

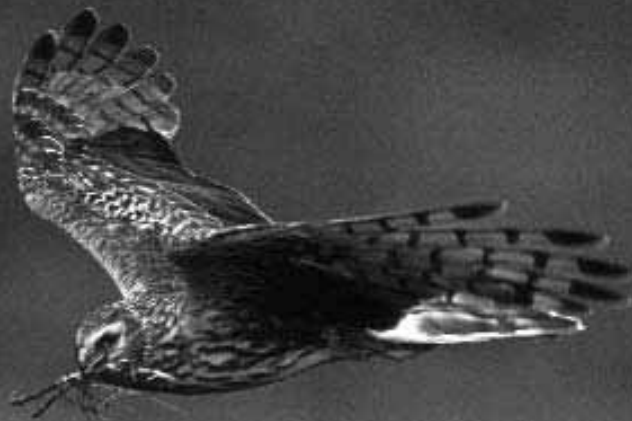


for birds
for people
for ever

LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

JULY 2006 No 49



Andy Hay (rspb-images.com)

Hen harrier
Below: Colin Marshall outside Stonehaven Sheriff Court

£500 fine for Deeside gamekeeper who stalked hen harrier

A former gamekeeper on the Dinnet Estate, Deeside, has been convicted of offences relating to hen harrier persecution after he was filmed by the RSPB pursuing a 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. The court accepted not guilty pleas to a further two charges, of attempting to kill, injure or take a hen harrier and of intentionally disturbing its young.

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 saw Marshall arrive in a Land Rover, select the parking spot with the best view of the harrier site and watch it with binoculars for about two

hours. He then stepped out of the vehicle armed with a single-barrelled shotgun and immediately attempted to conceal his identity by pulling on a balaclava.

He walked rapidly and directly towards the area of the hen harrier nest, shotgun over his shoulder, and climbed over the Estate boundary fence. As he neared the harrier nest, he raised his weapon and moved slowly towards that area of the hill. A young harrier took off, alarm-calling loudly – Marshall raised his gun and aimed it at the bird, but, fortunately, it was too far away to be shot. The bird then flew on a short distance as Marshall dropped to the ground in an obvious attempt to stalk it.

He followed the harrier, walking slowly towards where it was last seen, and approached it carefully, with his gun at the ready. However, the bird continued its escape down the glen, away from Marshall, who then returned to his vehicle.

The entire incident was captured on video. When interviewed, Marshall claimed he had been looking for fox cubs. He has since left the estate and now works in Belfast as a landscape gardener.

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Picture courtesy of Press and Journal



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PROSECUTIONS

Continued from front page

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, Callum MacFarlane, who had observed the incident from a position on the Dinnet Estate. Sheriff Patrick Davies accepted the evidence, commenting that Mr MacFarlane's presence on the gamekeeper's estate was 'neither illegal nor irregular, and his intent to obtain evidence did not make it so'. This was reported fully in the local press.

Research indicates that harriers choosing to breed on grouse moors have higher mortality rates, with disproportionate female mortality being associated with nest failure. RSPB records show that hen harrier persecution is still a common and widespread practice on grouse moors. A 2004 national survey found just 620 pairs of hen harriers breeding in the UK, with increases in North and West Scotland overshadowed by declines in the East Highlands and Southern Uplands, where the dominant

harrier habitat is moorland managed for grouse shooting.

One of the landowners of the Crannach Estate where the harriers were nesting has spoken out against such persecution. Sandy Payne, of the Crannach Management Group, which aims to restore the natural wildlife of the estate, said, 'Persecuting harriers in an attempt to increase grouse numbers for a few individuals to shoot makes us angry. We will do all we can to help the RSPB and the police stamp out this abuse, this theft of our heritage.'

The national shooting press reported that Marshall was prosecuted 'for pointing a gun at a hen harrier' and that he thought he 'had done nothing wrong'.

This was the third and last incident involving a full-time gamekeeper filmed in 2003 by an RSPB surveillance team. The success of this operation, and in particular the Sheriff's encouraging comments, reinforces the fact that, although difficult, such operations can be effective.

