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# LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

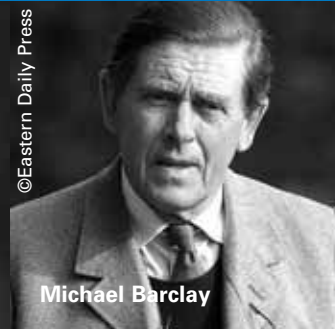
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Geoff Kuchera (iStockphoto.com)



Eggs of the merlin had been smuggled into the UK from Russia by Barclay.

©Eastern Daily Press



Michael Barclay

©Eastern Daily Press



John Metcalf

## The Chronicles of Norfolk The lying, the switch and the wardrobe!

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

At Norwich Crown Court on 26 October 2006, Michael Humphrey Barclay of Hanworth Hall, Norfolk, received a four-month custodial sentence and was ordered to pay £30,000 costs. John Charles Metcalf, a retired Magistrate of Long Lane, Billesdon, Leicestershire, received a two-month custodial sentence suspended for 12 months. He received no separate penalty on three other matters and was ordered to pay £8,300 costs.

In May 2004, a warrant was 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 and animal skins were found, as well as birds' eggs that Barclay had taken and a larger egg collection that he had obtained from the late Peter Adolph, which he told the police he had purchased for £14,000.

Data cards, documents and photographs taken from the hall suggested that Barclay had been involved in egg collecting for 50 years, taking over 5,800 eggs from Spain, England, Scotland, Scandinavia, Russia and Iceland, as well as live seabirds for taxidermy from Scotland. Barclay made several trips to the remote island of North Rona, off the north coast of Scotland. This Site of Special Scientific Interest supports important populations of seabirds including 2,750 pairs of Leach's petrel (5% of the UK's breeding population).

Photographs in Barclay's possession showed that nesting burrows had been opened up and incubating storm and Leach's petrels taken. Another photograph showed Barclay holding a live Manx shearwater, annotated as taken for mounting in the Western Islands in 1994. Other documents indicated that two Arctic skuas had been shot for mounting, and there were records indicating that a sparrowhawk corpse found in a freezer had been killed during a pheasant shoot at Hanworth in 2001.



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A second warrant was executed at Barclay's home in July 2004 during which a secret room was discovered, accessed through the back of a wardrobe. This small room, made in 1997, held a number of empty cabinets, apart from one holding a few clutches of eggs from the Adolph collection.

Documents seized implicated John Metcalf in some matters, including a visit to North Rona in 2003, without Barclay, when he handled storm and Leach's petrels. In July 2004, Leicestershire Police and the RSPB searched the home of Metcalf and further documents were seized. In interview, Barclay accepted collecting eggs, including some taken abroad, which included Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) species. He accepted buying the Adolph collection, which was found to contain 150 clutches of eggs of CITES Annex A species including gyr falcons, peregrines and golden eagles. Barclay admitted buying eight Annex A stuffed birds from Metcalf, but denied illegally taking birds for taxidermy.

Metcalf initially denied any involvement in taking seabirds, but when confronted with his own records found at Barclay's home, did accept some handling and interference with petrels on North Rona, indicating it had just been curiosity and that they had been returned to their burrows. As a former bird-ringer, he was fully aware of the Schedule 1 status of Leach's petrels and the particular sensitivity of petrels to disturbance during the breeding season. He admitted carrying out commissioned taxidermy work for Barclay and supplying a number of specimens. He was



G. Shorrocks (RSPB)

The Adolph collection at Hanworth Hall

(two peregrines, a sparrowhawk and six owls). Barclay chose not to give evidence. Metcalf maintained the specimens were gifts and commission work but radically changed his account from interview. He claimed he had inherited taxidermy collections, had done some renovation and casing work before giving them to Barclay, and that any money received did not relate to actual sale of the birds themselves. In support of this, he produced a sheet of data labels, suggesting he had prepared none of the specimens and that one of the peregrines dated from pre-1947.

Metcalf also produced a stock book that listed the taxidermy collections apparently given to him, with a series of annotations suggesting that some had been given or loaned to Barclay. Copies of these documents were only made available to the prosecution in 2006. Following cross-examination by Andrew Bird, the veracity of these documents was totally undermined. The stock book records he claimed were made in 1987 were shown to have been made after associated records mentioning the death of artist Sir Peter Scott in 1989. He was forced to admit the labels did not necessarily relate to the birds subject of charge and, based on an earlier defence statement, that the labels for two peregrines had now switched places!

