

Hunting with Dogs: Analysis of consultation responses

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Executive summary

1. The introduction of the [Protection of Wild Mammals \(Scotland\) Act 2002](#) (the 2002 Act) was intended to address concerns about the use of dogs to hunt wild mammals. However, ongoing concerns about the effectiveness of the legislation, and about the use of packs of dogs for flushing foxes, led the Scottish Government to appoint Lord Bonomy to undertake a review of the 2002 Act. Following publication of [the review report in 2016](#), a [public consultation on Lord Bonomy's recommendations](#) was carried out in 2017–18 and new legislative proposals were developed. The Hunting with Dogs (Scotland) Bill was introduced to the Scottish Parliament in February 2022. This Bill (if enacted) will repeal and replace the Protection of Wild Mammals (Scotland) Act 2002.

2. The Scottish Government has now consulted on the proposals contained in the Bill. The consultation paper invited views on four topics: (i) limiting to two the number of dogs allowed to flush a wild mammal from cover (Qs 1 to 3), (ii) banning trail hunting (Qs 4 and 5), (iii) the definitions of 'wild mammal' and 'pest species' for the purposes of the Bill (Qs 6 to 10), and (iv) strengthening the law on hare coursing (Q11). A final question (Q12) invited any other comments. The consultation ran from 29 October 2021 to 15 December 2021.

The responses and respondents

3. The analysis was based on 9,790 substantive responses and 3,106 campaign responses.¹

4. Substantive responses were submitted by 9,742 (99.5%) individuals and 48 (0.5%) organisations. Responses from animal welfare and animal rights organisations / groups accounted for 50% (24 out of 48) of the organisational responses. Responses from countryside management, sporting organisations and their representative bodies, accounted for 44% (21 out of 48). The remaining three organisational responses were submitted by two public sector organisations and a local branch of a political organisation.

5. In addition to the substantive responses, a number of organisations ran campaigns encouraging their members and supporters to take part in the consultation. These organisations provided model responses and / or a 'commentary' on the consultation and the consultation questions which people could draw on in drafting their own responses. Six different campaigns were identified. Of these, four were organised by the British Association for Shooting and Conservation (BASC), Keep the Ban, OneKind, and the Scottish Countryside Alliance. It was not possible to identify the organisers of the remaining two campaigns.

Two issues concerning the analysis

6. In undertaking the analysis, two specific issues required to be addressed as follows:

- First, although respondents were not asked whether they wished to see a ban on all hunting with dogs, a large number explicitly stated that they did. The views expressed

¹ A campaign response is a response based on a template or model prepared by a campaign organiser. A substantive response is a personalised response. Campaign responses which have been edited / personalised by the respondent before submitting are considered to be substantive responses.

by these respondents were distinctive and coherent. Thus, these responses were identified and ‘tagged’ so that the views of this group could be analysed separately.

- Second, there was evidence that some questions were not well understood by respondents – in particular, Questions 6 to 10 on the legal definitions of ‘wild mammal’ and ‘pest species’. The quantitative findings for these questions should, therefore, be treated with caution, although the main messages reported are likely to be an accurate reflection of both the overall balance of opinion and the views expressed in relation to these questions.

Limit on the number of dogs used to flush wild mammals (Q1 to Q3)

7. Overall, two-thirds (67%) of respondents thought that, in situations where the use of dogs for flushing a wild mammal is permitted, the number of dogs used should be limited to two. A third of respondents (32%) disagreed with this proposal.

8. However, among those respondents who wanted a ban on all hunting with dogs, there was virtual unanimity that the number of dogs should be limited to two (within this group, 93% of organisations and 94% of individuals said this). Among those who did **not** request a ban on hunting with dogs, just under half thought that the number of dogs should be limited to two, while just over half thought it should not.

9. Overall, a quarter (24%) of respondents thought that, if a two-dog limit were to be introduced, licensing arrangements should be put in place to allow the use of more dogs in certain circumstances. Three-quarters of respondents (74%) disagreed with this proposal.

10. Very few respondents who wanted a ban on all hunting with dogs (13% of organisations and 3% of individuals) were in favour of allowing the use of more than two dogs, under licence, in certain circumstances. By contrast, those who did **not** request a ban were more divided in their views, with 63% of organisations and 41% of individuals agreeing that licensing arrangements should be introduced.