Auctioneer hammered

The proprietor of an auction house has been fined £6,000 after offering protected wild birds' eggs for sale. Colin Peeke-Vout, who runs Willingham Auctions, Willingham, Cambridgeshire, was handed the fine by Cambridge Magistrates on 13 April 2006 after pleading guilty to three charges of possession of, advertising and offering for sale 69 eggs under the Wildlife & Countryside Act 1981 and the Control of Trade in Endangered Species (COTES) regulations 1997. As well as eggs from relatively common species, the collection also included eggs of the corncrake, red-backed shrike and peregrine, all specially protected Schedule 1 birds.

The eggs were advertised in the auction house catalogue and posted on the internet where an RSPB officer noticed them. On the day of the auction in August 2005, Cambridgeshire Police and the RSPB attended the auction house and the eggs were seized. The eggs had apparently been acquired during a house clearance and Peeke-Vout was asked to sell them on behalf of their

Channel Islands-based owners. Possession of wild birds eggs taken since 1954 is illegal, whilst their sale is unlawful irrespective of their age.

In sentencing, the magistrates said that whilst they accepted the defendant was a man of previous good character, they noted the rarity of some of the species involved, and, being aware of the great public concern over environmental issues, were consequently minded to hand out an exemplary sentence.

Speaking after the case, the RSPB's Duncan McNiven said: 'There is a strong message going out from the courts that these cases are being treated very seriously. There are very strict regulations governing the sale of wildlife artefacts and auction houses need to be very well informed over what it is permissible to sell and what it is not.'

The occurrence of the corncrake and red-backed shrike eggs in this case had particular local relevance. Both species are now largely extinct as breeding species on mainland Britain, although corncrake populations – confined largely to the Hebrides and Orkney – have increased in recent years. The red-backed shrike's last breeding stronghold was the Breckland area of East Anglia where the nests of the last few pairs were subjected to repeated pillaging by egg collectors. The corncrake is the subject of an ambitious project to re-introduce them to the RSPB's Nene Washes reserve in Cambridgeshire, where there are encouraging signs that breeding may have taken place again in recent years.



Eggs of peregrine, corncrake and red-backed shrike (left to right) were amongst the eggs illegally offered for sale.

Man caught trapping blue tits for snake food

PC Kelvin Jones of the North Wales Police reports:

'To much dismay, a lenient sentence has been passed on a man caught trapping garden birds to feed to his snake. Mark James, 47, of Eifl Road, Trefor, on the Llyn Peninsula, North Wales, was given a conditional discharge and ordered to pay £56 costs.

In October 2005, while walking through the rural village of Trefor, PS Peter Charleston and I noticed a small wooden mousetrap tied onto a fence post adjoining the home of Mark James. Situated alongside the trap was a peanut feeder, and the trap itself appeared to be baited with a peanut that showed signs of having been pecked at by birds.

James claimed that this trap and further steel rat traps scattered

around the garden were in place to deal with a serious rat problem, but admitted that he had accidentally caught a bird that morning.

However, an invitation into James's home to see his pet snake revealed that the capture of the bird was not an isolated incident. Immediately visible in the snake's vivarium were a number of tail feathers from tit species, and a bag containing five blue tits and three great tits – one of which was still warm – was retrieved from James's freezer.

During interview, James admitted catching and freezing the tits and feeding them to his snake, but maintained that they were 'bycatch' in his bid to rid the area of rats because, he claimed, the local



Kelvin Jones, North Wales Police

Traps and dead birds found at the house of Mark James.

authority had failed to do so. At Caernarfon Magistrates' Court on 10 January 2006, James pleaded guilty to charges of killing and possessing wild birds. The CPS prosecutor failed to point out that neither the local authority nor the housing association had any records of complaints from James regarding rats in his garden.'

Finch trapper fined £2,500

The owner of a bird shop in Enfield has been fined £2,500 and ordered to pay £6,000 costs after admitting illegally possessing nine goldfinches and having illegal wild bird traps set up in his garden.