Both defendants were convicted on all COTES offences. Barclay then entered guilty pleas to four offences under the Wildlife and Countryside Act 1981 (WCA) relating to the possession of 57 birds' eggs, and 13 taxidermy specimens (five Leach's petrels, three storm petrels, two sparrowhawks, two Arctic skuas and a Manx shearwater). Metcalf pleaded guilty to three WCA charges on North Rona in 2003 of taking a Leach's and a storm petrel, and intentional disturbance of a Leach's petrel at a breeding site. In sentencing, Judge Barham told the court that the legislation was designed to protect endangered species, and as these were serious offences it was important that they were dealt with severely.

This was a particularly complex investigation and the RSPB is grateful for the assistance of many individuals and the commitment to the investigation by the Norfolk Police and CPS. In particular, we would like to thank Alan Roberts (now of the National Wildlife Crime Unit), DC Jerry Simpson, PC Jon Hopes, CPS caseworker Tabi Paternoster and Prosecution Council Andrew Bird.

Barclay with Leach's petrel

Courtesy Norfolk Police

fully aware of the requirement for Article 10 Certificates and denied selling eight Annex A specimens to Barclay. Examination of the specimens by Kim McDonald from the Guild of Taxidermists, supported by radiographs, concluded that all the specimens were post-1947, and there was evidence that four had been shot.

Barclay eventually pleaded guilty to smuggling rough-legged buzzard eggs from Norway in 1999 and merlin eggs from Russia in 2002, contrary to the Customs and Management Excise Act 1971. He also pleaded guilty to purchasing the Adolph egg collection contrary to Control of Trade in Endangered Species (Enforcement) Regulations (COTES) 1997. In October 2006, a trial took place on 16 COTES counts of selling and buying Annex A taxidermy specimens

# PROSECUTIONS

## Reckless disturbance – not just a birdwatcher!

**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 in the vicinity of 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. The following day, the defence mitigation that Ashcroft had pitched his 'tent', 'unaware of the presence of the ospreys', was widely reported in the press.

Interestingly, the nest was an artificial one – built in the early 1990s by Dave Dick of the RSPB – designed to give ospreys an undisturbed nest area.

This incident took place during the G8 Summit at nearby Gleneagles, a time when police resources were heavily stretched, and we thank Central Scotland Police for their response. The RSPB would particularly like to thank Keri Marshall, for her work in this, her first case as a 'Wildlife Fiscal'.



Kestrel

Sue Tranter (rspb-images.com)

## Owner of falconry centre convicted

**PC Richard Gape, of North Yorkshire Police, reports:**

'In December 2005, information was received via Crime Stoppers stating that the owner of the Yorkshire Dales Falconry Centre, Douglas Petrie, was in possession of three wild birds of prey: one kestrel, one tawny owl and one little owl. Both the kestrel and the tawny owl had apparently been used for commercial gain.

I visited the Falconry Centre and was later joined at Petrie's house by the Head Falconer (no longer employed at the Centre) who was able to point out the little owl kept in a small cage in an adjoining room to the lounge. The room was full of cages containing exotic birds.

Officers were shown the kestrel and tawny owl, which were apparently the subjects of the Crime Stoppers report. Police removed the little owl, kestrel and tawny owl from the Centre and took them to a separate Bird of Prey Sanctuary.

In January 2006, the defendant attended Skipton Police Station and was arrested on suspicion of two counts of using wild birds for commercial gain; three counts for being in possession of live wild birds; and for cruelty offences.

Douglas Petrie was subsequently charged with two counts of using wild birds (the kestrel and tawny owl) for commercial gain contrary to Reg. 8(1) Control of Trade in Endangered Species (Enforcement) Regulations (COTES) 1997 and three counts of being in possession of non-Schedule 1 wild birds contrary to Section 1(2) and 21(1) of the Wildlife and Countryside Act 1981 (WCA). No charges followed regarding any cruelty issues.

In July 2006, Petrie pleaded guilty to the COTES offences and not guilty to the other charges. Three days before the trial, in late September, the Crown Prosecution Service decided to drop the remaining three WCA offences as it was not in the public interest to proceed with them. Petrie was given a conditional discharge for two years relating to the COTES offences and ordered to pay £50 costs. The little owl and tawny owl were released back into the wild. Sadly, the kestrel had become too socially imprinted to be released.

