall, 22, pleaded guilty to entering the neighbouring Crannach Estate with a firearm and possessing a shotgun capable of being used to kill, injure or take a wild bird. A first-time offender, he was fined £500 and forfeited his shotgun. On the evenings of 23 and 24 June 2003, RSPB investigations staff monitoring a hen harrier nest on the Crannach Estate, near Ballater, saw Marshall and another unidentified keeper watching the harrier site for a few hours until it got dark. On 25 June, RSPB staff witnessed Marshall pulling on a balaclava, crossing over onto the neighbouring estate, without permission to be there, before stalking a newly fledged young hen harrier; fortunately, it was too far away to be shot. The entire incident was captured on video.



Hen harrier

When interviewed, Marshall claimed he had been looking for fox cubs. Prior to the guilty pleas being entered, the court heard several hours of legal argument concerning the admissibility of evidence from one of the RSPB witnesses who had observed the incident from a position on the Dinnet Estate. In a significant ruling, Sheriff Patrick Davies accepted the evidence, commenting that the RSPB presence on

the gamekeeper's estate was 'neither illegal nor irregular, and the intent to obtain evidence did not make it so'. This was reported in the local press. The success of this operation, and in particular the Sheriff's encouraging comments, reinforces the fact that, although difficult, such operations can be effective.

Poisoning

There were 185 wildlife poisoning- and pesticide-related offences reported in 2006; this is the highest number ever recorded by the Investigations Unit (2001–2005 average of 98 incidents). The 185 incidents represented 16% of the total reported incidents, which is consistent with previous years (2001–2005 average 15.8%). The number of confirmed poisoning incidents is not believed to have been influenced by the general increased reporting of offences in 2006, as the majority of poisoning figures are drawn from data under the government Wildlife Incident Investigation Scheme (WIIS).

Of the 185 reported incidents, there were 85 incidents where abuse of a pesticide was confirmed by analysis of victim of bait (2001–2005 average of 46 incidents). These comprised the confirmed poisonings of at least 95 individual birds or animals, and there were a further 34 incidents of probable poisoning.

The government 'Campaign for Action against Illegal Poisoning' has been running for 15 years, yet this serious issue shows no sign of abatement. The disturbingly high number of confirmed poisoning incidents in 2006, nearly twice the average of the last five years, is a clear indication that much more enforcement effort is needed to tackle this persistent and widespread problem.

When examining which pesticide was involved in each of the reported incidents, it was found that the most commonly abused pesticide was carbofuran, with 50 confirmed incidents, followed by alphachloralose, with 15 incidents. Though the legal use of carbofuran in agriculture was withdrawn in 2001, its abuse continues to pose a significant threat to UK wildlife.

Case studies

Gamekeeper convicted of laying egg baits

A gamekeeper was convicted of poisoning a raven and a common gull on an Aberdeenshire grouse moor in May 2006. The Procurator Fiscal brought this case after enquiries by Grampian Police, assisted by the Scottish Executive Environment and Rural Affairs Department (SEERAD), and RSPB Investigations staff. This was the first use in the Grampian region of Scotland of the new Wildlife and Countryside Act Section 15A 'possession of pesticide' offence, created by the Nature Conservation (Scotland) Act 2004/Possession of Pesticides (Scotland) Order 2005.



Raven

Hector McNeil, 56, admitted placing common gulls' eggs laced with the pesticide aldicarb alongside a hilltop track on Glenbuchat Estate, Strathdon, where they killed at least two birds before being discovered. Council rangers on the moor, carrying out a risk assessment for the route of a public walk, came across a dead common gull, a dead raven and finally a poisoned egg, in which their dog had taken an interest. The dog was taken to a vet as a precaution and fortunately suffered no ill effects.

Following the confirmation of aldicarb in the dead birds and bait, SEERAD and Grampian Police carried out a search of the estate and outbuildings. Mr McNeil was found to have three unlabelled jars of aldicarb in his vehicle and garage, and 118 common gulls' eggs, which he said he had taken from a colony on the estate. Stored with the eggs was a bag of yellow cooking fat, which Mr McNeil said he had used to pick up the granular aldicarb and place it in the egg baits. Four unfinished containers of the pesticide Cymag were also found. The RSPB Investigations team assisted with the search of the estate, and the remains of another egg bait were recovered.

On 29 June 2006 at Aberdeen Sheriff Court, Mr McNeil pleaded guilty to three charges under the Wildlife & Countryside Act 1981 (WCA). On 12 July, he was fined £350 for intentionally killing a raven and a common gull using eggs poisoned with aldicarb, and £400 for the possession of 118 common gull eggs, which he said he planned to eat and feed to his dog. He also received a £100 fine for the possession of Cymag, a proscribed pesticide under section 15A of the WCA since its amendment by the Nature Conservation (Scotland) Act 2004 and the Possession of Pesticides (Scotland) Order 2005. However, a charge of possession for use of the three jars of aldicarb was dropped, allowing the defence to argue that the poisoning of the raven and gull was an isolated incident. Research such as Whitfield *et al.* (*Biological Conservation*, 114, p1157-163, 2003) has shown that the incidence of wildlife poisoning in Scotland is strongly associated with grouse moors, as was the case here.

Given the impact of poisoning on rare wildlife and the threat that such pesticides present to anyone coming into contact with them, the RSPB is concerned that a fine of £350 for laying aldicarb baits fails to reflect the seriousness of the offence, and is unlikely to deter others from abusing poisons in this way.



Golden eagle

Golden eagles poisoned in Scotland

The RSPB offered a reward for information leading to the arrest and conviction of those responsible for the poisoning of two golden eagles in Scotland in 2006. A hill walker found the first dead bird on 13 May at the Dinnet and Kinnord Estate near Ballater. The second body was found at the Glenfeshie Estate in the Cairngorms on 10 June. Analysis by the Scottish Agricultural Science Agency (SASA) showed that both birds were poisoned by the banned pesticide carbofuran.

The chance discovery of these two eagles points to a much wider problem; as these crimes typically occur in remote areas, the chances of finding victims are low. Both birds died at a time of year when eagles have dependent young, protected from predators by the female who stays at the nest and relies on the male to bring food. The death of a foraging bird would force its mate off the nest to forage for herself, resulting in the death of the chicks. Golden eagles do not breed until they are at least five years old, and can live for more than 20 years.

Each pair raises one or two young per year, only a few of which survive to adulthood. This low reproductive rate makes the species especially vulnerable to persecution, as the loss of each breeding adult has a disproportionately adverse effect on breeding capacity. A 2003 survey showed that there are 430 breeding pairs of golden eagles in Scotland, a nationally iconic bird. Recently published research clearly indicates that ongoing illegal persecution, especially poisoning, restricts the distribution and threatens the survival of the species over large areas of eastern Scotland (Whitfield *et al. Biological Conservation*, 119, p319-333, 2004). It could potentially cause the entire Scottish population to go into long-term decline.

Farmer fined over pesticide misuse

A farmer was fined after her gamekeeper used a rat poison that is suspected to have resulted in the deaths of two buzzards. On 11 July 2006, farmer Rosalyn Vincent of Wramplingham, Norfolk, pleaded guilty at Swaffham Magistrates to failing to provide her gamekeeper with training in the proper use of pesticides, contrary to the Food and Environment Protection Act 1985. She was fined £2,000 and £400 costs, and had two further offences of permitting the unlawful use of a pesticide taken into consideration.

In late 2004 and early 2005, two dead buzzards were found in a wood on a farm in Carbrooke, near Watton, Norfolk. Analysis confirmed they contained a high concentration of the rodenticide difenacoum, and that the deaths were due to misuse rather than deliberate abuse of a pesticide. Animals scavenging the bodies of poisoned rodents are vulnerable to the effects of these rodenticides and this emphasizes the need for thorough searches for carcasses after poison baits have been used. Incidents involving the secondary poisoning of wildlife have been of increasing concern in recent years; it has been a particular problem for birds of prey such as buzzards and red kites.



Buzzard

Enquiries by Defra and Norfolk Police established an elderly local gamekeeper was using two products containing difenacoum to control rats around a pheasant feeding area, close to where the buzzards had been found. Though the bait stations had been properly set up, he had failed to search for and dispose of the rat bodies, in compliance with one of the statutory conditions for these rodenticides. He was later cautioned regarding this matter. Vincent, the gamekeeper's employer and manager, was later interviewed and reported for related matters.

This is believed to be the first prosecution for the misuse of rodenticides which are suspected to have caused wildlife poisoning, and hopefully will encourage users and employers to ensure safe and careful use of these products.

Egg collecting

In 2006, there were 72 reported incidents of egg collecting and egg thefts, and six reports of eggs being sold. This reflects a relatively constant level of incidents over the last five years, with the average thefts for 2001–2005 being 73 incidents and the average sale of eggs being six. When comparing the percentage of all reported incidents that involve egg collecting, there is a decrease as the 72 incidents represent 6% of all reported incidents, which compares with an average of nearly 12% from 2001–2005.

The number of egg collecting incidents has reduced greatly since the early 1990s, when the average annual number of egg collecting incidents from 1990–1995 was 167. This decrease is believed to be due to increased policing strategies such as Operation Easter, and the introduction in 2001 of custodial sentences for offences under the Wildlife and Countryside Act 1981.

There were 15 confirmed and five probable egg robberies from Schedule 1 species reported in 2006 (see Appendix VI). The 15 confirmed robberies in 2006 included four avocet nests, a barn owl, a chough, two golden eagles, two osprey, a red-throated diver and a Slavonian grebe, all of which are amber-listed; this means they are of medium conservation concern. There was also the theft of eggs from the red-listed stone curlew in Suffolk; red-listed means the species is of high conservation concern. Probable egg robberies of red-listed roseate tern and four peregrine nests were also recorded.

In November 2006, over 6,500 wild birds eggs were recovered from an address in Grimsby, Lincolnshire, by Lincolnshire Police and RSPB Investigations. This represents the largest seizure in the last decade and the matter is due to reach court in summer 2007.

Case studies

Jail for serial egg collector

On 12 January 2006, Gregory Peter Wheal appeared at Coventry Magistrates having earlier pleaded guilty to possession of 75 birds' eggs (including Schedule 1 – kingfisher and little ringed plover) and possession of egg-collecting equipment. Wheal received a four-month custodial sentence. With eight convictions, he became the most convicted egg collector of all time.

This latest case followed a domestic incident at his home in October 2005, when the West Midlands police discovered the eggs and other items. Fortunately, an officer present had experience of a previous egg-collecting enquiry and seized all the relevant items. The RSPB were contacted and assisted with identification of eggs, examination of exhibits and subsequent interview of Wheal.

Pivotal to sentencing was his string of seven previous convictions going back to 1987, the last of these being prior to the increased penalties brought in by the Countryside and Rights of way Act 2000. Details of these previous convictions were not on police record and were provided by the RSPB's database; this again demonstrates the clear value in recording detailed information on wildlife crime. The RSPB was also able to provide the CPS with a summary of all egg collecting cases where custodial sentences had been awarded, and Wheal became the ninth egg collector to have received such a sentence.

