



Respondent information form

The use of dogs to control foxes and other wild mammals in Scotland

Please Note this form **must** be completed and returned with your consultation response.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Scottish Land & Estates

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

Consultation questions

Section 1 – limit on the number of dogs used to flush wild mammals

1. In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

Yes No Don't Know

2. If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances?

Yes No Don't Know

If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed (max 150 words).

It has been proven numerous times in controlled experiments that two dogs even in a small wood are ineffective in flushing a fox. In large forestry blocks or rough upland terrain it is essentially a waste of time and this is where many foxes live. More woodlands are being planned across Scotland so this will be an increasing issue. They are likely to be predominantly on better and lower ground, nearer to stock therefore the need for control of foxes will become even more of an imperative. Similarly with the increase in agroforestry where agricultural land and forestry will be interspersed there will be an increase in the need for predator control.

If the Scottish Government wants to ensure the necessary and humane management of foxes then clearly licensing will be vital and must be easily accessible, quick and applied widely. The management of foxes is not just vital to protect livestock but is also important in protecting vulnerable species, such as ground nesting birds.

3. If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

Max. number No Limit Don't Know

Section 2 – trail hunting

4. Do you agree that the Scottish Government should ban trail hunting?

For the purposes of this consultation we are defining trail hunting as:

'The hunting of a scent laid manually in such a way as best to simulate traditional mounted hunting activity. The trail is laid along the line a fox might take when moving across the countryside. Trail hunters use animal-based scent, primarily fox urine, a scent with which the hounds are familiar and with which it is intended they should remain familiar.'

Yes

No

Don't Know

5. Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow?

Yes

No

Don't Know

If you answered yes to question 5, please explain the reason for your answer here (max 150 words):

Animal scent is vital for the training of dogs for deer tracking, which is essential for finding wounded or injured deer. Scents, whether animal-based or artificial also play a role in the training of working dogs in connection with shooting.

Section 3 – mammals covered by the 2002 Act

6. For the purposes of this Bill do you agree with the current definition of wild mammal?

The 2002 Act defines a wild mammal as including ‘a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild’. However, rabbits and rodents³ are excluded from this definition. This means that this Act does not prohibit the use of a dog or dogs to hunt and kill a rabbit/s or rodent/s. However, some species of rodents such as beavers and red squirrels are afforded certain protections within other wildlife legislation⁴.

Yes X

No

Don't Know

7. If you answered no to question 6, do you think that:

Rabbits should be included in this definition

All species of rodent should be included in this definition

Some but not all species of rodents should be included in this definition

None of the mammals listed should be included in the definition

Please add any further comments on this section here (max 150 words):

8. For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species?

The 2002 Act permits the use of dogs to flush from cover or from below ground for a number of different purposes including the purpose of 'controlling the number of a pest species'. The 2002 Act defines pest species as; foxes, hares, mink, stoats and weasels.

Yes X

No

Don't Know

9. For the purposes of this Bill do you agree with this definition of pest species?

The 2002 Act defines "pest species" as foxes, hares, mink, stoats and weasels.

Yes X

No

Don't Know

10. If you answered no to question 9, do you think that:

Hares should be included in the definition of pest species

Stoats should be included in definition of pest species

Mink should be included in the definition of pest species

Weasels should be included in the definition of pest species

None of the mammals listed should be included in the definition of pest species

Please add any further comments on this section here (max 150 words):

Section 4 – hare coursing

Under the 2002 Act, it is an offence to use dogs to hunt brown and mountain hares (hare-coursing) however, we are aware that illegal hunting still continues in some areas. We are considering whether there are any further changes to the law which could discourage this practice.

11. Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland?

Yes

No

Don't Know X

Please explain the reason for your answer here (max 150 words):

We understand that the Protection of Wild Mammals (Scotland) Act 2002 enables prosecution of offences relating to hares. Hare coursing can also be a poaching offence and prosecuted under section 11G of the Wildlife and Countryside Act 1981. However, while a person prosecuted under the 2002 Act can be subject to a disqualification order under section 9, this does not appear to be the case under the 1981 Act (as amended). Consideration might be given to addressing this apparent anomaly. The ability not simply to seize and dispose of a dog used in illegal hare coursing, but also to disqualify a person from owning, or keeping a dog is important. Such a change to poaching laws is also being considered by Defra. We also understand that Police Scotland would like to see inclusion of the word "recklessly" to give a fall-back if it is not possible to prove that hare coursing was "intentional".

