

ADVICE

The conservation and legal status of the hooded crow in England



1. Background and legal status

- 1.1 Until 2002, hooded crow and carrion crow were considered to be separate races (sub-species) of the same species *Corvus corone*. Hooded crow and carrion crow were listed separately in the second schedule of the Protection of Birds Act (1954) which allowed both forms to be killed. *Corvus corone* (with the common name 'Crow') was included in Schedule 2 Part II of the Wildlife & Countryside Act (1981). This listed birds which could be killed or taken by authorised persons at all times and was colloquially referred to as the 'pest bird' list. *Covus corone* and all other species were removed from Schedule 2 Part II in 1993. *Corvus corone* ('Crow') was subsequently included on several general licences when these replaced Schedule 2 Part II as a mechanism for authorising control of named species in certain circumstances and under specified conditions. As sub-species of *Corvus corone* both hooded crow and carrion crow could be controlled under these licences.
- 1.2 Following a full review of the latest evidence, the British Ornithologists' Union (BOU) recommended in 2002 that carrion crow and hooded crow be treated as separate species, *Corvus corone* and *C. cornix* respectively (Knox *et al.* 2002; Parkin *et al.* 2003). Following this taxonomic recommendation, both species were admitted to the official BOU list of British birds.
- 1.3 Since 2002, the general licences for England have continued to list *Corvus corone* (common name 'Crow'). Due to the taxonomic change this has had the effect of limiting use of the licences to control of the carrion crow, which is the only form of the crow now regarded as *Corvus corone*. The common name of a species is included in the legislation (and licences) by way of guidance only; in the event of any dispute or legal proceedings the common name or names are not taken into account. There was no explanation of this change in the explanatory notes of the licences issued since 2002.
- 1.4 The control of hooded crows may be authorised under licence, either through the individual licensing process, or if Natural England adds this species to its general licences. At present hooded crow is not listed on any general licence in England.
- 1.5 The taxonomic change in 2002 led to an interesting legal situation in relation to hybrids between the two species which, as with all hybrid birds, no longer fall within the definition of '*wild bird*' under Section 27 of the 1981 Act. This change occurred in 2004 when reference to birds 'of a kind' was replaced in the Act by birds 'of a species'. In respect to the crow species and their hybrids, this was an unintended and almost certainly unforeseen consequence of the taxonomic change. It is unclear whether the current situation with regards to hybrids fully satisfies the UK's obligations under the EU Birds Directive. The Directive refers only to *C. corone* (for example in the table of huntable species, including countries where only hooded crows are found) and so presumably expects both forms as well as hybrids to be protected through inclusion within the 'species' *C. corone*. This is in common with some other European authorities that, in contrast to the BOU, still consider hooded and carrion crows to be members of the same species.

- 1.6 Hybrids between carrion and hooded crow are fertile. Offspring can be produced from mixed pairs made up of hybrid birds and from pairs involving a hybrid and one or other of the parent species. Plumages of birds with mixed parentage cover the full range between typical carrion and hooded crows, depending on the extent of genetic material from each parent species and some natural variation. It is sometimes impossible to distinguish between mixed race and pure-bred birds based solely on plumage. An added complication is that carrion crows regularly show varying degrees of white in their plumage, particularly on the wings¹. This is thought to be due to dietary deficiencies or genetic defects such as partial leucism. It is possible that such birds could be confused with hooded crows or hybrids by inexperienced observers.

