



# Reporting of Wildlife Crime

Professional Issues to Consider and  
How to Achieve Best Outcomes

## 1. Introduction

CIEEM members are bound by adherence to a Code of Professional Conduct (CoPC) which includes a requirement to promote compliance with relevant legislation. This Advice Note is intended to help members understand their responsibilities with regards to reporting wildlife crime.

The issues involved in reporting wildlife crime can be complex and there are important variations in the national legislation and common law applicable across the different parts of the UK as well as considerably more variation in the legal frameworks outside of the UK. Accordingly, we have made this Advice Note generic wherever possible and have not tried to address all the legal differences between the different countries making up the UK. Instead, we recommend that members make themselves familiar with the specific legal requirements / frameworks in the countries within which they work and take specific legal advice to inform their decisions when necessary. Some key pieces of legislation under which wildlife crime can be enforced are listed at the end of this Advice Note.

This advice is presented by way of information only for Members. CIEEM's CoPC and its Supplementary Notes remain the key documents against which any complaint against a CIEEM member will be judged in any professional conduct scenario.

## 2. Scale and types of wildlife crime

CIEEM members may encounter wildlife crime in a variety of situations and should be aware that it is as much an issue for environmental land and resource managers as it is for those involved in the planning and development sectors. The key groups of wild animals affected by wildlife crime are:

- ☐ Badgers
- ☐ Bats
- ☐ Fisheries
- ☐ Marine mammals
- ☐ Birds of prey

Destruction and (in some instances) disturbance of habitat used by breeding birds is also an offence and such damage is widespread although currently enforcement action is rarely taken.

### Other forms of wildlife crime (plants and invertebrates)

Notwithstanding the problems of recording wildlife crime for the above groups, shortfalls in nationwide data<sup>1</sup> means that it is impossible to assess the scale of crimes against plants, fungi and invertebrates. However, criminal activity involving these groups can be significant. In the flowering season of May 2022, a series of thefts of rare wild orchids were reported in southern and eastern England. These included a population of 30 late spider orchids stolen near Folkestone in Kent, burnt orchids from a National Nature Reserve in Sussex and lizard orchids from sites in Sussex and Suffolk. Invertebrates are equally at risk even when specific wildlife crime is classed as a priority area for the police, as is the case with freshwater pearl mussels. This species occasionally produces a pearl and as such, local populations have been devastated by people hunting for pearls.

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<sup>1</sup> In the absence of any official recording of wildlife crime in England and Wales, Wildlife Link publish an annual report providing a national overview of wildlife crime across the UK. In 2022, Link report that wildlife crime is still widespread with 4500 reported incidents in England and Wales alone, although actual rates of crime remain substantially under-recorded, with the true number of incidents likely to be far higher. Also, in England and Wales, the rate of prosecution and convictions is very low – being only 11 % of the recorded number of incidents in 2022, dropping from 18 % in 2021.

Other forms of wildlife crime that members are less likely to encounter in a professional role include:

- ☐ Species subject to illegal hunting (foxes, deer and hares)
- ☐ Illegal trade in wildlife – both live animals and plants as well as products associated with these.

## Harm to trees protected by a Tree Preservation Order

In addition, members may encounter a breach of the law where trees protected by a Tree Preservation Order are damaged or felled, or where hedgerows are unlawfully removed or harmed under the Hedgerow Regulations (1997 and 2024)<sup>2</sup>. The principles set out in this Advice Note apply equally to such circumstances.

## 3. Context is key

Firstly, it's important to consider the context in which you may encounter a wildlife crime. It may be as a concerned member of the public where you are a 'third party' and have no contractual involvement in the actions leading to the suspected offence. In which case, you may become involved in reporting any of the crimes described above. Alternatively, you may be involved in a professional context i.e. as a consultant, or working for a local authority, a Non-Governmental Organisation (NGO) or Statutory Nature Conservation Body (SNCB). A suspected crime may be entirely down to someone else's actions, or there may be a situation where you may feel you have become somehow complicit in the committing of an offence. And clearly the context will have significant bearing over the way in which you will feel obliged to act, want to act, or feel conflicted or compromised.

As a member of the public, the course of action may be more straightforward, as there are not likely to be professional relationships involved, and as such you may feel there is less of a personal or professional risk from the reporting of a crime. However, when in a professional capacity, knowledge or suspicion of a wildlife crime could present you with a more challenging dilemma. For instance, if you are a consultant and suspect your client to be responsible for committing an offence you may want to report it but be concerned, from a different legal perspective, that you are bound by contractual obligations and matters of confidentiality – whether perceived or otherwise.