Section 5 – comments

12. If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here (max 350 words).

Scottish Land & Estates believes the Scottish Government's proposals in respect of fox control are unnecessary and contradict the conclusions of the expert independent review by Lord Bonomy. The Scottish Government has an obligation to ensure that farmers can continue to protect their livestock and that all land managers can look after wildlife. These proposals undermine the ability to do that without any clear welfare benefit for the fox.

Foxes are not killed for entertainment. They are an ever-present problem for farmers and wildlife managers, even without the growing number of releases of urban foxes into the countryside, as reported by our members. It is a massive ongoing effort by many people just to contain the fox population at a reasonable level. By effectively removing the ability to use dogs to help with fox control, which these proposals would do, it would leave snaring and high-powered rifles at night as the only realistic methods of fox control. Snaring is opposed by some and rifles cannot be used safely in many places.

The worst impact of a limit on the number of dogs would be where a full pack of dogs is needed to find and flush out foxes from large forestry blocks and rough upland terrain. This is where fox control is most difficult and more than two dogs are needed to cover large areas. Foot packs do not involve people on horses. Typically, shepherds, farmers and keepers with a direct interest in fox control will come out when the hunt is scheduled to be in their area to provide the shooting function on ground that they know well. This system has worked well for generations in the UK uplands but was made ineffectual in England and Wales when the two dog limit was introduced in 2002 Hunting Act. It is extraordinary that it is now being proposed in Scotland.

If these licences are to be one of the few means by which farmers and land managers can protect livestock and vulnerable wildlife, then the system must be fair and workable. People have a right to protect their property and a licensing system that was slow or overly bureaucratic, or where the threshold for granting a licence was set unreasonably high, would risk breaching ECHR rights, particularly Art 1 (Protocol 1). We are conscious of the recent problems around beaver licences and increasing restrictions on General Licences; there is a strong lobby which seeks to stop all forms of predator control and have learnt how to put pressure on Government agencies to make licences increasingly difficult to access. Given that a problem fox at lambing time needs action the next day, a delayed licence is effectively no license at all.

The consultation misrepresents the findings of Lord Burns and Lord Bonomy, suggesting a two dog limit is somehow a welfare measure preventing occasions when foxes are still killed by dogs under the current rules. It is an arbitrary limit with no scientific or practical justification, and experience particularly from upland areas in England and Wales since 2002 when it was introduced backs this up. This problem would be equally applicable in upland Scotland if the same arbitrary limit was introduced.

Section 6 – Evaluation

Please help us improve our consultations by answering the questions below.
(Responses to the evaluation will not be published).

Question 13: How satisfied were you with this consultation?

- | | |
|------------------------------------|---------------------------------------|
| Very dissatisfied | <input type="checkbox"/> |
| Slightly dissatisfied | <input checked="" type="checkbox"/> X |
| Neither satisfied nor dissatisfied | <input type="checkbox"/> |
| Slightly satisfied | <input type="checkbox"/> |
| Very satisfied | <input type="checkbox"/> |

Please enter comments here

We are concerned that the prospect of licensing for use of more than two dogs has been raised without any further detail. The nature of any licensing scheme would be critical as would the resources to implement it fairly and quickly. A licensing scheme of the type being used for mountain hares which requires extensive justification each time it is applied for would be wholly impractical and, in effect, no license. However, a General Licence type scheme (as for pest birds) which enables practical fox control to continue under a broad set of rules, the breaking of which could lead to withdrawal of the licence, could be effective. The practical difference between those types of licence is massive and we would be concerned at any legislation which did not address this issue directly.

Question 14: How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?

- | | |
|------------------------------------|---------------------------------------|
| Very dissatisfied | <input type="checkbox"/> |
| Slightly dissatisfied | <input checked="" type="checkbox"/> X |
| Neither satisfied nor dissatisfied | <input type="checkbox"/> |
| Slightly satisfied | <input type="checkbox"/> |
| Very satisfied | <input type="checkbox"/> |
| Not applicable | <input type="checkbox"/> |

Please enter comments here

We are concerned that the nature of the consultation enables mass online responses from people from anywhere in the world with no responsibility for fox management in Scotland, but with a more general ideological view on killing predators. This is essentially a technical consultation, rather than one about the principle of fox control, but it is open to the views of people who would not have to live with the practical consequences of them being enacted.