Egg collecting and ASBO application in Northumberland

On 27 June 2006, Wayne Michael Derbyshire from East Acres, Widdrington, Northumberland, was sentenced at Bedlington Magistrates Court for eight offences under the Wildlife and Countryside Act 1981. He had earlier pleaded guilty to four charges of possessing 851 eggs (including 33 Schedule 1 eggs of little ringed plovers, stone-curlews, red-throated divers, kingfishers and little terns) and three charges of taking eggs. Following a contested trial on 13 June, he was convicted of possessing items capable of being used to commit these offences. For his first conviction, he received 280 hours unpaid work with a 12-month supervisory order, £75 costs, and was ordered to forfeit his collection and egg-collecting equipment.



Stone-curlew

Northumbria Police and the RSPB discovered the eggs and other items at Derbyshire's home and another property during a search in August 2005. Throughout the enquiry, Derbyshire contested the use of certain items for egg collecting, namely binoculars, maps, books, a metal spike, climbing equipment, a camera, photographs and an egg-blowing kit. However, the court stated his evidence was contradictory and implausible.

Following this conviction, in October 2006, the CPS tried an innovative approach and applied for an Anti-social Behaviour Order (ASBO) to restrict his movements, to prevent travel to certain parts of the country during the 2007 breeding season. The court was satisfied that egg collecting did constitute anti-social behaviour. However, the application was unsuccessful because it was Derbyshire's first conviction and he was deemed to be responding well to his Community Service Order. The court felt that this had to have the opportunity to show if it was a suitable deterrent in itself, so could not justify an ASBO at the time. This approach may be appropriate in future cases, particularly those involving repeat offenders who remain undeterred by court sentences.

Trade in wild birds

In 2006, there were 112 reported incidents involving the taking, sale and possession of live and dead birds, which compares to an average annual number of 80 incidents from 2001–2005. The 112 reported incidents represented 10% of the total reported incidents in 2006, which compares to an average of 12.6% from 2001–2005. The majority of the 2006 incidents were cases of taking, selling and possessing live non-birds of prey (mostly finches), which accounted for 66 incidents. The taking, possession and sale of birds of prey accounted for 39 incidents and included the confirmed robbery of six broods of peregrines, presumably for the illegal falconry market. There were also seven cases of illegal taxidermy and two cases of illegal import/export of wild birds.

The increased number of recorded incidents involving the trading of wild birds indicates the need for continued protection for native species. The RSPB believes species such as peregrines need additional protection from illegal trade and it is essential to retain a thorough and effective registration system.



Kestrel

Case studies

Taxidermy dealer fined for Convention on International Trade in Endangered Species (CITES) offences

A Burnley taxidermy dealer was fined £2,000 for buying and offering for sale a variety of stuffed birds and other animals protected by CITES. Alec Cunningham of Plumbe Street, Burnley, pleaded guilty to five charges under the Control of Trade in Endangered Species (enforcement) regulations (COTES) 1997 at Burnley Magistrates' Court on 26 April 2006.

In August 2005, Lancashire Police WCO Duncan Thomas, assisted by RSPB officers, searched Cunningham's second-hand shop. Three snowy owls, two kestrels, a Eurasian otter and a West African dwarf crocodile were seized, as well as a small collection of wild birds' eggs. Price tags attached to two snowy owls, two kestrels and the crocodile indicated that they were being offered for sale without Article 10 certificates. The otter and another snowy owl had also been purchased without the required CITES documents.

Kim MacDonald of the Guild of Taxidermists examined the stuffed specimens and provided valuable evidence concerning their age. The West African dwarf crocodile is a poorly-known species which is listed as 'Vulnerable' on the IUCN Red Data list of threatened reptiles. It is also listed on Appendix I of CITES.

Following examination by the RSPB, thirty-two of the seized eggs were identified as 'wild birds' protected by the Wildlife and Countryside Act 1981. These included eggs of little terns, choughs and redwings, all Schedule 1 species. Cunningham subsequently also

pleaded guilty to possession of the eggs and was fined a further £200. All the seized items were forfeited.

Major taxidermy, smuggling and egg case in Norfolk concluded

A major investigation led by the Norfolk Police and the RSPB into offences involving smuggling, birds' eggs and taxidermy resulted in two men receiving custodial sentences.

At Norwich Crown Court on 26 October 2006, Michael Humphrey Barclay, 68, owner of the stately home Hanworth Hall in Norfolk, received a four-month custodial sentence, concurrent on 16 offences, with £30,000 costs. John Charles Metcalf, 66 years, an ornithologist, taxidermist and retired magistrate from Long Lane, Billesdon, Leicestershire, received a two-month custodial sentence suspended for 12 months concurrent on eight offences, no separate penalty on three other matters, and ordered to pay £8,300 costs.

In May and July 2004, warrants were executed at Hanworth Hall by the Norfolk Police, assisted by the RSPB and Her Majesty's Revenue and Customs (HMRC). A large number of taxidermy items, animal skins and birds' eggs were found. A secret room, accessed through the back of a wardrobe, held many cabinets. Barclay told police he had purchased a large egg collection, the Adolph collection, for £14,000. This was found to contain 150 clutches of eggs of Annex A species, mainly raptors, covered by COTES 1997.



Storm petrel

Documents and photographs suggested Barclay had been involved in egg collecting for 50 years in many countries and had taken live seabirds from nest sites in Scotland for taxidermy. These items also indicated the involvement of John Charles Metcalf in some matters. There was an account of Metcalf visiting the Scottish island of North Rona in 2003, checking nesting burrows and handling Schedule 1 Leach's petrels without a licence. In July 2004, Leicestershire Police and the RSPB executed a warrant at the home of Metcalf and further documents were seized.

Both men were arrested and interviewed. Barclay admitted buying eight Annex A bird taxidermy specimens from Metcalf but denied illegally taking birds for taxidermy. Metcalf, when confronted with his own records, accepted some unlawful interference with nesting petrels on North Rona. He admitted carrying out commissioned taxidermy work for Barclay but denied selling Annex A specimens. Examination of the specimens by Kim McDonald, from the Guild of Taxidermists, supported by radiographs, concluded all the specimens were post 1947, with evidence that four had been shot.

Following a protracted legal process, Barclay pleaded guilty to smuggling raptor eggs from Norway in 1999 and Russia in 2002, contrary to the Customs and Management Excise Act 1971. He pleaded guilty to purchasing the Adolph egg collection contrary to COTES.

In October 2006, a trial took place in relation to sixteen COTES counts of selling and buying Annex A bird taxidermy specimens. Barclay chose not to give evidence, whilst Metcalf maintained the specimens were gifts and commission work, and radically changed his account from interview, producing various documents to support this. However, following strong cross-examination, the veracity of these documents was totally undermined. Both defendants were convicted on all COTES offences. Barclay then entered guilty pleas to four offences under the Wildlife and Countryside Act 1981, relating to the possession of 57 birds' eggs and 13 taxidermy specimens. Metcalf pleaded guilty to three WCA charges of taking a Leach's and a storm petrel, and the intentional disturbance of a Leach's petrel on North Rona in 2003.

In sentencing, Judge Barham told the court that the legislation was designed to protect endangered species, these were serious offences and it was important that they were dealt with severely.

Other wild bird crime

As well as reported incidents of bird of prey persecution, there were an additional 475 reported incidents of shooting and destruction of non birds of prey. These included 193 incidents that were confirmed and 77 that were probable. This is a huge increase in reports from previous years (the average for annual incidents 2000–2005 is 149). This is believed to be due to improved gathering and recording of intelligence, and increased awareness of members of the public.



Osprey

Within the 475 reports, 189 concerned the intentional destruction of active birds nests (non birds of prey), of which 40 could be confirmed. Incidents of confirmed nest destruction included 12 house martins, three mute swans, three swallows and a sand martin colony.

There were also 23 reported incidents of photography and disturbance of Schedule 1 species, seven of which were confirmed; these involved a goshawk, two peregrines, a red-throated diver, a kingfisher, a little tern and a Montagu's harrier. Three of the confirmed incidents were in England, two were in Wales and two in Scotland.

Case studies

First reckless disturbance in Scotland

A charge introduced by the Nature Conservation (Scotland) Act 2004 was used for the first time as a man pleaded guilty to reckless disturbance of an osprey nest.

On 3 July 2005, two RSPB staff members were approaching an occupied osprey nest near to the Lake of Menteith, Stirlingshire, when they noticed a photographer's hide and a man standing close to the nest. Above the nest was an adult osprey carrying a fish. A second

adult was nearby, but was scared off by the unwanted visitor, who turned out to be Robert Ashcroft, a factory manager from Largs in Ayrshire. Mr Ashcroft was asked to leave the immediate area of the nest. His companion, George Higgins, who had been looking for birds' nests nearby, soon joined him. They told the RSPB officers that they knew of many osprey and red kite nests and that they had visited this nest 'more than twenty times'.

The police were called, and arrived with the local gamekeeper and a Forestry Commission Wildlife Ranger. Ashcroft was later charged with intentional and reckless disturbance to the ospreys.

After a lengthy court process, Ashcroft pleaded guilty on 9 November 2006 at Stirling Sheriff Court to an amended charge of 'reckless disturbance' and was fined £300. Keri Marshall, the deputy Procurator Fiscal, pointed out to the court that '[Ashcroft's activities] could have caused them to abandon the site altogether and build another nest in an unsuitable area.'

This was the first case in Scotland to successfully use the reckless disturbance charge, which was brought in as an amendment to the Wildlife & Countryside Act 1981 by the Nature Conservation (Scotland) Act 2004.



Sand martin

Sand martin nests destroyed

During April and May 2004, local ornithologists located an active sand martin colony of 15–30 nests at the Hanson sand quarry in Stanwick, Northamptonshire. On returning to the site in early June, the entire sand face had been removed and the nests destroyed.

An investigation was launched and quarry manager Joan Hughes, foreman Malcolm King and digger driver Stuart Perkins were questioned. Malcolm King admitted removing a section of the bank and that he was under time pressure due to the closure of the works, but refuted the fact that nests were present. All parties admitted that Hanson had completed work in mid-June.

All three employees were charged with destruction of the nests and a three-day trial took place at Northampton Magistrates Court, starting on 27 November 2006. The defence case centred on the fact that although birds were in the area they were not breeding and that another contracted digger driver was present at the time of the alleged destruction.

The court heard about Hanson Aggregates' environmental credentials and that its management guidance relating to sand martins dictated 'that operators should be aware that wherever there is ANY evidence that nest excavation has commenced, quarrying operations must cease immediately'. The case against the quarry manager Joan Hughes was dismissed at the halfway stage as her own evidence suggested she had no knowledge of the nests.

After hearing expert evidence from the RSPB and BTO on sand martin breeding ecology, District Judge Bennett was satisfied an active colony was present at the location in May–June 2004. Equally, he also found that King and Perkins must have known about the birds as they had significant knowledge and experience. He further stated that if both knew of the birds then they lied in interview and during the trial, but that both were of previous good character and it was hard to comprehend that they would act criminally. Finally, he said that the evidence regarding the date prevented him being certain of the physical act of nest destruction. Based on this, the judge dismissed the cases against both defendants.