A big thank you to Guy Shorrocks and the RSPB Investigations team for their assistance, Andy McWilliams (formerly Merseyside Police) whose previous dealings with Douglas Petrie for COTES offences at Southport Zoo proved invaluable and to the Corio Raptor Care Centre, Bentham.'

## Falconer cautioned for registration offences

**A falconer has been cautioned for registration offences of Schedule 4 birds in Northumberland.**

Following information from different sources expressing concern over some adverts, an investigation into suspected registration offences of peregrines was carried out.

The police, accompanied by an RSPB Investigations Officer, made a site visit to pursue the investigation. The original suspected offence had not been committed, but whilst present, other registration offences were uncovered relating to three birds: a peregrine x lanner; a gyr x saker; and a gyr/saker x saker.

On 18 June 2006, a falconer was interviewed and subsequently cautioned at Berwick Police Station for three registration offences under the Wildlife and Countryside Act 1981. He had failed to re-register Schedule 4 birds that had permanently moved premises.

The RSPB would like to thank PC Andy Swinburne for his assistance throughout this investigation.

## Close shave leads to a brush with the law

**George F Trumper Ltd, a company specialising in the sale of gentlemen's grooming accessories, was fined £10,000 at Westminster Magistrates' Court on 24 October 2006 for keeping parts of Annex A species for sale.**

In November 2004, the Metropolitan Police Wildlife Crime Unit executed search warrants at three London premises belonging to George F Trumper Ltd and discovered 24 ivory items kept for sale. Two other premises in Gloucestershire and one in Somerset were searched with the assistance of Gloucestershire Police, Avon and Somerset Police, HM Revenue and Customs (HMRC) and Stephanie Pendry of TRAFFIC. A large amount of raw and partially carved ivory was recovered at the Gloucestershire premises. Most of the items seized were shaving brushes stamped with 'real ivory' and were on sale for up to £1,100 each. Other ivory items seized included hairbrushes, glove stretchers and an elephant tusk. The company pleaded guilty to two

charges of keeping parts of Annex A species for sale contrary to Control of Trade in Endangered Species (Enforcement) Regulations (COTES) 1997. They were fined £5,000 on each count and the ivory was confiscated.

The illegal trade in wildlife is a very lucrative area of international crime. In London, the Metropolitan Police Service (MPS) has seized more than

30,000 items made from CITES species since the launch of Operation Charm, an ongoing MPS initiative against this trade.

The officers in the case, DS Ian Knox and DC David Flint, would particularly like to thank John Elliott of Crown Prosecution Service Special Casework for his efforts in the preparation and presentation of this case.



Elephant ivory was used to make shaving brushes.

## Dealer bitten by sale of whale teeth

**WCO PC Andy Swinburne, of Northumbria police, reports:**

'An antiques dealer has been fined £660 and ordered to pay £75 costs after selling whale teeth and illegally possessing for sale three pieces of elephant ivory. Northumbria Police arrested Thomas William Balmain, 50, of Millbank Crescent, Bedlington, in October 2005 following the execution of a search warrant at his business storage centre. The National Wildlife Crime Intelligence Unit had tipped off Northumbria

Police after discovering an advert for 'rare Victorian whale teeth' on eBay, the internet auction site.

Upon executing the warrant, it was ascertained that Balmain had sold two sperm whale teeth to a customer in America. He admitted keeping for sale the elephant ivory figures contrary to Control of Trade in Endangered Species (Enforcement) Regulations (COTES) 1997, with no relevant paperwork or provenance. The sale and possession for sale of such specimens – both Annex A species – is illegal unless the seller can prove either that they date from before 1947, or that they have been given an Article 10 exemption certificate.

On 21 July 2006, at South East Northumberland Magistrates' Court, Balmain pleaded guilty to two charges of selling whale teeth and one of keeping for sale the pieces of elephant ivory – worked into a toothpick set, an African head and a Japanese figure. Balmain was fined £250 for each sale and £160 for the third charge.

Balmain demonstrated a good level of knowledge about the ivory and whale teeth themselves but had little idea of the regulations governing these items. As a trader, he had to be held accountable for his actions. What has been pleasing is the level of media interest in the case, which can only help to act as a deterrent to other traders.'