In April 2005, an RSPCA Special Operations Unit Inspector visited the Crews Hill Bird Centre, Theobalds Park Road, Crews Hill, Enfield, and found five goldfinches. The home of the owner, Kamran Motahammadani, at Plough Hill, Cuffley, Potters Bar, was then searched and four more caged goldfinches were found, plus two traps set to catch wild birds in his garden.

Motahammadani claimed the birds had been given to him and said the traps were being used to catch an escaped canary, but he was convicted at Enfield Magistrates' Court on 10 January 2006.

The goldfinches were released back into the wild.



Sue Tranter (suesbirdphotos.co.uk)

Goldfinch

PROSECUTIONS

Robert Smith (rspb-images.com)



House martins

Nest destruction not PC

A Norfolk police officer has been given a six-month conditional discharge and ordered to pay £100 costs for destroying two active house martin nests.

In June 2005, two Broads Authority wardens saw Christopher Ashton, 26, using a pole to dislodge the nests from the home he shared with other police officers at Ormesby St

Michael, near Great Yarmouth. He was later seen placing a bucket containing injured birds into a nearby hedgerow.

At Norwich Magistrates' Court, on 30 March, Ashton pleaded guilty to intentionally damaging the two nests, contrary to the Wildlife & Countryside Act 1981. This offence is punishable by a fine of up to £5,000

and/or up to six months' imprisonment, but the defence successfully persuaded the magistrate that the officer had believed the nests to be empty. Another charge of intentionally injuring the birds was dismissed.

Ashton now faces an internal police inquiry.

NEWS

Bird flu no excuse for destruction, Defra warns

Amid reports from Europe that people have destroyed nests in a bid to protect themselves from disease, Defra has issued a timely reminder that avian influenza (AI) does not provide an excuse for causing harm to wild birds, their nests or eggs.

The guidance stresses that there is a minimal public health risk of catching AI from wild birds, therefore resorting to such action is unnecessary. It is also illegal – under Section 1 of the Wildlife & Countryside Act 1981 – to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- intentionally take or destroy the egg of any wild bird.

The use of individual or General Licences is also not considered by Defra to be appropriate in relation to AI.

The current General Licences WLF18 (to prevent the spread of disease), WLF100087 (to conserve wild birds) and WLF100088 (to preserve public health and safety) cannot therefore be used to kill any bird or destroy nests or eggs on the basis of avian influenza.

The RSPB hopes that the UK public will continue to value wild birds, and will not attempt to prevent birds nesting, either by removing nest sites before the birds begin to breed, or by disturbing the birds or their nests once they have begun. This sort of action is unnecessary as there is little risk of contracting AI from wild birds, and it may have a serious impact on wild bird populations. Please inform the RSPB of any reports of nest destruction believed to be connected to avian influenza.

Read more at

www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/wildbirds/index.htm and www.rspb.org.uk/policy/avianinfluenza

New home for NWCU

The National Wildlife Crime Unit (NWCU – formerly the NWCIU), which gathers intelligence on wildlife crime and provides investigative support to police and customs, is to be based at North Berwick police station in the Lothian and Borders police area.

The unit will have a UK-wide remit and will continue to be available to any force requiring assistance to tackle wildlife crime at the highest levels. It will focus on nationally agreed priorities and has the active support of a number of agencies including ACPO, ACPOS, Defra, The Scottish Executive, HM Revenue & Customs and the Home Office. A national strategy devised with the assistance of The Partnership for Action against Wildlife Crime (PAW)

will ensure a strategic approach to tackling the issue and prioritising areas of concern.

The Chief Constable of Lothian and Borders Police, Paddy Tomkins, the ACPOS lead on wildlife and environmental crime in Scotland, offered the unit a new home after reorganisation of the National Criminal Intelligence Service (NCIS) in London. Mr Tomkins said: 'I am delighted that the NWCU will be based in Scotland, and more particularly in our force area. The work that the unit has done up until now has been exceptionally important. The significance of this kind of crime cannot be underestimated. It has a direct impact on the economic, environmental and cultural lives of communities and

that is especially true in Scotland. I am confident that it will continue to be successful in dealing with serious offenders in wildlife crime, poaching, smuggling and other activities that threaten endangered species.'

