

**From:** [Jean Swan](#)  
**To:** [2002 Act Review](#)  
**Subject:** Re: The Rt.Hon. Lord Bonomy's Review of the Wild Mammals (Scotland) Act 2002  
**Date:** 29 March 2016 21:21:22

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Dear Catherine

Sorry I haven't picked up your email sooner but our calving cows are keeping our attention outside at the moment.

My computer skills aren't great but I'll try and cut and paste the submission below.

Thanks for your patience!

Best Wishes

Jeanna Swan

**Review of the Protection of Wild Mammals (Scotland) Act 2002**  
**Submission by the Veterinary Association for Wildlife Management**  
**to**  
**The Rt. Hon. Lord Bonomy**

**The Veterinary Association for Wildlife Management (VAWM)**

The Veterinary Association for Wildlife Management (VAWM) is supported by over 570 vets spread across England, Wales, Scotland and Ireland, most of whom are general practitioners. Many have many years clinical experience with all common species of domestic and wild animals. Many have first-hand knowledge of hunting, although most do not hunt. Some are academics with a wealth of research experience, five are veterinary professors and six are fellows of the Royal College of Pathologists, a collective authority that must be second to none in the ongoing debate on hunting.

VAWM believes that the charge of cruelty is the only legitimate charge to be answered by hunting. There is not, nor ever was, any evidence in terms of animal welfare to justify the ban on hunting, as confirmed by Lord Burns, the Chairman of the Independent Committee of Inquiry into Hunting with Dogs in England and Wales (The Burns Inquiry), set up by the last Labour Government, when he said:

*"Naturally, people ask whether we were implying that hunting is cruel... The short answer to that question is no. There was not sufficient verifiable evidence or data safely to reach views about cruelty."*

This view was echoed by the distinguished vet, Lord Soulsby of Swaffham Priory, a member of the Burns Inquiry team. Two other Inquiry team members, Professors Sir John Marsh and Michael Winter, also wrote to the then Secretary of State for Environment, Food and Rural Affairs in 2005 stating:

*"I would like to draw your attention to Lord Burn's comment that the committee did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control...Describing as we did the final moments of a hunt as 'seriously compromising the welfare of the hunted animal' should not be taken as a suggestion that hunting was measurably worse than other legal methods, or that abolition would improve the plight of wild animals*

*in the countryside."*

It is our considered opinion that hunting is the natural and most humane method of controlling the population of all four quarry species in the countryside. Our detailed opinion "A Veterinary Opinion on Hunting with Hounds" and further information with regards to hunting and animal welfare can be found here: [www.vet-wildlifemanagement.org.uk](http://www.vet-wildlifemanagement.org.uk)

Any rational examination of the evidence would lead to the conclusion that there is no justification for the ban on hunting in the first place and as such we regret that the scope of this review, as set by the Scottish Government, does not allow a wider consideration of whether the Protection of Wild Mammals (Scotland) Act is necessary at all. Against that background our comments are limited to those matters falling within the terms of reference.

### **The remit of the review**

We understand that "The review will investigate the operation of the Protection of Wild Mammals (Scotland) Act 2002 to ascertain whether it is providing a sufficient level of protection for wild mammals, while at the same time allowing effective and humane control of mammals, such as foxes, where necessary". The review will not "consider whether predator control is necessary to protect livestock or wildlife"; "other types of predator or pest control"; or "other wildlife legislation unless it has a direct bearing on the operation of the 2002 Act".

The terms of reference appear therefore to preclude consideration of the different legal methods of predator control in terms of comparative welfare.

However, in the knowledge that the Protection of Wild Mammals (Scotland) Act 2002 allows the control of foxes by the use of a pack of hounds to flush foxes from cover to waiting guns, we offer comment on this method of control compared with the method of control now allowed in England and Wales, and the situation prior to the bans in both jurisdictions.

It goes without saying that we are of the opinion that hunting with dogs, conducted as it was prior to the Protection of Wild Mammals (Scotland) Act and the Hunting Act 2004, is preferable to flushing to guns whether using a full pack as in Scotland or two dogs as in England and Wales.

### **Rationale for effective and humane control of mammals, such as foxes**

Although the question of whether or not foxes need to be controlled at all is outside the terms of reference, we believe it is important to understand the necessity for management, as those opponents of hunting now advance an argument that any form of control is unnecessary and that the fox population is self-regulating.

The fox is a so called 'meso predator' without any significant natural predators in Scotland other than man. There is therefore a compelling need to control numbers. Without control we would be looking at a 3-4 fold rise in the rural fox population each year, with the disastrous impact this would have on vulnerable wildlife and biodiversity. When last estimated in 1995 the springtime, pre breeding, rural fox population in Britain stood at 240,000. This number will treble following the breeding season. Thus to maintain a level population an equivalent number must die each year. In the man-made countryside, a balanced wildlife population will not result from a 'hands off' approach.

