



for birds  
for people  
for ever



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# LEGAL EAGLE

The RSPB's investigations newsletter

## Persistent egg collector jailed

Egg collector Barry Sheavils has been sentenced to four months in prison after magistrates exercised their new powers under the Countryside and Rights of Way Act 2000 (CRoW). The case highlights how the courts are viewing this kind of offence with increasing seriousness. The RSPB welcomes custodial sentences where financial penalties have been shown to be no deterrent and believes this result will send a strong warning to egg collectors and other wildlife criminals.

It was only in *Legal Eagle* 29 that we described how Barry Sheavils – a persistent egg collector since 1986 – had the real threat of imprisonment hanging over him if he continued to offend. Sheavils, of Ogle Drive, Blyth, Northumberland, was fined £1,000 by Bedlington magistrates in May 2001 and ordered to pay £500 costs for possession of 1,260 wild birds' eggs. These offences pre-dated the reforms but the bench made it clear they would use their new powers if Sheavils appeared before them again.

The possibility of prison became a reality for Sheavils less than a month after this conviction when Northumbria Police executed a search warrant at his house and found him in possession of three goshawk and five goosander eggs – all fresh and unblown.

Unemployed Sheavils pleaded guilty to possession of the eggs at South East Northumberland Magistrates' Court, Bedlington. On 7 September 2001, he was sentenced to three months in jail for the possession of goshawk eggs and one month for the goosanders.



Owen Humphries

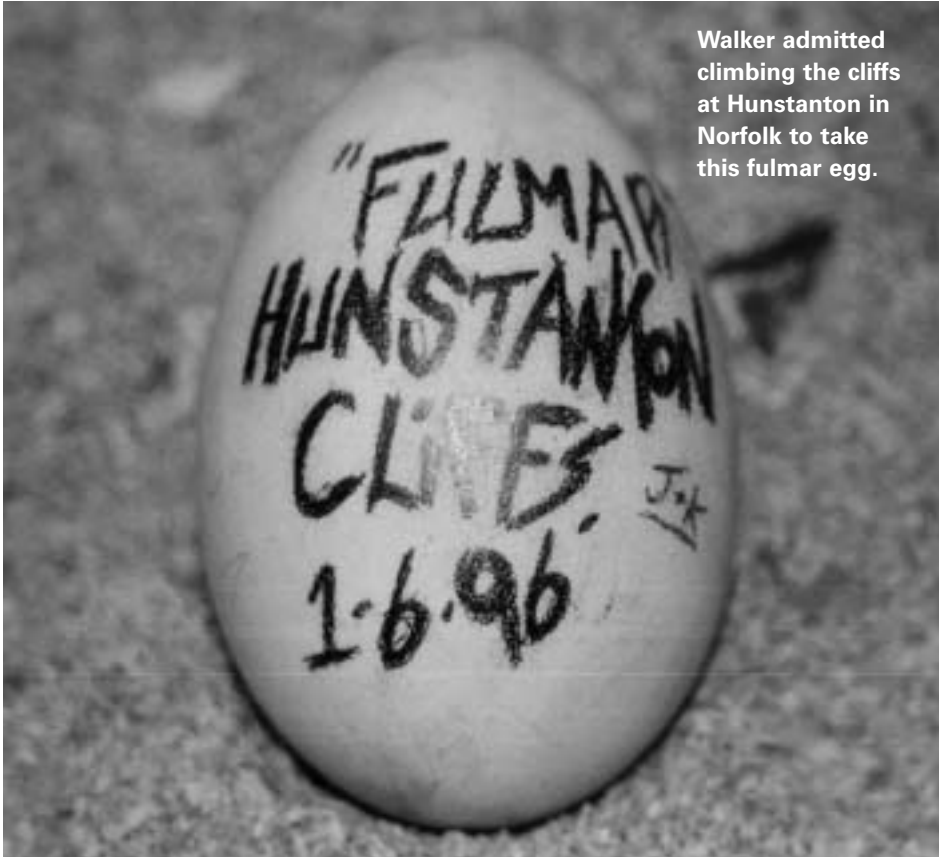
Sheavils at Bedlington Magistrates' Court.

The magistrates ordered these sentences to run consecutively so that a total of four months must be served. This sentence gave Sheavils the dubious distinction of being the first offender to receive a prison sentence under the revised legislation. After the case RSPB investigator Keith Morton said, 'Despite clear and explicit recent warnings that he faced custody if he continued, Sheavils persisted in breaking the law'.

This was Sheavils' third prosecution for egg-related offences since 1997. All the cases resulted from long-running enquiries by Northumbria WLO Paul Henery and other officers. They were helped by RSPB Investigations staff and made use of intelligence from many UK police forces gathered through Operation Easter.

