

Scottish Countryside Alliance Guidance: Hunting with Dogs Licensing Review 2026

The Scottish Countryside Alliance has responded to NatureScot's 2026 review of the Hunting with Dogs licensing process, highlighting several areas where the current approach should better reflect the requirements of the *Hunting with Dogs (Scotland) Act 2023*.

1. NatureScot should administer licence applications in accordance with the statutory definition of cover set out in the 2023 Act. It is not the role of the licensing authority to reinterpret that definition by applying its own view of what constitutes cover. Whilst it is appreciated that progress has been made on this topic and the majority of legitimate cover has now been included in approved licences, the legislation and definition of cover remains clear and NatureScot should apply the Act as enacted. It is not lawful for NatureScot to use a more restrictive understanding of cover or introduce additional hurdles or criteria beyond those approved by Parliament. To do so would mean that NatureScot was acting ultra vires.
2. Licences should be granted for the six-month period provided for in the Act. NatureScot should not restrict licences to shorter specified periods within that six-month timeframe. The Act is quite clear that licences “may be granted for a maximum of 14 days, which must fall within a six-month period”. The licence granted can be relied upon up to 14 days, depending on what NatureScot grants within a given six-month period. To restrict the days on which the licence can be relied upon to a period less than six months is contrary to the explicit terms of the Act. Not only is this unlawful but such restrictions create unnecessary uncertainty for operators. Issuing a six-month licence but then restricting the period within that six months on which the licensed days can be used is unlawful. Moreover, these dates seem to be arbitrary with the only justification being that it is “more effective” to operate between the dates specified, when “more effective” isn’t the legal test in the Act. The test is whether the activity is “effective”. It is not reasonable for NatureScot to stipulate a blanket starting date where it is more effective to conduct control. The power of NatureScot to condition licences does not extend to matters which the Act itself has already determined, including that a licence must be for a number of days useable within a six-month period.
3. There is a major grey area when it comes to hounds leaving cover. Applicants have been assured that “as long as hounds are called off promptly, neither NatureScot nor Police Scotland would seek to prosecute”, yet an ongoing case shows otherwise and prosecutions are pending. The knock-on effect is that guns are no longer willing to risk their own licences by attending organised fox control events and dog handlers are also reluctant to operate under a licence because of the lack of legal clarity in certain circumstances. This is the key reason why some traditional hunts are no longer applying for licences and the general feeling is that NatureScot have utilised frustrating tactics since the inception of the licensing system in order to ensure that licences are difficult to attain and retain. Again, this was not the will of parliament when the Act was passed.
4. NatureScot are currently only allowing the flushing to be from cover. Under licence, dogs can “search for, stalk or flush from cover”, which are three separate activities which can be undertaken individually or in combination. The activity licensed does not need to be within cover. Searching for and stalking can take place outside cover. The issuing of licences that apply only to areas of cover is what leads to the unnecessary legal uncertainty in point 3 above. This is not what the Scottish Parliament intended and it is not how the

Act is written, but rather the misapplication of the Act by the licensing authority. Licensed activity allows dogs to (i) search for, (ii) or flush from cover just as the for the use of two dogs under section 3 which does not require a licence. The searching for and stalking is lawful in areas outside cover. The condition is that the wild mammal “being searched for, stalked or flushed from cover is shot dead, or killed by a bird of prey, as soon as reasonably possible...” and dogs are “under control” as defined in section 27 as where “a person who is responsible for the dog is able to direct the dog’s activity by physical contact or verbal or audible command”.

5. Significant and detailed applications for environmental benefit licences have been refused in areas that aim to protect curlew, woodcock, snipe and skylark, to name just a few species. Again, it seems as though these licences were never going to be issued and that NatureScot has a policy of not issuing these licences. It seems this is on the basis of a deliberate misapplication of the requirement in the Act that the activity is part of a “scheme or plan”. This is contrary to the assurances given by the minister that what counts as a scheme or plan was to be understood broadly and not restricted to large scale institutional projects. No stipulations were made as to the size of scheme or plan, or how it had to be conducted, but instead it was left as a broad and open definition. The Minister stated to the RAINE Committee on 14 December 2022: “A scheme means a plan, a design or a programme of action. It is not necessary to include a definition in the bill where a word simply takes on its ordinary meaning... That activity could be anything from the larger scale projects that we discussed last week— involving stoats on Orkney, for example—or an individual gamekeeper planning a deer cull”.
6. Finally, the proposed requirement for GPS collars on hounds is disproportionate and unsupported by evidence. GPS data has little evidential value in determining compliance with the Act, a view that has also been acknowledged by Police Scotland. Mandating GPS collars simply adds another layer of administrative complexity and imposes unnecessary costs on operators without delivering any meaningful enforcement benefit.

The Scottish Countryside Alliance remains committed to ensuring that the licensing regime is administered fairly, proportionately, and in accordance with the law as passed by the Scottish Parliament.