

HANSARD 1974 and 1975

selection of extracts from debates for the

Conservation of Wild Creatures and Wild Plants Bill (CWCWPA 1975)

HL 21 November 1974 vol 354 cc1204-27 Second reading introduced by

LORD WYNNE-JONES (because Lord Cranbrook was unwell)

Your Lordships will notice that at the moment the Schedule is restricted to seven animals: the Greater Horse-shoe Bat, Mouse-eared Bat, Dormouse, Sand Lizard, Smooth snake, Natterjack Toad and the Large Blue butterfly. These are creatures which are apparently under very grave risk indeed. In some cases the communities are now so small that there is grave danger they will disappear altogether.

Only two bats are included. I believe I am correct in saying that the most common bat, the Pipistrelle, is under no risk at the present time at all and there are many about. I was looking in *Country Life* for last week, and I saw there quite an interesting article by John Hooper. He had an ultrasonic detector and had been going round tracing where bats are in the South-West London area, and I think he found there were 170 different places where the Pipistrelle could be found. I also learnt what I had not known before, that the Long-eared Bat (I think it is) can be heard at a distance of only six feet by means of the ultrasonic detector, whereas the Noctule can be heard at a distance of 50 yards. There is this enormous variation between them. This is what makes the whole subject so fascinating. My Lords, the Bill is a simple and clear one; I commend it to your Lordships and ask that it be given a Second Reading.

LORD MELCHETT

The list of species in the Schedule poses serious problems of recognition—more serious, perhaps, than those in the Wild Plants Schedule—and thus of enforcement. Who, for instance, among the general public can tell the difference between a Greater Horse-shoe bat and a Lesser Horse-shoe bat? I confess to your Lordships that I, for one, certainly could not.

LORD MOWBRAY AND STOURTON My Lords, I appreciate that, but I must confess I did not realise that a butterfly was an animal—I have learned it from the noble Lord, and I accept it. Nevertheless, I still find this a curious list. I find various things odd about this Bill. In particular Clause 3, dealing with restriction on marking and ringing. Let us be honest, my Lords: are there really in this life many people wishing to do this sort of thing, except for the good of the species? I find it hard to believe that there are people going about to mark or tag or ring animals to the animals' detriment. Normally, these things are done by people interested in the welfare of the breed, to see how far they go from the habitat in which they were found, or ringed or marked or tagged. No one, I imagine, could possibly be able to mark our bat friends; the dormouse, I suppose, could be marked, but I imagine he would never do any harm. Here is an enormously important Bill of Parliament, my Lords, but dealing with such tiny things. I am still puzzled.

I have not met many people who collect or are wanting to sell or buy or harm such animals. The Greater Horse-shoe Bat is a very unusual gentleman. I personally do not think I have ever seen him, though I know what he looks like. He has this extraordinary snout which goes up against his head. I am delighted to see these two bats being protected. My wife's name was Bateson, which means "son of a bat" and my uncle-in-law, or wife's uncle, Lord Deramore (I must be careful what I say), has the arms of three black bats' wings on his shield and his motto is Nocte Volamus. So my wife's family has an hereditary interest in bats. But I have yet to meet people who are in any way wishing to injure or do damage to bats. I think our modern civilised life is in itself anti-bat; they thrive on an old-fashioned type of countryside. I do not think they like electric and telephone wires and modern concrete. There is no place where they can reside. Our ambiance, our environment, does more harm to these animals than do human beings.

LORD SOMERS I quite understand that, my Lords. However, there are a great many people whose knowledge is not very extensive and who may do something which they think is perfectly harmless but which in fact is not. As an instance of this, I will quote from some notes on the Bill which the noble Earl, Lord Cranbrook, has sent me. He said: Clause 3,

controlling the ringing of mammals, is the only one which has little effect on the conservation of endangered species, although there is evidence that waking hibernating bats to ring them can waste so much of their reserves of fat as to prevent them from surviving the winter. Of course, the average person would not know that. He would not be aware of the highly technical points. Therefore I think it is a very good thing to prevent people from doing things which are harmful, although they do not realise it—things which may, quite accidentally and unintentionally, cause the extinction of an entire species.

LORD BURTON My Lords, I wish to add my regrets that the noble Earl, Lord Cranbrook, is not present (*due to illness*). As has been said before, we know what a past-master he is at putting this type of Bill through Parliament. I hope he may be here for the Committee stage. In the absence of the noble Earl, I hesitate to raise some rather critical questions. I do not know whether the noble Lord, Lord Wynne-Jones, will be able to answer them, but if he cannot, I shall quite understand. I would query the need for the Bill, as did my noble friend Lord Mowbray and Stourton. The noble Lord, Lord Somers, has just said that people might not know that waking a bat would kill it. I would submit that a person is not likely to be ringing bats unless he is an expert. I do not know how to do it myself, not being an expert on that in any way.

LORD MOWBRAY AND STOURTON My Lords, has the noble Lord, Lord Somers, ever met such people who have done this? Does he really know that they exist? Or is the noble Lord imagining their existence?