## CRoW WORKS!

The new powers available to police officers and courts in England and Wales resulting from the CRoW Act amendments are now starting to show results (see page 1, bird prosecutions below, and bat issues on page 9. Similar legislation must be introduced in Scotland as soon as possible to protect Scotland's special wildlife.



Walker admitted climbing the cliffs at Hunstanton in Norfolk to take this fulmar egg.

Mark Thomas (RSPB Images)

## CRoW amendment aids egg case

County Durham WLO Mick Hayton executed a warrant at the home of Wayne Langley in Attlee Avenue, Blackhall, on 18 April 2001, after his name came to light during examination of exhibits relating to egg collecting seized from Michael Davidson two years previously. An egg collection, photographs and documentation seized from Langley were examined by the RSPB.

Langley pleaded guilty at Easington Magistrates' Court on 20 July 2001 to possession of 18 birds' eggs, including three from little tern, a Schedule-1 species. He was fined £250 and ordered to pay £55 costs. A further charge of possession of items to commit offences was withdrawn and he received an absolute discharge for an offence of possession of cannabis. The CRoW Act allowed the warrant to be issued without the knowledge of possession of Schedule 1 species.

## CRoW Act community service for egg collector

Leicestershire Constabulary WLOs, with the help of the RSPB Investigations Section, executed a search warrant at the home of Jason Walker, Bentley Close, Loughborough, in June 2001 after receiving information suggesting he had an illegal egg collection. Over 150 wild birds' eggs were seized and, despite it being an amateur collection, it contained eight little ringed plover eggs and three kingfisher eggs, both of which are Schedule 1 species.

A book was also seized detailing Walker's egg collecting activities during the mid-1990s. Among his exploits Walker admitted to climbing the cliffs at Hunstanton in Norfolk for a fulmar's egg. Walker pleaded guilty to four charges

relating to the possession of eggs and equipment at Loughborough Magistrates' Court on 14 September 2001. The magistrates ordered Walker to carry out 140 hours community service for each charge, to run concurrently, and pay costs of £200 to the RSPB. The court also ordered forfeiture of all the items. This is the first Community Service Order for an egg collector. After the verdict, RSPB investigations officer Mark Thomas said, 'The new CRoW Act has enabled courts in England and Wales to issue this type of sentence. We fully support the Court's proportionate action given this was Walker's first offence and the nature of the collection.'



T Hamblin (RSPB Images)

Little tern



RSPCA

Dead sparrowhawks, a peregrine and a barn owl were found in a freezer during a search in Wales.

## CRoW arrest after shot birds found in freezer

**A routine complaint alleging bird trapping in a garden in Wales led to more than expected for South Wales WLOs and RSPCA Inspectors. WLO Sgt Ian Guildford reports.**

A search in Heol Bryn Paddell, Merthyr Tydfil in June 2001 revealed an active Larsen trap and other unused traps in a garden and numerous traps in a shed – but no signs of obvious offences.

A second shed held two freezers and from previous experience I knew

these were worth a closer look. One freezer held, among the frozen chips, peas and burgers, the frozen body of an otter.

The second freezer contained numerous frozen carcasses including a peregrine, two sparrowhawks, a barn owl, a goosander and a mandarin duck. These were seized, and examination by a local vet revealed that all the birds other than the barn owl had been shot. The otter had a leg injury and a skull fracture.

## CRoW caution for recklessness

A photographer has been cautioned by the police for the new offence of 'reckless disturbance', a CRoW Act amendment to the Wildlife and Countryside Act 1981. They were seen at the nest site of a pair of marsh warblers by Heritage Coast and

English Nature officers who reported the incident to the police and RSPB. The photographer admitted reckless disturbance of this rare Schedule 1-listed bird and was officially cautioned. The marsh warbler pair managed to fledge one young.

The occupier, Stephen Douglas Lane, was arrested under the new CRoW Act provisions (the first such arrest in Wales). He claimed the barn owl and otter were road casualties and that the other birds had been left at his house by an unknown person who knew of his interest in taxidermy. He was charged with illegal possession of the specimens.

On 15 October 2001, he pleaded at guilty at the Magistrates' Court, Merthyr Tydfil, to the possession of the peregrine, goosander and the sparrowhawks. No evidence was offered on the remaining charges. He was fined £1,000 and ordered to forfeit the birds.



C Knights (RSPB Images)

Marsh warbler

## Sissen gets £150,000 fine

Harry Sissen, convicted importer of endangered parrots (see *Legal Eagle* 30), has been ordered to pay £150,000 by Teeside Crown Court or face being sent back to prison for 21 months. Judge Guy Whitburn fixed the amount for the 139 birds seized in raids in 1998 at £130,000, which included eight hyacinth macaws, five military macaws, two hawk-head parrots, 14 red-fronted macaws, nine scarlet macaws and 18 Buffon's macaws. He also ordered a further £20,000 for the birds remaining at the family farm. Sissen was given nine months to pay. He has lodged an appeal against the figure, which will be heard at the Court of Appeal in London.