Furthermore, context will almost certainly also influence how you decide to report a suspected wildlife crime and to whom.

## 4. Are you legally obliged to report wildlife crime?

This brings us to the first key question – are members of the public legally obliged to report a wildlife crime? In strict legal terms, there is generally no obligation on anyone to report a wildlife crime – or any type of crime.

However, for individuals operating in a professional capacity there are two situations where there is a specific legal requirement to report a breach in legislation. These are described in Boxes 1 and 2).

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<sup>2</sup> The 1997 Hedgerow Regulations prohibit the removal of a countryside hedge without first seeking approval from the Local Planning Authority. Additionally, in England, the Management of Hedgerow Regulations (2024) provide protection for a 2-metre buffer strip measured from the centre of a hedgerow, where no cultivation or use of pesticide or fertilisers is permitted. The Regulations also introduce a ban on cutting or trimming hedges between 1st March to 31st August.

## Box 1 Obligations to Report Environmental Damage

Under Regulations 13 and 14 of the *Environmental Damage (Prevention and Remediation) (England) Regulations 2015* there is a legal obligation, in certain circumstances, to notify the details of 'environmental damage' to the relevant statutory body, where failure to do so is a criminal offence.

The 2015 Regulations transpose into English law the requirements of the Environmental Liability Directive (2004/35/EC). Similar provisions exist in Scotland, Wales, Northern Ireland and the Republic of Ireland.

## Box 2 Reporting 'breaches' under Natural England's Low Impact Class Licences

In England, under Natural England's '*Low Impact Bat Class Licences*' (and we assume this to be the same for the low impact class licences for other species), there is an express requirement through a licence condition for Natural England to be informed of any breach of the licence. So, there is a duty to report by the licence holder any breach of the licence and failure to do so could lead to prosecution under regulation 58(1) of the Conservation of Habitats and Species Regulations 2017 (i.e. the offence of breaching a licence condition).

Note: At the time of writing, NatureScot are currently looking into adding the need to report breaches of licence condition to all licences issued.

Otherwise, for any member of the public, the reporting of a wildlife crime comes down to a person's own discretion, their ethical standpoint, and also knowledge of wildlife law i.e. their knowledge of whether a crime has been or is likely to be committed.

However, even though there is no (or very limited) legal obligation to report wildlife crime, it is important to understand CIEEM's requirement of its members, in order to meet the obligations of the CoPC.

## 5. Relevant aspects of CIEEM's Code of Professional Conduct in reporting wildlife crime

Clause 6 of the revised CoPC states that members of CIEEM shall:

*"Act at all times honestly and with professional integrity, avoiding or managing any conflicts of personal or professional interest and avoiding actions that are inconsistent with my professional obligations."*

The Supplementary Notes prepared to support the CoPC, in respect of Clause 5, read:

*"Acting with professional integrity includes acting honestly, objectively, with courtesy and in accordance with ethical principles such as fairness, impartiality, confidentiality, respecting others, and avoiding or managing conflicts of interest."*

*Professional obligations include, but are not restricted to: [...]*

*\* the requirement to act in the public interest (e.g. by taking all reasonable measures, subject to any legal constraints, to (i) prevent the commission of wildlife crime by others (whether members or non-members); and (ii) support the enforcement agencies in*

*their roles to investigate, prosecute and/or secure remediation of the effects of wildlife crime, in either case whether through reporting wildlife crime / suspected wildlife crime or otherwise);”*

So, where a member knows or suspects a wildlife crime to have been committed or believes a wildlife crime will be committed, a member should report that suspected offence (what to report and who to report to is covered in Sections 9 onwards). When reporting, the CIEEM member would be acting as an eyewitness and, in this capacity, might ultimately end up providing evidence to support a prosecution<sup>3</sup>.

## Consequence of Not Reporting

CIEEM's inclusion of the above wording in the Supplementary Notes means a failure to report a known or suspected wildlife crime could, depending on the circumstances, constitute a breach of the CoPC. However CIEEM does not underestimate the significance for our members of this and every situation would be looked at on its merits, including factors such as the commercial and contractual relationship between the CIEEM member and the person suspected and/or extent to which prevention or remediation has been secured and the role of the member in doing so.

We recognise that, as discussed above, the context in which you may encounter a wildlife crime will have significant bearing over how you may feel about making such a report. Not least, you will want to ensure that your reputation, business and/or job will be unaffected by the reporting of a crime.

