

Submission from Network for Animals

Network for Animals is an animal welfare NGO founded in the 1990s, by Brian Davies. Before this, Brian set up and led the International Fund for Animal Welfare, and it is now four decades since Brian pioneered the campaign to end the slaughter of baby seals in Canada.

Since then, Network for Animals, and our sister organisation, Political Animal Lobby, also founded by Brian, have campaigned to improve the lives of animals all over the world. We endeavour to establish good relationships with politicians across parties, and work with them to improve animal welfare in their respective countries. We also do work at a grassroots level in the UK, and support animal charities in Greece and South Africa by providing financial assistance, as well as educating members of the public about animal welfare. Moreover, we have a team of two campaigners and a vet working in the Philippines on the illegal dog meat trade, and organized horse fighting.

Last year, we campaigned tirelessly to prevent the Hunting Act (2004) from being repealed, or weakened, and it is our belief that Scotland should lead the way when it comes to hunting laws, and tighten up the Protection of Wild Mammals (Scotland) Act (2002) so that it can be properly enforced.

Network for Animals believes that the Protection of Wild Mammals (Scotland) Act (2002) was drafted with the full intention of the Scottish Parliament to end hunting with hounds in Scotland. We also firmly believe that these laws are being deliberately flouted by some hunters, and they are able to do this, without fear of prosecution by exploiting the “flushing to guns” exemption.

Flushing to guns is a technique used by hunters to drive foxes out of wooded areas, hedges and any other hiding places and into the

path of people waiting with shotguns. It is imperative that those waiting with guns strategically place themselves in areas where the fox is likely to try and escape from, thus making it easy for them to take a clean shot, and kill the fox as quickly and painlessly as possible. The Protection of Wild Mammals (Scotland) Act (2002) makes it clear that if dogs are allowed to chase a fox, or even stay in the line of the fox after it has been flushed, then this constitutes illegal hunting.

Some hunters in Scotland are blatant about the fact that the exemptions in the Act are allowing them to carry on hunting. The [Buccleuch Hunt](#) website states that “all Scottish packs use the exemption allowing foxes to be flushed to guns.”

This exemption loophole is further exacerbated by the fact that the Protection of Wild Mammals (Scotland) Act (2002) states that “a dog” can be used, but in the appendices it makes clear that “a dog” actually refers to “one or more dogs”. It is the belief of Network for Animals that so long as a pack of dogs is legally allowed out on hunts, hunters will be able to hunt as they did pre-2002, by setting their dogs on foxes. So long as they are carrying guns, they will be able to argue that their *intention* was to hunt within the realms of the law.

It is little wonder the Scottish Countryside Alliance stated on the ten year anniversary of the Act coming into force:

[‘you could be forgiven for thinking little has changed during the course of time’](#)

Recent footage obtained of the Jed Forest Hunt by The League Against Cruel Sports, which they have submitted to this Review, appears to show hunt members urging hounds to chase foxes, and appearing to pretend to flush to guns despite no guns being visible. This is only one such instance of loophole flouting that

they have managed to capture in recent history, and shows a clear pattern of behaviour by hunters who are attempting to circumvent the original intent of the Protection of Wild Mammals (Scotland) Act (2002).

“Flushing to guns” exemption

Network for Animals believes that no more than two hounds should be used in the “flushing to guns” exemption. In his academic study [The utility of killing foxes in Scotland](#), Professor Harris makes it clear that it is often impossible to stop a pack of hounds from chasing and killing a fox, even **if** the intent was to flush to guns:

*“In dense covert, the hounds are free-running and not under the control of the huntsman. How these packs of hounds operated is described in the Federation of Welsh Packs’ 1999 submission to the Committee of Inquiry into Hunting with Dogs in England and Wales (<http://fedwfp.co.uk/>). In paragraph 9.04, they say *in a large wood or forestry plantation hounds may hunt the fox in covert, with the result that the waiting guns may not have an opportunity to shoot. Conversely the hounds may immediately hunt their fox towards a waiting gun, who dispatches it. In the event of the fox being wounded the close attendance of the hounds means that if injured it is quickly caught. During the period that hounds are hunting a particular fox, others may very well be disturbed and move offering the standing guns an opportunity to cull. It may transpire that foxes do not afford the guns the opportunity to shoot and consequently they are caught by the hounds, put to ground or lost.*”*

Network for Animals believes that reducing the maximum number of dogs allowed on a hunt to two would make it much easier for those hunters providing a genuine pest control service to do so quickly and at minimal suffering to the fox. It is also our belief that reducing the number of dogs to two would make it

much more difficult for unscrupulous hunters to circumvent the law.