## Illegal use of Larsen trap

WLO PC Andrew Bibbings from Avon and Somerset Constabulary discovered a Larsen trap set on a railway embankment on 6 April 2001 containing a magpie in the decoy part.

The owner of the trap, John Webber of Sambourne Lane, Pill, Somerset, was traced and it was established that he had no permission to use the trap on railway property and was therefore not an authorised person. Furthermore, the decoy bird had not been supplied with water or a perch. On 16 August 2001 Webber pleaded guilty at Woodspring Magistrates' Court, Weston-Super-Mare, to setting a trap to take wild birds. He was fined £250 and ordered to pay £90 costs.

### Fact file

Larsen traps can only be used by 'authorised persons' to control magpies, carrion crows, jackdaws, rooks and jays under the terms of Open General Licences issued by the Department for Environment, Food and Rural Affairs (DEFRA). A bird of one these species is placed in the decoy section of the trap to attract and catch other territorial birds of the same species. Conditions specify that the trap must be checked daily, and the decoy bird supplied with food, water, shelter and a perch.



Guy Shorrocks (RSPB Images)

WLO Ian Evenden outlines the warrant to Davidson.

# Computer crackers help win conviction

**Michael Terrence Davidson of Lanton Street, Houghton-le-Spring, received a three month sentence, suspended for 18 months, for the sale of birds' eggs, at Durham Crown Court on 16 August 2001. This is believed to be the first conviction under the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) for the sale of eggs, and the first time a custodial sentence has been handed out to an egg collector.**

In March 1999, WLOs PC Ian Evenden and PC Paul Henery of Northumbria Police, helped by the RSPB, executed a search warrant at Davidson's home. A huge amount of documentary evidence relating to wild birds was seized along with a computer for which Davidson failed to provide the access passwords.

Davidson had made highly detailed journals recording the illegal activities of himself and others, including some of the country's most notorious egg collectors. There was also a photographic record of Davidson's own collection of nearly 2,000 eggs taken predominantly in the 1970s, including

six clutches of golden eagle eggs and many other Schedule 1 species. A brief diary entry suggested Davidson had sold his collection in 1996. Davidson maintained that he had destroyed his collection and made a false record in his diary to make it appear more interesting in the event of it being read after his death. He claimed to have forgotten his computer passwords, but after several months of effort a company in the USA finally accessed a computer file that gave exact details of the sale of the collection for £750. During the trial Davidson maintained that the diary entries were a work of fiction and the collection had been destroyed.

The jury returned a guilty verdict on all three COTES charges on the sale of 155 eggs of birds of prey and owls including peregrines, ospreys, golden eagles and three species of harrier. Judge Brian Foster said these were serious offences and Davidson had encouraged others to collect by selling the collection, and had done so despite knowing that such trade was illegal.

## POLICE WLO NATIONAL CONFERENCE 2001

The 13th WLO conference was held 5-7 October, hosted by Devon and Cornwall Constabulary at their headquarters at Middlemoor, Exeter. The conference started with an update on legislation and licensing changes, and then went on to discuss marine issues. There was a strong emphasis on partnership working. Sunday was devoted to case studies which included cases as diverse as poisoning, egg collecting, hen harrier persecution, bird trapping in Cyprus, caviar smuggling, badger digging and the bushmeat trade. Thank you to the conference committee of The Partnership for Action Against Wildlife Crime (PAW) and DEFRA for organising this excellent event.

## Congratulations Nevin



Guy Shorrocks (RSPB Images)

Inspector Nevin Hunter (right) receives the WWF Wildlife Enforcer of the Year Award from Acting ACC Steve Pearce at the Police WLO Conference 2001.

Inspector Nevin Hunter from Devon and Cornwall Constabulary was the 2001 winner of the WWF Wildlife Law Enforcer of the Year Award. Stephanie Pendry from TRAFFIC reports.

Nevin has been working as a WLO for the past 11 years and has investigated all aspects of wildlife crime, including egg collecting, raptor persecution and trapping, the illegal release of non-native species and endangered species offences under COTES. He co-ordinated Operation Ostler, which tackled poaching from the consumer end by targeting illegal game dealers, and also led a case involving one of the first prosecutions of an auctioneer in the country for the sale of stuffed birds. In the last year alone, Nevin has investigated illegal interference of a badger sett, a complex enquiry concerning pesticide offences on a shooting estate, and led a multi-agency

operation targeting illegal trade in reptiles which resulted in the largest single seizure of venomous snakes in the country. Nevin chairs the south-west region multi-agency group on marine aspects of the Countryside and Rights of Way Act 2000, specifically focusing on cetacean and basking shark harassment and disturbance.