Prosecutions in 2006

The RSPB maintains a record of prosecutions involving offences against wild birds. In 2006, the RSPB was involved with or informed of the prosecutions of 62 individuals, including prosecutions taken by the Crown Prosecution Service, Procurator Fiscal and RSPCA (see Appendix VII). The 62 prosecutions involved at least 173 charges, the majority of which (72%) were charges under the Wildlife and Countryside Act 1981. Of the 62 recorded prosecutions, 55 were successful and ended in convictions, with 79% of the individual 173 charges resulting in a guilty outcome. Fines for the year totalled £26,650 and five people were awarded custodial sentences.

Review of 2006

National Wildlife Crime Unit (NWCU)

The most significant development in 2006 was the launch of the NWCU. On 18 October 2006, Biodiversity Minister Barry Gardiner launched the unit in Edinburgh. The NWCU, headed by Chris Kerr, is a police-led unit set up to co-ordinate targeting and disruption of serious wildlife crime on a regional, national and international level. The structure and operations have been developed over the last four years and have been internationally commended and implemented as a model worldwide.

The unit, based at North Berwick Police Station, in Lothian and Borders, will gather, analyse and co-ordinate wildlife crime intelligence and support the enforcement activities of police and HM Revenue and Customs (HMRC) officers in the UK, as well as liaise with enforcement agencies in other jurisdictions. A new pro-active arm, incorporating Operation Artemis and staffed by Investigative Support Officers, will improve the impact of the Unit's efforts and directly support Police Wildlife Crime Officers across the UK Police Service. For more information, go to www.nwcu.police.uk

The RSPB would like to thank the NWCU for all its co-operation and assistance in providing details of wild bird offences, and believes the development of this unit will be crucial to tackling a number of serious wildlife crime issues, such as bird of prey persecution and illegal poisoning. The RSPB believes that the NWCU needs to be put on a sound financial footing for the long term, instead of the current yearly contractual basis. This approach would enable the unit to develop its strategic objectives effectively, which will be crucial in enabling enforcement agencies to tackle serious wildlife crime issues.

Partnership for Action Against Wildlife Crime (PAW)

The Partnership for Action Against Wildlife Crime (PAW), chaired by Defra and the police, is a multi-agency body that provides an opportunity for statutory and non-statutory bodies to work together to combat wildlife crime.

A significant development in 2004 was the identification of conservation priorities for focusing the work of the enforcement authorities. The government's Joint Nature Conservation Committee (JNCC), in consultation with the statutory nature conservation organisations, identified these priorities, which include four areas. The priority areas for enforcement put forward involve hen harrier persecution; bats; trade in species on Annex A of the European regulations implementing the Convention on International Trade of

Wild Fauna and Flora (CITES); and Sites of Special Scientific Interest (SSSI) damage. The freshwater pearl mussel was added to the list in 2006 as a priority for enforcement action.

Operation Artemis

Operation Artemis, launched in 2004, was intended to tackle the ongoing systematic persecution of hen harriers. This project, now managed by the NWCUC, still appears to have little support from the shooting community (after two years of awareness raising) with no significant indication of any reduction in hen harrier persecution. The RSPB has become increasingly concerned that the project has lost some of its focus and that more co-ordinated enforcement effort is required to tackle this serious conservation issue and related offences against birds of prey and other wildlife.

Breeding figures of hen harriers in England in 2006 showed there were 22 breeding pairs, 10 of which bred successfully, producing 36 fledged young (cf 2005 – 19 breeding pairs, 15 of which bred successfully producing 33 fledged young). Two of the successful nests in 2006 were helped by providing supplementary food for the chicks after the adult males mysteriously disappeared.

PAW, Northern Ireland

In 2006, following an initiative taken by the RSPB, a PAW Northern Ireland Working Group was formed by John Milburne from the Biodiversity Unit of the Environment and Heritage Service. The Group will consist of representatives of PAW Partner organisations from both statutory and non-statutory bodies, and any relevant NI organisations.

The Group aims to aid better compliance with wildlife and habitats legislation in Northern Ireland as part of PAW. Its objectives include:

- to raise awareness of wildlife crime and legislation with the public, through appropriate publicity and other initiatives.
- To raise awareness of wildlife crime issues with relevant agencies and the judiciary, through training, development and provision of practical advice and other initiatives.
- To establish a Northern Ireland network of contact points to provide advice, information and expertise in order to encourage and ensure compliance with wildlife and habitats legislation.
- To contribute to the collection of wildlife crime information for submission to a Northern Ireland wildlife crime database and the National Wildlife Crime Unit, in compliance with relevant data protection legislation.
- To lobby for amendments to existing legislation with the specific aim of improving enforcement.
- To liaise with relevant organisations in Ireland including the National Parks and Wildlife Service, the Garda and the Irish Raptor Study Group.

PAW Northern Ireland will meet at least three times each year, to dovetail with PAW Steering Group meetings which occur in January, May and September. The Northern Ireland Regional Office of the RSPB provides the Secretariat Support. A formal launch of PAW Northern Ireland took place on 24 April 2007 at Stormont.

PAW poisoning sub-group

Despite the continuing widespread nature of illegal wildlife poisoning and the severe problems it poses for a number of birds of prey and other wildlife, the number of individuals prosecuted for wildlife poisoning has remained very small, highlighting a need for more effective enforcement to support the government Campaign Against Illegal Poisoning (CAIP). The high figures of wildlife poisoning in 2006 emphasize just how serious this problem remains.

Following representations by the RSPB to PAW, it was agreed that a new Poisoning Sub-Group would be set up under the umbrella of the existing PAW Police and Customs Working Group. The project manager is Peter Karner of Natural England, supported by representatives from a range of government and non-government agencies, and the group will seek to improve the enforcement of these serious offences.

Paw Partner of the Year Award

In February 2006, at the PAW Annual Open Seminar held at London Zoo, Biodiversity Minister Jim Knight presented the Partnership for Action Against Wildlife Crime (PAW) Partner of the Year Award to Steven Broad, Executive Director of TRAFFIC International. In his speech, the Minister commended TRAFFIC International for its professionalism, integrity and impartiality.

Police Wildlife Crime Officers

The majority of police forces now have at least one WCO to deal with the police response to reports of wildlife crime. Most WCOs carry out their wildlife role in addition to their regular duties. There are now over 700 WCOs across the UK; however, not all are employed on a full-time basis. The RSPB would like to see an increase in the number of full-time officers.

In 2006, the Police Service of Northern Ireland (PSNI) created a full-time civilian Wildlife Liaison Officer post to co-ordinate the service's response to wildlife crime. The RSPB looks forward to working with the new post holder, who took up the role on the 2 April 2007 and is based at PSNI Headquarters.

The 18th annual UK Police and Customs Wildlife Enforcement conference took place at the University of Northampton from 6 to 8 September 2006 (Wednesday to Friday). Over 130 delegates attended, representing police forces across the UK, government departments and voluntary organisations with an interest in wildlife law enforcement. The conference included a mix of case studies, and workshops covered topics such as the 'Lim Orchid Case' and a presentation from the recently appointed Interpol Wildlife Crime

Officer. Workshops included the use of firearms and CITES/plants issues.

The PAW National WCO Foundation course, organised by Warwickshire, South Wales and Ministry of Defence police forces, ran on several occasions in 2006. These week-long training courses give WCOs the opportunity to receive instruction from a range of agencies, including the RSPB, on a wide variety of wildlife crime issues. More courses are planned for 2007.

The 2006 Wildlife Enforcer of the year

David Cowdrey (Director of WWF Wildlife Trade Campaign) and Richard Brunstrom (Chief Constable, North Wales Police) presented the 2006 award to PC Paul Henery of Northumbria Police at the Police and Customs Wildlife Enforcement Conference in September 2006. On commending Paul, his nominating officer said: 'PC Henery is an extremely dedicated, committed and professional WCO who has gained experience in dealing with wildlife crime over a number of years. He is supportive of partner agencies and police colleagues in carrying out his duties, and has done much to raise awareness of wildlife crime locally and nationally.'

The RSPB would also like to acknowledge Paul's long-term commitment to tackling wildlife crime, and, consequently, it is of great disappointment that Paul has subsequently been removed from his post, which is to be civilianised. The RSPB believe this restructuring exercise is short-sighted and has resulted in the loss of one of the leading WCOs in the UK.

A special 'Lifetime Achievements Award' was also presented to Alan Stewart who is Tayside Police's Wildlife and Environment Officer.

RSPB online reporting success

The RSPB strongly encourages the reporting of crimes against wild birds and other wildlife. In 2006, the RSPB launched a new online facility, enabling people to report wild bird crimes quickly and easily via the RSPB's website. This is to support usual reporting methods to the statutory agencies and was hoped to appeal to witnesses who might otherwise be discouraged from speaking directly with police or RSPB.

Since its launch the Unit has received over 200 incident reports via the website, proving it is a successful way to encourage people to report incidents of wild bird crime. Online reporting as well as co-ordination with the NWCUC in 2006 has meant that a much higher percentage of witnessed offences are actually reported and acted upon, and it is hoped its success will continue. To view the form, go to www.rspb.org.uk/policy/wildbirdslaw/report.asp

***Legal Eagle* celebrates 50th edition**

With a circulation of more than 2,300 copies, *Legal Eagle* has become the most regular source of information on wildlife crime for Wildlife Crime Officers (WCOs), prosecutors and many others. The first *Legal Eagle* newsletter rolled off the press back in July 1993 and continues to go from strength to strength, celebrating its 50th edition in October 2006.

The 50th edition had accolades from a wide range of *Legal Eagle* readers, past and present, with Richard Brunstrom, Chief Constable, North Wales Police and ACPO lead officer on wildlife and environmental crime, commenting: 'I wish to congratulate *Legal Eagle* on reaching its 50th edition. The magazine is an invaluable source of up-to-date information on bird crime-related issues, read avidly by all in the business. The fact that the magazine has grown in size since its launch has mirrored the continued successes in wildlife crime enforcements, something of which all concerned should be extremely proud. Keep up the good work!'

***Peak Malpractice* update**

Birdcrime 2005 outlined a hard-hitting RSPB report into the disappearance of birds of prey in some areas of the Peak District over a ten-year period. Disappointingly, 2006 saw no end to this problem, with the worst year of recorded incidents to date from the Peak District. The document called for statutory agencies, voluntary groups and landowners to protect wild birds and tackle any criminal activity against wildlife with vigour and determination. Despite our plea, bird of prey persecution continued unabated during 2006.

This has driven our decision to publish *Peak Malpractice: an update 2007*, which gives an account of the continuing persecution in the Dark Peak in 2006, and renews the RSPB's call to all those involved in the Peak District to join together in condemning this shameful persecution, and press for the effective enforcement of the law.

Scottish forum launched

The Wildlife and Habitats Crime Forum, which was created in 2006, is chaired by Mr Tom Dysart, the Procurator Fiscal for Dumfries and Galloway. Representatives of the RSPB, SSPCA and SNH, together with justice, police and prosecuting authorities, meet to exchange information and specialist knowledge and to discuss issues to ensure that justice is done in wildlife cases.

