



Berwickshire & Northumberland Marine Nature Partnership

Marine Wildlife and the Law

Seals

Different legislation applies in Scotland and England to the protection of seals. Protection in England has recently been strengthened through the Fisheries Act 2020.

Scotland

Under the Marine (Scotland) Act 2010 it is an offence to intentionally or recklessly kill, injure or take a seal at any time of year, except:

- to alleviate suffering
- where Marine Scotland has issued a licence to do so

Permitted methods of killing or taking seals are detailed in licences. Licence holders must report returns information regularly.

It is also an offence to **intentionally or recklessly harass seals at significant haul-out sites** under the Protection of Seals (Designation of Haul-out Sites) (Scotland) Order 2014. **One of the designated seal haul-out sites is located between Dunbar and Eyemouth.** A map of this area can be found at <http://www.gov.scot/Resource/0045/00454620.pdf>

Marine Scotland has produced [Guidance on the Offence of Harassment at Seal Haul-out Sites](#) which includes a detailed discussion of what kinds of activity might constitute reckless disturbance.

More information about seal licensing can be found [on the Scottish Government website](#)

England

The protection to seals given under the Conservation of Seals Act 1970 has recently been amended through Schedule 9 of the Fisheries Act 2020. It is an offence to intentionally or recklessly kill, injure

or takes a seal. The so-called 'netman's defence' for the killing of seals is removed by the provisions of the Fisheries Act. However, there is a general exemption for taking a seal which is disabled for the sole purpose of tending and releasing it when no longer disabled, or killing a seal which was so seriously disabled that there was no reasonable chance of its recovering.

In contrast to Scottish legislation, there are no specific measures in the Act dealing with disturbance of seals.

Sensitivity of seals to disturbance

The information below is taken from the Marine Scotland publication [Guidance on the Offence of Harassment at Seal Haul-out Sites](#) It is relevant to both Scotland and Northumberland/North Tyneside:

Seals that are hauled out may be sensitive to close approach by humans from the sea or land or air. In practice, much will depend on the situation and location of the individual haul-out site and the degree to which the seals using the site are used to the presence of humans. In time, seals can become accustomed to human presence and learn to recognise particular people or boats or aircraft.

In normal circumstances seals spend most of the time on haul-outs lying prone and moving only a small amount. If disturbed the more alert seals will raise their heads and look towards the source of disturbance. If the disturbance continues, more seals will become alert. The most nervous seals may start to move towards the sea. If alarmed, some seals will rush into the sea and may cause a stampede, even though others may be unaware of the actual cause, or direction, of the disturbance. You should retreat as soon as you see seals becoming alert.

The distance at which seals show such signs of agitation varies tremendously, depending on their location, how they are approached, whether the animals are used to the presence of humans and the time of year; in particular, whether or not they have pups with them.

The sensitivity of seals on haul-outs can be site specific – a relatively close approach may be tolerated at one site while at an adjacent site it might not be tolerated at all. You should always be watching for alertness or stress among seals before they start to move away or to enter the water or are aggressive to each other.

Mothers with young pups are more sensitive than other seals and pups on land can be separated from their mothers. Apart from the stress this will cause, it may reduce nursing times and affect the

survival of the pup. Pups are often left alone while their mothers forage out at sea, and a lone seal pup may be distressed by human approach and move to a new location, making it difficult for the mother to find when she returns.

Sensitive times

Common ... seals produce their pups in early summer (late May to July) and moult between July and September.

Grey seals produce their pups in autumn (September to December) at traditional breeding colonies and at this time adults and pups will stay ashore for several weeks. Grey seals moult between December and April.

Greater caution is required at such sensitive times. Adult seals may discourage pups from swimming until they have built up a suitable blubber layer during the breeding seasons where adults and pups are hauled-out together. Adult seals may also be reluctant to enter the water during the moult when increased blood supply to the skin can cause more extreme heat loss.

How to behave responsibly around seal haul-outs

Seals have good eyesight, hearing and sense of smell and will usually be aware of your presence. The behaviour of the seals will usually tell you whether or not they are concerned and to what extent.

*If seals slip gently into the water one by one, this may be just curiosity – to get a better look at you; but it may be to ensure that they are safe and that you are not threatening. In most cases this is not a problem, although it may become so if seals are **repeatedly** leaving their haul-out sites as a result of your action(s).*

If seals start to become concerned, one or more will raise their heads and look directly at you. If they are more concerned they may move closer to the water. If they are alarmed they may stampede into the water.

*In order to behave responsibly around seal haul-outs any approach must be visible, sensitive and responsive to the behaviour of the seals. There is no standard distance at which seals may react negatively. It will vary with the particular activity, the location and the time. **The key is to let the animals decide how close is acceptable.** If the seals show signs of stress or alarm then do not approach any closer but retreat.*

In some cases, seals have become habituated to the presence of humans and some boats in particular, and relatively close approaches may be possible without undue disturbance. Use your judgment to decide how close to go according to circumstance and experience, and be responsive to the behaviour of the animals.