This prestigious award is presented to the person who, in the opinion of a panel made up of five representatives from the Scottish Executive, HM Customs and Excise, WWF, DEFRA and the police, has contributed the most to wildlife law enforcement in the preceding 12 months. The award recognises the ongoing and outstanding work that Inspector Hunter contributes to wildlife law enforcement, often in his own time and in addition to his other duties.

## WLO QUIZ

Once again the WLO conference quiz was keenly contested and delegates battled for the prestige of being in the winning team and receiving the usual selection of RSPB prizes. This year the winning team, with 50 points out of a possible 60, consisted of Kim McDonald and David Astley from the Guild of Taxidermists, Stephanie Pendry from TRAFFIC, Sgt Ian Knox from the Metropolitan Police, PC Kevin Duffey from the Strathclyde Police and Sgt Malcolm Henderson from the Lothian and Borders Police.



Guy Shorrocks (RSPB Images)

Mick Brewer receives an avocet sculpture from the RSPB.

## Mick Brewer steps down

Graham Elliott, RSPB Head of Investigations, pays tribute to the work of DCC Mick Brewer

After seven years heading up wildlife crime enforcement in the UK, Mick Brewer, DCC Warwickshire, ACPO spokesman on wildlife issues, and co-chairman of PAW, retired from the police service in November 2001. Mick led the development of wildlife law enforcement through a difficult but important period that saw the consolidation of the WLO network, the arrival of the CRoW Act and the development of PAW. Much of this success was achieved in the face of increasing financial pressure and a frequent reluctance by colleagues and government departments to accept wildlife crime as a significant enforcement problem.

The RSPB is grateful to Mick for the help and advice he has given over the years and for his significant contribution to wildlife law enforcement. We look forward to continued contact and wish him well for the future.

## Missing harriers

RSPB harrier protection warden Bob Image visited a Montagu's harrier nest in Lincolnshire and was shocked to find it empty when only days before it had contained four fit and healthy chicks. Closer inspection of the nest area revealed none of the tell-tale signs of predation, and human interference is now thought to be the likely cause.

Lincolnshire WLO Nigel Lound said, 'Montagu's harriers have suffered persecution in Lincolnshire in recent years. Anyone with information is urged to contact the RSPB Investigations Section on 01767 680551, or Lincolnshire Police on 01754 880311.' Other than this incident, Montagu's harriers have had a good year in 2001, raising 11 young from 17 UK nests all in England.

## Lancs birds microchipped

**WLO Maria Graham makes a plea for help in finding Lancashire's missing birds of prey**

A scheme to microchip Lancashire's wild birds of prey, particularly peregrines and merlins, started in 1998. The chips, supplied by Identichip, have a 10-digit code beginning with 407B or 407C and are registered to Lancashire Constabulary. I would encourage everyone to make full use of scanners, and if anyone finds one of these chips please contact the database on 01904 487000 during office hours, or Petlog on 0870 6066751 out of hours.

Only people giving the full 10-digit number will be able to make an enquiry, and they will be re-contacted to maintain security. All enquiries will be passed to me and I will follow up every one. Please call me on 01722 412393.

# Tackling wildlife disturbance

**Norfolk WLO Sergeant Alan Roberts outlines a new offence under the CRoW Act.**

There is an almost unbroken chain of Sites of Special Scientific Interest (SSSIs) running along the coast from Gibraltar Point in Lincolnshire to Cromer in north-east Norfolk. *Legal Eagle* 30 ran an article on Operation Compass that led to the arrest of five people suspected of egg collecting and disturbing nesting Schedule 1 species on the Norfolk coast. Compass, which uses a Ringmaster phone system to relay information, was primarily intended to combat egg thefts but we also had regular reports of disturbance of breeding birds by those involved in leisure pursuits – dog walking, kite buggies, paragliders and low flying aircraft.

The new offence of reckless disturbance in the CRoW Act doesn't help if the birds are not listed on Schedule 1 or if the offence is outside the breeding season. However, the CRoW Act has brought in Section 28P(4) of the Wildlife and Countryside Act 1981 which states that a person commits an offence if he, without reasonable excuse:

a) intentionally or recklessly destroys or damages any of the flora, fauna, or geological or physiographical features

by reason of which land is of special interest, or intentionally or recklessly disturbs any of those fauna, and

b) knew that what he destroyed, damaged or disturbed was within an SSSI.

Only the government conservation agencies, such as English Nature, can take Section 28P prosecutions without the consent of the DPP. The penalty on summary conviction is a fine not exceeding £20,000, or on indictment an unlimited fine.