# Construction company fined for SSSI damage

**A construction company has been fined £1,400 and ordered to pay £5,852.04 costs after causing damage to salt marsh habitat in the Exe Estuary Site of Special Scientific Interest (SSSI) near Exeter.**

On 17 July 2006, WEB Construction Limited pleaded guilty at Cullompton Magistrates' Court to intentionally damaging part of the site during the construction of an office at Odham's Wharf, Topsham, in August 2005.

English Nature (now part of Natural England) brought the prosecution after an employee of the construction company dumped silt on the salt marsh, smothering a 500-square metre area. It will take between three and five years for the vegetation to recover fully.

The Exe Estuary is internationally protected for its wintering and migratory wading birds and wildfowl populations. Over 30,000 birds spend the winter months at the estuary. Salt

marshes provide an important food and refuge resource for wading birds and wildfowl, such as Brent geese, avocets and black-tailed godwits.

Salt marshes are a rapidly declining habitat with over 100 hectares disappearing every year in the UK. The main threats are from coastal development, flood defence works and the impact of climate change resulting in 'coastal squeeze'. Coastal squeeze

occurs when sea defences prevent vegetation migrating landwards in response to sea-level rise, resulting in a loss of coastal habitats such as salt marsh.

Chris Davis, English Nature's Maritime Conservation Officer in Devon, said: 'It is unusual that damage of this nature occurs to protected sites and I am pleased that the developer has pleaded guilty to the offence.'



Silt dumping damaged salt marsh vegetation.

## Slow worms slow down developer

**A developer who altered an ecological survey to support his planning application has been sentenced to a 12-month community service order and 40 hours unpaid work, and was ordered to pay costs of £100. PC Heather Barham, of Wiltshire Police, reports:**

'In April 2005, Stephen Hopley (aged 55) of Seagry Rd, Chippenham, submitted a planning application to North Wiltshire Council to build a recycling plant on his land. He was asked to submit an ecological survey as it was thought that badgers and slow worms may have been affected by the proposed development. This was duly undertaken by a consultancy and the species in question were mentioned. Anxious to remove any impediments to his application, Hopley decided to alter the survey report, making light of any references to wildlife. The absence of standard details in the report, and

Hopley's flippant remarks ('The slow worms are a transitory population – I saw one leave with a suitcase'), caught the attention of the county council's ecologist and English Nature, who called the authenticity of the report into question.

Wiltshire Police were alerted and Hopley was interviewed. He claimed that as he had paid for the survey, he was entitled to amend the report as he pleased, although he declared he had only removed irrelevant details. The Crown Prosecution Service agreed to two offences of using a false instrument and making a false instrument. After several court appearances, the second charge was dropped. At Chippenham Magistrates' Court in September 2006 Hopley was found guilty of using a false instrument contrary to the Forgery and Counterfeiting Act 1981 and sentenced. The progress of his planning application is unknown.'



Slow worms

# Jail terms for bird trappers

The RSPCA's Special Operations Unit reports on two recent cases:

**On 6 October 2006, at Newton Aycliffe Magistrates' Court, John David Dugdale, 46, of Spennymoor, Durham, was sentenced to four months in prison after pleading guilty to trapping wild birds.**

In October 2005, RSPCA inspectors and police officers found two wild goldfinches and a bullfinch in cages hidden in a bedroom cupboard at the home Dugdale shared with a second defendant, Christopher Dugdale. Lime-sticks were found in an airing cupboard, and branches on conifer trees in their garden had been prepared with glue in an attempt to trap wild birds.

John David Dugdale admitted to six charges, including possession of a wild bullfinch and a wild goldfinch contrary to the Wildlife and Countryside Act 1981. Magistrates



Sue Tranter (rspb-images.com)

Bullfinch

said they had no choice other than to give him a custodial sentence because he had two previous convictions for trapping wild birds.

Christopher Dugdale pleaded guilty to five charges and was sentenced to 70 hours community service and ordered to pay £175 in costs.

Similarly, a man was sentenced to four months in prison, suspended for one year, after being found guilty of possessing eight wild birds and of possessing a trap used to catch wild birds.