The first half of meetings are concerned with updates and presentations from organisations and individuals, with a more formal second half concerning agenda items such updates on legislation,

issues from cases and sentences for wildlife offences. The RSPB hopes this forum will help address many of the concerns raised by the RSPB in its report *Getting away with it*, published in 2005, and looks forward to continuing to contribute to this vital forum.

New arrest powers for all wildlife offences

As from 1 January 2006, Section 110 of the Serious and Organised Crime Act 2005 brought in new powers of arrest for all offences in England and Wales. This makes arrest possible under Section 24 of the Police and Criminal Evidence Act 1984 (PACE) for any offence if one of a number of conditions apply. The power of arrest needs to be justified and exercised in a non-discriminatory and proportionate manner. This power was exercised on numerous occasions during 2006 during the investigation of wildlife offences. The RSPB believe these new powers of arrest have improved the ability to investigate many wildlife offences, though we have some concerns about lack of consistency in their use between different police forces in England and Wales.

Natural Environment and Rural Communities Act

This Act, which extends to England and Wales, established Natural England as an entity, evolving from English Nature, parts of the Countryside Agency, and most of the Rural Development Service. In May and October 2006, new enforcement provisions were brought into the Wildlife and Countryside Act 1981 (WCA), these included:

- year-round protection for nests of golden eagles, ospreys and white-tailed eagles.
- Improved police power of entry onto premises and for the taking of samples for forensic testing. There were also new powers of entry, inspection, seizure, and requirement for provision of information regarding composition and effects of substances found on premises, or to make specimens as defined in the act available for examination, for Wildlife Inspectors.
- New time limits for bringing prosecutions for summary offences under Part II WCA and improvements to SSSI legislation.
- Extra protection for captive-bred birds released as part of a re-introduction or re-population programme.
- A new offence relating to the sale, offer or exposure for sale or possession or transportation for the purpose of sale, of invasive non-native species (not yet listed).
- A new offence of possession of certain pesticides unless it can be shown that possession was for lawful use in accordance with relevant legislation. Defra will consult during 2007 on which pesticides should be listed.
- Clarification of the definition of 'plant'.
- Codes of practice relating to non-native species and Wildlife Inspectors.

- The existing powers of entry under warrant in section 19(3) of the WCA have been extended to the Destructive Imported Animals Act 1932, the Conservation of Seals Act 1970, the Deer Act 1991 and the Protection of Badgers Act 1992.

A duty was imposed on public authorities in the exercise of its functions to have regard, so far as is consistent with the proper exercise of those functions, for the purpose of conserving biodiversity.

The full text of the Act, together with Explanatory Notes, is available from the Office of Public Sector Information (OPSI). An electronic version of both documents can be accessed at:
www.opsi.gov.uk/acts/acts2006.htm

Schedule 4 update

Schedule 4 listing, under Section 7 of the WCA, makes it a requirement for certain species of bird in captivity to be ringed and registered with Defra. Its objective is to give an extra tier of protection to rare birds by acting as a deterrent against illegal taking, and by creating a system whereby the enforcement authorities can check the legality of birds held in captivity.

Birdcrime 2005 outlined the slow progress following the review of the registration scheme in 2003. JNCC, the government's scientific advisers, had produced a report reviewing the criteria for including birds on Schedule 4 and proposed the retention of high value native species such as the goshawk and the peregrine, plus the addition of a number of threatened 'exotics', such as the Bali starling and Lear's macaw.

In November 2006, Defra launched a consultation on the future of the registration scheme, apparently in response to a government drive to reduce the regulatory burden on small businesses. One of the five options proposed is the abolition of the registration scheme. The RSPB is very disappointed that the future of the scheme is again in doubt so soon after the outcome of the 2002 consultation when Defra agreed, following overwhelming support from consultees, that registration would be retained.

The RSPB believes the recent consultation significantly downplays the enforcement value of the registration scheme and its pivotal role when used in conjunction with DNA profiling. Prosecution records from the RSPB's unique database shows that convictions of illegal falconers for offences involving wild peregrines and goshawks were averaging around four per year from 1980 to 1992, when the first case using DNA profiling was brought to court. Since the last DNA case in 1998, such convictions have averaged just under one per year. There has also been an overall reduction in the taking of eggs and chicks of peregrines from the wild. We believe this dramatically highlights the deterrent value of this investigative approach and that losing

registration risks an increase in nest robberies. The RSPB has made a formal complaint concerning the consultation process. The outcome of this consultation itself is expected in 2007.

COTES update

Birdcrime 2005 outlined the disappointing progress following the COTES consultation which concluded in 2003. It was hoped the process would be completed in 2006; however, the saga has continued and it is hoped new COTES regulations will finally appear some time in 2007.

New poisoning legislation in Scotland

The Nature Conservation (Scotland) Act 2004/Possession of Pesticides (Scotland) Order 2005 strengthened section 15A of the Wildlife and Countryside Act 1981 by making it an offence to be in possession of any pesticide containing one or more proscribed active ingredients, unless it can be proved that the chemicals were being used for the prescribed purpose. These chemicals are extremely hazardous, and a clear danger to the public, wildlife and pets.

Encouragingly, this new legislation came into immediate effect in 2006, and five individuals, including three gamekeepers, appeared in court. This related to offences concerning the unlawful possession of the proscribed pesticides carbofuran, strychnine, alphachloralose and Cymag. RSPB Scotland has welcomed the fact that this legislation is being used, as the illegal stockpiling of a range of highly dangerous pesticides for use in wildlife poisoning has been a persistent problem. It was therefore extremely disappointing that courts only awarded fines up to £100 for each offence. The RSPB would like to see much stronger deterrent sentences.

Strychnine banned

The use of strychnine (strychnine hydrochloride) for mole control ended on the 1 September 2006 as a new EU law was put in place to regulate a wide range of poisons, to ensure they are safe to use and have no harmful impact on the environment.

Manufacturers of strychnine failed to provide scientific evidence to prove it is safe, so an appeal to the EU by the government provided the only opportunity to allow the poison to be used in Britain. Fortunately, the EU countries joined the European Commission in unanimously rejecting the UK's appeal. In a letter to the British Health and Safety Executive, the Commission stated that with immediate effect strychnine could no longer be sold or stored in the UK. Those who have been granted government licenses to use the poison now have to use other methods.

Strychnine has a history of abuse in wildlife poisoning cases. The greatest number of incidents occurred in the 1970s and 1980s. In particular, birds of prey such as peregrines, merlins, red kites and buzzards were victims, and the RSPB welcomes the banning of such a lethal and dangerous substance.

EU bans Wild Bird Trade for good

The EU has banned permanently the import of wild-caught birds, saving up to two million wild birds annually from the pet trade. The ban came into effect on 1 July 2007. A temporary ban had been introduced in October 2005 after some silver-eared mesias at an Essex quarantine centre, believed to have been imported from Taiwan, were found to have the deadly H5N1 strain of avian influenza. The ban was made permanent on disease prevention grounds following an assessment by the European Food Standards Agency (EFSA) that imports of wild-caught birds risked the introduction of diseases such as avian influenza and Newcastle disease.

For over 20 years, the RSPB has campaigned for a permanent ban to the import of wild birds unless, on a species by species basis, it can be demonstrated that the trade does not threaten the conservation of birds in the wild, or pose risks to human health or native wildlife in importing countries. According to BirdLife International, the IUCN red-listing authority for birds, the international trade in wild birds is a significant factor in the decline of 55 globally threatened birds.

However, the trade affects many more species than those that are in most imminent danger of extinction. For example, in spite of over twenty years of CITES listing supposed to protect the species from over-exploitation, the African grey parrot has now declined in most of the 23 countries in which it is found, to the extent that it may soon warrant globally threatened status.

Prime Minister Tony Blair wrote to the RSPB in December 2006, promising to press the rest of the EU to make the temporary ban on the trade permanent. In the letter he said, 'The RSPB's campaign has graphically demonstrated that the catching and transportation of wild birds causes unacceptable levels of suffering to the birds and can have a damaging impact on their wild populations.'

The RSPB's Chief Executive, Graham Wynne, said, 'The trade has been a blight on the EU's conservation and welfare record for far too long and this ban comes none too soon. Now, every European government must ensure that the ban is properly policed, that quarantine rules are fully enforced and that there is no opportunity for unscrupulous traders to bend any part of the new law.'

The new regulation contains exemptions that allow, for example, the import of wild birds for zoos and scientific research, and for approved

conservation projects subject to certain quarantine restrictions. Captive-bred birds will be allowed in only from certain approved breeding centres in a limited number of certified countries. UK legislation implementing the EU regulation will be introduced some time in 2007.

Staff changes at RSPB Investigations

2006 saw the departure of Keith Morton and Dave Dick from the RSPB Scotland Investigations Unit. Combined, the two have dedicated over 37 years to the Investigations team. In July, Keith moved to another post in the RSPB, becoming a Species Communications Officer, and Dave, after 22 years, has left the RSPB to seek new challenges and continue his lifelong passion for birds of prey.

New staff to arrive includes Senior Investigations Officer Bob Elliot and Investigations Officer Ian Thomson. Bob has worked for the National Trust in the Farne Islands, St Kilda, Glencoe, Canna, and most recently at Loch Lomond, and Ian has worked as a warden at Aberlady Bay for over 15 years.

Appendix I – Incidents reported to the RSPB 2001–2006

Incident type	2001	2002	2003	2004	2005	2006
Shooting & destruction of birds of prey	123	168	151	134	149	185
Taking and sale of birds of prey (including illegal possession)	35	42	34	17	31	39
Poisoning & use of poisoned baits	80	105	95	114	94	182
Import & export of live or dead birds	3	5	2	4	1	2
Shooting & destruction of non-birds of prey	135	124	131	118	235	475
Taking and sale of non-birds of prey (including illegal possession)	51	33	36	23	39	66
Taxidermy & possession of dead birds	9	3	4	11	15	7
Egg collecting & egg thefts	76	83	79	73	54	72
Sale of eggs	5	1	3	9	12	6
Photography & disturbance of Schedule 1 birds	10	20	32	11	23	23
Other	40	76	52	40	73	52
Total	567	660	619	554	726	1109
UK breakdown for 2006						
England						627
Scotland						300
Wales						142
Northern Ireland						12
Not specified						28
						1109

Note: reported incident totals for previous years may have increased due to a number of belated reports received after the publishing date for the *Birdcrime* of that year.