Rhona Brankin, Deputy Environment and Rural Development Minister said: 'I am thrilled that the National Wildlife Crime Unit will now be based in North Berwick, and will continue to address crime throughout the UK. In Scotland we have some very diverse and outstanding wildlife, and wildlife crime threatens not only our biodiversity and our enjoyment of nature, but also a component of our economy. The unit has an excellent reputation, and I wish it every success in building on its achievements to date.'

Getting away with it

In October 2004, the House of Commons Environmental Audit Committee published its findings on wildlife crime and highlighted a number of failures by the statutory agencies (see *Legal Eagle 43*). Reflecting some of the concerns expressed in that report, the RSPB has produced a short report entitled *Getting away with it*, outlining the failure of the statutory agencies to investigate and prosecute some wildlife cases to a satisfactory standard. This has been submitted to the PAW Steering Committee.

The RSPB readily acknowledges that the continuing development of the WCO network, PAW and the National Wildlife Crime Unit have all been extremely encouraging in the fight against wildlife crime. However, the RSPB has observed a worrying trend in the last few years, with an increasing number of cases failing to be properly investigated and prosecuted. These often involve issues of high conservation concern, such as bird of prey persecution. A number of cases have failed to reach court because of errors by the police or the prosecuting agency, or a lack of consistency over public interest criteria and cautioning guidelines. Where cases have reached court, it appears in some instances that the seriousness of some of these has not been properly presented to the court, resulting in unsatisfactory sentences.

Whilst the improvement in legislation and resources available to WCOs are important, the RSPB believes it essential that enforcement is seen to be effective. Many successful cases probably rely too heavily on the efforts and enthusiasm of individual officers and prosecutors. The report is illustrated with eight anonymous case

studies and makes five main recommendations based on the problems experienced during these and other investigations:

- The police, at a national and force level, need to accept that wildlife crime needs committed resources. Dedicated WCOs should be encouraged, and receive appropriate training, support and guidance.
- There needs to be improved communication and the wider use of the experience and expertise available from other police officers, prosecutors and members of PAW.
- Specialist wildlife prosecutors should be encouraged and more guidance on public interest criteria for wildlife crime should be made available.
- The government should record legislative and procedural problems in a more structured way, so that appropriate measures can be considered for future cases.
- A more consistent application should be made of the guidelines within the publication *Wildlife Crime: Cautioning Offenders*, and furthermore, that the time is right for further revision of these guidelines.

The RSPB is aware that individual prosecutors and police officers share many of these concerns and believes there is a genuine need for these issues to be addressed if wildlife crime enforcement is to be effective and consistent. The RSPB would welcome any feedback on this report. To read the report, go to www.rspb.org.uk/birdlaw



Red kites are particularly vulnerable to illegal poisoning and we hope that improved enforcement will act as a meaningful deterrent.



PAW Poisoning Sub-Group

The government's Campaign Against Illegal Poisoning (CAIP) was set up in 1991 with three main aims:

- to advise farmers, gamekeepers and other land managers on legal ways of controlling pests
- to advise the public on how to report illegal poisoning incidents and to respect the need for legal alternatives
- to investigate incidents and prosecute offenders.

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. Following representations by the RSPB to PAW, it was agreed that a 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 RDS, supported by representatives from a range of government and non-government agencies. The main aims of the group will be to:

- 1 support enforcement as a means of achieving conservation objectives
- 2 improve the effectiveness and efficiency of dealing with poisoning cases
- 3 support the Police Wildlife Crime Officers and other enforcement agencies
- 4 raise awareness amongst the judiciary and prosecutors
- 5 identify potential legislative change
- 6 promote and improve partnership working
- 7 raise awareness of the poisoning issue.

