



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

Wild Animal Welfare Committee

Phone number

07967 839137

Address

c/o 9 Craighill Gardens
Edinburgh
EH10 5PY

wildanimalwelfarecommittee@gmail.com

Email

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- Do not publish response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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.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

Please see our comments in section 5.

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 X

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 X

No

Don't Know

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

The WAWC is not aware of scent trails being used in any other context where pursuit of a live wild mammal is likely to ensue.

Scent products are applied to dummies or to grass or brush to train the act of retrieving in gundogs; blood, dragged body parts or commercial scents are used to train dogs to track wounded deer.

Conservation or wildlife detection dogs are trained to detect wildlife scents such as wild animals and/or scat.

It might be more useful to consider animal-based and artificial scents separately, particularly in view of Lord Bonomy's comment on trail hunting, cited above.

Drag hunting uses artificial scent only and therefore is unlikely to give rise to an accidental pursuit, unlike trail hunting where the animal-based scent may induce the dogs to behave as if they are hunting live prey.

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

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):

While understanding that the current definition of wild mammals must be read in context, nonetheless we feel it is the wrong approach. The Act is intended to prevent all killing of wild mammals with dogs and it should be founded on a comprehensive definition. Any exceptions should be necessary, specific and clear in purpose.

WAWC believes there is no reason for excluding any mammals which are clearly “wild”, denying them the same level of welfare and ethical consideration as others subject to management measures. The ethical principles of wildlife control should be followed.

<https://conbio.onlinelibrary.wiley.com/doi/10.1111/cobi.12896>

Including all rodents would not only protect beavers and red squirrels, but would also ensure that full consideration is given to all circumstances where killing by dogs is to be permitted. Currently the Act allows the use of terriers to kill rats due to the exclusion. It would be preferable to write in a specific measure.

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

No X

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

No X

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 X

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

The WAWC believes that the use of terms such as pest (or vermin) is outdated and unscientific, and therefore not relevant when considering a modern approach to wildlife management, especially at a time when the importance of animal sentience is being widely embraced. Thus, we believe it is unethical to justify control of species, with or without the use of dogs, by reference to subjective labels such as “pest”.

The WAWC recommends that all references to “pest species” be deleted from the Act (the phrase only appears twice prior to the s.10 definition). The focus of any exception should be the purpose it is intended to achieve, rather than the type of animal targeted.

WAWC believes the exceptions at subsections (a) - (d) and (f) of s.2 provide adequate cover for all legitimate purposes involving flushing to guns. (e) is superfluous and no interest would be disadvantaged by its deletion.

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

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

The WAWC understands that some hare coursers have relied on the current exclusion of rabbits from the Act to legitimise their activities, claiming they were actually hunting rabbits.

We are aware that some prosecutors prefer to charge hare coursing under the Wildlife and Countryside Act 1981, as single witness evidence is permitted. This could usefully be added to the 2002 Act.

An advantage of the Act is that it permits the disqualification of convicted persons from owning dogs.

Recent increases in penalties under both Acts are to be welcomed. However, since illegal hare coursing continues, it may be that the penalties need to increase further or the detection effort and the ability to bring offenders before the courts need to be enhanced. In parallel, it may be valuable to increase public awareness of hares in the natural environment and the illegal nature and harm caused to sentient animals by coursing.

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).

1. With regard to Q. 2: there are welfare challenges inherent in the use of more than two dogs, in particular the increased likelihood of the wild mammal being killed by the dogs.

WAWC appreciates that licensing may be seen as a pragmatic solution to the anticipated demand to use a pack of dogs to flush foxes in woods, bushes or rough terrain. We note the licensing scheme would allow the use of more than two dogs “where no other method of control would be effective in the particular circumstances”. This test should be a strict one and licence applicants should be required to demonstrate not only that they require to use dogs to enable the killing of foxes or other wild mammals, but also that there is genuinely no alternative to the killing itself. Simply specifying a purpose, e.g prevention of serious damage to livestock, is not in itself a justification for the means.

Other methods of control such as snaring have severe negative animal welfare consequences. We urge a cautious approach to any licensing, based on the international consensus principles for ethical wildlife management mentioned at Q.7.

The regular and routine killing of foxes where territory is likely to be re-occupied by others does not meet the ethical principles.

Proponents of a larger pack continue to rely on the Naylor & Knott paper: A Pack of Dogs is More Effective at Flushing Red Foxes to Guns than a Pair. This paper does not provide evidence for improved welfare and does not record numbers of foxes shot during the monitoring exercise.

2. More generally, WAWC welcomes the Scottish Government’s intention to reform the 2002 Act in line with Lord Bonyon’s recommendations, in addition to the matters consulted on here. WAWC urges the Scottish Government to take a robust approach to closing potential loopholes, emphasising animal welfare and modern ethical principles of wildlife management, and integrating the reformed legislation with its more holistic commitment to “develop a strategic approach to wildlife management that puts animal welfare at the centre while protecting public health and economic and conservation considerations” (<https://www.gov.scot/publications/protecting-scotlands-future-governments-programme-scotland-2019-20/>).

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

Please enter comments here

It is difficult to explain answers in questions without a comment box

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

Please enter comments here