However, where a member chooses not to report, they should be able to explain how they have otherwise satisfied the requirement to “take all reasonable measures ...” as set out in the CoPC (e.g. through advising on and securing appropriate remediation, usually in consultation with the appropriate statutory agency). Members should also be mindful that there is an offence ‘with intent to pervert the course of justice’ such as where an individual actively attempts to conceal an offence and/or obstructs the police in the course of an investigation. Also, in Scotland, the procurator fiscal has the right to cite any witness for precognition prior to a trial. A refusal to attend and/or a refusal to cooperate is an offence under s.267A of the Criminal Procedure (Scotland) Act 1995.

## 6. Considerations for a consultant reporting a client's known / suspected wildlife crime

One of the more testing of scenarios is where a consultant suspects that their client has committed (or is aware of their intention to commit) a wildlife crime.

From a legal point of view, the key consideration for the consultant to be aware of is that their client could potentially take legal action against them for “breach of confidence” and this would be as a civil action through the courts. However, for this to be successful the court would need to be satisfied, amongst other things, that:

- a. *the information (relating to the reported crime) was not already in the public domain / was not common knowledge;*
- b. *the information disclosed was a direct result of the client-consultant relationship so that it would be regarded in law as confidential ; and*
- c. *the information was used in an unauthorised way (i.e. reporting it to the relevant authority was unauthorised).*

There are two key ways in which a consultant may protect themselves against such action:

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<sup>3</sup> An alternative, although less likely scenario, may also exist where a member acts as an expert witness and/or advisor for a client in what is or may become a criminal case, and consequently may be advising both client (i.e. the potential defendant) and their lawyer. In such a circumstance, the member should ensure, if they are tempted to disclose information to an enforcement body, that such a disclosure is not protected by ‘client professional privilege’; otherwise, they may themselves be in breach of legislation covering such privilege. Therefore, before sharing any information that might be covered by ‘legal privilege’ a member should seek specialist independent advice.



1. 'Cure' through legal defence (i.e. a defence that can be argued in legal terms when a case is brought against the consultant)
- or
2. "Prevention" by ensuring that appropriate clauses are built into the contractual terms and conditions of consultant appointment from the outset.

## Cure - Legal Defence

There are two potential legal defences relevant to a claim for breach of confidence. The first is where it can be shown that the disclosure is of such significance as to be **'in the public interest'**. The second defence is known as an **'unclean hands defence'**, which is discretionary, and could be invoked in cases where the court feels that the actions of the client are such that they ultimately lose their right to make a claim for breach of confidence. Successful reliance on these defences can never be certain and, whilst they can be used in conjunction, they can only be used once legal action has already been brought – so they could be considered a 'cure' approach (if found to be applicable), rather than 'prevention'. They are also only likely to be successful if there is a high degree of confidence that an offence has actually been committed, or is about to occur, and there is substantial evidence to support this.

## Prevention - Contractual Safeguards

This brings us to the need for members to consider the 'preventative' measures that can reduce retrospective over-reliance on 'cure' methods. This is where contractual safeguards find their place. If worded carefully, appropriate clauses in contractual appointment documents can ward off future legal action – specifically on grounds such as breach of confidence. CIEEM strongly advises that you seek your own legal advice on the precise wording but the suggested wording in Box 3 is a good starting point to discuss with your solicitor.

### Box 3 Example clause for inclusion in *Terms and Conditions of Appointment* to safeguard against breach of confidence action.

Subject to the clause below, the Consultant agrees to keep all information obtained from the Client confidential where the Client so specifies in writing, save where such information is known to the Consultant already or exists already in the public domain, until: (i) the information enters the public domain; (ii) the Consultant is given the same information by a third party; (iii) the Consultant is released from its confidentiality requirement by the Client; or (iv) 3 years have elapsed since the formation of the contract.

The Consultant may disclose in whole or in part any information or knowledge obtained from the Client to a third party where required by law, court order or any governmental or regulatory authority. If the Consultant becomes aware or has a reasonable belief that the Client or any director, officer, agent, employee or subcontractor of the Client has breached or is likely to breach any legislation, regulation, court order or term or condition of any licence permit or consent ("Licences") the Consultant shall be entitled to bring all relevant details as the Consultant sees fit to the attention of the relevant authority including the police or the statutory nature conservation body and shall also be entitled to request the relevant authority to remove from any Licence the name of any officer, director or employee of Consultant which appears on such Licence.