The RSPCA found the birds in outbuildings at the home of Harry Bishop, in New Street, Sleaford, Lincolnshire in July 2005. A corn bunting, two bramblings, two yellowhammers and three goldfinches were found in five cages alongside a multiple bird trap. They were judged to be birds that had been taken from the wild and kept in captivity, an offence under the Wildlife and Countryside Act 1981. Bishop was sentenced on 16 November 2006 at Spalding Magistrates' Court.

In addition to the suspended jail term, he was sentenced to 150 hours of community service and ordered to pay £2,500 costs.

Goldfinch



## The UK's leading wildlife crime team 'hatches' in Edinburgh

The Biodiversity Minister, Barry Gardiner, launched the new and unique National Wildlife Crime Unit (NWCU) in Edinburgh on 18 October 2006. The police-led unit, headed by Chris Kerr, has been set up to co-ordinate the targeting and disruption of serious wildlife crime on a regional, national and international level.

A multi-agency operation, the NWCU will gather, analyse and co-ordinate wildlife crime intelligence and support enforcement activities of police and HM Revenue and Customs (HMRC) officers in the UK. It will also liaise with enforcement agencies in other jurisdictions. A new proactive arm incorporating Operation Artemis, 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.

The NWCU's structure and operations have been developed over the last four years and have been internationally commended and implemented as a model worldwide.

Barry Gardiner said, 'Working with partners both inside and outside of government, we are now in a prime position to tackle the perpetrators head on. This unit sends a clear message: we will not tolerate wildlife crime in the UK.'

Paddy Tomkins, Chief Constable of Lothian and Borders Police and Association of Chief Police Officers in Scotland lead for wildlife crime, said, 'We pay tribute to the work that the unit has done up until now as part of a larger intelligence agency, all of which has been exceptionally important. We look forward to establishing a close working



**NWCU Investigative Support Officers Andy McWilliam (left) and Alan Roberts.**

relationship with this highly dedicated team of people using our combined knowledge and skills to combat all types and levels of wildlife crime.'

Mark Fuchter, Head of Prohibitions and Restrictions Group at HMRC, said, 'We have a close and effective working relationship with the unit and the changes announced today will enhance law enforcement capability against wildlife crime even further.'

Also present was Richard Brunstrom, Chief Constable of North Wales Police and Association of Chief Police Officers lead for wildlife crime. Peter Russell, Head of the Rural Affairs Group, who passed on a message of support for the NWCU from Rhona Brankin the Scottish Environment Minister, represented the Scottish Executive at the launch.

The RSPB welcomes the formation of the National Wildlife Crime Unit and looks forward to continuing with a close working relationship. Ian West, head of RSPB Investigations said, 'The setting up of the National Wildlife Crime Unit is the most important development in combating wildlife crime since the formation of the Wildlife Crime Officer network.' The unit is based at North Berwick Police Station, in Lothian and Borders.

For more information, please visit [www.nwcu.police.uk](http://www.nwcu.police.uk)



Andy Hay (rspb-images.com)

Hen harrier



Stone-curlew

## Egg collecting is anti-social!

**Following what is believed to be the first application for an Anti-Social Behaviour Order (ASBO) in connection with wildlife crime, a court has declared that egg collecting constitutes anti-social behaviour and may warrant such a punishment.**

In October 2006, the Crown Prosecution Service tried an innovative approach and applied for an ASBO to restrict the movements of Wayne Michael Derbyshire of East Acres, Widdrington, Northumberland. In June 2006, Derbyshire was convicted of eight egg-collecting offences contrary

to the Wildlife and Countryside Act 1981 (see *Legal Eagle 50*). The ASBO would have imposed a curfew and a restriction on travel to certain parts of the country during the 2007 breeding season, and any further egg collecting by Derbyshire would have breached the ASBO conditions.

The court was required to consider whether egg collecting is anti-social behaviour and likely to cause harassment, alarm or distress to third parties, and whether the ASBO was necessary to protect persons from further anti-social behaviour.

Following lengthy deliberations, the court stated that they were satisfied that egg collecting does constitute anti-social behaviour. However, as it was Derbyshire's first conviction and he was deemed to be responding well to his Community Service Order, the application was unsuccessful. The court felt that it was important to see whether the Community Service Order was a suitable deterrent in itself, so could not justify giving Derbyshire an ASBO at this time.

However, the court's recognition of egg collecting as anti-social behaviour means this approach may be appropriate in future cases, particularly those involving repeat offenders, such as egg collectors who remain undeterred by court sentences.