We adopted an approach of policing by consent using local officers, and advised people that a repeat of their actions may render them liable to prosecution. For example, we wrote to aircraft pilots, including one who landed a helicopter on a nature reserve while passengers went for a paddle! Other incidents included a man sitting in a little tern colony, and a land owner who we persuaded to stop draining his field which contained calling natterjack toads.

We are also working on information leaflets and signs to let people know the law on SSSIs. This legislation has been helpful for wardens when dealing with the public and we are advising them how to gather evidence.

## Godwits back in black

**WLO Maria Graham outlines a project to protect Lancashire's breeding black-tailed godwits.**

For several years the attempts at breeding by a single pair of black-tailed godwits in Lancashire has been thwarted by egg collectors. Their nesting site is vulnerable being in the open and next to a major road. There are fewer than 50 breeding pairs in the whole country.

In 1999 the nest site was again visited by a well-known egg collector and this near miss made us determined to do something. In 2000, together with the local RSPB warden Tony Baker, we mounted an overt watch on the nest to

deter egg thieves – the open nature of the site now worked in our favour. We marked the eggs with a UV pen and maintained a 24-hour watch for six weeks. The local police were briefed as to the legislation and their powers. Unfortunately, the first nest fell foul of curious cattle, but after this the farmer put up an electric fence around the nest and the second clutch was 100% successful – the first for many years. In 2001 we went from strength to strength with two successful pairs, although bad weather claimed a few of the nestlings. A potential theft was prevented when an unknown man was seen early one morning approaching the nest site. He was challenged but managed to escape on a bicycle.

# Peak viewing for goshawks

Goshawks are rare breeding birds in the UK, with a population of about 450 pairs. Despite an apparent increase in their population and distribution, they suffer persecution on sporting estates, are targeted for the illegal falconry trade and their eggs are prized by collectors.

In Derbyshire's Peak District, the goshawk population of the White Peak woodlands is stable, but in the sporting moorland regions of the Dark Peak goshawks are on the verge of vanishing completely.

A partnership of conservation and business organisations including Severn Trent Water, the RSPB, the National Trust and the Peak District National Park launched the Peak Nest

Watch Scheme in May 2001 with the support of WLOs from Derbyshire and South Yorkshire Police. The focus was 24-hour nest surveillance cameras on all active goshawk nests in the Derwent Valley. One of the cameras beamed live images directly to the National Park Visitor Centre at Fairholmes. This nest, which regularly featured on local TV and attracted scores of visitors to the park, successfully fledged three young.

The initiative has been an amazing success with seven goshawk chicks fledged, in stark contrast to last year when only one chick was raised. The scheme will expand next year to include increased protection for peregrines.



Carlos Sanchez Alonso (RSPB Images)

Goshawks are doing better in the Peak District due to increased protection.



Guy Shorrocks (RSPB Images)

Former footballer and actor Vinnie Jones with Jemima and a tawny eagle.

## Vinnie gets National Birds of Prey Trust off to a flying start

VIP guests including HRH The Princess Royal, Nicholas Parsons and Vinnie Jones attended the National Birds of Prey Trust launch on 30 September 2001 at the National Bird of Prey Centre in Newent, Gloucestershire.

The Trust, launched by professional falconer Jemima Parry-Jones, well known to those WLOs who have been on the centre's bird of prey training

course, has been set up to promote the conservation of raptors, through education, captive breeding, re-introduction and rehabilitation projects and research. Projects include breeding and release programmes for Egyptian vultures in Italy and Cape Verde red kites, and also work to halt the dramatic 90% decline of the Indian long-billed vulture population.

## Wildlife disease watch

Diseases in wildlife are of increasing importance because of the implications for the health of domestic animals and people. DEFRA is assessing unusual diseases and deaths in England and Wales, particularly events of mass mortality where infectious diseases are suspected. If WLOs and other agencies become aware of such incidents they should contact their regional Veterinary Laboratory Agency for advice and information on submission of specimens. DEFRA is assessing West Nile Fever which has not been recorded in the UK but affects wild birds in the USA. Affected birds present nervous symptoms and may die in some numbers. Avian botulism may present similar symptoms but the conditions can usually be separated by veterinary examination of live birds.

## THE BATTLE TO PROTECT BATS

# My first six months as Bat Investigations Officer

**In April 2001, Joan Childs took on the role of Bat Conservation Trust (BCT) Bat Investigations Officer for two days a week, on secondment from the RSPB Investigations Section. After six months of this two-year contract, Joan reports on achievements to date.**

When I first took up this role, bat crime was not properly reported, monitored or investigated, and there had been few prosecutions. We now have a system for recording bat offences and the number of police investigations has shot up. Bat crime has been out there all along; all that was needed was the impetus to do something about it.

I am particularly keen on the partnership approach where bat workers, police officers, statutory nature conservation organisations (English Nature, Countryside Council for Wales and Scottish Natural Heritage), the Bat Conservation Trust and other organisations work together.