(Note: This text is for example purposes only and CIEEM strongly advises that you seek your own legal advice to identify wording that is fit for your needs.)

## Reputational Issues

Accepting all of the above, there are other considerations, not least of which is that of reputation – both for an individual member, their employer and a client if relevant. This can be very subjective and, given the nature of media nowadays (in particular social media), decisions, perspectives and opinions can have far reaching impacts outside of any courtroom environment. The reputational impacts can occur very quickly, and be far less easy to remediate. Clearly this has the potential to damage professional relationships, and is highly likely to impact on an individual and/or employer's decision to report a client or other third party. Being sure of your ground (i.e. having robust evidence), and reporting in the correct way (see 'how to report' below), are key to protecting your reputation.

Members should note that there are also reputational risks in not reporting a wildlife crime. Not only might it give the appearance to your peers, the public and other stakeholders that you are complicit in the criminal action, it could also give a client the impression that you are willing to ignore similar activity on future occasions. Not reporting a wildlife crime because you do not think any action will be taken is never acceptable. Also, the greater number of incidents that are reported strengthens the call nationally for wildlife crime to be given greater priority.

## 7. Public disclosure and considerations for individuals and their employers

Also of relevance to such scenarios is legislation in place to protect 'whistle-blowers'. In England, Wales and Scotland the Public Interest Disclosure Act 1998 (the "1998 Act") (and its equivalents in Northern Ireland and elsewhere) afford a member a degree of protection from their employer if they look to dismiss, or otherwise discriminate against the member as a result of a disclosure (if made in accordance with the legislation).

In order to protect yourself from any negative recourse from your employer, it is strongly advised that you first make your employer aware of your suspicions (an 'internal disclosure') or, if appropriate, the person or organisation responsible for the conduct which is the subject of the disclosure (the 'responsible person', for instance the client) or the relevant organisation which is the 'prescribed person' for acts relating to environmental damage as set out in the legislation. However, where you believe that 'internal disclosure' would lead to the loss of evidence of an offence, this might be reason not to make such a disclosure.

If no action is taken by your employer or you reasonably believe, at the time of the disclosure, that you will be subjected to a detriment if you make the disclosure to your employer, the 'responsible person' or the 'prescribed person', you may then choose to report your client directly to the Police or statutory agency. The bottom line is that you should satisfy yourself that you have 'whistle-blown' within the terms of the 1998 Act (or its equivalents) and made what would be considered a 'protected disclosure'. This way you will ensure you benefit from its protection should your employer seek to dismiss or discriminate against you following (and as a direct result of) your disclosure.

## 8. Other considerations for members who are not consultants

If you are a member working in the public, NGO, industry or academic sector and consider reporting wildlife crime, you are less likely to face the same contractual dilemmas as those in a consultancy, however some of the other considerations, such as reputational damage, may still apply. You will, however, have to consider whether the information you have access to is as a result of your employment and, if so, whether there are any data protection or confidentiality issues involved.

If you intend to report a crime that you suspect has been committed by your employer, the Public Interest Disclosure 1998 Act (and its equivalents) would also be the main source of legal protection afforded to you. In this context the 'client' is principally the organisation for which you work – including colleagues, superiors and subordinates – as opposed to clients from an external organisation. From a legal perspective, as in the case of the consultant, it would be safer for you to first notify your employer, or if appropriate the 'responsible person' or 'prescribed person'. This is for the

same reasons as outlined above.

It is also worth noting that, even if you were to have a confidentiality clause in your employment contract, it could not prevent you from being able to make a protected disclosure, under the 1998 Act, to an external body capable of enforcement action as it is not legally possible for an employer to include contractual clauses that would prevent disclosure when acting in the public interest.

## 9. Reporting Wildlife Crime – Practical Issues

Wildlife protection laws are different across the four nations of the UK and different again in the Republic of Ireland (see list at the end of this Advice Note). For those of you working even further afield, the situation is likely to be more varied (although hopefully some common principles will apply). Also, the capacity, priority and consistency of enforcement over wildlife crime varies between different police forces and statutory bodies. This Advice Note can only set out the generic issues involved; members are advised to check specific details for their geographic location with the relevant enforcement bodies.

### Being Clear Over the Purpose of Reporting

A member reporting a wildlife crime may have different reasons for doing so, over and above the need for compliance with CIEEM's Code of Professional Conduct. To be most effective, it is therefore important that you are clear about what you hope to achieve by reporting the suspected offence.