11. The vast majority of respondents (both organisations and individuals) who were identified as wanting a ban on all hunting with dogs thought that there were ‘no circumstances’ in which even two dogs should be allowed to hunt. However, a small number of respondents who explicitly said that they would like to see a ban on hunting with dogs noted that limiting to two the number of dogs that could be used (without a licence) would, nevertheless, be a positive step forward.

12. By contrast, respondents who did **not** call for a ban on hunting with dogs commonly said that more than two dogs would be required in ‘all’, ‘nearly all’, ‘most’ or ‘many’ circumstances. This group described a range of circumstances which would require more than two dogs to be used for flushing foxes and other animals. Specifically, they referred to issues relating to terrain (open ground with dense cover, large blocks of moor or forestry, etc.) and to pest control activities which were often linked to conservation considerations such as ensuring the breeding success of ground-nesting birds. These respondents thought that licensing arrangements were not required, and that the introduction of such a scheme was overly ‘bureaucratic’. More generally, it was common for respondents in this group to say that the review report by Lord Bonyon provided clear and independent evidence that more than two dogs would be required in certain circumstances. These respondents often

commented that introducing a two-dog limit was 'going against the science and the evidence' and contradicted the recommendation of Lord Bonomy.

13. Respondents were asked for their views on whether there should be a limit on the number of dogs that could be used for hunting under licence, and (if so) what that limit should be. The two most common answers were '0', suggested by just over a third (37%) of respondents and 'no limit', suggested by just under a third (29%) of respondents. One in eight respondents (12%) said '2', and a similar proportion (11%) said '3'.

Trail hunting (Q4 and Q5)

14. Just over two-thirds of respondents overall (70%) thought the Scottish Government should ban trail hunting. Just under a third (30%) disagreed.

15. Among those who wanted a ban on hunting with dogs, there was near unanimity on this question – 100% of organisations and 99% of individuals in this group thought that trail hunting should be banned. Among those who did **not** call for a ban on all hunting with dogs, opinions were more evenly divided between those who wanted trail hunting to be banned and those who did not.

16. Respondents who wanted trail hunting to be banned often stated that they were opposed to hunting with dogs. These respondents believed that trail hunting was currently used as a cover for fox hunting or would be used as a 'loophole' if the laws relating to the use of dogs were to be tightened. Others argued that, even if trail hunting is not used deliberately as a cover for fox hunting, wild (and domestic) animals are at risk of harm when trained hunting dogs are involved in such activities.

17. Respondents who opposed a ban on trail hunting argued that this was a legitimate activity, enjoyed by many in rural areas, that did not harm wildlife. As such, a pre-emptive ban guarding against possible future law breaking was seen by this group as unwarranted.

18. The consultation asked respondents if they were aware of other activities (beyond trail hunting) that required the setting of an animal-based or artificial scent for dogs to follow. Overall, around 15% of respondents answered 'yes' to this question, 75% answered 'no' and 10% answered 'don't know'.

19. Among those who answered 'yes', there was a widespread view that the laying of scent trails was important for training working dogs – not only in relation to pest control and countryside management, but also in relation to law enforcement, military, and search and rescue purposes. In addition, respondents in this group identified a range of sporting and recreational activities (drag hunting, clean boot hunting, fell hound racing, etc.) that required the setting of a scent.

20. Some respondents thought that (i) scent laying is required in a range of activities and should be allowed to continue and some suggested that (ii) scent laying is required but should only be allowed in specific limited circumstances. In contrast to these two views, other respondents did not think there were **any** valid scent-laying activities.

Defining wild mammals and pest species (Q6 to Q10)

21. The 2002 Act defines 'wild mammal' as 'a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild, and not including a rabbit or a rodent'. Overall, just over a third (36%) of respondents agreed with this definition for the purposes of the Bill, while nearly two-thirds (60%) disagreed.

22. However, among those who explicitly called for a ban on all hunting with dogs, very few (no organisations and just 11% of individuals) agreed with the definition. By contrast, among those who did **not** request a ban on hunting with dogs, almost two-thirds of organisations (65%) and just over half of individuals (54%) agreed with the definition.