There have been problems in the past with WLOs finding out about bat offences too late, so I hope that this partnership approach will help solve these problems.

The number of bat prosecutions has doubled already with knock-on effects for bat conservation. These successes are due to the dedication of a handful of people from the police, bat groups



Joan Childs (RSPB Images)

**Cumbria is one of the most troubled areas for bat crime, and in an attempt to solve some of the problems Joan Childs attended a meeting in October between the local bat group, the police, English Nature and Cumbria County Council to encourage a partnership approach to investigating bat crime.**

and English Nature. Particularly important achievements have been made in Hampshire, Leicestershire and Hertfordshire.

As for bird offences, the CRoW Act is proving worth its weight in gold for bat offences. We have now seen the first CRoW arrest for a bat crime, the first testing of the new 'reckless' amendment under the CRoW Act, and several successful prosecutions using The Conservation (Natural Habitats &c.) Regulations 1994, which makes the

damage or destruction of a bat roost an absolute offence. The interpretation of the legislation that a bat roost is protected even if the bats are not present at the time has now been successfully tested in a Magistrates' Court.

I would be pleased to hear of any reports of bat incidents or investigations, and to help wherever possible.

Please contact me at the RSPB for a free copy of my report *Bats and the law – what to do when the law is broken*.

## First CRoW arrest for bat offence

**PC Andy McWilliam, WLO for Merseyside Police, describes how he used his new powers of arrest under CRoW for a bat-related offence.**

A Wirral man disturbed several pipistrelle bats while he was using expanding foam to fill gaps in the soffit and barge boards on his house. He accessed an American internet site on which he found details on how to

exclude bats from houses, and used a one-way device that allowed the bats to leave the roost but not to return. While it is legal to do this in the USA, it is not legal in the UK, and the website contained information to this effect. I formally arrested the man, a property development officer, on 22 August 2001 on suspicion of destroying a bat roost and preventing access to it, and after the interview I issued him with a caution.

This was most likely to have been a nursery roost and it is thought that the expanding foam killed most of the bats. Just because bats are present in a property does not mean that work cannot take place, but the householder should contact the statutory nature conservation organisation – English Nature, Countryside Council for Wales or Scottish Natural Heritage – for advice.

### 'Reckless' CRoW ammendment successfully tested

The company Wynbrook Ltd of Sandhills Park, Newark, Nottinghamshire, the contracts manager Stephen Day, and his brother Michael Day were prosecuted at Melton and Belvoir Magistrates' Court, Leicestershire on 25 September 2001 for intentionally or recklessly damaging a bat roost in Hose, Leicestershire.

Each of the three defendants were fined £200 and they were ordered to pay total costs of £55. A bat survey found that the building was used by brown long-eared and Natterer's bats, but it was demolished without taking them into account because of the cost implications.

This is the first time that the 'reckless' amendment to the Wildlife and Countryside Act has been tested. Credit is due to Leicestershire WLO Neil Hughes for investigating this case.



Natterer's bat

Phil Richardson



One of the two barns photographed in May. Stripping the roof off made it unsuitable as a bat roost.

Patty Briggs

## Barn owner pleads guilty

**A property owner was fined after pleading guilty to the damage of a Natterer's bat roost, while the cases against the architect and builder failed following a lack of clear and specific guidance from English Nature.**

In 1997 licenced bat worker Patty Briggs spotted plans to convert barns at Old Manor Farm, Shaftenhoe End, Hertfordshire, into dwellings in North Hertfordshire District Council's planning lists. Concerned that this was a likely site for roosting bats, she undertook a bat survey and found Natterer's bats roosting in mortice joints in two large barns. Planning permission was granted subject to several bat-related conditions and EN advised on how the work should be undertaken.

English Nature's plan was that work on the barns should be staggered so that the bats would always have one barn in which to roost, and to ensure that re-roofing was completed by the end of April to protect the bats during the breeding season. Patty returned to the site in May 2000 and found that both barns were exposed to the elements by the removal of their roofs, making them unsuitable for the bats.

Barn owner Angus Thirlwell of Old Manor Farm, architect Robin Beacham of Hadham Road, Bishops Stortford, Hertfordshire, and builder Derek Bull of Woodhall, Arkesden, Essex, appeared at Stevenage Magistrates' Court between 24 and 26 September 2001

charged with damaging a resting site of Natterer's bats contrary to Section 39(1)(d) of The Conservation (Natural Habitats, &c.) Regulations 1994.

