

MARK CARWARDINE



On the wild thoughts that won't let him sleep. This month:

Our myopic legal eagles

The Department for Environment, Food and Rural Affairs (Defra) has asked the Law Commission to update wildlife legislation in England and Wales

Current wildlife laws are a motley collection of acts and amendments dating back to 1831 and, not surprisingly, they can be confusing, contradictory and out of date.

So putting it all into a single statute is, in theory, a good idea. Indeed, there is at least one welcome proposal in the Consultation Paper: to introduce the concept of 'vicarious liability', which recently became law in Scotland. This would hold landowners and managers accountable for wildlife crimes committed by their staff. If a gamekeeper were to kill a protected species, for example, his or her boss could be prosecuted, too.

I can't imagine it'll go down well with the farming, forestry and shooting lobbies (and even some of our land-owning ministers), but it does make a lot of sense.

But while Defra claims that the aim of the review is not to raise or lower levels of protection for individual species, the Law Commission has other ideas. Among several scary proposals, there is one to issue special licences to allow the killing of 'troublesome' animals – cormorants, for example,

if they are deemed to be a problem for fishermen.

Worse, some of the paper's language rings deafening alarm bells. Wildlife law's first duty, it states, is to "provide the framework within which wildlife can be controlled, so that it does not interfere unduly with the conduct of human activity". Meanwhile, its second duty is to "allow for the exploitation of wildlife as a valuable natural asset".

Conserving wildlife "as part of our common heritage"

Cormorants eat fish – though not usually this big.



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and protecting individual animals from harm "above a permitted level" are added almost as an afterthought.

Lawyers may not give a damn about protecting wildlife for its own sake – but they should know that the rest of us do.

Mark Carwardine is a zoologist, photographer, writer, conservationist and BBC TV presenter.