As well as reducing the number of dogs to two, we also recommend that these dogs be muzzled. This would not effect the hounds' ability to flush foxes towards guns, and would avoid the possibility of the hounds being set on a fox or other mammal. If the latter was witnessed, then prosecution would be much easier. Moreover, it would avoid pain and suffering to foxes as evidenced below, which is at present legally inflicted when terriers are sent underground to flush a fox out.

<https://youtu.be/vNOFCNJwmHU>

Addition of “intentional or reckless” clause

Prosecution under the Protection of Wild Mammals (Scotland) Act (2002) is, at present easy to avoid due to absence of the word “recklessly” in Section 1. As it stands, the Act states that it is an offence to “deliberately” hunt a wild mammal. At present, suspects can avoid prosecution under the Act due to it being impossible to prove beyond reasonable doubt that their actions were deliberate.

Network for Animals recommends that the word “deliberately” in Section 1 is replaced with “intentionally or recklessly”. This simple change would instantly make this part of the Act much easier to police.

Should the law be changed to allow a maximum of two dogs, which is our recommendation, there is a danger that some hunters in Scotland may find other ways to carry on with their sport using packs of hounds. This has happened in England and Wales since the Hunting Act (2004) came into force, with the

advent of Trail Hunting. Unlike Drag hunting, which is a traditional equestrian sport which involves an artificial scent being laid in the countryside, which is then followed by experienced riders and hounds, Trail Hunting uses a fox-based scent, and is intentionally laid in areas where foxes are known to dwell. It is no co-incidence that Trail Hunting was invented in the months following the Hunting Act coming into force, and it shows just how far hunters will go to ensure their sport isn't affected.

The International Fund for Animal Welfare has done extensive research into Trail Hunting, which culminated in their report, "[Uncovering the Trail of Lies](#)", in 2015.

They came to the conclusion that:

“available evidence suggests that trail hunting, in general, is primarily a false alibi to avoid prosecutions of illegal hunting, rather than a harmless temporary simulation of hunting before the ban, or a slight variation of the cruelty free sport of drag hunting, as many want us to believe”

To avoid the same thing happening in Scotland if the laws are changed, we recommend that it is stipulated in the law that using fox-based scents is illegal, under the “intentional and reckless” clause. Likewise, the use of terriers and terrier men should also be illegal during any activity where a pack of hounds is present.

Vicarious Liability Clause

The addition of a Vicarious Liability Clause in the Act would immediately result in land-owners being more aware of hunting activity on their land, and any potential law-breaking that they could be liable for. This clause is already being utilised to good effect to deal with raptor persecution in Scotland, and the same could be done to protect wild mammals.

Additional recommendations

We recommend that all participants in a hunt apply for a license to do so, which could be revoked if they are found to be breaking the law. Moreover, we recommend that all hunts seek the written permission of the land-owner at least two weeks before a hunt, and also notify the police of their intention and route as well as providing the written permission from the land-owner, at least a week before the hunt takes place. At least two members of the hunt should be required by law to film proceedings, and be willing to hand the footage over to the police if required. This could be done easily by attaching small cameras to riding hats, in the same way many cyclists do today. This will make hunts much easier to police, will protect livestock and wild mammals, and should be no issue for law-abiding hunters who are genuinely providing a pest control service. It is also our recommendation that pest control should be in the hands of Local Authorities, and should not be used as a guise for a blood-sporting activity.

Conclusion

As evidenced above, we believe the Protection of Wild Mammals (Scotland) Act (2002) could be changed in many ways which would make the laws easier to enforce, and improve animal welfare standards in Scotland. However one way to save police and court time and ensure laws are not being flouted, would be to ban packs of hounds altogether in the countryside. Not only would this make the job of policing and law enforcement much easier, it would also protect farmers' livestock. Dog walkers with more than two dogs off the leash running through fields in the countryside would be required to muzzle their dogs under the Act. This would effectively end hunting as a sport in Scotland altogether. Something the [overwhelming majority](#) of the Scottish population is in favour of.