The RSPB would like to thank Crown Prosecution Service Prosecutor Jonathan Moore for instigating and presenting this novel approach.

## Judge commendation as appeal withdrawn

On 1 November 2006, Wayne Michael Derbyshire appeared at Newcastle Crown Court for an appeal against sentence and conviction in relation to a charge of possession of items capable of being used to take wild birds' eggs, contrary to Section 18(2) of the Wildlife and Countryside Act 1981. He had previously been found guilty of this offence in June 2006 and given a Community Service Order of 280 hours unpaid work, to run concurrent with 180 hours on other matters (see *Legal Eagle 50*). However, following discussion within the court, Derbyshire decided to withdraw his appeal in its entirety, and was ordered to pay £200 towards prosecution costs.

Recorder Judge Gordon stated he would like to commend the Northumbria Police and the RSPB for their work on this case and for service to the public, which was much valued in this day and age where environmental issues are of increasing concern.

**We would like to apologise to David Griffiths, Procurator Fiscal, Perth, and his team, for unintentionally failing to acknowledge their efforts in securing the conviction of Andrew Jackson ('Sand martin colony bulldozed' – *Legal Eagle 50*). We endeavour to ensure that everyone involved in the cases reported is duly recognised, but unfortunately, in this instance, we were unsuccessful.**



## Working with wildlife

CIRIA, a provider of performance improvement services in the construction industry, has published a new book, *Working with wildlife site guide*, to help ensure that those working on construction sites stay within the law relating to wildlife and follow accepted good practice. The guidance introduces legislation governing wildlife and construction issues, gives practical advice on dealing with wildlife on sites and provides references and contact details for obtaining further guidance.

Common amphibians, common mammals, fish, birds, protected species, invasive plants, coastal and marine habitats, grassland, heathland, hedgerows, urban habitats, wetlands and woodlands are just some of the range of topics covered in the comprehensive publication.

To buy a copy of the guide, visit the CIRIA website at: [www.ciria.org/wildlife.htm](http://www.ciria.org/wildlife.htm) or contact CIRIA on 020 7549 3300 or e-mail [enquiries@ciria.org](mailto:enquiries@ciria.org)



Inspecting a badger sett



The peregrine, photographed before its death, and the dead buzzard (inset)

Buzzard by Elizabeth Close. Peregrine photographer unknown, but permission given.

## Collective horror at bird deaths in Northern Ireland

In September, the Police Service Northern Ireland (PSNI), the British Association for Shooting and Conservation and the Ulster Society for the Prevention of Cruelty to Animals joined the RSPB in condemnation of the illegal persecution of birds of prey, after a peregrine was found shot and a buzzard poisoned in Northern Ireland.

The peregrine was found in a field near Sprucefield with four pellets lodged in its leg, wing and shoulder. It was taken to the vet, but died a few days later. The bird had been ringed as part of a scientific study and was identified as having hatched this year in Co Antrim.

The buzzard was found alive, but suffering from apparent poisoning, in the Drumbanagher area near Newry. Despite treatment by a vet, the bird suffered haemorrhaging and also died. Full laboratory results are still awaited, but initial results indicate poisoning.

It is illegal to kill or injure any wild bird under the Wildlife (NI) Order 1985, and doing so will incur fines of up to £5,000 or prison sentences of six months. Penalties for anyone convicted of harming specially protected species including peregrines and buzzards (listed on Schedule 1 of the Order) are greater.

These incidents follow the alleged persecution of peregrines in the Mourne Mountains earlier in 2006. Bird or wildlife crimes in Northern Ireland should be reported to the PSNI and the Wildlife Officer at the Environment and Heritage Service.

The PSNI has recently appointed a full time Wildlife Liaison Officer to ensure that the criminals behind these and other attacks are dealt with by the courts. The RSPB welcomes this development as it now means the PSNI will be able to invest more resources into investigating wildlife crimes.

# CONFERENCE NEWS

**The 18th annual UK Police and Customs Wildlife Enforcement Conference took place at the University of Northampton between 6 and 8 September 2006. Over 130 delegates attended, representing police forces across the UK, Government departments and voluntary organisations with an interest in wildlife law enforcement.**

Chief Constable Peter Maddison of Northamptonshire Police opened the conference, recognising the importance of the work undertaken by wildlife law enforcers. The conference included a mix of case studies and workshops covering topics such as the Lim orchid case (see *Legal Eagle 50*) and a presentation from the recently appointed Interpol wildlife crime officer. Workshops included the use of firearms and Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)/plants issues.