Appendix II – Regional breakdown of incidents reported in 2006

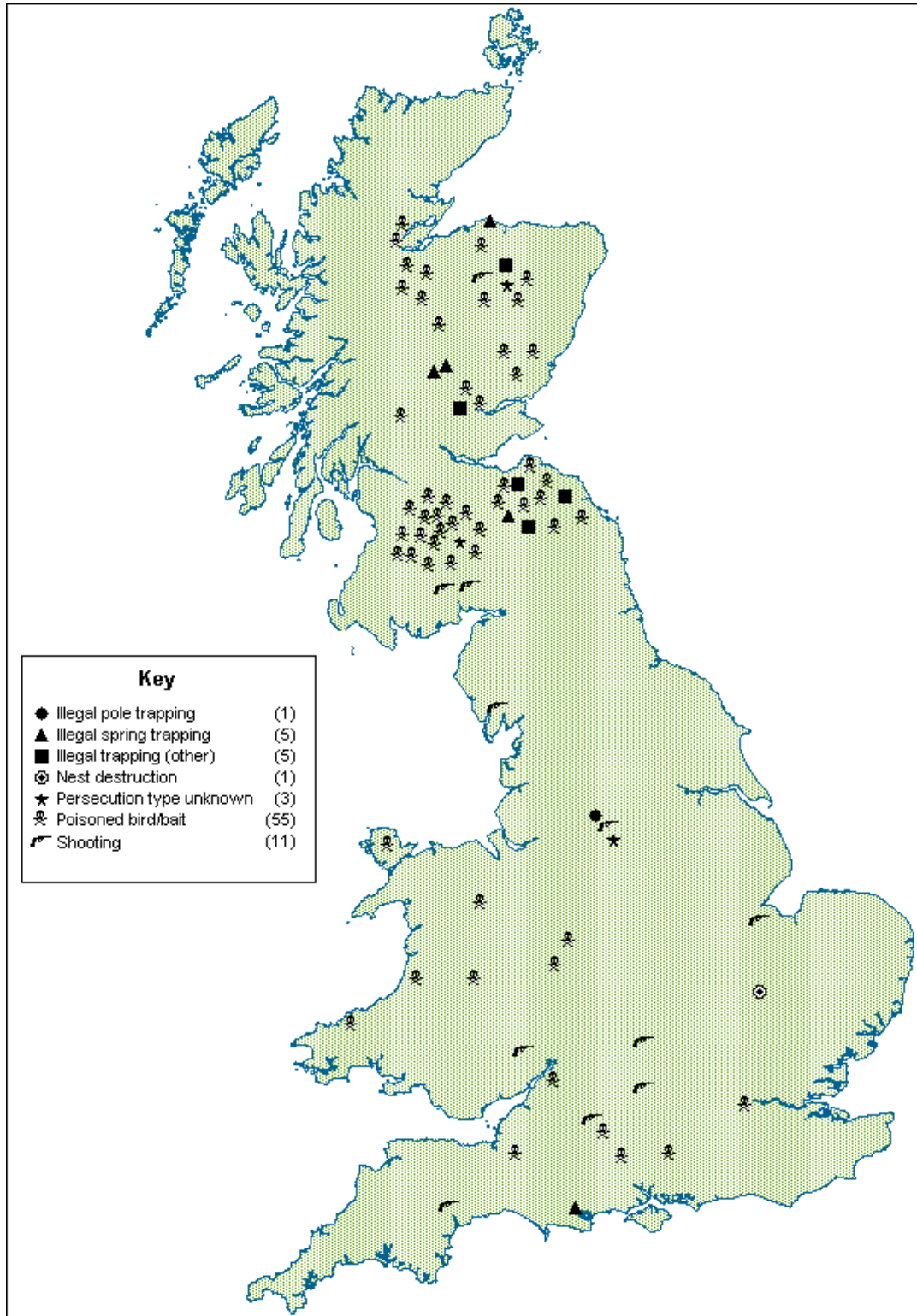
Region	County	Birds of prey or owls	Other	Overall total
Central England	Bedfordshire	3	3	6
	Berkshire	2	6	8
	Buckinghamshire	1	6	7
	Gloucestershire	4	8	12
	Hereford & Worcester	3	4	7
	Hertfordshire	2	11	13
	Leicestershire	2	6	8
	Northamptonshire	1	5	6
	Oxfordshire	6	5	11
	Warwickshire	8	12	20
	West Midlands	0	6	6
	Total		32	72
Eastern England	Cambridgeshire	3	12	15
	Essex	1	5	6
	Lincolnshire	11	29	40
	Norfolk	6	14	20
	Suffolk	1	8	9
	Total		22	68
Northern England	Cleveland	1	11	12
	Cumbria	9	11	20
	Durham	5	9	14
	Humberside	4	3	7
	North Yorkshire	17	18	35
	Northumberland	11	13	24
	Tyne and Wear	1	3	4
	Total		48	68
North West England	Cheshire	2	30	32
	Derbyshire	15	7	22
	Greater Manchester	1	8	9
	Isle of Man	0	2	2
	Lancashire	10	13	23
	Merseyside	1	3	4
	Nottinghamshire	2	11	13
	Shropshire	6	5	11
	South Yorkshire	7	12	19
	Staffordshire	2	5	7
	West Yorkshire	5	10	15
	Total		51	106
South East England	East Sussex	0	7	7
	Greater London	2	15	17
	Hampshire	3	7	10
	Kent	2	28	30
	Isle of Wight	3	0	3
	Surrey	0	4	4
	West Sussex	1	2	3
	Total		11	63

Appendix II – Regional breakdown of incidents reported in 2006 (continued)

Region	County	Birds of prey or owls	Other	Overall total
South West England	Avon	1	3	4
	Cornwall	3	5	8
	Channel Islands	0	1	1
	Devon	10	16	26
	Dorset	5	10	15
	Somerset	3	5	8
	Wiltshire	5	4	9
	Total		27	44
Wales	Clwyd	11	41	52
	Dyfed	8	8	16
	Gwent	3	6	9
	Gwynedd	5	31	36
	Mid Glamorgan	4	15	19
	Powys	3	4	7
	South Glamorgan	2	1	3
	West Glamorgan	1	0	1
Total		37	106	143
Northern Ireland	Armagh	1	0	1
	Down	3	1	4
	Tyrone	2	2	4
	Total	6	3	9
East Scotland	Fife	2	8	10
	Grampian	21	17	38
	Tayside	27	16	43
	Total	50	41	91
North Scotland	Highland	30	15	45
	Orkney Islands	0	1	1
	Shetland Islands	0	1	1
	Total	30	17	47
South & West Scotland	Borders	30	20	50
	Central	3	4	7
	Dumfries & Galloway	28	5	33
	Lothian	14	13	27
	Strathclyde	34	9	43
	Total	109	51	160

Note: incidents where the location was only given as 'England', 'Northern Ireland', 'Scotland', 'Wales' or 'United Kingdom' were not included.

Appendix III – Distribution of confirmed bird of prey and owl persecution incidents 2006



Note: the number of incidents marked on the map is fewer than the actual number reported because not all incidents can be allocated a grid reference. Where more than one incident has been reported in the same 10-km grid square, the relevant symbols have been moved slightly for clarity.

Appendix IV – Confirmed and probable bird of prey and owl persecution during 2006

Persecution type	Month	Species	No. birds/nests involved		County	
			Confirmed	Probable		
Shooting	January	Barn owl	-	1	South Yorkshire	
		Buzzard	-	1	Warwickshire	
		Buzzard	-	1	Grampian	
		Kestrel	-	1	South Yorkshire	
	February	Buzzard	1	-	Gwent	
		Kestrel	1	-	Cumbria	
	March	Peregrine	1	-	Dumfries & Galloway	
	April	Buzzard	1	-	Dumfries & Galloway	
		Buzzard	4	-	Grampian	
		Buzzard	-	1	Cumbria	
		Buzzard	-	1	Tayside	
		Buzzard	1	-	Wiltshire	
		Hen harrier	-	1	Northumberland	
		Kestrel	-	1	North Yorkshire	
		Peregrine	-	2	Dumfries & Galloway	
		Sparrowhawk	-	1	South Yorkshire	
		May	Peregrine	-	2	Dumfries & Galloway
			Peregrine	1	-	South Yorkshire
			Sparrowhawk	-	1	Oxfordshire
		June	Buzzard	1	-	Oxfordshire
			Buzzard	2	-	Hampshire
	July	Kestrel	1	-	Devon	
	August	Buzzard	-	1	Tyrone	
		Sparrowhawk	-	1	Lothian	
	September	Buzzard	1	-	Dumfries & Galloway	
		Peregrine	1	-	Down	
		Sparrowhawk	-	1	Northamptonshire	
	October	Peregrine	-	1	Highland	
	November	Sparrowhawk	1	-	Lincolnshire	
Unspecified	Buzzard	-	?	Clwyd		
	Tawny owl	-	1	Humberside		
		Total	17	19		

Persecution type unknown	April	Buzzard	1	-	Strathclyde
		Buzzard	9	-	Grampian
	May	Goshawk	-	2	Derbyshire
		Buzzard	-	1	Highland
		Goshawk	1	-	Derbyshire
	December	Hen harrier	-	2	Northumberland
		Hen harrier	-	1	Northumberland
			Total	11	6

Reported offences against wild bird legislation in 2006

Persecution type	Month	Species	No. birds/nests involved		County
			Confirmed	Probable	
Illegal spring trapping	January	Falconiformes	?	-	Dorset
	February	Buzzard	1	-	Tayside
	April	Peregrine	?	-	Tayside
	August	Falconiformes	?	-	Borders
	October	Buzzard	-	1	Borders
	November	Buzzard	?	-	Grampian
	Total			1	1

Illegal pole trapping	January	Peregrine	1	-	West Yorkshire
	Total		1	0	

Illegal trapping (other)	April	Falconiformes	?	-	Tayside
		Buzzard	1	-	Grampian
	May	Falconiformes	-	?	Borders
	July	Goshawk	?	-	Borders
	August	Falconiformes	?	-	Borders
		Falconiformes	?	-	Borders
	Buzzard	-	1	Tayside	
Total			1	1	

Nest destruction	April	Barn owl	1	-	Cambridge
		Buzzard	-	1	Tayside
		Buzzard	-	1	Tayside
		Peregrine	-	1	Lothian
		Peregrine	-	2	Lothian
		Peregrine	-	5	Borders
		Peregrine	-	1	Dumfries & Galloway
		Peregrine	-	1	Dumfries & Galloway
	May	Hen harrier	-	1	Northumberland
		Peregrine	-	1	Dumfries & Galloway
		Total	1	14	

Probable – The evidence points to an illegal act as by far the most likely explanation, but the proof of the offence is not categorical.

? – No bird found, but the most likely/known target is listed.