When one or two heads come up the seals are aware of your presence and you should not approach any closer. If any seals scramble into the water you are too close and should retreat.

- *Do not approach seals directly. Approach at an oblique angle and stop or pass by at a reasonable distance.*
- *Don't creep up silently. They will be startled when they finally see you.*
- *Don't shout or make loud noises. They may be startled.*
- *Don't attempt to touch or feed seals. Seals can move surprisingly fast even on land, and may bite if they feel threatened.*
- *Never separate pups from mothers, and leave lone pups alone. The mother may only be foraging for food.*
- *Don't crowd or encircle seals. Stay on one side of the animals and leave them an escape route into the sea.*
- *Never land or camp near a haul-out site.*
- *Fixed wing aircraft or helicopters should never "buzz" seals. They should keep a minimum of 1000ft altitude when over colonies or groups of seals.*
- *Power boats and jet skis should take care near seal haul-outs. Seals may be more sensitive to the presence of particularly fast moving or noisy boats close to their haul-outs.*
- *Kayakers need to take special care. Seals on haul-outs appear to be particularly sensitive to kayaks. Kayakers should be aware of seal haul-outs and wherever possible seek to avoid approaching these too closely. If seals appear agitated they should move further out.*

Cetaceans (Whales, dolphins and porpoises)

All species of cetacean are given protection under the Conservation (Natural Habitats, &c.) Regulations 1994 [as amended by the The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019] , the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 [Scotland only]. It is an offence to intentionally or recklessly:

- kill, injure or capture a cetacean
- disturb or harass a cetacean

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)
- keep, transport, sell or exchange, or offer for sale or exchange any cetacean (or any part or derivative of one) obtained after 10 June 1994

Birds

All species of birds, their eggs and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to (with certain exceptions):

- to intentionally kill, injure or take any wild birds,
- damage or destroy the nest of any wild bird while it is in use or being built,
- intentionally take or destroy the egg of any wild bird.

Certain bird species (listed on Schedule 1 of the Act) are given additional protection against disturbance. The Act makes it an offence to:

- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young;
- disturb the dependent young of such a bird

Birds listed on Schedule 1 some species which breed on the Berwickshire and Northumberland coast, such as Little Tern and Roseate Tern.

Disturbance to Birds

The Berwickshire and Northumberland coast is internationally important for its bird life, with significant numbers of wintering and breeding birds being found. The range of protected areas on the coast and in our inshore waters reflects this importance.

Why bird disturbance is a problem

During cold, wet or windy weather, wading birds and waterfowl can use a lot of energy to maintain their body condition. Often these birds can only feed around low tides when areas of mud, sand or rocky shore are exposed and may be further restricted in their feeding time by short daylight hours during the winter. At high tide, birds will often rest on, or near to, the shore conserve energy and wait for the next feeding opportunity.

If people or their dogs get too close to birds they will sense danger, stop feeding, and may move to a different location. Likewise, roosting birds may be forced to move on to new locations or remain in the air until the disturbance passes. The result of this is the birds lose valuable feeding time and waste energy which may ultimately affect their ability to survive the winter or survive their annual migration. Regular disturbance may mean that birds abandon an area altogether causing additional competition for resources at feeding areas that remain.

It is not only wintering birds which are affected by disturbance. During the summer, seabirds and shorebirds need regular feeds to meet their own requirements or to meet those of their growing chicks. Disturbance at nesting sites or feeding areas can reduce food intake and affect the number of young birds which successfully fledge. Disturbance can also lead to brooding birds lifting from their nest and leaving eggs and chick at higher risk of being taken by predators or exposure to the elements. Many important colonies of ground nesting birds at the coast are fenced off during the breeding season to provide protection but may still suffer disturbance or trampling from dogs running off the leash or from people ignoring signage or barriers. Some bird species are particularly sensitive to disturbance and may abandon nests or colonies in response to pressure from people or dogs. One example of this is Little Tern, which is a notified feature of some of the marine protected areas within Northumberland and which require undisturbed locations to nest.

Reducing Disturbance to Birds

A few simple measures can help to reduce the impacts of disturbance to coastal birds:

- Look out for birds and avoid approaching close to any obvious feeding or resting areas
- Be on the lookout for any obvious signs of distress and disturbance, such as alarm calls or dive-bombing behaviour. If you see any then and move away quickly and quietly
- Keep dogs on a lead and do not allow them to run through flocks of birds
- Keep to paths where they exist and follow the guidance on any signage or any requests from local rangers staff