## **WWF Wildlife Law Enforcer of the Year Award 2006**

David Cowdrey (Director of the WWF Wildlife Trade Campaign) and Richard Brunstrom (Chief Constable, North Wales Police) presented this year's award to PC Paul Henery of Northumbria Police (pictured, below) at the conference. Over the past year, Paul has undertaken a large number of diverse investigations in his role as a full-time WCO. He has also continued in his role as co-ordinator for Operation Artemis. He has been instrumental in designing and implementing species

protection programmes, including one to protect avocets that produced the first record of a successful breeding pair for Northumberland.

In addition to his investigative role, Paul has made an outstanding contribution to training colleagues in all aspects of wildlife law enforcement and provides ongoing training for officers where needed. He works effectively with a number of external organisations and agencies in the course of his work and makes very good use of the media to highlight wildlife enforcement issues. Paul has also been involved in a number of community based projects including the Longhorsley Common Restoration project, where he secured funding to bring rescued Dartmoor ponies to the common as part of the habitat management.

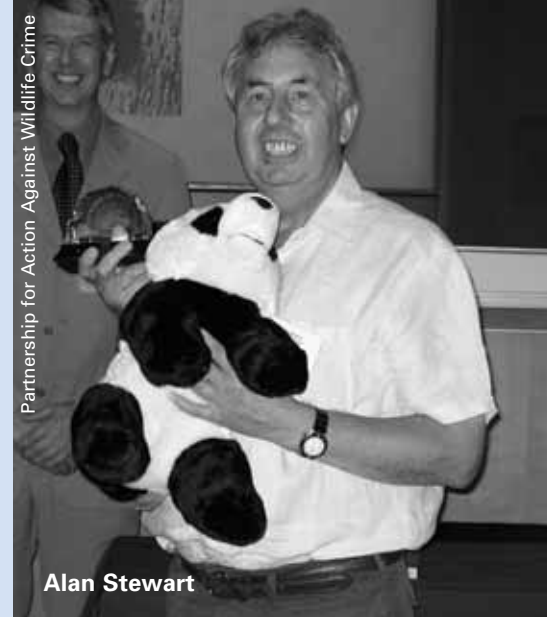
On commending Paul, his nominating officer said, 'PC Henery is an extremely dedicated, committed and professional WCO who has gained experience in dealing with wildlife crime over a number of years. He is supportive of partner agencies and police colleagues in carrying out his duties and has done much to raise awareness of wildlife crime locally and nationally.'

## **Special Lifetime Achievement Award**

This year, the Panel who assess the nominations for the Wildlife Enforcer of the Year Award also decided to make a special 'Lifetime Achievement Award' to Alan Stewart, Tayside Police's Wildlife and Environment Officer.

Presenting the award with David Cowdrey, Richard Brunstrom said, 'Alan has previously received the Wildlife Enforcer of the Year Award in recognition of his contribution to wildlife law enforcement. His commitment and dedication are of the highest order, and he has made a huge difference not only to police enforcement activity, but also to raising awareness amongst young children and the wider community, throughout Scotland.'

Alan has made extensive contributions to wildlife law enforcement in Scotland over a number of years. Recent activities have included drafting a strategy for tackling wildlife crime for the years 2006-2008. In 2003, Alan



Partnership for Action Against Wildlife Crime

Alan Stewart

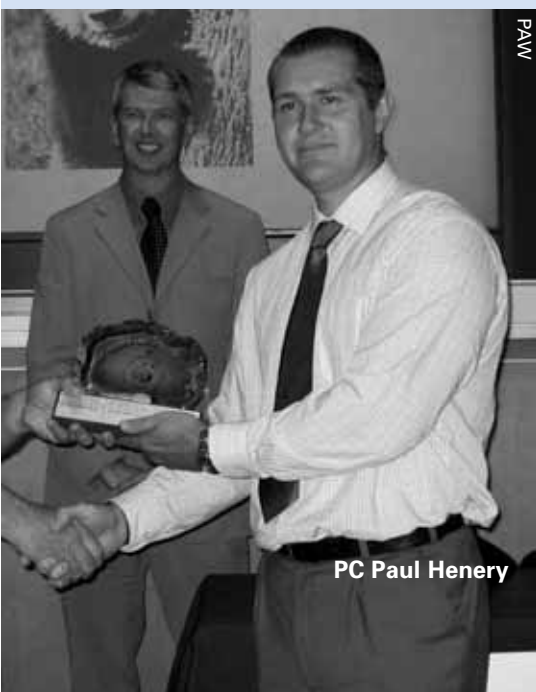
compiled a resource CD Rom, *Wildlife and the Law*, for use by Scottish Police forces. This proved to be very successful and has since been modified for use in England and Wales, again with assistance from Alan.

