



Animal Welfare parliamentary briefing note

June 2019

The following briefing paper has been produced by the organisations above in response to the launch of a private member's bill by Alison Johnstone MSP to outlaw fox hunting and the shooting of mountain hares.

Our organisations wish to provide parliamentarians with as much clarity as possible in terms of existing provisions and what further steps may be necessary to address these issues.

Fox Control

The red fox (*Vulpes vulpes*) is listed by the IUCN as a species with a stable population and of 'least concern' in terms of its conservation status. The fox is a meso-predator, which hunts primarily large, medium and small-sized mammals, birds, and invertebrates. A significant predator in Scottish ecosystems, there is a considerable body of research that has established the negative impacts of fox predation on a range of species including vulnerable wading birds in addition to livestock. A wide range of land management stakeholders accept this position, including those who have no interest in fieldsports.

In Scotland, fox control is facilitated using a number of lawful methods including shooting during the day by rifle and shotgun, night-shooting (shooting by night using a high-powered torch or a night-vision/thermal optic), snaring, and the use of multiple dogs to flush the fox from cover to be humanely dispatched by firearm. Despite the least-concern conservation status of the fox, Alison Johnstone's bill seeks to prohibit all these methods for lethal control of foxes.

Practitioners of fox control may utilise one or several of the available lawful methods, since the terrain of Scotland is highly diverse and some methods can only be utilised in certain limited circumstances. All methods of fox control currently legal in Scotland are necessary and legitimate; to remove one, several or all of these methods would severely compromise the ability of practitioners to effectively manage fox populations at local and landscape scale. The implications of Ms Johnstone's bill would be to critically undermine Government-backed conservation efforts including the reversal of declines in threatened species such as the curlew, as well as to impact the stability of Scotland's agricultural and game sectors at a time when Brexit uncertainty is already causing tangible negative impacts.

Ms Johnstone's bill asserts that the lethal control of foxes is a welfare issue, in direct contradiction of the Scottish Government's policy position statement on wild animal welfare. The science that informed this position is clear on the physiology of lethal control, and the need to avoid unnecessary suffering. SNH is firm that 'animal rights' is not the same as 'animal welfare', but Ms Johnstone conflates the two. In addition to its established position statement, SNH is also working closely with a broad range of stakeholders to develop and publish a set of wildlife management principles, which will consolidate and strengthen the existing framework.

In terms of Ms Johnstone's specific focus on 'fox hunting', the use of dogs to locate and flush foxes to guns is a legitimate and demonstrably necessary wildlife management tool. Much of Scotland's terrain is constrained by topography, vegetative cover and the presence of human habitation and infrastructure. Snaring, day-shooting and lamping of foxes are not possible across vast areas of Scotland.

Where these alternatives cannot be used due to the aforementioned constraints, the use of dogs is the only remaining practical option to address problem foxes, i.e. those preying on lambs, other livestock, ground-nesting birds and pet animals. The large forestry blocks supported by ScotGov provide extensive habitat for foxes, exacerbating the impact of predation by foxes.

At present, a foxhound pack of multiple scenting hounds can be sent into a plantation and, by picking up the fox's scent and causing disturbance, successfully encourage the fox to bolt away from the hounds to individuals (local gamekeepers, farmers and shepherds who hold the appropriate firearms certificates) waiting with guns. The fox will then be shot quickly when it exits the edge of the plantation.

Farmers and crofters across Scotland rely on fox control practitioners using multiple dogs to carry out localised and landscape-scale reduction of the abundant fox population, a necessary mitigation method against lamb losses. 36,000 lambs are killed every year by foxes. In addition to this, circa 25,000 + ewes suffer the trauma of losing their lambs.

The representative economic loss of the lambs is approx. £2.2 million. The loss of investment through keeping the 25,000 + ewes and associated tups, for no annual return in the year of loss, is a further circa £1.5 million; a direct loss of £3.7 million pounds to the rural economy.

If fox control is stopped, the fox population will increase and farmers will lose more livestock to foxes at a time when other forms of predation, from protected but abundant species such as ravens and badgers, can exact a heavy toll. This would have serious implications for already fragile upland farms, for livestock and all ground-nesting bird species.

Evidence given to the Scottish Parliament by Police Scotland states that there are insufficient cases to suggest a change in the law is necessary and there has only been one prosecution resulting in a conviction under the Protection of Wild Animals (Scotland) Act, 2002.

The Scottish Government-commissioned Lord Bonomy report on foxhunting was unequivocal in its recognition of the need for fox control and the important role that the hunts play in providing that management. He was also equally clear in his rejection of calls to limit the number of dogs which can be used to two. The Report recommended a number of changes to the text of the legislation and the development of a non-statutory code of practice for hunts and a protocol for hunt monitors. All registered Scottish hunts have signed up to the Code of Practice for Scottish Mounted Foxhound Packs and have operated under it since the start of the 2018/19 season. The hunts are also cooperating in the drawing up of the protocol for monitors.

