

# REVIEW



Signed, Sealed, Delivered:  
**Westminster follows  
Tynwald's lead in  
enhancing protection  
of seals**



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## Signed, Sealed, Delivered: Westminster follows Tynwald's lead in enhancing protection of seals

Eve Aycock of M&P Legal reviews how Irish Sea nations can work together to help give seals and other marine species better all round protection.



Photo © MWT (Eleanor Stone)

Grey seals are known as the 'maiden of the sea' or mermaids (moidyn varrey) in Manx, 'great seal' (Ron-Mor) in Gaelic, and less flatteringly, 'hook-nosed sea pig' (*Halichoerus grypus*) by their Latin name. Grey seals are the larger of the two UK seal species, the other being the Common seal or 'calf-like seal' (*Phoca vitulina*); which are ironically less common than the Grey seal. The UK is an important site for Grey seals, being home to 40% of the world's population of Grey seals and 95% of Europe's population. In the Isle of Man, Grey seals can be found around the Manx coast. The Calf of Man is a

key site for pupping; and the flocculent, snow-white pups may be seen there each autumn.

Seals are a protected species in the Isle of Man under the Wildlife Act 1990, along with other marine animals including all species of dolphin and whale (cetacea); basking sharks (*cetorhinus maximus*); and, interestingly, turtles. Turtles are exceptionally rare visitors to the Island, with the Leatherback turtle last seen here in 2010 and having only been recorded 28 times since 1748.

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### Seal Disturbance: a Grey Area

In the UK, the intentional or reckless killing, injuring or taking of any species of seal are illegal under the Conservation of Seals Act 1970. However, seals in England, Wales and Scotland are not protected from intentional or reckless disturbance or harassment by humans and dogs. In contrast, both Northern Ireland and Ireland, in line with the Isle of Man, afford protection against disturbance to seals. Given that seals using Manx waters are likely to be highly mobile, with tagging studies showing that Grey seals roam throughout the Irish Sea and the shores of the Celtic nations, it is important and logical that seals receive multi-jurisdictional protection from disturbance or harassment. Seal disturbance, classified as doing anything which wakes a seal or makes it move in response to a human's presence, can prove fatal. Young seals are the worst affected by disturbance. In a bad year, only 25% are likely to survive to 18-months-old. When people disturb young pups by being noisy or getting too close, this wastes their energy and results in the pups struggling to haul themselves out of the water in order to rest and digest their food. Disturbing or harassing pregnant female seals can lead to the seals stampeding on rocks to escape, which can cause fatalities amongst both mothers and pups. There is also an invisible impact on seals in that disturbance may result in mothers depleting their fat reserves to the extent that they cannot sufficiently feed their new-born pups.

Seal disturbance is a chronic conservation concern in the UK. A 2021 Seal Research Trust report found that disturbance has significantly increased since 2013 and is particularly bad in summer. Boat trips, RIBs and air-based activities are the main culprits leading to disturbance incidents. Famously, in 2021, a London barrister's unleashed dog mauled the popular River Thames seal dubbed 'Freddie Mercury', resulting in a public outcry over the lack of protection against disturbance to seals caused by humans and dogs. The dog-owner faced no criminal charges although Freddie died as a result of his canine-inflicted injuries. More recently, in January 2022, a man who ran towards seals on the Yorkshire coast caused over 100 to scatter towards the sea in a large stampede, causing numerous injuries to the seals and their pups.

Last year the UK Government, in conjunction with the Seal Alliance, launched a campaign entitled 'Give Seals Space', where it urged the public to take four easy steps:

- Keep well away from seals (use a camera zoom or binoculars) so that they can't smell, hear or see you;
- Keep dogs on a lead when in an area where seals might be present;
- Never feed seals; and
- Take all litter home.

Whilst seal disturbance is an offence in the Isle of Man, it nonetheless remains an issue locally. In March 2022, Manx Wildlife Trust (MWT) received several reports of people "getting

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too close" to seals, as did the Department of Environment, Food and Agriculture (DEFA). A MWT spokesperson said rocky areas, such as Kitterland, can pose a serious threat to seals that become frightened by human interference. If the seals try to escape to the sea after the tide has receded, they could fall several metres onto the rocks – risking severe injury or death.

### The Seals (Protection) Bill 2022 of Parliament

On 6 May 2022, the Seals (Protection) Bill amending the Wildlife and Countryside Act 1981 to make the intentional or reckless disturbance or harassment of seals an offence in England & Wales progressed to its second reading in the House of Commons, where it was presented by Tracey Crouch MP for Chatham & Aylesford. Whilst the Bill's progression through Parliament is positive progress, it could be argued that the Wildlife and Countryside Act 1981 should extend its protection of marine fauna to encompass migratory animals. The appearance of unusual marine animals in UK waters is becoming an increasingly common phenomenon; especially given the fluctuating ocean temperatures plus declining phytoplankton and krill stocks in the North Atlantic and Arctic due to climate change and overfishing. An Irish marine mammals conservation group, ORCA Ireland, has called on the Irish Government to include all pinnipeds (i.e. aquatic fin-footed mammals) including "Arctic vagrants" observed in Irish waters to be protected from

disturbance or harassment under its Wildlife Act 1976 and subsequent amendments. This issue was raised when 'Wally', an Arctic walrus typically found in places such as Greenland, unusually turned up and resided in Wales for a large portion of last year. This drew significant attention and disturbance from the public, but since walruses are not protected by wildlife legislation of any jurisdiction within the Irish Sea, under the law they are subject to the same treatment as, for instance, rabbits or foxes.

Considering the mobility of pinnipeds, it is necessary that all nations within the Irish Sea collectively make a concerted effort in preventing the disturbance and/or harassment of seals in order to implement the legislation protecting them. The Isle of Man is leading the way in pinniped protection but could go further. As for the vagrant species, given the dwindling number of marine mammals worldwide, it might be prudent for legislation to be enacted that affords protection against disturbance to any pinniped, or even marine mammal, passing through the waters of Great Britain and Ireland. This, along with increased public education as to the fatal impacts of disturbance and harassment, would help to ensure that these sea creatures are not consigned to Celtic mythology.

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