Appendix V – Confirmed poison abuse incidents during 2006

Month	Victim	No. victims	Poison	County	Bait
January	Raven	1	Carbofuran	Highland	-
January	Fox	1	Paraquat	West Yorkshire	-
January	Dog	1	Paraquat	West Yorkshire	-
February	Buzzard	1	Carbofuran	Highland	-
February	Raven	1	Carbofuran	Strathclyde	-
February	Raven	1	Carbofuran	Borders	-
February	Buzzard	1	Carbofuran	Borders	-
February	Buzzard	1	Carbofuran	Borders	Hare x 1
February	-	?	Carbofuran	Borders	Hare x 1
February	Raven	1	Carbofuran	Highland	-
February	Red Kite	1	Carbofuran	Highland	-
February	Buzzard	1	Carbofuran	Borders	Hare x 1
February	Chaffinch	2	Alphachloralose	Tyrone	-
February	Rook	7	Alphachloralose	Tyrone	-
February	Buzzard	1	Phorate	Somerset	-
February	Fox	1	Bromadiolone	Essex	-
March	Buzzard	1	Carbofuran	Strathclyde	-
March	-	?	Carbofuran	Strathclyde	Pigeon x1
March	Buzzard	2	Alphachloralose	Wiltshire	-
March	Magpie	1	Alphachloralose	Wiltshire	-
March	Buzzard	1	Carbofuran	Central	1
March	-	?	Carbofuran	Highland	Rabbit x 1
March	-	?	Carbofuran	Tayside	Meat x 1
March	Carrion crow	1	Bendiocarb	Cheshire	Rabbit x 1 (?)
March	Dog	1	Bendiocarb	Cheshire	Rabbit x 1 (?)
March	Magpie	1	Bendiocarb	Cheshire	Rabbit x 1 (?)
March	Raven	1	Bendiocarb	Cheshire	Rabbit x 1 (?)
March	Fox	1	Carbofuran	Kent	-
March	Buzzard	1	Bromadiolone	Dyfed	-
March	Buzzard	1	Difenacoum	Powys	-
March	Buzzard	1	Bromadiolone	Mid Glamorgan	-
April	Buzzard	1	Alphachloralose	Wiltshire	-
April	Raven	1	Carbofuran	Derbyshire	-
April	Buzzard	2	Carbofuran	Borders	-
April	Peregrine	1	Alphachloralose	Gwynedd	Pigeon x 1
April	Buzzard	1	Alphachloralose	Tayside	-
April	Red kite	1	Carbofuran	Highland	-
April	Red kite	1	Carbofuran	Highland	-
April	Buzzard	1	Alphachloralose	Tayside	-
April	Tawny owl	1	Alphachloralose	Tayside	-
April	Buzzard	1	Aldicarb	Shropshire	-
April	Buzzard	1	Aldicarb	Staffordshire	-
April	Dog	2	Aldicarb	Devon	-
April	Cat	1	Aldicarb	Nottinghamshire	-
April	Buzzard	1	Carbofuran	Tyrone	-
April	-	?	Methomyl	Greater London	Meat x 1
April	Red kite	1	Alphachloralose	Dyfed	-
April	Buzzard	1	Bromadiolone	Hampshire	-
April	Grey squirrel	1	Bromadiolone	Hampshire	-
April	Peacock	1	Difenacoum	Cambridgeshire	-

Note: items grouped in grey shading refer to one incident involving more than one species.

Appendix V – Confirmed poisoning abuse incidents during 2006 (continued)

Month	Victim	No. victims	Poison	County	Bait
April	Barn owl	1	Difenacoum	Northumberland	-
May	Carrion crow	1	Carbofuran	Highland	Rabbit x 1
May	Raven	1	Carbofuran	Highland	-
May	Buzzard	1	Carbofuran	Highland	-
May	Golden eagle	1	Carbofuran	Grampian	-
May	Common gull	1	Aldicarb	Grampian	Egg x 1
May	Raven	1	Aldicarb	Grampian	Egg x 1
May	-	?	Aldicarb	Grampian	Egg x 1
May	Dog	1	Unknown	Devon	Fish x 1
May	-	?	Carbofuran	Strathclyde	Rabbit x 1
May	-	?	Carbofuran	Strathclyde	Rabbit x 1
May	-	?	Carbofuran	Strathclyde	Egg x 3
May	Raven	1	Mevinphos/phosdrin	Highland	-
May	-	?	Carbofuran	Tayside	Rabbit x 1
June	Buzzard	1	Carbofuran	Strathclyde	-
June	-	?	Carbofuran	Strathclyde	Rabbit x 1
June	-	?	Carbofuran	Strathclyde	Rabbit x 1
June	-	?	Carbofuran	Strathclyde	Pheasant x 3
June	-	?	Carbofuran	Strathclyde	Rabbit x 1
June	Red kite	1	Carbofuran	Highland	-
June	Golden eagle	1	Carbofuran	Highland	-
June	Peregrine	1	Carbofuran	Grampian	-
June	-	?	Carbofuran	Tayside	Pigeon x 1
July	Dog	1	Gamma HCH	Tayside	-
July	Dog	1	Aldicarb	North Yorkshire	-
July	Jackdaw	1	Aldicarb	Durham	-
July	Magpie	2	Aldicarb	Durham	-
July	Dog	1	Bromadiolone	Gloucestershire	-
August	Cat	2	Aldicarb	Cumbria	-
September	Buzzard	1	Carbofuran	Dumfries & Galloway	Rabbit x 1
September	Red kite	1	Alphachloralose	Powys	Pheasant x 1
September	Buzzard	1	Unknown	Down	-
September	Buzzard	2	Carbofuran	Strathclyde	-
September	Buzzard	1	Carbofuran	Borders	-
September	Buzzard	1	Carbofuran	Strathclyde	-
September	Buzzard	1	Carbofuran	Strathclyde	-
September	Buzzard	1	Carbofuran	Strathclyde	-
September	Buzzard	1	Carbofuran	Strathclyde	Rabbit x 1
September	Dog	1	Metaldehyde	Leicestershire	-
September	Buzzard	1	Alphachloralose	Gloucestershire	-
September	Buzzard	1	Alphachloralose	Armagh	-
September	Buzzard	1	Carbofuran	Borders	-
October	Buzzard	1	Carbofuran	Borders	-
October	Buzzard	1	Carbofuran	Borders	-
October	Buzzard	1	Carbofuran	Grampian	Rabbit x 1
October	Carrion crow	1	Carbofuran	Grampian	Rabbit x 1
November	Red kite	1	Alphachloralose	Clwyd	-

Note: items grouped in grey shading refer to one incident involving more than one species.

Appendix VI – Schedule 1 nest robberies during 2006

Confirmed

Species	No. of nests	Nest content	County
Avocet**	4	Eggs	Lincolnshire
Barn owl*	1	Eggs	Warwickshire
Chough**	1	Eggs	Gwynedd
Golden eagle**	1	Eggs	Highland
Golden eagle**	1	Eggs	Strathclyde
Osprey**	1	Eggs	Highland
Osprey**	1	Eggs	Highland
Peregrine **	1	Eggs	Cumbria
Peregrine **	1	Eggs	Shropshire
Peregrine **	1	Eggs	Shropshire
Peregrine **	1	Eggs	North Yorkshire
Peregrine **	1	Eggs	North Yorkshire
Peregrine **	1	Chicks	Borders
Peregrine **	1	Chicks	Staffordshire
Peregrine **	1	Chicks	West Yorkshire
Peregrine **	1	Chicks	South Yorkshire
Peregrine **	1	Chicks	Strathclyde
Peregrine **	1	Chicks	Strathclyde
Red-throated diver **	1	Eggs	Highland
Slavonian grebe **	1	Eggs	Grampian
Stone curlew *	1	Eggs	Suffolk
23			

Probable

Species	No. of nests	Nest Content	County
Peregrine **	1	Eggs	Borders
Peregrine **	1	Eggs	Cumbria
Peregrine **	1	Eggs	North Yorkshire
Peregrine **	1	Eggs	North Yorkshire
Peregrine **	1	Chicks	Lothian
Peregrine **	1	Chicks	Dumfries & Galloway
Peregrine **	1	Chicks	Cornwall
Red kite **	1	Chicks	Merthyr Tydfil
Roseate tern *	1	Eggs	Northumberland
9			

* Red-listed species of high conservation concern.

** Amber-listed species of medium conservation concern.

From Gregory *et al* (2002). *The population status of birds in the United Kingdom, Channel Islands and Isle of Man: an analysis of conservation concern 2002–2007*. *British Birds* 95: 410-450.

Probable – The available evidence points to an illegal act as by far the most likely explanation, but the proof of the offence is not categorical.

Appendix VII – Bird-related prosecutions in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
01/06	Wildlife & Countryside Act 1981	1(1)(A)	2	CPS	Pwllheli Magistrates	James	G	G	Con Dis		Trapping and killing 5 blue tits and 3 great tits. Suspect was then feeding them to his pet snake.
01/06	Wildlife & Countryside Act 1981	5(1)(B)	1	CPS	Pwllheli Magistrates	James	G	G	Con Dis		Using an article to take a wild bird. The traps were confiscated and costs of £56 were paid.
10/01/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Enfield Magistrates	Motahamadani	G	G	Fine	£2500	Possessing 9 wild goldfinches, birds were confiscated and £6000 costs were paid.
10/01/06	Wildlife & Countryside Act 1981	5(1)(B)	1	RSPCA	Enfield Magistrates	Motahamadani	G	G	NSP		Using an article to take a wild bird. Traps were confiscated.
10/01/06	Wildlife & Countryside Act 1981	6(1)(A)	1	RSPCA	Enfield Magistrates	Motahamadani	G	G	NSP		Offering for sale 5 wild-caught goldfinches.
30/01/06	Wildlife & Countryside Act 1981	1(1)(A)	1	CPS	Unknown	Litter-John	NG	NG			Suspect charged with shooting 9 cormorants and owning a dangerous dog. Suspect only convicted on dangerous dog charges.
14/02/06	Wildlife & Countryside Act 1981	1(1)(A)	2	RSPCA	Sunderland Magistrates	Markham	G	G	Con Dis	1 year con dis	One charge of taking a kestrel from the wild and another for killing a house sparrow.
14/02/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Sunderland Magistrates	Markham	G	G	NSP		Possessing a wild kestrel. Defendant charged £260 in costs.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
16/02/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Uxbridge Magistrates	Berry	G	G	CSO	6 months youth referral order	Injuring a mute swan. Defendant ordered to pay £1161 in costs.
16/02/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Uxbridge Magistrates	Biggs	G	G	CSO	6 months youth referral order	Injuring a mute swan. Defendant ordered to pay £400 in costs.
17/02/06	Wildlife & Countryside Act 1981	18(2)	1	Fiscal	Stonehaven Sheriff	Marshall	G	G	Fine	£250	Possession of an item capable of being used for an offence, namely to take, injure or kill a hen harrier.
17/02/06	Wildlife & Countryside Act 1981	18(1)	1	Fiscal	Stonehaven Sheriff	Marshall	NG	NG			Defendant found not guilty of attempting to take, injure or kill a hen harrier.
17/02/06	Wildlife & Countryside Act 1981	1(5)(B) 21(1)	1	Fiscal	Stonehaven Sheriff	Marshall	NG	NG			Defendant found not guilty of disturbing dependant young of a Schedule 1 species.
17/02/06	Firearms Act 1968	20(2)	1	Fiscal	Stonehaven Sheriff	Marshall	G	G	Fine	£250	Trespassing with a firearm.
10/03/06	Wildlife & Countryside Act 1981	Exact charges unknown	?	Fiscal	Forfar Sheriff	Burgoyne	U	G	Fine	£500	A variety of charges relating to illegal possession of dead wild birds and taxidermy items, which had been shot.
23/03/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Peterhead Sheriff	Bruce	NG	NG			Defendant found not guilty of killing guillemots and razorbills in his fishing nets.
23/03/06	Protection of Animals Act 1911	1	1	Fiscal	Peterhead Sheriff	Bruce	NG	NG			Defendant found not guilty of abandoning the birds.
23/03/06	Protection of Animals Act 1911	1(1)(A)	1	Fiscal	Peterhead Sheriff	Bruce	G	G	Fine	£400	Doing an act that results in an animal suffering unnecessarily