News from the Scottish PWCO conference

Rhona Brankin signals clear commitment from the Scottish Executive on getting tough with wildlife criminals.

The annual Scottish Police WCO conference took place at Tulliallan Police College on 14 February 2006. Addressing the conference with a speech about the new Nature Conservation (Scotland) Act, Deputy Environment Minister Rhona Brankin said: 'We have given the frontline agencies, including the police and the Crown Office, the tools to punish anyone who harms our natural heritage. Wildlife criminals are

organised, they plan their offences in detail and go equipped to offend. It is my priority to ensure that the laws we have put in place will stop them in their tracks and protect the wildlife which makes Scotland so special. The commitment of the police, the Crown Office and key conservation and welfare agencies to stop wildlife crime will send out the clearest of messages to the wildlife criminal that they will be stopped. And if successfully prosecuted, they face a custodial sentence for their actions.'

Also at the conference was Procurator Fiscal Tom Dysart, who

spoke of the recently formed Wildlife and Habitats Crime Prosecution Forum, of which he is Chair. 'The Forum involves key experts, and ensures that our response to wildlife crime is both co-ordinated and robust. By bringing representatives from the RSPB, the Scottish Society for the Prevention of Cruelty to Animals and Scottish Natural Heritage together with justice, police and prosecuting authorities, we can equip ourselves with the specialist knowledge and skills required to ensure that justice is done in wildlife crime cases.'

Wildlife trade and the internet

Stephanie Pendry of TRAFFIC, and seconded part-time to the National Wildlife Crime Unit (NWCU), provides an overview of recent investigations involving wildlife trade on the internet.

'The internet has revolutionised our lives and provided huge opportunities for business and communication. However, it also provides increased criminal opportunities, taking advantage of the unregulated and impersonal nature of transactions. The trade, legal and illegal, in wildlife products is increasing, and the internet is coming to play a central role. When the International Fund for Animal Welfare (IFAW) carried out a one-week survey, they found over 9,000 wild animal products for sale, predominantly from species protected by law.

'The increasing use of the internet poses new enforcement challenges and the UK Government has recognised this and has already devoted resources to the problem. The NWCU has the national remit for liaising with eBay to obtain buyers' and sellers' details, and a good working relationship has developed. From August 2004 to January 2006, 200 enquiries were followed up with eBay. Of these, no evidence of illegality was found in 41 cases. The remaining 169 enquiries were disseminated to the relevant police forces for action, with feedback received on 34 of these. Twenty-two found no evidence of illegality and 13 enquiries resulted in enforcement action. A summary is given below of the results:

- sperm whale tooth – formal warning
- egg collection – arrest and caution
- egg box containing eggs – arrest and caution
- blown egg – formal warning
- stuffed snowy owl – suspect pleaded guilty and was conditionally discharged for six months (see *Legal Eagle 47*)
- stuffed golden eagle – arrest and caution for advertising for sale (see *Legal Eagle 47*)
- various taxidermy seized, including leopard and coyote skins. The suspect pleaded guilty and received eight months' custody, suspended for two years, and a community order of 200 hours' unpaid work (see *Legal Eagle 48*)
- frogspawn – cautionary letter (see *Legal Eagle 46*)
- egg collection – arrest and caution
- blown egg – arrest and caution
- red squirrel taxidermy – arrest and caution
- whale tooth taxidermy – caution
- sparrowhawk taxidermy – arrest and caution.

'The Metropolitan Police Wildlife Crime Unit, under the banner of Operation Charm, has carried out enquiries on the internet trade and specifically eBay. The intention is to work with eBay and non-governmental organisations, notably IFAW, in reducing the level of wildlife trade offences via the internet. Although eBay is not the only trading site on the internet, it is by far the largest and best known. As market leaders, it is hoped that they will encourage other internet traders to follow best practice.

