

## Commentary on Consultation Questions

**Q1:** 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?

- No. *The consultation allows no further comment.*

**Q2:** 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? (max 150 words)

- There should be no limit. A two dog limit goes against peer reviewed science and contradicts the clear finding of the Bonomy Review.
- Agreement between all parties that flushing using two dogs is useless. As the then Chief Executive of the League Against Cruel Sports, stated in August 2005 “The gun packs have realised that pairs of dogs are utterly useless in flushing to guns...”.
- Lord Bonomy recognised “...the use of packs of hounds to flush out foxes to be shot remains a significant pest control measure...I am persuaded ...not only that searching and flushing by two dogs would not be as effective as that done by a full pack of hounds, but also that imposing such a restriction could seriously compromise effective pest control in the country”. If the Government wants to ensure the necessary and humane management of foxes then clearly licensing will be necessary 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.

**Q3:** 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.

- No. *The consultation allows no further comment.*

**Q4:** Do you agree that the Scottish Government should ban trail hunting?

- No. *The consultation allows no further comment.*

**Q5:** 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? (max 150 words)

- Yes. 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.

**Q6:** For the purposes of this Bill do you agree with the current definition of wild mammal?

- Yes

**Q7:** Ignore

**Q8:** 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?

- Yes

**Q9:** For the purposes of this Bill do you agree with this definition of pest species?

- Yes

**Q10:** Ignore

**Q11:** Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland? (max 150 words)

- Amendments to the laws around hare poaching, which would strength court and police powers, are currently under consideration in England and Wales, and could also be applied in Scotland.

**Q12:** 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).

- The consultation seems to start from the false assumption that in most situations a pair of dogs is enough and that only occasionally will a pack be needed. Two dogs are useless for flushing to guns and if there is to be effective and humane fox control in Scotland there will need to be many licences issued.
- If these licences are to be the only means by which farmers and land managers can protect livestock and vulnerable wildlife, then the system needs to be fair and workable. People have a right to protect their property and a licensing system that was discriminatory, arbitrary, unduly burdensome, or where the threshold for granting a licence was set unreasonably high, would clearly breach ECHR rights, particularly Art 1 (Protocol 1).
- 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. As both Burns and Bonomy noted a kill by hounds is almost instantaneous and there is no risk of wounding. Lord Bonomy noted: "... The practice of using dogs or a single dog to dispatch another injured animal or orphaned cubs may seem to many distasteful. The same may be said of the sight of the breaking up of the carcass of a fox. However, the weight of the evidence, as noted in the Burns Report at paragraph 6.48, is

that in the vast majority of cases the time to insensibility and death in these situations is no more than a few seconds. These provisions were enacted in the knowledge of the terms of the Burns Report...” These proposals cannot be justified by claims of some benefit in terms of animal welfare.

- The current proposals not only go beyond the available evidence, but actually go against the available science and evidence. They are unnecessary, and risk both the proper and humane management of pest species and jeopardise the welfare of livestock and many vulnerable species that benefit from fox control across Scotland.