THE EARL OF ARRAN My Lords, it will soon be said that we all have bats in our belfries.

LORD BURTON My Lords, the only attacks on bats known to me have been when panic-stricken old ladies, under the misguided intentions that bats will get in their hair, have fled from their bedrooms and something like a rolled-up copy of the Field magazine has been used to remove the intruder. Occasionally, when one is fishing late at night a bat will try to take the fly. Usually the bat gets hooked in the wing rather than in the mouth, and is generally

capable of being released. However, I believe the noble Lord, Lord Wynne-Jones, said that bats getting into this sort of trouble are not the rare ones; it is only the common species, and we need not trouble unduly about them.

LORD MOWBRAY AND STOURTON It was the noble Lord, Lord Melchett, I think, who said that he would never be able to recognise the Greater Horseshoe Bat. I think I am right in saying that apart from the interesting facial description given by the noble Lord, Lord Mowbray and Stourton, it is also the largest bat in this country; it has, I think, a wingspread of nearly 18 ins. So it is not unidentifiable, even to people who are not highly expert, like myself.

LORD BURTON Reference was made particularly by the noble Lord, Lord Mowbray and Stourton, to ringing. He suggested that this either was not done at all or was always done by experts. The actual fact is that an immense amount of ringing goes on. I was not aware of this, but I am assured it is the case, and that bats are frequently being ringed. The ringing is being done by people who may be described as enthusiastic amateurs (if one wishes to use the expression) and who do this sort of thing, as Lord Somers remarked, without understanding fully the nature of the species that they are dealing with. They may be perfectly expert at the technique of ringing, but they can do considerable damage. This is something which, if it is done by people who do not fully understand the biological nature of the animals they are dealing with, may cause considerable damage. What this Bill says is that all such practices should be carried out by licensed practitioners. This is exactly what we do when we are dealing with vets and doctors; they are licensed practitioners.

Would it not be much easier just to prohibit this practice? I think there is already some control on birds. It would seem to be unnecessary to have this mammoth Bill for the sake of a few people who are apparently marking or ringing creatures.

WILD CREATURES AND WILD PLANTS PROTECTION BILL

HC Deb 24 January 1975 Second Reading

Mr. Peter Hardy (Rother Valley) I beg to move, That the Bill be now read a Second time.

The Bill is basically an amalgamation of two Bills which were before the House of Lords—the Protection of Wild Plants Bill, which was introduced by Lord Beaumont, and the Conservation of Wild Creatures Bill, introduced by Lord Cranbrook. We have put these two together because it seemed that this provided Parliament with an early opportunity to take the urgent action which is required.

We have said that the species named already for protection from the commencement of operation of the Bill are very much in danger. Perhaps it would be helpful if I said a few words about some of the creatures and plants named in the schedules. We have two bats, the greater horse-shoe bat and the mouse-eared bat. These are the two rarest of Britain's bats. I understand that there are only three colonies of greater horse-shoe bats and one colony of mouse-eared bats in the British Isles, and these species have suffered a tremendous loss of population in the last decade or two.

Mr. Tam Dalyell (West Lothian) As one of the sponsors of the Bill, I know that my hon Friend has put an enormous amount of homework into his proposals. He speaks of the tiny minority. We are chiefly concerned here, in relation to animals, with the pet trade. Could my hon. Friend say something about the consultations he has had with representatives of the pet trade?

Mr. Tam Dalyell (West Lothian) As another of the sponsors to the Bill, I should like to emulate the brevity of the hon. Member for Dorset, North (Mr. James). There is every reason to think that although a £100 fine may not be a great deterrent in itself, the publicity that would surround anyone being prosecuted would be such as to cause him to be a bit shamefaced for having been brought before the courts for this kind of offence. Therefore I too, knowing the work that my hon. Friend the Member for Rother Valley (Mr. Hardy) has done, wish to commend the Bill as a valuable measure.

Mr. Jasper More (Ludlow)

It is a matter of some shame to me that an eighteenth century ancestor of mine, Robert More, who for 30 years was a Shropshire Member of Parliament, was also an expert botanist. In these days it would be difficult to combine those two professions, such are the pressures of parliamentary life. He was a friend of the famous Linnaeus and he contributed to "Miller's" Gardeners Dictionary, apparently without any interruption of his parliamentary duties.

Among the other difficulties of modern life are the technical pressures. Modern farming methods have done damage in this connection. The unrooting of hedges has been mentioned. When I took over a farm 20 years ago, I tried to make it a rule that hedges should not be uprooted so as to make any field larger than about 20 acres, which I felt was a possible compromise between the shape that the countryside should have and the needs of modern farming.

I was interested to hear what the hon. Member had to say about bats. I am in the curious position of living in a house whose occupation the local bats have an absolutely irresistible urge to share with us. If bats are becoming scarce and it is possible to remove a colony of bats, I should be grateful if anyone interested would get in touch with the hon. Member for Ludlow.