The decision to report suspected unlawful activity is likely to fall into one of three main categories, where the purpose will be:

- a. *Stopping – as quickly as possible – ongoing activities that are believed to constitute an offence OR stopping activities before an offence is committed.*
- b. *Instigating some form of investigation and enforcement (sanctions) following actions that constitute an offence (i.e. have caused damage).*
- c. *Seeking agreement to enter into an enforcement undertaking to enable an offender to restore or remedy any environmental damage they have caused.*

These three options are not mutually exclusive, and one may lead to another.

Also, possibilities for restoration of damage and prevention of further damage under the Nature Conservation (Scotland) Act 2004 for SSSIs; Conservation (Natural Habitat) Regulations 1994 for European sites; The Environmental Liability (Scotland) Regulations 2009 to EU protected species and natural habitats.

### What Should be Reported?

Irrespective of who you are reporting to, always be very specific and provide details of the following:

- ☐ The activity that is about to take place/is taking place/has taken place that has caused damage/harm
- ☐ The result of the action taking place e.g. harm to species or damage to habitat
- ☐ The date and time of the alleged offence
- ☐ The location (consider using 'what3words' or other mobile apps such as GridPoint GB or OS Locate to provide an accurate location)



- ☐ The person(s) believed to be responsible (e.g. client, contractor or 'other' party)
- ☐ Why you believe the action constitutes an offence (wherever possible, cite specific sections or regulations within relevant legislation that you believe have been breached)
- ☐ Supporting evidence available (e.g. wildlife survey reports, photos, maps, written notes, videos, recorded statements and witnesses)
- ☐ Your own contact details

The stronger the evidence you have that an offence is likely to occur, the more likely it is that the police will step in to prevent it from occurring.

## Key Considerations

Any member of the public can report what they believe is criminal activity and the normal perception is that this would usually be to the police<sup>4</sup>. However, for a CIEEM member when faced with the decision over whether or not to report an alleged wildlife crime, they should consider carefully:

1. Their professional role in relation to the suspected offence – e.g. are they employed by a public body with a remit to enforce wildlife protection or are they a private consultant contracted by the alleged perpetrator of the wildlife crime?
2. The role and function of the body to whom the incident is reported – i.e. what do their powers enable them to do and are they best suited to take necessary action?

In addition, members working in the private sector should also consider:

3. Any professional issues that may be relevant arising from their contractual relationship with their client who may, from a police perspective, also be the formal 'suspect' (see sections 6 and 9 above).

## 10. Distinctions in Reporting Between Private and Public/NGO Sectors

In the absence of contractual protections as discussed above (see Section 6), reporting wildlife crime can, potentially, be more professionally complex for a member in the private sector than it is for a member operating in the public sector. This is because of the more onerous working, contractual and commercial relationships that the former are likely to have with their client as previously discussed. In contrast, a member working in the public sector can be more able to report wildlife crime through established means that exist within their organisation, which in turn is likely to have its own powers of enforcement (see below). Indeed, some members in both the public and NGO sectors may act as 'inspectors' with a formal responsibility for monitoring legal compliance; examples include local planning authorities in the public sector and the Royal Society for the Protection of Cruelty to Animals (RSPCA and SSPCA in Scotland) in the NGO sector.

### Initial Response

In the first instance, where damaging activities are currently ongoing, a CIEEM member should report their concerns to the person(s) currently responsible for those activities (e.g. a contractor on site). In other words, attempt first to stop further harm from occurring.

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<sup>4</sup> There is a Memorandum of Understanding between the National Police Chiefs' Council, NE, NRW and NatureScot where it has been agreed that the police will investigate breaches in wildlife legislation and breaches to licence conditions - except in England, where NE have the investigatory responsibility.

On the other hand, if the damage has already taken place, a member who is in the role of a consultant may wish to report first to their client rather than directly to the client's contractor. The exact sequence is a judgement call and will depend on the circumstances.

If the consultant is an employee within a private consultancy, they should also immediately inform their line management; in fact, protocols may exist within the company so that they do this first, enabling more senior staff to report to the client.

It will often be a measure of last resort that a consultant decides first to report any potential offences directly to the police (see section below on how to report to the police). The decision to do so is likely to depend on their relationship with their client and any contractual obligations that exist between them (see Section 6). Ultimately, reporting to the police is a matter of professional judgement and one that needs to be weighed under CIEEM's Code of Professional Conduct. A factor that should weigh in this judgement is whether (a) any previous advice given by the consultant has been ignored and (b) whether there are any other urgent means of ensuring significant further harm is prevented. Ultimately, this may only be possible through police intervention, but telling a machine operator to stop working because he is committing an offence (e.g. bulldozing a badger sett), may be the first imperative.

