

From: [John J. Nicol](#)
To: [2002 Act Review](#)
Subject: Review into the Protection of Wild Mammals (Scotland) Act 2002
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Hello, I'd like to present the following statement for inclusion into the review into the operation of Wild Mammals (Scotland) Act 2002.

I was invited by OneKind to write about experience and the following was published on their blog earlier this month. It can also be viewed online here -

http://www.onekind.org/onekindblog/article/i_dont_want_the_watherson_fox_to_die_in_vain

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As a graphic designer, I spend a lot of time staring at a monitor or sketchbook. My other passion is the perfect antidote: mountain biking. I love to head out on the bike for long days into seldom visited parts of our rich Scottish countryside. An opportunity to make my way quietly over hills and mountains, following a line on a map or a natural trail visible on google earth and being immersed in nature.

Saturday the 23rd of January, 2016 was the first time I'd been out in a few weeks after recovering from a brutal lingering cold. The new Borders railway offered me a little head start, dropping me off at Stow, from where I was to head off for a day's adventure across the north east Moorfoot Hills and then back home.

Leaving the station, I headed north up the old B-road towards a tiny village called Watherson and then followed the hill track up onto Watherson Hill. A steep gravel path led to a gate and then continued to rise sharply into dense coniferous forest. A few hundred meters up the path I was thrilled to see a large fox come out the trees to my left and run across the track, disappearing down into another copse on my right. I continued along my way, but then noticed further movement from where the fox had emerged moments before – two dogs clearly following the fox scent. The penny dropped. I had stumbled into the path of a hunt. As this was dawning on me, another three or four dogs raced past, disappearing into the dense pine trees.

I couldn't do anything but continue along the path, and I soon encountered yet more dogs - at least 30 - and a man on a horse wearing a velvet jacket and cap trotted past and said 'Good day!'. I said nothing but I'll guess I looked disgusted. Yet more dogs passed in pursuit of the fox, along with half a dozen more mounted hunters.

I thought fox hunting was banned, I thought to myself as I continued pedaling along the trail, toiling up the climb towards George Wood, near the summit of Mount Main. The ground was now thick in horrible slushy snow and I was getting tired. My mind was jumping between two thoughts – a warm bath and what was the actual law regarding fox hunting in Scotland?

Arriving back home after almost 5 hours, my plan was to have a quick search online as the bath ran. Caked in mud, I wheeled my bike into the kitchen. My wife Emma had left some leaflets she had received on the worktop. I glanced at them and couldn't believe one that had a picture of a fox with the headline "Was fox hunting really banned? Scotland's foxes trapped in legislative loopholes" The small magazine was called 'OneKind'. Perfect!

So, I now understand that the main loophole that Scottish fox hunts exploit is the one that allows packs of dogs to 'flush' the foxes out of cover like woods. In theory the fox is then shot - before the dogs rip it to pieces. On this occasion the fox was far ahead of the riders and was in terrain that would have proven impossible for the rider to cut through (very dense pine forestry, steep ground, snow and ice). Although I can't be sure, I was not aware of any gun being carried. It's hard to see how the fox's fate was anything other than being caught and killed by the dogs.

I was probably the last friendly face the Watherson fox saw. This thought, and the realisation that hunting

continues in Scotland in spite of the ban angered me. What could I do? How could this encounter with this beautiful but sadly doomed animal have any positive outcome?

I've emailed Aileen McLeod MP, who is responsible for the 'Protection of wild Mammals (Scotland) Act 2002', which was meant to have banned fox hunting. And I've now been processed and invited to submit to Lord Bonomy's review of that act here <http://www.gov.scot/protectionofwildmammalsreview>. I was also asked by OneKind to contribute this blog.

I'm doing this for the fox, and for foxes. The law is clearly failing. It is basically unenforceable: how can it ever be enforced when it is so complex and when the hunting happens in remote areas, unwitnessed unless by chance? Scotland is an amazing country and I'm proud to call it my home, but I'm ashamed that this ridiculous and cruel practice continues to have any place here, leaving us adrift from England and Wales. Wherever you stand in the political landscape, this is not part of a progressive Scotland.

The whole incident happened metres from a large ancient hillfort known as 'Watherson' or 'Roman Rings'. It's an ancient ruin now but I'm certain whoever called that place home around 15 centuries ago, would have had a greater respect to foxes they shared that hillside with. We have gone backwards in our respect for animals. Now is the time to address that and rid our amazing country of this irrelevant practice.

I don't want the Watherson fox to die in vain.

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Please do not hesitate to contact me if you require any further information. I hope that this review leads to changes that put the foxes first. Thank you for reading.

Regards
John Nicol



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