23. Respondents who did **not** agree with the definition were asked for their views about whether certain species of wild mammal – i.e. rabbits, all species of rodent, or some but not all species of rodent – should be included in the definition for the purposes of the Bill. Around three-quarters thought rabbits (76%) and all species of rodent (71%) should be included. Thirteen percent (13%) thought some but not all species of rodent should be included. Just 10% thought **none** of the wild mammals listed should be included.

24. Those who thought rabbits should be included in the definition said that rabbits are (internationally) an endangered species, and that they have an important role in improving habitats for other animals, insects, and plants. Some also noted that individuals involved in illegal hare coursing often give the excuse that they were hunting rabbits (which are not currently protected by law), rather than hares (which are protected). Respondents who thought all species of rodent should be included in the definition argued that excluding any wild mammal from a list of wild mammals was inconsistent and likely to be unworkable since a dog would be unable to differentiate between protected and unprotected species of rodents. There was some debate among respondents about whether rats and mice should be included in the definition of 'wild mammal' and thus protected by law.

25. The 2002 Act permits the use of dogs to flush a wild mammal from cover or from below ground for the purpose of 'controlling the number of a pest species', and defines 'pest species' as 'foxes, hares, mink, stoats and weasels'. Overall, a third of respondents (32%) agreed that a person should be allowed to use dogs for the purpose of controlling the number of a pest species. Two-thirds of respondents (67%) disagreed.

26. However, among those who wanted a ban on hunting with dogs, very few respondents (zero organisations and just 1% of individuals) agreed that it should be permitted to use dogs in this way. By contrast, among those who did **not** request a ban, more than half of both organisations (61%) and individuals (55%) thought a person **should** be allowed to use dogs for the purpose of controlling the numbers of a pest species.

27. Those who supported the use of dogs to control pest species argued that this was a 'humane', 'efficient' or 'effective' method of wildlife management, especially in difficult terrain. Those who were opposed saw this activity as 'cruel', 'barbaric' or 'inhumane'. They also said that this practice had the potential to be used as a form of sport or entertainment, as a 'loophole' in the law, or as a 'cover' for fox hunting, or could lead to the harming of animals that were not the primary target of the pest control activity.

28. Respondents were asked whether, for the purposes of the Bill, they agreed with the definition of 'pest species' as 'foxes, hares, mink stoats and weasels'. Overall, just under a third (29%) agreed with the definition, whilst just over two-thirds (69%) did not.

29. Among those who wanted a ban on hunting with dogs, almost no respondents agreed with the definition. However, opinions were divided among those who did not call for a ban on hunting with dogs with 55% of organisations and 48% of individuals in this group agreeing with the definition.

30. Respondents who disagreed with the definition were asked for their views on whether hares, stoats, mink or weasels should be defined as 'pest species'. Most (85%) thought that none of these mammals should be included. Respondents offering other views were twice as likely to think that mink should be included (15% said this) in the definition compared to hares, stoats and weasels (no more than 7% in each case). Respondents often highlighted the 'non-native' status of minks to justify their inclusion.

31. Most of those who agreed with the definition and / or wished to see the inclusion of other species or a broader general definition of 'pest species' argued that it was important to be able to (i) achieve an appropriate balance in nature and to protect wildlife, crops and livestock, and (ii) control animals causing damage. Most of those who disagreed with the definition either thought that all animals were sentient beings and had a right to live without cruelty, or they disputed the term 'pest species' as 'not scientific, ethical or logical' and as legitimising cruelty. Some in this latter group accepted that animal populations sometimes need to be managed but argued this should be evidenced on a case-by-case basis, and carried out in a humane way.

Hare coursing (Q11)

30. Around a fifth of respondents (20%) thought current legislation provided sufficient protection against hare coursing. However, two-thirds (67%) thought it did not. In addition, more than a tenth of respondents (13%) answered 'don't know' in response to this question.

31. Among those who wanted a ban on hunting with dogs, no organisations and just 2% of individuals thought the current legislation provided sufficient protection. By contrast, among those who did **not** specifically call for a ban on hunting with dogs, just under a half of organisations (47%) and a third of individuals (33%) thought that the current legislation provided sufficient protection.

32. Those who thought current legislation provided sufficient protection against hare coursing made three main points. This group argued that (i) current legislation already makes hare coursing illegal, (ii) strengthening the law was unlikely to make any difference to perpetrators who already ignored the law, and (iii) hare coursing was not a significant problem.