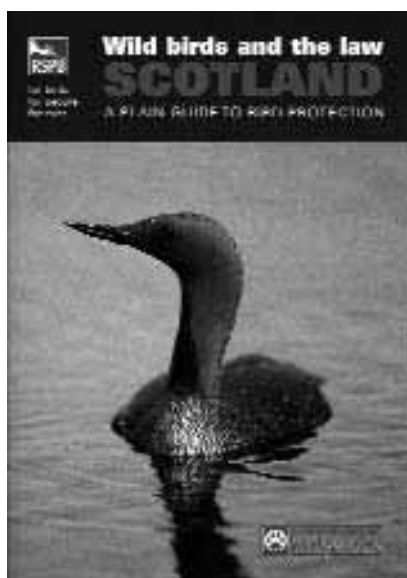
'Among the listings investigated by the Wildlife Crime Unit, by far the largest group of offences seem to be committed in the taxidermy category. Dubious claims are often made for the origin and age of specimens. Listings for caviar from sellers based in the Ukraine or Russian Federation have dramatically increased and are cause for concern, as are the numerous listings for hippo ivory by sellers in China and Hong Kong.

'A recent interesting case dealt with by the Wildlife Crime Unit concerned the listing of the San Pedro cactus (Annex B) claimed to be imported wild stock. Some species of South American cactus are a source of mescaline, a Class A controlled drug in the UK. A premises in London was searched, and a 32-year-old man arrested on suspicion of possession with intent to supply a controlled drug, and wildlife trade offences. Enquiries are continuing.

'Her Majesty's Revenue and Customs CITES Team at Heathrow has also been studying internet trade, and intelligence – mainly on CITES derivatives and some live plants – has been distributed within the UK and internationally. There have been seizures of items sold to UK residents on international auction sites and imported without the correct CITES documentation, plus live specimens imported for non-commercial purposes but then being advertised for sale.

'Nationally, there are efforts to agree a code of practice that all internet traders can sign up to. Following discussions on this subject at the PAW Open Seminar in February 2006, a number of PAW members have drawn up a draft code of practice and it is hoped this will be finalised soon.'





Wild birds and the law: new RSPB guides

Put your old copy out for recycling and get hold of the updated and improved *Wild birds and the law*, the RSPB's invaluable guide to wild bird legislation.

Wild birds and the law provides a straightforward means of checking the legality of any activity affecting wild birds. It can be used to check the legal status of a bird, to ascertain whether or not an offence has been committed, or if a proposed action would be against the law.

The guide summarises the parts of the Wildlife & Countryside Act 1981 which relate to bird protection and has been updated to take into account the legislative changes introduced since 1981. Owing to significant changes to the legislation protecting wild birds in Scotland, there are now two

versions of the booklet available – one applicable to England and Wales and the other to Scotland only (an outline of the legislation in Northern Ireland can be obtained from the Environment and Heritage Service).

Copies of *Wild birds and the law: Scotland* are available from the RSPB's Scotland Headquarters, Dunedin House, 25 Ravelston Terrace, Edinburgh EH4 3TP, or call 0131 311 6500.

All WCOs in England and Wales should have received a copy of *Wild Birds and the law: England and Wales*. Call **01234 211522** or e-mail publications@rspb.org.uk for further copies, or download the booklet free of charge from www.rspb.org.uk/birdlaw

Report a wildlife crime – online!

The RSPB strongly encourages the reporting of crimes against wild birds and other wildlife. To this end, a new online facility has been launched, enabling people to report wild bird crimes quickly and easily via the RSPB's website.

Of course, if immediate action is required in response to a suspected crime, the police – and the RSPB – should be contacted directly in the first instance, and this is stressed on the reporting form. However, the

RSPB has identified a need for an alternative means of reporting crimes against wild birds, which may appeal to witnesses who might otherwise be discouraged from taking action by the prospect of speaking to the police or RSPB staff directly. Users are invited to provide contact details but may remain anonymous if they wish; however, they are advised that this makes it significantly more difficult to investigate offences.

The RSPB hopes that the availability of this web-based tool will increase the likelihood that crimes will be reported, providing a more accurate picture of the prevalence of offences against wild birds and a greater chance of catching the perpetrators.

