

**A Memorandum of Understanding**  
**on the prevention, investigation and enforcement of**

**Wildlife Crime**

**between**

Natural England

Countryside Council for Wales

Crown Prosecution Service

and

The Association of Chief Police Officers  
of England, Wales and Northern Ireland



## **Purpose**

This Memorandum of Understanding and Action Plan is intended to serve as a general guide to fostering co-operation between the respective parties and to allow the necessary flexibility in activities that are undertaken between them in relation to wildlife crime. It defines the roles and responsibilities of the parties in the prevention, investigation and enforcement of wildlife crime, in keeping with their respective aims. It should be used as basis for high level strategic engagement and regional protocols between Natural England, Countryside Council for Wales, Police forces and the Crown Prosecution Service. Such protocols will form the basis of working arrangements with those involved at regional and force level.

## **The Parties to the Agreement**

The parties to this agreement are:

- Natural England
- Countryside Council for Wales
- Association of Chief Police Officers
- Crown Prosecution Service

## **Roles and responsibilities**

**Natural England** is a Non Departmental Government Body whose functions include conserving and enhancing England's natural environment. Natural England works for people, places and nature with responsibility for enhancing biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas; promoting access, recreation and public well being, and contributing to the way natural resources are managed - so they can be enjoyed now and for future generations.

The **Countryside Council for Wales** is the Government's statutory adviser on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters.

Natural England and the Countryside Council for Wales have the power to take prosecutions where offences have been committed on SSSIs and for offences relating to non-compliance of species licences that they issue. Prosecution is one of the enforcement mechanisms, along with advice, warning letters and cautions, that Natural England and the Countryside Council for Wales use to address offences in a transparent, accountable, consistent, proportionate and targeted manner.

The **Association of Chief Police Officers of England, Wales and Northern Ireland** works on behalf of the police service to develop policing policy and for the purposes of this Memorandum of Understanding is a signatory on behalf of all Police forces in England and Wales.

The **Police** have a duty to preserve life, protect property and to prevent and detect crime. They have a role in preventing wildlife offences and are the lead agency for the investigation of offences relating to protected species.

The **Crown Prosecution Service (CPS)** is the principal public prosecuting authority for England and Wales. Although the CPS works closely with the police, it is independent of them. Casework decisions are taken with fairness, impartiality and integrity, delivering justice for victims, witnesses, defendants and the public. The CPS advise the Police during the early stages of an investigation, review cases submitted by the Police for prosecution, prepare cases for court and then present those cases at court. The role of the CPS is to prosecute cases firmly, fairly and effectively when there is sufficient evidence to provide a realistic prospect of conviction and when it is in the public interest to do so.

The **National Wildlife Crime Unit** is a police led, stand alone, multi agency unit with a UK wide remit for wildlife crime. The Unit gathers intelligence on national and international wildlife crime and also provides analytical and investigative support to the Police, HM Revenue & Customs, Government Organisations, Statutory Nature Conservation Organisations and Non Government Organisations. The NWCU is the intelligence conduit between all agencies, domestically and internationally, that have a legal obligation or interest in dealing with wildlife crime. The primary objective of the NWCU is assisting in the prevention and detection of wildlife crime.

The **Partnership for Action against Wildlife Crime** brings together the Police, HM Revenue and Customs, and representatives of Government Departments and voluntary bodies with an interest in wildlife law enforcement. It provides a strategic overview of enforcement activity, considers and develops responses to strategic problems, and looks at issues of strategic concern.

## **Investigations**

The parties to this MoU are committed to ensuring that any joint investigation into a wildlife crime is thorough and appropriate, and the parties agree to work closely together in order to achieve this. Decisions in relation to who will lead the investigation, and the direction it will take, should be timely, informed by the best available evidence and technical expertise, and should take account of this MoU and the wider public interest. Should there be any issue as to who is to be involved in investigating wildlife crime then the parties will work together to reach a conclusion.