On the other hand, while there is no legal obligation to report wildlife crime to the police, a consultant may feel bound professionally to take such action, especially where no other remedy (see below) or course of action with another body, appears available. However, where other more appropriate options exist, these may be a preferred choice – or at least to be explored initially (see Civil and Specialist Sanctions below under the SNCB section).

## 11. Reporting Wildlife Crime to the Police

Where appropriate, the police have powers of entry, investigation, arrest and prosecution and are the primary enforcement body for the majority of wildlife crime, including illegal trade in endangered species and poaching. To report ongoing unlawful activity in the UK (i.e. a crime is in progress), call the police on 999 (but we must emphasise that this is only if the crime is ongoing and the police are required to stop it continuing). In the Republic of Ireland, report any suspicious illegal activity as soon as possible to An Garda Síochána or dial 999/112 if it is an emergency or anyone is in immediate danger.

For all other situations, report suspected offences to the local police force online or by phone on 101. If you wish to remain anonymous, call Crimestoppers on 0800 555 111.

*Note: While reports to the police can also be made anonymously (i.e. to police or Crimestoppers), such reports are unlikely to receive the same grading as those where the source can be verified as being credible, and therefore (subject to the quality of the information provided and nature of the alleged offence) may not be prioritised or actioned.*

In England and Wales, ask for a police incident number to follow up on the report and to ensure that the suspected wildlife crime is reported in national crime statistics. However, in Scotland an 'incident' isn't recorded in national statistics as a crime – it first needs to be investigated and meet crime recordings standards to be recorded as a crime and then given a crime reference number (as opposed to an incident reference number).

As the person making the report, you must be very specific about where you believe the offence has taken place. It is suggested that your mobile devices have the, 'what3words' App installed. This is because the App has the whole world mapped out in a three-metre square grid. As it links to GPS, it will provide you with three unique words that you can pass to the Police, enabling them to accurately plot the location of the offence. Many Police Forces now have this App as part of their command and control system.

The extent to which wildlife crime is prioritised by Police forces varies around the country. While some police forces are excellent, most officers and control room staff in will have received very little training in wildlife crime. In all cases, therefore, ask if the case can be referred to a Police Wildlife Crime Officer (PWC0) for investigation – where one exists (Divisional Wildlife Crime Liaison Officer in Scotland).

When contacting a Force Control Room, don't be surprised if it appears that this is the first time the call handler has heard of such a crime or the legislation. Therefore, be as explicit as possible over what crime has occurred, what evidence there is to support that allegation and what legislation has been breached. Many forces, on their websites, have pages relating to wildlife crime<sup>5</sup>. In a conversation with a call handler reference to these pages can be helpful and this should greatly assist individual officers when they respond. Further assistance may also be available from the National Wildlife Crime Unit and, for bat offences, from the Bat Conservation Trust's Wildlife Crime Project.

Ideally, the report should be passed to a trained wildlife crime officer. This could be either a Police Officer (who has warranted powers) or a Police Community Support Officer (the latter not in Scotland). While it is accepted that capability and capacity to respond to wildlife crime varies among different police forces, this should not prevent you reporting an alleged offence.

If you are reporting the crime then it is likely that you will be treated as a witness for any subsequent court proceedings, especially if an investigation results in charges being brought against individual(s) or companies. A statement is likely to be required and any evidence that you put forward as part of the investigation will need to be provided as exhibits. There have been a number of incidents where Proceeds of Crime Act 'confiscation orders' have been pursued by the courts.

## 12. Working with the Crown Prosecution Service

Once an alleged wildlife crime has been reported to the Police, the Police are able to consult with the Crown Prosecution Service (CPS) in England and Wales or the Crown Office and Procurator Fiscal Service (COPFS) in Scotland (COPFS have a specialist Wildlife and Environmental Crime Unit (WECU)). This would not ordinarily happen (other than for major crime) but because of issues from the past and the complexity of some wildlife legislation, the Police are permitted to seek advice from CPS lawyers or the Wildlife and Environmental Crime Unit (WECU) within COCPs. This means that officers can get advice from a lawyer if necessary and appropriate and required assistance over the best investigative route to take on a case.

Any CIEEM member who has any doubts about how an investigation may be progressing can ask the police whether they have or are considering taking early advice from the appropriate CPS or WECU wildlife lawyer.