To view the form, go to www.rspb.org.uk/policy/wildbirdslaw/report.asp

Bats and the law

The Bat Conservation Trust has published a new leaflet detailing the legal protection of bats in the British Isles. *Bats and the law: A basic introduction* provides information on:

- the laws relevant to bats, and the protection that these provide
- police and court powers
- the responsibilities of local authorities.

For copies of the leaflet, contact the Bat Conservation Trust on **020 7627 2629** or e-mail enquiries@bats.org.uk



Daubenton's bat

Mike Lane (rsfb-images.com)

INTERNATIONAL

Protection at last for migrants in Malta

Rather than face imminent disciplinary proceedings at the European Court of Justice, the Maltese Government is finally introducing changes to national legislation which will transpose the EU Birds Directive into Maltese law, providing some additional protection to the migrating birds which pass through the island each spring and autumn.

Malta is infamous for its annual shoot of spring migrants, which continued despite the country's accession to the EU in 2004 and resultant obligations under the EU Birds Directive. BirdLife Malta has repeatedly highlighted the plight of migrant birds in Malta. An estimated one to two million birds are killed annually in Malta, with thousands of songbirds trapped for the caged bird trade. Anything that flies is a target for illegal hunting, including marsh harriers, honey buzzards and purple herons – all species of conservation concern.

Furthermore, an estimated 100,000 turtle doves and other species with declining populations in Europe are shot in total conformity with Malta's national laws.

It appears that the new provisions will shorten the hunting seasons for several bird species so that hunting no longer takes place during the spring migration and breeding season. The trapping of a number of species will be outlawed, and the use of high-powered speedboats to hunt birds at sea will be made illegal. However, Malta is still claiming to apply a derogation to allow the hunting of turtle doves and common quails between March and May – a continuing breach of the Directive because this period overlaps the pre-breeding migration of these species.

The legal changes represent a major success and important progress. However, the emphasis will now shift to law enforcement, as the legal

changes will make no impact unless the laws are enforced. It remains to be seen how effective the Maltese Government will be in tackling the massive amount of illegal hunting that takes place.

Marsh harriers are frequent victims of Malta's illegal hunting.



BirdLife International

Sue Tranter (suesbirdphotos.co.uk)



Bullfinch

Dublin songbird trapper fined

In February 2006, a Dublin court fined a man €800 after dozens of wild songbirds were found trapped in cages at his 10-acre estate near Dublin's Phoenix Park.

Juan Zapata, son-in-law of Michael O'Reilly, head of one of Ireland's wealthiest business dynasties, had held a licence to trap birds in his native Spain but claimed to be unaware that it was illegal in Ireland.

A dawn raid at his estate, Ashtown Lodge, uncovered

scores of linnets, redpolls, bullfinches and other finch species trapped in cages, enmeshed in nets and housed in an aviary and conservatory. Zapata was caught in the act as he tried to gather up an illegal 35 mm-clap net that was set up in the garden to catch more birds. Several birds had been fitted with body harnesses allowing them to be connected to a line and used as a decoy.

All of the birds were later released back into the wild.

Indian star tortoises seized

On 26 March, wildlife officials at Trivandrum in India seized at least 482 Indian star tortoises, valued at \$400 to \$500 each. Following a tip off, the tortoises were seized at an airport from which they were due to go to New Delhi, allegedly for smuggling purposes. Three people were arrested. The tortoises were

rescued and are currently at a sanctuary in India.

The Indian star tortoise, named for the distinctive green and yellow star marking on its shell, is a rare species that breeds mostly in southern parts of India. They are valued as exotic pets and as a food item in the

international market. The species is listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and is afforded legal protection in its range countries. Despite this, they remain a target for international wildlife trade.



Marsh harrier

Marsh harriers on the up

A survey has revealed that the population of marsh harriers in 2005 was the largest in the UK for at least 200 years.

As recently as 1971, the UK population of marsh harriers stood at just a single pair, after a decline driven by the effects of organochlorine pesticides, and, in earlier years, habitat loss and persecution.