Thirlwell pleaded guilty and the court fined him £500 with £100 costs. Beacham and Bull pleaded not guilty. The defence claimed that English Nature's advice was not good enough and that they failed to provide clear and specific guidance. The wording of English Nature's advice indicated that the work on the barns should *preferably* be staggered, and that work should not *start* during specific time periods with no reference to ongoing work or end times. The defence argued that the defendants had followed the advice to the letter, and that as they were not bat experts they could not be expected to understand the intent of the letter. The magistrates appeared to accept this defence, finding Beacham and Bull not guilty. They stated that while they were satisfied that damage had been caused to the bats' resting place, that they considered that the defendants had a defence by having consulted with English Nature to a reasonable level.

Patty Briggs deserves credit for her painstaking notes of correspondence, meetings and conversations, as does PC Colin Mingay for his methodical handling of this complex case.

## CYPRUS BIRD TRAPPING UPDATE



Guy Shorrock (RSPB Images)

**BBC Countryfile presenter Iolo Williams undercover at a Cypriot restaurant serving ambelopoulia.**

### Countryfile on the case

**In 2000 the RSPB visited Cyprus to investigate the illegal trapping of millions of migrating birds for the luxury food trade (see *Legal Eagle 27 and 28*). Investigations officer Guy Shorrock reports on a return visit in October 2001 with BBC Countryfile.**

The demand for migrant birds as a speciality food in restaurants and shops, known as ambelopoulia, has fuelled huge-scale illegal trapping. Some trappers are reportedly making £20-30,000 a year, and a few as much as £50,000.

The British manage 3% of Cyprus, consisting of two Sovereign Base Areas (SBAs). Because of the route of migratory birds, there is a particular trapping problem on Cape Pyla inside the Eastern SBA, near Ayia Napa. This is a military training area controlled by the SBA Police, comprising local Cypriots and senior British officers. During migration, trappers illegally use mist-nets and bird calling devices on the base. The RSPB has been liaising with the SBA authorities on this problem.

In August, riots erupted after protests over new SBA radar facilities. Several

police officers were injured and enforcement action needs to be balanced with wider community issues. Encouragingly, the SBA Police has devoted resources resulting in the seizure of hundreds of mist nets and other equipment. Several trappers have been prosecuted and the SBA court is starting to impose higher fines.

We went on a dawn raid at Cape Pyla with the SBA Police following several successful previous operations. This time the trappers were absent and it was suspected they had become aware of the raids. However, the police also executed search warrants on private compounds and recovered numerous nets, trapping equipment, firearms and freed over 200 trapped birds.

Outside the SBAs, the most interesting enquiry was a visit to a Cypriot restaurant where we saw huge plates of ambelopoulia being served at £1.50 a bird. Their sale is illegal but we estimated over 500 birds were served during the evening. At one point, a Cypriot police car pulled up outside and officers chatted briefly to the diners before moving on. Nobody batted an eyelid and this seems indicative of the attitude to this issue. While there are encouraging efforts from the SBAs, much work needs to be done by the Cypriot authorities to tackle this problem. The RSPB is encouraging

people to write to the Cypriot authorities over this issue. More details can be found at [www.rspb.org.uk](http://www.rspb.org.uk)

### WLOs appointed

**The SBAs have appointed two WLOs to deal more effectively with wildlife crime. PC Marios Pitsillos, the WLO for the Eastern SBA, reports.**

In October 2000 RSPB investigators filmed two trappers using mist-nets and bird-calling devices on the Cape Pyla training area. After receiving the video, we discovered both offenders lived outside the SBA, which made the situation more difficult. However, we arrested one of the men later inside the SBA with a mist-net in his possession.

He initially denied the previous incident in October until we showed him the video footage. Then he stood there saying, 'Why me?' He appeared at court in January 2001 and was fined £70. This fine seems little deterrent when the trappers can make so much money.

However, following an operation this spring, three men were arrested for illegal use of mist-nets. At court in July 2001, two of them were fined £700 and the third £350.

We hope these higher fines will have more impact.

In autumn 2001, the SBA Police continued their anti-poaching operations and, in addition to daily patrols, have committed significant resources to several early morning raids.

In October, the RSPB and BBC accompanied us on one of these operations. In September and October we seized 329 mist-nets, 262 limesticks, over 260 items used as bird-calling devices, over 5,000 metres of cable and five firearms.

Though some birds were already dead, we released over 800 birds. We also executed 15 search warrants and arrested 10 poachers. Several cases are due to come to court.

The trapping of migrant birds is a large problem in Cyprus but we hope that by continuing to target any trapping within the SBA we can help tackle this illegal trade.

Guy Shorroch (RSPB Images)



**An SBA police officer burning dozens of confiscated mist-nets.**

## PAW goes to Cyprus

**In June 2001 a representative of PAW was invited to Cyprus by the SBA Police on a fact-finding mission. WLO PC Paul Henery from Northumberland reports.**

I visited Cyprus to look at the issues of illegal trapping of migrant birds and consider ways that PAW could offer help with training and publicity. Two WLOs have been appointed and I was accompanied by PC Yiannis Demetriou, responsible for the Western SBA at Akrotiri, close to Limassol.