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
23/03/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Peterhead Sheriff	Yule	NG	NG			Defendant found not guilty of killing guillemots and razorbills in his fishing nets.
23/03/06	Protection of Animals Act 1911	1	1	Fiscal	Peterhead Sheriff	Yule	NG	NG			Defendant found not guilty of abandoning the birds.
23/03/06	Protection of Animals Act 1911	1(1)(A)	1	Fiscal	Peterhead Sheriff	Yule	G	G	Fine	£400	Doing an act that results in an animal suffering unnecessarily
30/03/06	Wildlife & Countryside Act 1981	1(1)(A)	1	CPS	Norwich Magistrates	Ashton	NG	D			Charge of injuring wild birds discontinued.
30/03/06	Wildlife & Countryside Act 1981	1(1)(B)	2	CPS	Norwich Magistrates	Ashton	G	G	Con Dis	6 months	2 charges of damaging a house martin nest whilst it is still in use. Ordered to pay £100 costs.
03/04/06	Wildlife & Countryside Act 1981	8(1)	1	RSPCA	Nuneaton Magistrates	Ranshaw	G	G	Con Dis	1 year	Keeping or confining a sparrowhawk in cage not large enough to stretch its wings. Ordered to pay £150 costs.
10/04/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	3	CPS	Lincoln Magistrates	Lowes	U	G	Con Dis	2 years	3 charges of selling /purchasing/offering Annex A taxidermy specimens (long eared owl, tawny owl and barn owl). 15 other offences taken into consideration.
13/04/06	Wildlife & Countryside Act 1981	1(2)(B)	1	CPS	Cambridge Magistrates	Pecke-Vout	G	G	Fine	£2000	Possessing 69 eggs of wild birds including red-backed shrike, peregrine & corncrake.
13/04/06	Wildlife & Countryside Act 1981	6(1)(A)	1	CPS	Cambridge Magistrates	Pecke-Vout	G	G	Fine	£2000	Auctioneer offering 69 eggs of wild birds for sale.
13/04/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	1	CPS	Cambridge Magistrates	Pecke-Vout	G	G	Fine	£2000	Offering for sale Annex A species eggs, including peregrine, buzzard, sparrowhawk and little owl.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
26/04/06	Wildlife & Countryside Act 1981	1(2)(B)	1	CPS	Burnley Magistrates	Cunningham	G	G	Fine	£100	Possessing 13 wild bird eggs including redwing, chough and little tern.
26/04/06	Wildlife & Countryside Act 1981	1(2)(B)	1	CPS	Burnley Magistrates	Cunningham	G	G	Fine	£100	Possessing 19 wild bird eggs including storm petrel and sedge warbler.
26/04/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	5	CPS	Burnley Magistrates	Cunningham	G	G	Fine	£400	5 charges of offering for sale Annex A species (1 otter, 3 snowy owls, 2 kestrels, 1 west African dwarf crocodile). Ordered to pay £100 costs.
27/04/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Oxford Magistrates	Wilkinson	NG	G	Con Dis	1 year	Taking a wild goldfinch. Ordered to pay £600 in costs.
27/04/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Oxford Magistrates	Wilkinson	NG	G	NSP		Possession of an item capable of committing an offence.
08/05/06	Wildlife & Countryside Act 1981	6(1)(A)	1	Fiscal	Perth Sheriff	Harper	NG	G	Fine	£250	Offering for sale 13 wild bird eggs including kestrel egg.
08/05/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Elgin Sheriff	Scott	G	G	Fine	£200	Intentionally killing 2 buzzards.
10/05/06	Wildlife & Countryside Act 1981	1(2)(A)	1	Fiscal	Haddington Sheriff	Wilson	G	G	Fine	£1000	Possession of 2 wild siskins and a bullfinch.
10/05/06	Wildlife & Countryside Act 1981	18(2)	1	Fiscal	Haddington Sheriff	Wilson	G	G	NSP		Possession of an item capable of committing an offence.
10/05/06	Wildlife & Countryside Act 1981	1(5)(B)	1	Fiscal	Haddington Sheriff	Wilson	G	G	NSP		Using an article to take wild birds including 2 siskins, 2 chaffinches and a bullfinch.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
14/05/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Jedburgh Sheriff	Lowrie	G	G	Fine	£100	Possession of a proscribed pesticide: carbofuran.
14/05/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Jedburgh Sheriff	Paxton	G	G	Fine	£100	Possession of a proscribed pesticide: carbofuran.
14/05/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Jedburgh Sheriff	Paxton	G	G	Admon		Possession of a proscribed pesticide: Cymag.
17/05/06	Wildlife & Countryside Act 1981	1(1)(A)	1	CPS	Totnes Magistrates	Boughton	U	G	Con Dis	1 year	Shooting a herring gull. Ordered to pay £400 costs.
19/05/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Thames Magistrates	Rix	NG	G	Fine	£500	Possessing 6 wild goldfinches. Ordered to pay £500 costs.
19/05/06	Protection of Animals Act 1911	1(1)(A)	1	RSPCA	Thames Magistrates	Rix	U	G	NSP		Terrorising finches and thus carrying out an act that results in unnecessarily suffering.
13/06/06	Wildlife & Countryside Act 1981	1(1)(C)	3	CPS	Bedlington Magistrates	Derbyshire	G	G	CSO	180 hours concurrent	3 charges of taking the eggs of wild birds, including 5 kingfishers, 4 ringed plovers and 4 curlew eggs.
13/06/06	Wildlife & Countryside Act 1981	1(2)(B)	4	CPS	Bedlington Magistrates	Derbyshire	G	G	CSO	180 hours concurrent	4 charges of possessing wild bird eggs including red-throated diver and a charge of possessing 734 bird eggs.
13/06/06	Wildlife & Countryside Act 1981	18(2)	1	CPS	Bedlington Magistrates	Derbyshire	NG	G	CSO	180 hours concurrent	Possession of an item capable of committing an offence. Ordered to pay £75 costs.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
14/06/06	Wildlife & Countryside Act 1981	1(1)(A)	2	RSPCA	Croydon Crown	Good	G	G	CSO	4 month youth referral order	Possession of 4 wild goldfinches and 3 chaffinches.
14/06/06	Wildlife & Countryside Act 1981	1(2)(A)	2	RSPCA	Croydon Crown	Good	G	G	NSP		Taking 1 greenfinch and 4 goldfinches from the wild.
14/06/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Croydon Crown	Good	G	G	NSP		Possession of equipment capable of catching wild birds.
14/06/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Croydon Crown	Good	G	G	Fine	£400	Possession of equipment capable of catching wild birds. Defendant ordered to pay £1000 costs.
16/06/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Thames Magistrates	Icel	NG	G	Jail	2 month suspended sentence	Possessing wild goldfinches. Defendant ordered to pay £5000 costs.
16/06/06	Protection of Animals Act 1911	1(1)(A)	1	RSPCA	Thames Magistrates	Icel	NG	G	NSP		Terrorising finches and thus carrying out an act that resulted in unnecessary suffering.
29/06/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Folkestone Magistrates	Bernard	U	G	Fine	£4200	Possessing 17 live wild birds, including 1 linnet, 4 snow buntings, 2 siskins and 10 hawfinches. Defendant ordered to pay £2150 costs.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
29/06/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Aberdeen Sheriff	McNeil	G	G	Fine	£350	Killing 1 raven and 1 common gull.
29/06/06	Wildlife & Countryside Act 1981	1(1)(C)	1	Fiscal	Aberdeen Sheriff	McNeil	NG	NG			Not guilty of taking the eggs of a common gull.
29/06/06	Wildlife & Countryside Act 1981	1(2)(B)	1	Fiscal	Aberdeen Sheriff	McNeil	G	G	Fine	£400	Possessing the eggs of a common gull (being used as a bait).
29/06/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Aberdeen Sheriff	McNeil	G	G	Fine	£100	Possession of a proscribed pesticide: Cymag.
29/06/06	Wildlife & Countryside Act 1981	18(2)	1	Fiscal	Aberdeen Sheriff	McNeil	NG	NG			Not guilty of possession of article capable of an offence (Aldicarb).
29/06/06	Firearms Act 1968	1(2)	1	Fiscal	Aberdeen Sheriff	McNeil	NG	NG			Not guilty of failing to comply with conditions of firearms certificate.
29/06/06	Wildlife & Countryside Act 1981	1(2)(A)	4	CPS	Folkestone Magistrates	Nicholas	G	G	Fine	£4200	4 charges of possessing live wild birds. 14 birds in total including 1 linnet, 1 snow bunting, 2 siskins and 10 hawfinches. Defendant ordered to pay £2150 costs.
06/07/06	Wildlife & Countryside Act 1981	1(1)(B)	1	Fiscal	Perth Sheriff	Jackson	G	G	Fine	£400	Destroying 25 nests of sand martins whilst still in use.
07/07/06	Wildlife & Countryside Act 1981	1(5)(A)	1	CPS	Mansfield Magistrates	Butler	NG	NG			Found not guilty of disturbing a peregrine with young in the nest.
07/07/06	Wildlife & Countryside Act 1981	1(5)(A)	1	CPS	Mansfield Magistrates	Cooper	NG	NG			Found not guilty of disturbing a peregrine with young in the nest.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
07/07/06	Wildlife & Countryside Act 1981	1(5)(A)	2	CPS	Mansfield Magistrates	Groves	NG	G	Fine	£500	2 charges of disturbing a peregrine with young.
07/07/06	Wildlife & Countryside Act 1981	1(5)(A)	1	CPS	Mansfield Magistrates	Groves	NG	D			Charge of disturbing a peregrine with young in the nest dismissed.
07/07/06	Wildlife & Countryside Act 1981	18(2)	1	CPS	Mansfield Magistrates	Groves	NG	G	NSP		Possession of item capable of being used for offence. Ordered to pay £500 costs.
07/07/06	Wildlife & Countryside Act 1981	1(5)(A)	3	CPS	Mansfield Magistrates	Lewis	NG	NG			3 charges of disturbing a peregrine with young in the nest found not guilty.
11/07/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Bedford Magistrates	Curton	NG	G	Con Dis	12 months	Intentional destruction of an active song thrush nest.
11/07/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Bedford Magistrates	Spicer	NG	G	Con Dis	12 months	Intentional destruction of an active song thrush nest.
11/07/06	Food and Environment Protection Act 1985	16(12)(A)	1	CPS	Swaffham Magistrates	Vincent	G	G	Fine	£2000	Causing employee to contravene regulations, by providing inadequate training for rodenticide use.
11/07/06	Food and Environment Protection Act 1985	16(12)(A)	2	CPS	Swaffham Magistrates	Vincent	U	TTC			2 offences of permitting unlawful use of Difenicoum taken into consideration.
18/07/06	Public Order Act 1986	5	1	Fiscal	Dumfries Sheriff	Taddei	U	G		Unknown	Intentionally killing 2 gull chicks.
20/07/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Dundee Sheriff	Souter	NG	G	Admon		Intentionally killing an oystercatcher chick.
26/07/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Stornoway Sheriff	Mackenzie	G	G	Fine	£50	Possession of a proscribed pesticide: carbofuran.
26/07/06	Food and Environment Protection Act 1985		1	Fiscal	Stornoway Sheriff	Mackenzie	NG	NG			Not guilty of failure to comply with approval regulations.
26/07/06	Firearms Act 1968	1(1)(A)	1	Fiscal	Stornoway Sheriff	Mackenzie	NG	NG			Not guilty of possessing a firearm without a licence.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
15/08/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Canterbury Crown	Chidgey	G	G	CSO	1 year youth referral order	Injuring a herring gull. Ordered to pay £176 costs.
04/10/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Harlow Magistrates	Burton	NG	G	Con Dis	12 months	Taking 3 wild goldfinches. Ordered to pay £100 costs.
04/10/06	Wildlife & Countryside Act 1981	18(1)	1	RSPCA	Harlow Magistrates	Burton	NG	G	NSP		Attempting to take wild birds. Equipment confiscated.
06/10/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Newton Magistrates	Dugdale	U	G	CPO	70 hours	Taking wild goldfinch and bullfinch. Ordered to pay £175 costs.
06/10/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Newton Magistrates	Dugdale	U	G	NSP		Possession of item capable of being used for offence.
06/10/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Newton Magistrates	Dugdale	U	G	Jail	4 months	Possessing live wild goldfinch and bullfinch. Ordered to pay £175 costs.
06/10/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Newton Magistrates	Dugdale	U	G	NSP		Possession of item capable of being used for offence.
25/10/06	Wildlife & Countryside Act 1981	1(2)(A)	3	CPS	Skipton Magistrates	Petrie	U	D			3 charges of possessing live wild birds: 1 kestrel, 1 tawny owl and 1 little owl discontinued.
25/10/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	2	CPS	Skipton Magistrates	Petrie	U	G	Con Dis	2 years	2 charges of illegal commercial use of a kestrel and a tawny owl at falconry centre.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
26/10/06	Wildlife & Countryside Act 1981	1(2)(A)	3	CPS	Norwich Crown	Barclay	G	G	Jail	2 months concurrent	3 charges of possessing dead wild birds (2 arctic skuas, 2 sparrowhawks, 8 petrels and a Manx shearwater).
26/10/06	Wildlife & Countryside Act 1981	1(2)(B)	1	CPS	Norwich Crown	Barclay	G	G	Jail	2 months concurrent	Possessing 57 wild birds eggs.
26/10/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	8	CPS	Norwich Crown	Barclay	NG	G	Jail	4 months concurrent	8 charges of buying Annex A species including 1 long- & 1 short-eared owl, 1 tawny owl, 1 little owl, 2 barn owls, 2 peregrines & 1 sparrowhawk.
26/10/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	2	CPS	Norwich Crown	Barclay	G	G	Jail	4 months concurrent	1 charge of buying 1 gyr falcon & 18 peregrine clutches & 1 charge of buying 131 clutches of 14 Annex A species. All eggs confiscated.
26/10/06	Customs and Excise Management Act 1979	170(2)(B)	2	CPS	Norwich Crown	Barclay	G	G	Jail	4 months concurrent	Attempt to evade prohibition on import of a merlin & rough-legged buzzard. Defendant ordered to pay £30,000 costs.
26/10/06	Wildlife & Countryside Act 1981	1(1)(A)	2	CPS	Norwich Crown	Metcalf	G	G	NSP		2 charges of taking a bird from the wild: Leach's petrel and storm petrel.
26/10/06	Wildlife & Countryside Act 1981	1(5)(A)	1	CPS	Norwich Crown	Metcalf	G	G	NSP		Disturbing a Leach's petrel near the nest containing eggs.
26/10/06	Control of Trade in Endangered Species (Enforcement) Reg. 1997	8(1)	8	CPS	Norwich Crown	Metcalf	NG	G	Jail	2 months, suspended sentence	8 charges of selling Annex A species: 1 long- and 1 short-eared owl, 1 tawny owl, 1 little owl, 2 barn owls, 2 peregrines & 1 sparrowhawk.