There will be a reciprocal arrangement between Natural England, the Countryside Council for Wales and the Police in seeking assistance, where practicable and wherever resources and powers allow, when wildlife offences occur. Should officers from either Natural England, the Countryside Council for Wales or the Police not be able to attend the scene of an offence, or where assistance is required, then they can request that the other attend the scene to investigate the offence or assist and take the necessary action as their powers allow.

## **Legal action**

The decision whether to commence criminal proceedings rests with the appropriate prosecuting body (Natural England, the Countryside Council for Wales or the Crown Prosecution service). Nonetheless, enforcement action taken by one organisation does not preclude another taking action if considered appropriate.

At the discretion of the parties subject to this MOU, all relevant statutory Partnership for Action against Wildlife Crime partners contributing to an investigation will be consulted on the decisions relating to the disposal of cases.

### **Sites of Special Scientific Interest (SSSIs)**

SSSIs are given legal protection under Part II Section 28 of the Wildlife and Countryside Act 1981 (as amended) “Part II of the 1981 Act”. Natural England and the Countryside Council for Wales are responsible for taking enforcement action for these offences, including prosecutions.

The Police will provide appropriate assistance to Natural England and the Countryside Council for Wales in relation to offences under Part II of the 1981 Act. This will include witness statements and any other information and services they can reasonably and lawfully provide. When offences occur on SSSIs that are in contravention of other legislation that the Police are normally responsible for investigating, for example the Road Traffic Act 1988 (as amended), there will be an expectation that they will investigate as appropriate.

### **Species**

Species are given legal protection under a number of statutes including (but not exclusively):

- Part I of the Wildlife and Countryside Act 1981 (as amended) “Part I of the 1981 Act”
- Part III of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) “the Habitats Regulations”
- Protection of Badgers Act 1992

The Police are responsible for the prevention and investigation of species offences. Natural England and the Countryside Council for Wales have a duty to assist and advise the Police investigating such offences. Both agencies will provide witness statements and any other relevant information and services that they can reasonably and lawfully provide.

The Crown Prosecution Service is responsible for prosecuting species offences in line with their policies and procedures. Before offenders are charged with species offences, Natural England or the Countryside Council for Wales may be consulted over the nature and impact of the offences.

In cases where a licence has been issued to permit certain activity under UK wildlife legislation and licence conditions have been breached, Natural England and the Countryside Council for Wales will investigate and take enforcement action, although the assistance of the Police may be requested.

### **Joint action on SSSI and species offences**

Where an incident occurs which breaches both the SSSI and species legislation, a decision will be made nationally by Natural England or the Countryside Council for

Wales, and locally by the Police and the Crown Prosecution Service, as to whether a joint investigation and prosecution is undertaken. Roles and priorities will be agreed.

## **Data Exchange and Disclosure**

Data exchange between the organisations is encouraged but will only take place in appropriate circumstances and in compliance with data protection and other relevant legislation.

The organisations will establish procedures to share data and intelligence at a regional and national level. All parties will share data and intelligence with the National Wildlife Crime Unit. Natural England and the Countryside Council for Wales will provide information on species licences and SSSI consents to the police in connection with possible criminal enquiries.

## **Partnership working**

Partnership working plays a fundamental role in tackling wildlife crime both at a local operational level and nationally at a strategic level. Partnership working will enable all parties to focus resources and efforts towards the UK wildlife crime priorities and the priorities of Natural England and the Countryside Council for Wales.

In England regional partnerships will be a means to achieving a more formal strategic approach to enable Natural England and the Police to tackle wildlife crime more effectively and expediently. Regional partnerships will identify operational roles and responsibilities and set out effective working arrangements between both bodies. This will ensure, amongst other issues, that the body with the most appropriate enforcement powers can take the primary enforcement action on individual cases. Regional partnerships are a developing concept in England and the parties to this MoU will encourage and foster existing and new initiatives.