33. Among those who thought current legislation did **not** provide sufficient protection, the general view was that hare coursing continued to be common. This group thought (i) the current legislation was ineffective and / or (ii) the legislation was not taken seriously by the police or the courts.

34. There was a widespread view among both groups that there were significant challenges in enforcing legislation regarding hare coursing because of the nature of the

crime. It was suggested that the police needed more resources to tackle this issue. Some respondents suggested specific ways that the legislation could be strengthened; others also suggested that penalties for hare coursing should be increased as the current penalties appeared (in their view) not to provide a sufficient deterrent.

Other comments (Q12)

35. Respondents' additional comments focused on four main topics: (i) the consultation process and the way the consultation questions were 'framed', (ii) the potential wider impacts (economic, social and health-related) of implementing the proposals, (iii) the role of public opinion (and evidence) in developing policy and legislation governing hunting, and (iv) technical issues relating to the current legislation or requirements for future legislation.

1. Introduction

1.1 The Scottish Government carried out a public consultation on proposals for a Bill which (if enacted) will repeal and replace the Protection of Wild Mammals (Scotland) Act 2002. The consultation ran from 29 October 2021 to 15 December 2021. This report presents findings from an analysis of the written responses to the consultation.

Policy background

1.2 The Scottish Government introduced the [Protection of Wild Mammals \(Scotland\) Act 2002](#) (the Act) to address concerns about the use of dogs to hunt wild mammals. The Act makes it an offence to use dogs to chase down and kill wild mammals such as foxes, hares, mink, etc. (Rabbits and rodents are not included among the wild mammals covered by the Act.) At the same time, the legislation allows for the use of dogs in certain exceptional circumstances, including to search for and flush out (but not chase and kill) wild mammals for the purposes of pest control, and in connection with falconry.² Thus the legislation does not entirely ban hunting with dogs, but places significant restrictions on doing so.

1.3 However, continuing concerns about the effectiveness of the legislation, and about the use of packs of dogs for flushing foxes, led the Scottish Government to appoint Lord Bonomy to undertake a review of the 2002 Act. The [review report](#) was published in November 2016. In brief, Lord Bonomy's report set out recommendations for (i) addressing inconsistencies and a lack of clarity in the language of the Act, and (ii) strengthening aspects of the Act to enable more effective detection, investigation and prosecution of alleged offences.

1.4 The Scottish Government carried out a [public consultation on Lord Bonomy's recommendations](#) in 2017–18. Following that consultation, the Scottish Government developed new legislative proposals, and the Hunting with Dogs (Scotland) Bill was introduced to the Scottish Parliament in February 2022. This Bill (if enacted) will repeal and replace the Protection of Wild Mammals (Scotland) Act 2002. The aim of the Bill is to address widespread concerns that foxes and other wild mammals continue to be hunted (and killed) by dogs in contravention of the intention of the 2002 Act.

1.5 The Bill broadly replicates the core provisions of the 2002 Act but it incorporates many of the recommendations made by Lord Bonomy in his report – thus aiming to address inconsistencies and ambiguities in the language of the 2002 Act and making the law easier to understand and enforce. The Bill also incorporates proposed additional measures which aim to significantly reduce the risk of wild mammals being killed by packs of hounds. It is these additional measures, in particular, that were the focus of the 2021 consultation.

About the consultation

1.6 The consultation paper issued by the Scottish Government contained 12 numbered questions, some of which were multi-part questions with an initial closed (tick-box) question

² [Protection of Wild Mammals \(Scotland\) Act 2002](#). Sections 2–5 set out the range of 'exceptions' in which dogs may be used in the hunting of wild mammals.

followed by space for comments. Altogether there were 11 closed questions and 6 open questions.

1.7 The consultation invited views on four topics:

- Limiting to two the number of dogs allowed to flush a wild mammal from cover (Qs 1–3)
- Banning trail hunting (Qs 4 and 5)
- The definition of ‘wild mammal’ and the definition of ‘pest species’ (Qs 6–10)
- Strengthening the law on hare-coursing (Q 11).