## 13. Reporting Wildlife Crime to Local Authorities

Local authorities across the UK have a general duty to further the conservation of biodiversity in the exercise of their functions as far as practicable. In addition, under S.17 of the Crime and Disorder Act 1998, local authorities have a duty to exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, crime and disorder in their area. This can include wildlife crime.

In addition, local authorities have powers of enforcement under their relevant planning legislation; these powers provide the means to control or stop development operations that may be harming wildlife through:

- Stop notices

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<sup>5</sup> With regard to bat crime, the police have access to a Bat Crime Toolkit that has been put together by the Bat Crime Priority Delivery Group, including a tactical document, example interview questions, control room guidance, digital posters, leaflets and more - this sits on a system called DISC. Where relevant, reference can be made to this when reporting alleged bat crime to the police.

- ☐ Breach of condition notices
- ☐ Injunctions through the courts

Local authorities also have powers of prosecution under S.25 of the Wildlife & Countryside Act 1981. As such, they are able to prosecute any individuals or organisations that they believe have committed a wildlife offence, whether it is planning related or not, subject to whether the offence is a matter that the local authority will pass to the CPS for prosecution<sup>6</sup>. They also have powers of enforcement under the Hedgerow Regulations 1997 where a hedgerow has been removed unlawfully.

Reporting wildlife crime to a local authority will be most effective if they have an in-house ecologist who will be familiar with their area, what constitutes an offence, what is actionable, and which enforcement body is best placed to respond. They should also be able to assist their own local authority colleagues in any possible enforcement action using the authority's planning powers. As a minimum, a local authority ecologist should have contact details for their local Police Wildlife Crime Officers (PWCOs). In the absence of an in-house ecologist, it will be worth reporting your concern to the planning department (ideally a case officer responsible for the site in question if the alleged offence is part of new development). In this latter case, make sure you refer to the local authority's duties under S.17n of the Crime and Disorder Act as well as requesting that they take action through their planning powers. Be prepared for a planning office to be unfamiliar with this area of law.

## 14. Reporting Wildlife Crime to Statutory Nature Conservation Bodies (SNCBs)

### Criminal Sanctions

An SNCB's enforcement powers most likely to be of most relevance to CIEEM members include responsibility for:

- ☐ Breaches of the Environmental Damage/Liability Regulations (see list of national legislation at the end for exact references).
- ☐ Damage to Sites of Special Scientific Interest (SSSIs)
- ☐ Breaches of the Heather and Grass Burning Regulations
- ☐ Environmental Impact Assessment for uncultivated land and semi-natural areas
- ☐ Breaches of species licences (see footnote No. 3)

Natural England are responsible for enforcement action where a protected species licence that they have issued is breached. Elsewhere in the UK arrangements are in place for these matters to be investigated by the police. Where offences against protected species are committed by those without a licence, enforcement action is undertaken by the Police.

Breaches of general licences issued by SNCBs are enforced by the police and in Scotland, Nature Scot have powers to amend, suspend or revoke all species licences but this is done working alongside the police where appropriate. Report these and any other offences against protected species to your local police force (as discussed above).

If the incident is on-going, report it to the police on 999.

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<sup>6</sup> Bristol City Council successfully prosecuted a developer in the early 1990s who, during the breeding season, had deliberately bulldozed a site with nesting habitat for breeding birds. The conviction was secured under Section 1 of the Wildlife and Countryside Act 1981 and the prosecution was progressed under Section 25 of the Act, enabling local authorities to prosecute wildlife crime.

You may be able to report a suspected breach of a species licence by email to the licensing team within the relevant SNCB.

## 15. Civil and Specialist Sanctions

In addition to criminal sanctions, SNCBs also have access to a broad suite of both civil and specialist regulatory enforcement sanctions – but the nature of these vary around UK. Examples of include:

- ☐ Compliance and Stop Notices
- ☐ Fixed Penalty Fines through Enforcement Undertakings
- ☐ Restoration Notices
- ☐ Nature Conservation Orders (in Scotland) to prevent ongoing damage to a protected site

An example of a specialist sanction is a Prevention and Remediation Notice. Such sanctions enable offenders to volunteer steps to remedy a potential or actual offence including ensuring future compliance, restoring harm, giving up a financial benefit, or providing restitution to affected local communities. If the agreed steps are taken, no civil or criminal sanction follows.

CIEEM members might become involved in negotiations over civil or specialist sanctions where their client:

- ☐ requests expert ecological advice on the options available to them
- ☐ wishes to be proactive and self-report a suspected offence; or
- ☐ is reacting to an offence where the SNCB has notified them that it intends taking criminal or civil action against them.