Mr. Mather I understand that the clause does not affect private owners on their own property, but I think that the Nature Conservancy Council liaises with them if they have any sites of special interest, and advises them on the best method of protection.

I come now to the question of animals. We are indebted to my noble Friend, Lord Cranbrook for this part of the Bill, with the exception of the large blue butterfly, which has come from the entomologists. My noble Friend makes a modest claim to being a bat-fan, but I believe that he is one of the greatest living experts. We have all been dive-bombed by bats—bats in the bedroom, not the belfry. I can say with experience that the best way to swat a bat is with a

tennis racket, because it does not affect the bat's radar, and he cannot take evasive action. No doubt it is heresy to say that in the context of the Bill.

I have two questions about the animal part of the Bill. With regard to the ringing of bats, one accepts that it is important that they are not disturbed in their caves, particularly when they are hibernating. Should not the Bill also say that they should not be disturbed for the inspection of those with rings already on them?

Secondly, will the Minister examine the effect of the Rabies Act on the Bill? Some bats are very prone to rabies. The Act includes provisions for orders for the complete destruction of wildlife in affected areas. Therefore, in some respects the two measures run counter.

Mr. Hardy

Mention was made of the ringing of bats. A good deal of bat-ringing has taken place and is extremely harmful to the species. However, the Bill recognises that scientific and educational research and activity have to proceed. For that reason we have the arrangement for the exemptions allowed by the Nature Conservancy Council, which will operate in the same way as exemptions offered by the same body under the Badgers Act.

WILD CREATURES AND WILD PLANTS PROTECTION BILL

HL Deb 19 April 1975 vol 360 cc1130-68

THE EARL OF CRANBROOK

I beg to move that this Bill be now read a second time. This Bill was introduced into another place by Mr. Peter Hardy who, as your Lordships will remember, was responsible for a Badgers Bill which amalgamated with that of the noble Earl, Lord Arran, and was passed into law a couple of years ago; so conservationists generally have a second reason to be grateful to Mr. Hardy.

This Bill is an amalgamation of the Wild Plants Protection Bill and the Conservation of Wild

Creatures Bill, two Bills to which your Lordships gave a Second Reading earlier in this Session. I do not propose therefore to weary your Lordships with exactly the same observations that you heard last time in extenso; they must be fresh in your memories. I propose however to remind your Lordships of the underlying principles. I will then draw your Lordships' attention to such differences as are of importance between this Bill and the original Wild Creatures Bill; and the noble Lord, Lord Beaumont of Whitley, will do the same with the Wild Plants Bill, for which he was responsible. Earlier conservation legislation was designed to defend birds and their eggs which were already rare, and as such were objects of desire to unscrupulous collectors, and from becoming more rare by being collected and sold.

Many of these species, as your Lordships will know, were brought to the verge of extinction, and some indeed became extinct altogether in this country.

If your Lordships will turn to Clause 12 you will see that any species of our entire fauna and flora which—and I quote: has become so rare that its status as a British wild creature or plant is being endangered by any action designated as an offence under this Act "— that is to say by the killing, taking or selling of wild creatures, or by the picking or uprooting of wild plants—can be put in the Schedules and given complete protection. That is why such wild creatures as are already in the Schedule are there. All are rare and as such desirable things for unscrupulous collectors. It is because they are already rare this collection would make them even more rare.

In some trade papers your Lordships may read of advertisements by collectors, offering for sale the skeletons of the greater horseshoe bat to schools and the like.

The first one, relatively minor, is in Clause 3, under which originally all mammals as well as protected wild creatures were defended against being ringed or marked by people who did not know what they were at, and under the Bill it was allowed only under licence. That is now confined to bats, I think sensibly, because they are the only wild ceatures, other than the protected ones, which are likely to be at risk if subjected too often to that sort of interference.

VISCOUNT MASSEREENE AND FERRARD

I am probably just as much to blame as many other people, because I spray my crops. In terms of actual endangering the species, I cannot imagine members of the general public going round capturing toads; but to a certain extent I suppose spraying kills insects and therefore this will have a bearing on the greater horse-shoe bat and the mouse-eared bat. Spraying must surely have an effect on the survival of these creatures.

THE EARL OF CRANBROOK

I would ask those of your Lordships who are worried about this aspect so far as badgers are concerned, to be thinking about this Bill as well; because a rat or bat or mouse or any other mammal feels—I almost said "suffers ", but perhaps that is the wrong word—as great distress by the method of its killing as does a badger or the most attractive animal we know. We ought to look on the whole lot of them in the same category. Bats, we know, can and do carry rabies in some foreign countries. It is conceivably possible that it could happen here and we might have to exterminate a whole colony of the great horseshoe bat, members of which have been found to be carrying rabies. I am not well up in the Rabies Act. I would infinitely prefer to see them killed by poison gas than by sending in small boys with tennis racquets or the like. I hope that noble Lords who are going to discuss this matter in the Committee stage will think about those points and advise me when the time comes whether they think we should have a similar clause allowing the use of a more humane method of killing, if necessary, in this Bill.

