

THE ELDESLIE ESTATES



28th February 2016

The Rt Hon Lord Bonomy PC
2002 Act Review
Natural Resources Division
The Scottish Government
1-C North, Victoria Quay
Edinburgh
EH6 6QQ

Dear Lord Bonomy

Thank you for the opportunity to submit evidence to your enquiry into the operation of the Wild Mammals Protection (Scotland) Act 2002.

My name is Mark Crichton Maitland. I am a chartered surveyor and a forester. Of relevance to this submission is that I am the owner of Elderslie Estates which owns some 4,000 acres in Renfrewshire and I am also the Chairman of the Lanarkshire and Renfrewshire Hunt.

Elderslie Estates has been in our family ownership since the 1770s and the Lanarkshire and Renfrewshire Hunt can trace its existence back to 1771. It has been kennelled in estate property at Houston since 1850.

Foxhunting per se has been illegal since 2002 and the Hunt has been meticulous in following the law. A full pack is maintained to flush foxes to properly trained and fully certificated guns. There have never been any allegations of illegal hunting in our hunt country and particularly close liaison is maintained with the local police division at all levels from chief inspector to constable. This section of the community is probably the most law abiding of all. Elderslie Estates was instrumental in setting up Renfrewshire Rural Watch with Police Scotland and the Hunt is a key member of that organisation.

Fox control is undertaken for the benefit of the farming and rural community. Ours is a stock farming area and fox predation is a serious problem. The estate has no formal shoot but we do undertake considerable habitat conservation work to encourage woodcock. Woodcock are ground nesting birds and particularly vulnerable to foxes, requiring rigorous control. Across the UK the number of indigenous woodcock is declining and predation has a major part to play in this. I appreciate that the need for fox control is outwith the scope of the review, but if the law is to allow for the effective and humane control of pest species, then an understanding as to why and to what extent they are being controlled is important.

It has been suggested that the use of a pair of dogs is all that is required. This is simply not practical or effective given the nature and extent of the country and the characteristics of the cover involved, such as dense conifer woodlands. There does seem to be consensus on this as Douglas Batchelor, then Chief Executive of the League Against Cruel Sports, stated in August 2005 that "*pairs of dogs are utterly useless in flushing to guns.*"

The 2002 Act does allow for the effective and humane control of pest species. A pack of foxhounds is a highly controlled and remarkably sophisticated unit capable of differentiating between quarry species and acting in accordance with the huntsman's commands. They don't go after deer, rabbits, hare or other species. The relatively short flush to guns does not cause distress to the hunted animal and its final termination is significantly more humane than the use of poisoning, gassing or snaring (Lord Burns 1999).

Those who seek further legislation appear to be concerned that people follow the hounds on horseback. It has been stated in court that the mode of transport is irrelevant (Procurator Fiscal Jedburgh v Trevor Adams) and this has to be true. In certain country only on a horse can you stay up with hounds and remain in control of them. To make it illegal for people on horseback to be accompanied by two or more dogs is illiberal and illogical.

It is regularly contended by those seeking further legislation that there is widespread violation of the 2002 Act. There is simply no evidence of this. Despite the best efforts of organisations such as the League Against Cruel Sports and the hunt saboteurs groups, the statistics of convictions speaks for themselves. The mounted packs work closely with the police and the police themselves confirm that we are not working outside the law.

To conclude, it is my contention that the 2002 Act does what it is supposed to. Allegations to the contrary are unfounded and appear to originate with those who seek to make a political point elsewhere and require a fig leaf of respectability at home. Our natural enemies apart, until the SNP intervention into foxhunting in England in July 2015 for party political reasons, there was bipartisan support amongst all those involved, including Environment Minister Aileen McLeod.

I should be delighted to expand on these points should your Lordship wish it, and we would be delighted to welcome you to Renfrewshire to visit the Estate and the Hunt at any time.

Yours sincerely



Mark Crichton Maitland