[For further information on sanctions](#)

## 16. Reporting Wildlife Crime to NGOs

NGOs do not have any statutory remit or powers with regard to wildlife crime, but the RSPB, the RSPCA (SSPCA in Scotland) and the League Against Cruel Sports do assist in the investigation of crimes against wildlife and can pursue private prosecutions. The RSPCA and SSPCA may be able to attend an ongoing wildlife crime incident if police cannot attend, but do not have powers of entry, so any evidence collected will only be admissible if the NGO discovers a crime as a part of their normal duties. Other NGOs, such as the Bat Conservation Trust, do not undertake investigations but do provide assistance and guidance to investigators and prosecutors.

While, in the first instance, you should always report wildlife crime to the police, there are some distinct advantages of also reporting wildlife crime to relevant NGOs, not least is the fact that the police do not include wildlife crime in their reporting statistics – so there is no official record of how much wildlife crime there is. The NGOs are attempting to step in to fill this gap and to record all wildlife crime and the Bat Conservation Trust are actively doing this. NGOs often employ ex-police officers so may have expertise available to advise somebody thinking of reporting a wildlife crime to the police.

NGOs may also have contact details for local wildlife crime officers who can then be contacted directly.



## Useful Links to Relevant NGO sites and activity

For bat crime:

(<https://www.bats.org.uk/our-work/wildlife-crime-project/wcp-police-and-the-law>)

and

<https://www.bats.org.uk/our-work/wildlife-crime-project/wcp-strategic-picture>.

Bat Crime Priority Delivery Group newsletter:

<https://www.nwcu.police.uk/how-do-we-prioritise/priorities/bat-persecution/>

For Wildlife and Countryside Link Annual Wildlife Crime Report:

<https://www.wcl.org.uk/wcl-wildlife-crime-report-2022.asp>

In Scotland:

Police Scotland wildlife crime page:

<https://www.scotland.police.uk/advice-and-information/wildlife-crime/>

Scottish Government wildlife crime page and link to annual reports:

<https://www.gov.scot/policies/wildlife-management/wildlife-crime/>

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Andy Turner	NatureScot

## Legislation under which wildlife crime can be enforced

The foundation for legal enforcement of wildlife crime across the UK is the Wildlife & Countryside Act 1981, which protects key species from injury, killing and disturbance. In Ireland, the Wildlife Act 1976 offers the similar levels of protection to protected groups of fauna and flora.

Other key legislation includes:

- ☐ Wildlife Act 1976 (Ireland)
- ☐ Wildlife and Countryside Act 1981
- ☐ Protection of Badgers Act 1992
- ☐ Wild Mammals (Protection) Act 1996
- ☐ Animal Welfare Act 2006
- ☐ Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020

Wildlife crime against habitats and species listed under the EU Habitats Directive are enforced through the following:

- ☐ Conservation (Natural Habitats &c. Regulations (England and Wales) 2017
- ☐ Conservation (Natural Habitats &c.) Regulations (Scotland) 2017 or 2019
- ☐ Conservation (Natural Habitats &c.) Regulations Northern Ireland
- ☐ Birds and Natural Habitats Regulations (Ireland) 2011

Environmental sanctions arising from the EU Environmental Liability Directive 2004 are enforced in the UK through:

- ☐ The Environmental Damage (Prevention and Remediation) (England) Regulations 2015
- ☐ The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009
- ☐ The Environmental Damage (Prevention and Remediation) (Northern Ireland) Regulations 2009

- The Environmental Liability (Scotland) Regulations 2009

And in Ireland through:

- The Environmental Liability Regulations 2008

Further protections are provided for specific species and circumstances by other legislation, including the Hunting Act (England and Wales) 2004, and the Hunting with Dogs (Scotland) Act 2023.

The international trade in endangered species is enforced through the Control of Trade in Endangered Species (COTES) Regulations 2018. UK Statutory Instrument No 703.

## Notes

Contact details for law enforcement bodies in the UK can be found on the Partnership for Action Against Wildlife Crime (NWCU) web site:

<http://www.nwc.police.uk>

Also, for Scotland, Wales and Northern Ireland: PAW Scotland [www.paw.scotland.gov.uk](http://www.paw.scotland.gov.uk), PAW Cymru [www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk), and PAW Northern Ireland [www.wildlifecrimeni.org](http://www.wildlifecrimeni.org).

These look at wildlife crime problems in their own countries and at ways to tackle them.

## References

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