## Control by Hunting with hounds to waiting guns

Compared to so-called traditional hunting flushing foxes to guns is, we consider, less than satisfactory on humane grounds. Shooting, regardless of the number of dogs deployed, is intrinsically fallible and inevitably produces a percentage of animals that are wounded whatever number of dogs are deployed. No amount of training can eliminate mistakes by the beginner, the reckless and the downright unlucky. We do, however, recognise that the use of packs to flush to guns is a necessary part of fox management in large parts of Scotland due to the nature of the terrain.

In terms of "effective" control use of a pack of hounds is clearly more efficient at flushing out foxes from cover than just two hounds, as under the Hunting Act 2004 in England and Wales. This is endorsed by a research paper "a pack of dogs is more effective at flushing red foxes to guns than a pair" recently submitted for publication by Naylor and Knott (personal communication 2015).

Bearing in mind our opinion on the use of dogs prior to the current legal restrictions we can also see no reason why in terms of welfare or "humaneness" the use of a pack of hounds should be restricted further or that there would be any improvement in welfare terms were there to be an arbitrary limit on the number of dogs that can be used, as there is in England and Wales. There is no evidence or research to suggest that the use of two dogs as in England is preferable in welfare terms to the use of a pack of dogs as allowed in Scotland.

Whether those using or following the hounds while flushing to guns are on horses or on foot is clearly of no relevance in terms of welfare or effectiveness. We would therefore reject any attempt to distinguish between hunting mounted and unmounted in the context of the current Scottish law.

## Hunting with hounds in Scotland prior to the Protection of Wild Mammals (Scotland) Act 2002 and in England and Wales prior to the Hunting Act 2004

In our opinion hunting with hounds, so called traditional hunting, is the natural and most humane way of controlling the rural fox population and is therefore to be preferred on humane grounds to the Scottish method. And whilst it may not be the most efficient (shooting or snaring will always be needed to control the majority of foxes) it is for the reasons given below, the natural and most humane method.

**Natural** because wild animals such as the fox are adapted by evolution to hunt and to be hunted in the environment they know; natural also because hunting does not use any alien technology for which the wild animal has no natural defence mechanism other than running away. With hunting there is no sudden blast from rifle or shotgun, no sudden restraint by snare or trap and no sudden impact from a motor vehicle, all of which may kill outright but equally may lead to wounding, mutilation and protracted death.

**Humane** because hunting is intrinsically certain and leaves no wounded or damaged survivors. The animal is either killed almost instantaneously or it escapes unscathed and rapidly returns to normal behaviour; Humane also because hunting performs a vital search and dispatch function whereby the weak, the sick and the injured are discovered and quickly dispatched. Without hunting death in the wild is inevitably a protracted and painful process.

## Conclusion

Traditional hunting with hounds seeks to manage rather than exterminate the rural fox population. It is a vital and essential tool in wildlife management which in our opinion should be returned to the countryside in England, Wales and in Scotland.

We are not aware of any reliable data to indicate what impact current control measures may be having on the dynamics of the Scottish fox population. Furthermore we are unable to offer an opinion on whether the Act is providing a sufficient level of protection for wild mammals. The constraints of the review do not admit comparison with other types of predator or pest control.

Finally, if the Scottish method of control is to be retained we submit that it is essential a full pack of hounds be used both on grounds of efficiency and on humaneness particularly for the search and dispatch of wounded animals. We can see no grounds therefore within the terms of the review to amend the Protection of Wild Mammals (Scotland) Act.

Dr Jean Swan MRCVS secretary, VAWM (Scotland)

March 2016

On 24 Mar 2016, at 10:14, [2002ActReview@gov.scot](mailto:2002ActReview@gov.scot) wrote:

Good morning Ms Swan

I'm afraid that I can't open the attachment to this email. If you are unable to send your evidence as a Microsoft Word document I could also take the text in the body of an email or you could post us a hard copy at

2002 Act review  
Wildlife Management Team  
Natural Resources Division  
Directorate for Environment and Forestry  
The Scottish Government  
1-C North  
Victoria Quay  
Edinburgh  
EH6 6QQ

Regards

Catherine Murdoch  
Policy Officer  
Scottish Government  
[www.gov.scot/protectionofwildmammalsreview](http://www.gov.scot/protectionofwildmammalsreview)

-----Original Message-----

From: Jean Swan [REDACTED]  
Sent: 23 March 2016 17:27  
To: 2002 Act Review  
Subject: The Rt.Hon. Lord Bony's Review of the Wild Mammals  
(Scotland) Act 2002

Dear Sirs

Please find attached the submission for this review prepared by the Veterinary Association for Wildlife Management.

Kind Regards  
Dr Jean Swan MRCVS (Scottish Secretary for VAWM)

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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