By 1995, the population had recovered to 156 breeding females, and the new survey results show that the population has more than doubled since then. The survey found that 360 female marsh harriers attempted to breed in 2005. Of these, at least 276 were successful in raising young, and

a minimum of 816 young birds fledged.

Although there has been a slight expansion of the range of marsh harriers in the UK since 1995, the majority of the population remains concentrated in just a few eastern counties, particularly Lincolnshire, Norfolk, Suffolk and Kent. High densities were found in a few coastal areas, such as around the Norfolk and Lincolnshire Wash, along the North Norfolk coast and on the Isle of Sheppey in Kent.

Although traditional large reedbed breeding sites – most of which are on protected land such as RSPB reserves – remain important, the increase in numbers means that more birds are ‘spilling out’ of reserves to breed in

neighbouring farmland. Where nests have been located in arable crops, the RSPB has worked closely with farmers to minimise unintentional damage and disturbance by agricultural operations.

Unfortunately, despite measures to tackle illegal persecution, a number of these magnificent birds continue to be found shot or poisoned each year.

This survey was part of *Action for Birds in England*, a conservation partnership between English Nature and the RSPB. It was covered by the Statutory Conservation Agency and RSPB Annual Breeding Bird scheme (SCARABBS), which enables regular monitoring of some of the UK’s rarest birds for conservation purposes.

AND FINALLY...

TRAFFIC receives the PAW Partner of the Year Award

In February, 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.

TRAFFIC, the wildlife trade monitoring network, works to ensure that trade in wild plants and animals is not a threat to the conservation of nature. It has been a member of PAW since its inception and is actively involved in a number of its working groups. Browne Jacobson Solicitors, sponsors of the award, said, 'TRAFFIC's work illustrates well the

value of a partnership approach. TRAFFIC's focus is both local and global, and its work is vital to the world and its communities.'

On receiving the award, Steven Broad said: 'I am honoured to receive this award on behalf of TRAFFIC International. We believe PAW is a shining example of what can and should be done in the fight against wildlife crime. It encourages inter-agency co-operation as well as co-operation with the private sector, legitimate businesses and NGOs, and encourages specialised action needed in this arena of work. TRAFFIC is committed to continuing its support to PAW and promoting action against wildlife crime.'

TRAFFIC has recently launched

Wildlife Trade Law: A UK Enforcer's Factfile, which will be distributed to UK law enforcers to assist in the detection and prevention of wildlife trade crime. It contains sections on wildlife trade regulations, forensic analysis and a guide to investigations, accounts of both police and HM Revenue & Customs work on wildlife crime, and useful references for further reading. The Factfile also provides information on the species and wildlife commodities commonly found in trade that are most likely to be illegal or cause difficulty for a law enforcer. The Factfile was produced with financial support from both Defra and WWF-UK. For further information on the Factfile, please contact paw.secretariat@defra.gsi.gov.uk

Full-time WCO in Grampian

On 20 March 2006, Grampian Police became the second force in Scotland to appoint a serving officer to a full-time Wildlife Crime post. PC Dave MacKinnon, based at Stonehaven, will provide support for the eight Wildlife Crime officers who work throughout Grampian on a part-time basis.

Grampian follows the lead set by Lothian and Borders Police with the appointment of Edinburgh-based PC Jim McGovern as Scotland's first full-time WCO in March 2005. Both Tayside and Strathclyde Police employ full-time civilian wildlife crime co-ordinators in a force support role.

Write to be read

We welcome contributions to *Legal Eagle*. Please let us know about wildlife crime initiatives, news, events and prosecutions in your force. Send your articles to the Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by e-mail to sarah.eaton@rspb.org.uk or by fax to 01767 691052. The views expressed in *Legal Eagle* are not necessarily those of the RSPB. Please help us keep the WCO mailing list up to date by letting us know of any changes.



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. We belong to BirdLife International, the global partnership of bird conservation organisations.

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For further RSPB publications and more information on wild birds and the law, visit www.rspb.org.uk/birdlaw