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
30/10/06	Wildlife & Countryside Act 1981	1(1)(C)	1	Fiscal	Ayr Sheriff	Murray	G	G	PROB	2 months con-current	Taking the egg of a mute swan.
30/10/06	Wildlife & Countryside Act 1981	1(2)(B)	2	Fiscal	Ayr Sheriff	Murray	G	G	NSP		Possessing 35 wild birds eggs, including kingfisher.
09/11/06	Wildlife & Countryside Act 1981	1(5)(A)	1	Fiscal	Stirling Sheriff	Ashcroft	G	G	Fine	£300	Disturbing an osprey near the nest containing young.
16/11/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Jedburgh Sheriff	Gibson	G	G	CSO	100 hours	Intentionally killing a buzzard by poisoning it with carbofuran.
16/11/06	Wildlife & Countryside Act 1981	11(1)(A) & 21(1)	1	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Found not guilty of setting a snare to injure a wild animal.
16/11/06	Wildlife & Countryside Act 1981	11(3)(B)	2	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Found not guilty of 2 charges of failing to inspect a set snare.
16/11/06	Wildlife & Countryside Act 1981	15(A)	3	Fiscal	Jedburgh Sheriff	Gibson	G	G	NSP		3 charges of possessing a proscribed pesticide (Cymag, strychnine & alphachloralose).
16/11/06	Wildlife & Countryside Act 1981	15(A)	1	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Found not guilty of possessing a proscribed pesticide (carbofuran)
16/11/06	Wildlife & Countryside Act 1981	18(2)	1	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Not guilty of possession of article capable of offence (carbofuran).
16/11/06	Wildlife & Countryside Act 1981	5(1)(A)	1	Fiscal	Jedburgh Sheriff	Gibson	G	G	NSP		Positioning carbofuran bait to injure a wild bird.
16/11/06	Protection of Badgers Act 1992	1(3)	2	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Found not guilty of possessing a dead badger.
16/11/06	Common Law (Scotland)	N/A	1	Fiscal	Jedburgh Sheriff	Gibson	NG	NG			Found not guilty of culpable and reckless conduct.
16/11/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Pontefract Magistrates	Scott	G	G	PROB	4 month detention order	Intentionally killing a mute swan.
22/11/06	Wildlife & Countryside Act 1981	1(1)(A)	1	CPS	Llandeilo Magistrates	Miah	G	G	Jail	2 months	Intentionally killing a mute swan

Reported offences against wild bird legislation in 2006

Date	Act	Section	Charges	Prosecutor	Court	Surname	Plea	Ocm	Type	Penalty	Details
23/11/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Thetford Magistrates	Ecclestone	NG	G	Ab Dis		Intentionally destroying the active nest of a collared dove.
23/11/06	Wildlife & Countryside Act 1981	5(1)(B)	1	CPS	Kings Lynn Magistrates	Wright	G	G	Fine	£500	Positioning a set pole trap to injure a wild bird (tawny owl).
23/11/06	Wildlife & Countryside Act 1981	5(1)(A)	1	CPS	Kings Lynn Magistrates	Wright	NG	D			Charge of using a pole trap to kill a wild bird discontinued.
23/11/06	Protection of Animals Act 1911	1(1)(A)	1	CPS	Kings Lynn Magistrates	Wright	NG	D			Charge of an action resulting in unnecessary suffering discontinued.
24/11/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Southend Magistrates	Prior	NG	G	Con Dis	12 months	Possessing 20 wild birds including redpoll, linnet, bullfinch, goldfinch & siskin.
24/11/06	Wildlife & Countryside Act 1981	6(1)(A)	1	RSPCA	Southend Magistrates	Prior	NG	G	NSP		Selling 20 wild birds, of 7 species. Ordered to pay £5000 costs.
27/11/06	Wildlife & Countryside Act 1981	1(2)(B)	1	Fiscal	Dunfermline Sheriff	Thomson	G	G	Ukn.		Possessing 36 wild bird eggs. Awaiting Sentence
30/11/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Northampton Magistrates	Hughes	NG	D			Intentional destruction of sand martin nests discontinued.
30/11/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Northampton Magistrates	King	NG	D			Intentional destruction of sand martin nests discontinued.
30/11/06	Wildlife & Countryside Act 1981	1(1)(B)	1	CPS	Northampton Magistrates	Perkins	NG	D			Intentional destruction of sand martin nests discontinued.
05/12/06	Wildlife & Countryside Act 1981	1(1)(A)	1	RSPCA	Wolverhampton Magistrates	Bilboe	G	G	Con Dis	12 months	Taking a goldfinch from the wild Ordered to pay £745 in costs.
05/12/06	Wildlife & Countryside Act 1981	1(2)(A)	1	RSPCA	Wolverhampton Magistrates	Bilboe	G	G	NSP		Possessing 2 wild goldfinches.
05/12/06	Wildlife & Countryside Act 1981	18(2)	1	RSPCA	Wolverhampton Magistrates	Bilboe	G	G	NSP		Possession of an item capable of being used to trap wild birds.
06/12/06	Wildlife & Countryside Act 1981	1(1)(A)	1	Fiscal	Dumfries Sheriff	Oshea	G	G	Fine	£50	Intentionally or recklessly killing a mallard.
06/12/06	Wildlife & Countryside Act 1981	5(1)(E)	1	Fiscal	Dumfries Sheriff	Oshea	G	G	Fine	£50	Using a mechanically propelled boat to kill a wild bird (mallard).

Key to appendix VII

Admon	Admonished	NSP	No specific penalty
Con Dis	Conditional discharge	Ocm	Outcome
CSO	Community service order	PROB	Probation
D	Discontinued	TIC	Taken into consideration
G	Guilty	U	Unknown
NG	Not guilty		

The RSPB routinely monitors all incidents relating to bird crime. To report any information concerning such incidents, please contact your local Police Wildlife Crime Officer or the RSPB at any of the addresses below.

UK Headquarters

The Lodge
Sandy
Bedfordshire
SG19 2DL
Tel: 01767 680551

Northern Ireland Headquarters

Belvoir Park Forest
Belfast
BT8 7QT
Tel: 028 9049 1547

Scotland Headquarters

25 Ravelston Terrace
Edinburgh
EH4 3TP
Tel: 0131 311 6500

Wales Headquarters

Sutherland House
Castlebridge
Cowbridge Road East
Cardiff
CF11 9AB
Tel: 029 2035 3000



The RSPB is the UK charity working to secure a healthy environment for birds and wildlife, helping to create a better world for us all.

Front cover: golden eagles have traditional territories and nesting places, which may be used for generations. They have been persecuted in the past and are still occasionally poisoned, or have their nests robbed. A huge bird of prey, with only the white-tailed eagle larger in the UK, it likes to soar and glide on air currents, holding its wings in a shallow 'V'.

www.rspb.org.uk/birdlaw