The Scottish Government announced earlier this its intention to bring forward legislation to implement Lord Bonomy's recommendations. However, it was also announced that the legislation would include the introduction of a two-dog limit. The Naylor and Knott published study (2018), the only peer reviewed research on the subject, proves conclusively that a pack rather than a pair of dogs is considerably more effective at flushing foxes from cover, and thus more humane. Naylor and Knott provide evidence that the reduction of the pack to two hounds prolongs the chase element by up to five times that of a full pack.

The Scottish Government admits that what they are considering 'will be going further' than their own review has recommended; we would argue that they are doing the opposite. At this stage it is unclear what form further legislation would take but the signatories to this briefing would ask MSPs to acknowledge that, as things stand, Scotland now has the most stringent regulation and legislation in place.

For further information on fox control:-

Naylor, J. R. and Knott, J. G. (2018), A pack of dogs is more effective at flushing red foxes to guns than a pair. Wildl. Soc. Bull., 42: 338-346.

<https://onlinelibrary.wiley.com/doi/abs/10.1002/wsb.876>

White, P.C.L., Groves, H.L., Savery, J.R., Conington, J. & Hutchings, M.R. (2000) Fox predation as a cause of lamb mortality on hill farms. Veterinary Record 147, 33-37.

[https://pure.york.ac.uk/portal/en/publications/fox-predation-as-a-cause-of-lamb-mortality-on-hill-farms\(9abb99ee-40a3-4f95-8960-5e914c5c9032\).html](https://pure.york.ac.uk/portal/en/publications/fox-predation-as-a-cause-of-lamb-mortality-on-hill-farms(9abb99ee-40a3-4f95-8960-5e914c5c9032).html)

Official report – Meeting of the Rural Affairs, Climate Change and Environment Committee / Wednesday 13 January 2016

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<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10314&mode=pdf>

Mountain Hares

Presently, control of mountain hare populations is subject to legislation passed by the Scottish Parliament in 2011 and an EU Habitats Directive which requires their number to be maintained at a 'favourable conservation status'.

In justifying the need for the Bill, Ms Johnstone points to an RSPB-backed study which claimed that mountain hare numbers were less than 1% of the levels found in 1954.

The latest science for counting hares which has been rolled out following a three-year project commissioned by Scottish Natural Heritage (SNH). Published earlier this year, new research estimates the current mountain hare population to be 135,000 – a figure which constantly renews as mammals breed each year.

Importantly, it also found that the management of driven grouse moors appeared to provide a net benefit to mountain hare populations, even after population control was factored in. The densities of mountain hares remain highest on managed moorland and their range is stable in this core area.

More counting and management planning for conservation in line with the Principles of Moorland Management, developed by Scotland's Moorland Forum, will further assist maintenance of this net benefit.

In the Highland region, for example, the density of mountain hares on driven grouse moors was 35 times higher than on moors not managed for shooting. In large parts of Scotland, where there are no grouse moors – they are completely absent from the landscape. The GWCT research published this year reported that, in Tayside, on moors where no management for grouse shooting was taking place there was evidence of annual declines of 40 percent per year.

We know their numbers are healthy on grouse moors because legal predator control is undertaken and heather – a key part of their diet - is flourishing.

There is significant work ongoing in relation to counting methodology for mountain hare populations and there is widespread recognition among land managers that control of hares should ensure populations remain sustainable. The Principles of Moorland Management best practice guidance, which is supported by 29 organisations, provides comprehensive guidance on appropriate methods of managing mountain hare populations.

For further information on mountain hares:-

Mountain Hare Management guidance from Scotland's Moorland Forum Principles of Moorland Management: <https://www.moorlandforum.org.uk/pomm-guidance-documents>

SNH letter to Scottish Parliament's Public Petitions committee on mountain hare petition (October 2017)

https://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202017/PE1664_A_The_Scottish_Natural_Heritage.pdf

GWCT: New counting methodology will give better insight into mountain hare abundance (March 2019)

<https://www.gwct.org.uk/news/news/2019/march/new-counting-methodology-will-give-better-insight-into-mountain-hare-abundance/>

GWCT: Does grouse moor management benefit mountain hares in Scotland? (2019)

<https://www.gwct.org.uk/wildlife/research/mammals/mountain-hare/does-grouse-moor-management-benefit-mountain-hares-in-scotland/>

SNH: Protected species: hares

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-hares>

**British Association for Shooting and Conservation
Game and Wildlife Conservation Trust
Scottish Association For Country Sports
Scottish Countryside Alliance
Scottish Gamekeepers Association
Scottish Land & Estates**

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