

**JUSTICE AND HOME AFFAIRS COMMITTEE**  
**SUPPLEMENTARY PAPERS FOR MEETING ON 27 SEPTEMBER 2000**

Item 3 – Protection of Wild Mammals (Scotland) Bill

Correspondence from Assistant Chief Constable Ian Gordon, JH/00/29/11  
Tayside Police.

(This letter was received on the morning of the meeting and a copy was handed to each committee member)

Tony Reilly  
27 September 2000

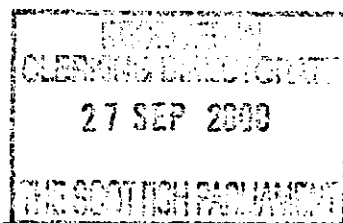


# TAYSIDE POLICE

Ian A Gordon LLB • Assistant Chief Constable



1993-1996  
1996-1999  
1999-2002



Ms Sarah Aitcheson  
Team Support Manager  
The Scottish Parliament  
Committee Chambers (Room 3.6)  
George IV Bridge  
EDINBURGH  
EH99 1SP

Our Ref: IAG/CAS/206

Your Ref:

Date: 26 September, 2000

Dear Ms Aitcheson

## PROTECTION OF WILD MAMMALS (SCOTLAND BILL)

Thank you for sight of the Official Report following our evidence to the Home Affairs and Justice Committee on 19 September, 2000. I have asked for one amendment to be made for clarity.

There will be parallels in the policing of this Bill which could be compared with the policing of the Wildlife and Countryside Act, 1981. Where the Wildlife and Countryside Act meantime fails, however, is in the lack of an unconditional power of arrest. I raised this issue with the Convenor in the coffee break so I now give you some more details.

A practical example occurred in 1999 when a Tayside police officer, accompanied by an investigator from the Royal Society for the Protection of Birds, traced two men from Coventry coming away from a Scottish loch in possession of several clutches of extremely rare birds' eggs. There clearly was more police enquiry to be made, including a search of the persons' home addresses for an egg collection and data. The men, however, gave their names and addresses, which were known to be genuine so the police could not arrest them. This caused problems in that the two men had to be 'encouraged' to walk the 4 or so miles to the roadside along with the police officer and RSPB officer, until such time as telephone reception was available and arrangements could be put in place for house searches. They did this willingly but had they refused or tried to run off, this could have thwarted an effective search of their homes, in which the element of surprise was essential.

The/

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The fact that invariably crimes against wildlife occur in remote areas makes it absolutely essential that an unconditional power of arrest is available to the police. The lack of this power is meantime hopefully being remedied in relation to the Wildlife and Countryside Act, 1981. If the Protection of Wild Mammals (Scotland) Bill is enacted, the situations police will find themselves in will be exactly the same and power of arrest should certainly be available.

I trust this helps.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. A. Gaden', followed by a comma.

Assistant Chief Constable