Alan runs a number of training courses for WCOs and has developed a schools training package. He delivers large numbers of talks each year to a diverse range of organisations from countryside groups to local authorities. Alan makes very good use of the media and is currently writing a book about wildlife crime due to be published in early 2007.

With a wide range of knowledge, Alan has developed specialist skills in cases involving the abuse of pesticides. He has also co-ordinated Operation Easter since 1997 – an Operation that has drastically reduced the incidence of egg collecting across the UK.

Rhona Brankin, Deputy Minister for Environment and Rural Development, said, 'I am delighted that Alan Stewart is being honoured with this Lifetime Achievement Award from the WWF. Whether tackling international egg thieves or dealing with illegal traps and poisons, Alan's passion and tireless dedication to his work has helped demonstrate the central importance of addressing wildlife crime.'

'This award is also a tremendous accolade for Alan's employers, Tayside Police. I look forward to seeing Tayside Police continue to break new ground in the policing of wildlife and environmental crime.'



PAW

PC Paul Henery

# AND FINALLY



## Dave Dick retires

Dave Dick was an Investigations Officer with the RSPB in Scotland for 22 years and retired on 1 December 2006. During his time working for the RSPB, Dave was instrumental in raising the profile of wildlife crime against birds and was involved as an expert witness for the prosecution in numerous court cases.

Amongst his many achievements, Dave helped establish the Wildlife Crime Officer network and the Scottish Raptor Study Groups. He also helped shape policies, through participation in the Partnership Against Wildlife Crime Scotland. He helped design the wildlife crime elements of the recent nature conservation legislation that are now in force in Scotland in the Criminal Justice (Scotland) Act 2003, and Nature Conservation (Scotland) Act 2004. Dave will be known to almost everybody who has an interest in combating wildlife crime in Scotland, and also amongst his fellows across much of the rest of the UK.

Dave will no doubt use his increased spare time to, amongst other things, continue his lifelong passion for studying golden eagles and peregrines, as well as indulging in playing the guitar, both of which he also does very skillfully. We wish Dave the best for the future.



## Keith Morton moves on...

Keith Morton was an Investigations Officer with the RSPB in England for five years and in Scotland for 15 years. In July, Keith moved to another post in the RSPB, where his skills will be deployed as Species Communications Officer.

Keith has been a stalwart in the investigation of wildlife crime in Scotland, and alongside Dave Dick he has worked tirelessly with the Police to investigate the continuous stream of serious crimes that are committed against some of our most vulnerable bird species each year. Ian Thompson replaced Keith in November 2006. We wish Keith all the best with his new role.

## PAW Certificate of Merit awarded

A Partnership for Action Against Wildlife Crime (PAW) Certificate of Merit has been awarded to Phil Curtis, of the Natural England Hen Harrier Recovery Project (HHRP). Phil has worked on the HHRP for 4 years across the north of England, monitoring and protecting hen harriers under extremely difficult circumstances. Despite considerable set backs, year on year he has doggedly pursued the goal of increasing the numbers of breeding harriers in the area.

The hen harrier breeding season on the Pennines and in the Cheviots is subjected to the full spectrum of northern weather extremes. By demonstrating his enthusiasm and commitment to the harriers, he was able to continually motivate teams of volunteers assisting him with protecting the birds during very difficult times.

Steve Downing, UK co-ordinator of Operation Artemis, nominated Phil for the award. He said, 'Hen harrier protection is an all consuming, stressful occupation, subjected to huge pressures, and Phil Curtis is an excellent example of an individual dedicated to protecting our wildlife; he is a worthy recipient of a PAW Certificate of Merit.'

## 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](mailto: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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