

## **EXECUTIVE NOTE**

### **THE WILD BIRDS (SPECIAL PROTECTION IN SEVERE WEATHER) (SCOTLAND) (NO. 2) ORDER 2010**

**SSI 2010/438**

The above instrument was made by Scottish Ministers in exercise of the powers conferred by section 2(6) of The Wildlife and Countryside Act 1981.

The instrument is an emergency measure and is not subject to Parliamentary procedure, although it will be considered by the Subordinate Legislation Committee.

#### **Policy Objectives**

The instrument is intended to prohibit the taking or killing, including shooting, of bird species listed in Part 1 of Schedule 2 of the Wildlife and Countryside Act 1981. This is intended to afford temporary protection to such birds in Scotland due to severe weather. In harsh conditions disturbance through activities such as shooting can have a serious effect on flocks of wildfowl and other birds as they become reluctant to fly in cold weather order to conserve energy.

The criteria and arrangements for shooting bans in severe weather were originally drawn up in 1982 by a working group set up by the then Nature Conservancy Council, which included shooting, conservation and scientific interests. Their report, accepted by the Government, called for an order banning shooting to be made after 13 days of continuing frost (as recorded by more than half of a selection of meteorological stations) and for the ban to come into effect on the 15<sup>th</sup> day.

Wildfowling will be banned for an initial period of 14 days and the position reviewed seven days after the ban has effect. Any lifting of the ban before the full 14 days will take into consideration the need for a period of recovery for wildfowl after the end of the severe weather itself.

#### **Consultation**

In accordance with section 2(7) of the Wildlife and Countryside Act 1981, which requires consultation with a person appearing to be representative of those interested in shooting the bird species afforded temporary protection, the British Association of Shooting and Conservation (Scotland) was consulted. Scottish Natural Heritage was also consulted in accordance with section 26(4)(b) of the Act. Both organisations agreed that the ban is justified given the prevailing weather conditions.

#### **Financial Effects**

The principal financial effect is that for a short period wildfowlers and other shooters will not be able to pursue their sport. This may result in a reduced expenditure on cartridges and ancillaries, payment for goose guides, as well as a reduced take up of accommodation and related services, such as hotels, restaurants and bed & breakfast establishments, in rural areas at an otherwise quiet time of year. There are an estimated 2-3,000 wildfowlers resident in Scotland and a possible 10,000 wildfowlers visit Scotland throughout the year. An estimated 1,000 visits to Scotland may be disrupted by the ban. However, many wildfowlers

understand and support the reasons for the ban, and have already been practising voluntary restraint in recognition of the weather conditions.

The suspension would also affect a relatively small number of providers who specialise in woodcock shooting on the west of Scotland. While such clients are not very numerous their expenditure is often significant locally. One week's sport, along with accommodation, can cost an individual £1,500. The Hebrides and parts of Argyll are thought to have at least thirty providers of such sport for parties of up to 8 visitors per week.

Due to the emergency nature of the Order and the likely short duration of the special protection a Regulatory Impact Assessment has not been prepared.

Scottish Government Rural & Environment Directorate  
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