The British-based activities in Cyprus are politically sensitive which makes certain enforcement issues potentially more difficult. On the day I left, local riots erupted following protests over a new SBA radar mast – an indication of the tension on the island.

I was encouraged to see the SBA Annual Policing Plans already included several environmental-based objectives including tackling illegal hunting and trapping, dumping of waste and protection of turtle beaches. They are also seeking to raise awareness of these issues.

Several enforcement operations had been completed in conjunction with Republic Game Wardens, with more planned for the autumn migration period.

I believe a long-term programme of enforcement, education and publicity on Cyprus is needed to make serious inroads into this problem.

The efforts of the SBA Police to date are encouraging but the sale of these birds takes place within the Republic. The Cypriot authorities need to make a concentrated effort to tackle the market and reduce the demand for illegally-taken birds.

I have submitted a report with several recommendations. I would like to thank the SBA Authorities for their help and hospitality throughout my visit.



**WLO PC Pitsillos (right) and another officer free a bird from an illegally-set mist-net.**

Guy Shorroch (RSPB Images)

## The Spix's macaw trade

Spix's macaw is a CITES Appendix I species endemic to Bahia state, north-east Brazil, and is included in the Brazilian list of species in danger of extinction.

It is considered the most endangered species of psittacine in the world, with no population remaining in the wild – the single bird previously known to exist in the wild has not been seen since October 2000 – and about 60 individuals in captivity.

It is proposed to manage all captive birds as a single population, with the aim of future reintroduction into the wild.

The Brazilian Government is seeking the co-operation of all Parties to achieve control of international trade in Spix's macaws and requests all Parties not to issue permits or certificates for import, export or re-export of Spix's macaws without consulting the Brazilian Management Authority.

**CITES notification 2001/052 (Geneva, 10 August 2001)**

## Shahtoosh settlement

On 29 May 2001 a Los Angeles clothier paid a \$175,000 civil settlement for importing and selling shahtoosh shawls made from the Tibetan antelope, listed on Appendix I of CITES.

The agreement settled Government allegations that between 1994 and 1996, Maxfield Enterprises Inc, and its owner and operator Thomas Perse, imported, bought, possessed, sold and delivered shahtoosh shawls in violation of the law.

This is one of the largest civil fines under the Endangered Species Act and the Lacey Act.

## Letters

**WLO Garth Coupland expresses his thanks to *Legal Eagle*.**

The duties of a Norfolk WLO include helping other officers navigate their way through the labyrinth of wildlife legislation. Now deskbound in the Force Training Branch, I find this aspect of WLO work increasing and I often make up packages of wildlife law information to send to colleagues.

I use *Legal Eagle* constantly for training – it provides case studies for students on which to hang their law knowledge and the articles on legislation are terrific and very readable. It is also an effective way of showing reticent officers just how important wildlife law is in combating wildlife crime.

Thank you *Legal Eagle* and congratulations to the RSPB on a superb publication.

### 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, Joan Childs, RSPB Investigations Officer, by e-mail to [joan.childs@rspb.org.uk](mailto:joan.childs@rspb.org.uk) or by fax on 01767 691052. The views expressed in *Legal Eagle* are not necessarily those of the RSPB. Please also help us keep the WLO contact list up to date by letting Rosemary Venner know of any changes.



Guy Shorrook (RSPB Images)

### PAW MAKES A STAND AT BIRD FAIR

The PAW stand at the British Birdwatching Fair at Rutland Water in August 2001 attracted many visitors to examine spring traps and other seized items. The stand was staffed by WLOs, DEFRA and the RSPB. The money raised from this event went towards a BirdLife International project to protect forests in Cuba.

## Bluebell bobby calls it a day

WLO Chief Superintendent Steve Parnwell retired from Cambridgeshire Constabulary in October 2001. Steve was a tireless campaigner for the promotion of wildlife law enforcement and founded the Cambridgeshire Partnership for Wildlife and Environmental Crime. He took a

special interest in plant crime from which he acquired his bluebell bobby nickname. He also co-ordinated the PAW Data Exchange and Management Working Group which published a directory of wildlife crime information sources. Best wishes for your retirement Steve from the RSPB.



## Birdcrime 2000

*Birdcrime 2000*, the RSPB Investigations Section's annual report, is now available.

All WLOs get a free copy, and further copies are available from Rosemary Venner in the Investigations Office for £5. *Persecution – a review of bird of prey persecution in Scotland in 2000* is also available for £3.



*The RSPB works for a healthy environment rich in birds and wildlife. It depends on the support and generosity of others to make a difference. It works with bird and habitat conservation organisations in a global partnership called BirdLife International.*

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