In Wales the partnership between the Countryside Council for Wales and the Welsh Police forces is progressed through the secondment of Police Officers. A similar secondment is currently being trialled in Natural England's Yorkshire and Humber Region.

All parties within this Joint Memorandum of Understanding will work closely with the Partnership for Action against Wildlife Crime. This will enable the Partnership for Action against Wildlife Crime to provide a strategic overview of enforcement activity, consider and develop responses to strategic problems, look at issues of strategic concern in order to meet its objective to draw attention to the growing problem of wildlife crime and raise awareness of the need for enforcement action.

## **Guidance and training**

In the spirit of partnership working all parties believe that the sharing of knowledge and working practices is beneficial in tackling wildlife crime. All parties will provide necessary information and guidance and training as their resources allow. Natural England and the Countryside Council for Wales will produce information, guidance

and training on the legislation covering SSSIs and species. This will be made available to every Police force in England and Wales and will be updated as required. The Police will provide information, guidance and training on conducting investigations, collecting and preparing evidence, and an awareness of the Police and Criminal Evidence Act 1984.

## **Costs and charging**

Each body will be responsible for recovering their own costs in relation to investigations and prosecutions. Each will endeavour to obtain costs incurred by witnesses by inviting courts to impose those costs, and any other costs, on defendants.

It is anticipated that services provided by all parties will be without charge. No charges will be levied without prior agreement.

## **Communication**

For the purposes of this Memorandum of Understanding the following are lead contact points:

In **Natural England** the national contact is Paul Horswill, Senior Specialist SSSI Enforcement. Regional partnerships in England will also establish designated officers in both Natural England and the Police who will act as contact points for wildlife crime issues within their respective organisations.

In **Wales** Sgt Rob Taylor and Sgt Ian Guildford are the contacts for both the **Police** and the **Countryside Council for Wales**.

The contact for the **Association of Chief Police Officers** is Pete Charleston, Chief Constables Staff Officer (Wildlife Crime).

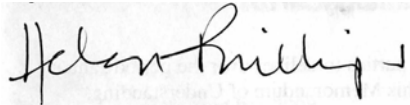
The contact for the **Crown Prosecution Service** is Arsha Gosine, Policy Advisor lead on wildlife issues.

## **Publicity**

All parties will endeavour to raise awareness of wildlife crime through highlighting key issues and prosecution cases.

## **Review**

This Joint Memorandum of Understanding and its implementation will be reviewed by all parties after 3 years. If forthcoming legislation requires the document to be reviewed earlier all parties will commit to doing so at the earliest opportunity.



Chief Executive, Natural England  
20 October 2008



Director of Science, Countryside Council for Wales  
3 November 2008



Chief Constable, North Wales Police  
5 November 2008



Deputy Director Domestic Affairs, Crown Prosecution Service  
27 November 2008

## **Action Plan January 2009 – January 2010**

This Action Plan identifies actions for the parties to deliver over the period January 2009 – January 2010 in accordance with this Memorandum of Understanding.

This annual Action Plan is designed to translate good intentions into positive proposals for action within the agreed timescales. It will be reviewed annually.

- In England, regional partnerships between Natural England, the Police and the Crown Prosecution Service will be established and re-energised. Representatives from Natural England and the Police will form a Steering Group to take forward regional partnerships and work within the parameters of an agreed protocol to deliver a strategic focussed approach to tackle wildlife crime conservation priorities in an effective manner.
- Natural England and the Countryside Council for Wales will review their national wildlife crime conservation objectives annually through the Joint Nature Conservation Committee. In England any regional priorities will be reviewed through the regional Steering Groups.
- All parties will work towards having an agreed data exchange protocol in place.
- Natural England and the lead for the Association of Chief Police Officers will write to Chief Constables and Chief Prosecutors in England to raise awareness of wildlife crime and encourage participation in regional partnerships.
- All parties will make officers within their respective organisations aware of this Joint Memorandum of Understanding.