

From: [Sue Jarrett](#)
To: [2002 Act Review](#)
Subject: Review of the Protection of Wild Mammals (Scotland) Act 2002
Date: 29 March 2016 21:14:39

Dear Sir/Madam

I am writing in relation to the Lord Bonyon review of Scottish hunting legislation (Protection of Wild Mammals (Scotland Act) 2002).

Throughout the document references are made to “a dog” being used during hunts. However at the end of the document, it appears that “a dog” refers to “two or more dogs”.

This means:

An **unlimited** number of dogs can currently be used to flush a wild mammal from cover for the purposes of protecting livestock, timber, ground-nesting birds, game birds and crops; to provide food for human consumption; protect human health; prevent the spread of disease; control a pest species; or control number of a species to safeguard welfare of that species. This seems like there is no actual restriction on the numbers of dogs for any purpose!

An **unlimited** number of dogs may be used to flush out a fox or mink from below ground for the same purposes as above. It must be flushed as soon as possible and shot as soon as possible after being flushed. **In limited circumstances a “hard” terrier is allowed to be used. A single dog may be used below ground to kill an orphaned fox cub.** How is “as soon as possible” regulated and punished if not observed? Sending a dog into a den to kill an orphan fox cub is cruel and unnecessary and will not achieve an “as soon as possible” outcome.

An **unlimited** number of dogs may be used to locate a seriously injured or orphaned animal, but only if the person “acts to ensure that the mammal, once located, is captured, treated or killed as humanely as possible in order to relieve its suffering”. How will this be regulated and punished if not observed?

There are a lot of exceptions in the Act and I wonder how enforceable these are in practice. For example in relation to falconry and shooting how is it possible to ensure that:

- the person acts to ensure that, once a wild mammal is found or emerges from cover, it is shot, or killed by a bird of prey, as soon as possible and
- where a wild mammal is shot and injured, that person takes all reasonable steps to retrieve it and, once retrieved, to kill it as humanely as possible?

Who is going to police this and follow up with a prosecution? It’s just too easy for someone to flaunt the law and get away from it. Wildlife needs protection from cruelty and abuse and the public will demand this.

Yours sincerely

Sue Jarrett (Miss)

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