2. Conservation status of hooded crow *Corus cornix*

- 2.1 In Britain, hooded crows are a common resident in Scotland, mainly west and north of the Great Glen. They are replaced by carrion crows to the east and south, and where the two species meet there is a band of intermediate forms. Breeding pairs of apparently pure hooded crows or hooded crow x carrion crow are only very occasionally recorded in England with just a handful of records in recent decades (Brown & Grice 2005).
- 2.2 Outside the breeding season, hooded crows are uncommon away from their core Scottish breeding range, although they do occur as regular passage and winter visitors, primarily to eastern coastal areas of Britain. These birds are mainly from breeding grounds in northern and eastern Europe and are present mostly between October and March/April (Wernham *et al.* 2002). They were formerly much more numerous with flocks of several tens or even 100s in coastal counties of England. In recent years most English east coast counties record just a handful of birds each year. Individual birds are often popular with birdwatchers and are considered sufficiently noteworthy for birds to be listed individually in County Bird Reports. This substantial decline is thought to reflect a change in the dispersal patterns of birds breeding in northern and eastern Europe rather than a decline in these populations. Very small numbers of hybrids between carrion and hooded crows are also reported in England (e.g. Lack 1986).

3. Licensing issues

- 3.1 The use of the term 'Crow' on Schedule 2 part II and subsequently on the general licences resulted in some confusion as, in common usage, this term is widely taken as referring to both 'carrion crow' and 'hooded crow'. Although the inclusion of the scientific name *C. corone* makes it clear legally that only carrion crow can be killed, some confusion may remain.
- 3.2 Concerns have been expressed by some interest groups over the legal protection now enjoyed by the hooded crow in England. These concerns appear to stem from the technical issue that the bird's legal status changed suddenly as an indirect result of the BOU's taxonomic decision, rather than concerns that this species is actually causing significant problems in England. The ecology of hooded and carrion crows are very similar and where they are common, both species are widely perceived as a threat to livestock, game and other birds in certain circumstances. However, the rarity of the hooded crow and the fact that most birds occur in winter mean that it is unlikely

¹ See: www.portlandbirdobs.org.uk/bp_carrion_crow_2_301010_500.jpg

to cause problems in England. In the rare cases where such birds are thought to be causing problems, an individual licence may be applied for.

- 3.3 It is possible that individuals using Larsen or ladder traps to target carrion crows may occasionally capture a hooded crow unwittingly. This should not present a problem because any non-target birds must be removed from the trap unharmed and released during the required daily checks of the trap.
- 3.4 If hooded crow were to become a regular breeding species in England then the different licensing situation for the two species could artificially favour the establishment and spread of hooded crows through the selective removal of its close relative (and hybrids). This could alter the natural balance between the two species which would be undesirable. This situation is considered unlikely to arise given the current status of the two forms but the situation should nevertheless be kept under review.

4. Recommendations

- 4.1 As part of the ongoing Law Commission review of wildlife legislation it would be helpful to address the legal status of hybrid forms of protected species and also make clear on whose authority taxonomic issues are decided.
- 4.2 At the next opportunity the relevant general licences should be updated to reinforce the fact that they apply only to the carrion crow *Corvus corone*, and not to the hooded crow *C. cornix*.
- 4.3 If licence applications are received for the control of hooded crows there may be a need to develop guidance to help with their assessment. These should reflect the fact that there is wide acceptance that this species can cause problems through its predation of game, livestock and other wildlife in some situations, but also take into account that it occurs in England only as a rare visitor.
- 4.4 The status of hooded crow in England should be kept under review as significant changes may require a change in licensing policy.

5. References

- Brown, A. & Grice, P. 2005. *Birds in England*. Poyser, London.
- Knox, A. G., Collinson, M., Helbig, A. J., Parkin, D. T. & Sangster, G. 2002. Taxonomic recommendations for British birds. *Ibis* 144: 707–710.
- Lack, P. 1986. *The atlas of wintering birds in Britain and Ireland*. Poyser, Calton.
- Parkin, D.T., Collinson, M., Helbig, A.J., Knox, A.G. & Sangster, G. 2003. The taxonomic status of carrion and hooded crows. *British Birds* 96: 274–290.
- Wernham, C., Toms, M., Marchant, J., Clark, J., Siriwardena, G. & Baillie, S. 2002. *The Migration Atlas. Movements of the Birds of Britain and Ireland*. British Trust for Ornithology/Poyser, London.