

## Review of wildlife crime offences to become notifiable

Consultation response from Wildlife and Countryside Link

February 2019

*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 49 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.*

*Link's Wildlife Crime Working Group works to improve the conservation and protection of wild flora and fauna threatened by domestic wildlife crime and international trade.*

*This submission is supported by the following organisations:*

- *Amphibian and Reptile Conservation*
- *Angling Trust*
- *Badger Trust*
- *Bat Conservation Trust*
- *Born Free Foundation*
- *Institute of Fisheries Management*
- *International Fund for Animal Welfare*
- *Naturewatch UK*
- *Plantlife*
- *RSPB*
- *RSPCA*
- *Sustainable Eel Group*
- *Whale and Dolphin Conservation*
- *WWF-UK*

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In August 2018, Link provided a paper (attached) to the National Police Chiefs Council and the National Wildlife Crime Unit outlining our views on the recording of wildlife crime. In summary, we are of the view that all wildlife crime should be recorded but that a focus might perhaps be placed on offences relating to the national wildlife crime priorities. The rationale for the recording of wildlife crime offences was outlined in that paper with detailed views available in our reports on the recording of wildlife crime<sup>1</sup> and our annual wildlife crime reports.<sup>2</sup>

We understand that in the past some research was undertaken that identified over 300 separate wildlife crime offences. We recognise that it would not be practical to create a crime code for every offence and it is therefore appropriate to collect data on groups of offences, in particular those relating to the wildlife crime priorities.

Scotland has been recording allegations of wildlife crime for several years with the Scottish Crime Counting Rules setting out criteria for such recording. We feel that a similar approach might be adopted for England and Wales. As such, we think that wildlife crime might be allocated codes as follows:

- In order that the extent of alleged offending of relevance to the UK raptor wildlife crime priority can be assessed, we ask that all offences identified within sections 1-8 Wildlife and Countryside Act 1981 insofar as they relate to raptors become notifiable.

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<sup>1</sup> [https://www.wcl.org.uk/assets/uploads/img/assets/uploads/Link\\_Recording\\_Wildlife\\_Crime\\_in\\_England\\_and\\_Wales\\_full\\_November\\_2017.pdf](https://www.wcl.org.uk/assets/uploads/img/assets/uploads/Link_Recording_Wildlife_Crime_in_England_and_Wales_full_November_2017.pdf)

<sup>2</sup> [https://www.wcl.org.uk/docs/Link\\_Annual\\_Wildlife\\_Crime\\_Report\\_2017\\_FINAL.pdf](https://www.wcl.org.uk/docs/Link_Annual_Wildlife_Crime_Report_2017_FINAL.pdf)

- In order that the extent of alleged offending of relevance to the UK bat wildlife crime priority can be assessed, we ask that all offences identified within the Conservation of Habitats and Species Regulations 2017 and Section 9 Wildlife and Countryside Act 1981 insofar as they relate to bats become notifiable.
- In order that the extent of alleged offending of relevance to the UK freshwater pearl mussel wildlife crime priority can be assessed, we ask that all offences identified within the Conservation of Habitats and Species Regulations 2017 insofar as they relate to Freshwater Pearl Mussels become notifiable.
- In order that the extent of alleged offending of relevance to the UK badger wildlife crime priority can be assessed, we ask that all offences identified within the Protection of Badgers Act 1992 become notifiable.
- In order that the extent of alleged offending of relevance to the UK poaching wildlife crime priority can be assessed, we ask that all offences under the following legislation should become notifiable:
  - Offences identified in Schedule 1 of the Theft Act 1968
  - Offences identified in the Deer Act 1991
  - Offences identified within poaching legislation (Game Act 1831 etc)
  - Offences identified with the Hunting Act 2004

Should the offences above be made notifiable, it seems likely that for the first time it will be possible to assess levels of wildlife crime identified as being of greatest concern. However, there are many wildlife crimes targeted at species that have not been identified for priority action. There is need to understand the extent of such offending. Having such information will not only allow appropriate levels of resource to be allocated, but it will also inform priority-setting. As such, we would suggest that the following offences should become notifiable but grouped under a restricted number of Home Office codes.

Summary offences identified within the following legislation where they do not relate to raptors, bats or freshwater pearl mussels:

- Part 1 Wildlife and Countryside Act 1981 (This includes allegations of offences relating to all species of flora and fauna, terrestrial or marine, listed in the schedules of the act, and all offences that are not species specific such as those identified within sections 5, 8, 11 and 13 (1)(b). It would be useful if, in appropriate cases, the species concerned could be identified within the record.
- Conservation of Habitats and Species Regulations 2017 (This includes allegations of offences relating all species of flora and fauna, terrestrial or marine, listed in the schedules to the regulations and all offences that are not species specific such as those identified within regulation 45. It would be useful if, in appropriate cases the species concerned could be identified within the record.
- Conservation of Seals Act 1970
- Wild Mammals Protection Act 1996

These suggested recording classifications do, we think, cover the most common types of wildlife crime but not those that are triable either way and therefore already notifiable. We consider it vital that those triable either way offences continue to be recorded and assume there are no proposals to amalgamate or delete any of those classifications. It is also important that such offences are allocated codes that allow each offence to be identified within statistical data.

In considering this response, some thought has been given to including a call for some offences under the Animal Welfare Act 2006 to become notifiable. In particular, offences of fighting under section 8 where dogs are used to fight with foxes. We have decided against making that suggestion only on the basis of ongoing discussions to increase maximum sentences for such offending which, when introduced, would have the effect of making all offences subject to those increased sentences notifiable.

We are anxious that, when the Home Office decide on which wildlife crime offences should be recorded, they should also consider whether their counting rules need to be amended in order that such offences are not classified as being victimless and are recorded where, on the balance of probabilities, an offence has been committed.

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