1.8 A final question, Question 12, invited any further comments.

About the analysis

1.9 This report is based on a robust and systematic analysis of the responses to the consultation. Quantitative and qualitative analysis were undertaken. Frequency analysis of the closed questions was undertaken, and the findings are shown in tables throughout this report. Qualitative analysis of the comments made in response to each open question was also undertaken. This aimed to identify the main themes and the full range of views submitted in response to each question or group of questions, and to explore areas of agreement and disagreement among respondents.

1.10 Not all respondents answered every question, and some made comments in relation to an open question without ticking a response at the relevant closed question. If a respondent’s reply to the tick-box question was clearly stated in their written comments, the response to the tick-box question was imputed. The tables in this report include such imputed responses.

1.11 This consultation received a large number of ‘campaign responses’ from six (6) different campaigns – see Chapter 2 for further details. Some of the campaign responses provided comments only, while others provided responses to tick-box questions as well as comments. The responses to the closed questions in campaign responses are not included in the tables presented in the report. Instead, a statement summarising the views presented in campaign responses is provided at each relevant table. Comments from campaign responses have been incorporated into the qualitative analysis for relevant questions. (See Chapter 2 for a full description of how campaign responses have been incorporated into the analysis.)

1.12 In undertaking the analysis, two specific issues required to be addressed as follows:

- First, although the consultation did not include a question asking respondents whether they wished to see a full ban on all hunting with dogs, a large number of respondents explicitly stated that they did. The views expressed by these respondents were distinctive, and coherent within the group. It was therefore agreed with the Scottish Government that an exercise should be undertaken to identify and ‘tag’ such respondents. This exercise, which allowed this group to be separately identified, is described in detail in Chapter 3.

- Second, there was evidence that some of the questions in the consultation were not well understood by respondents. This lack of understanding, which came into focus most sharply in relation to the questions dealing with the definition of ‘wild mammal’ and the definition of ‘pest species’ (Qs 6–10), was revealed through the lack of consistency between respondents’ answers to the closed and open elements of the question. The implications of this lack of understanding, and how this may have impacted on the responses, are discussed as appropriate throughout this report.

1.13 Finally, as with all consultations, it is important to bear in mind that the views of those who have responded are not representative of the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population. For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how **many** people held particular views, but rather to understand the full range of views expressed.

Structure of this report

1.14 The remainder of this report is structured as follows:

- Chapter 2 presents information on the respondents to the consultation and the responses submitted.
- Chapters 3 to 7 present the analysis of the responses to the consultation.

1.15 Annexes to the report contain a list of organisational respondents to the consultation (Annex 1), information on the campaign responses received (Annex 2), response rates for individual questions (Annex 3), and details of the approach used for identifying / ‘tagging’ respondents who wanted a ban on hunting (Annex 4).

2. Description of the responses and respondents

2.1 This chapter provides information about the respondents to the consultation and the responses submitted.

Number of responses received, and number included in the analysis

2.2 The consultation received a total of **13,331** submissions. The majority (10,734, 81%) were received via Citizen Space, the Scottish Government's web-based consultation platform, while the remainder (2,597, 19%) were received by email or post (Table 2.1).

Table 2.1 Responses received

Response type	Number	Percent
Online responses via Citizen Space	10,734	81%
Offline responses via post and email	2,597	19%
Total responses	13,331	100%

Responses removed from the analysis database

2.3 Four types of response were removed prior to analysis. These were: (i) campaign responses, (ii) multiple responses submitted by a single respondent, (iii) responses in unreadable file formats, and (iv) correspondence not intended as responses to the consultation.

Campaign responses

2.4 Several organisations encouraged their members and supporters to submit responses to this consultation. Organisations assisted their members and supporters either by providing suggested responses to each question, or by providing a 'commentary' on the consultation and / or the consultation questions.

2.5 In some cases, responses replicated, verbatim, – in whole or in part – the template response provided by a campaign organiser. These responses are referred to as '**campaign responses**'. Altogether, the consultation received 3,106 **campaign responses**.

2.6 The views expressed in these campaigns / campaign responses are discussed in the analysis which follows in this report. However, given that they are identical, these responses are simply counted and then removed from the analysis database. Thus, campaign responses are **not included** in the tables shown throughout this report.

2.7 In other cases, people drew on the material provided by the campaign(s) to draft their own (personalised) responses to the consultation. The views expressed in these personalised responses are treated like any other substantive response, and **are included** in the tables shown throughout this report.

2.8 Further details about the campaign responses are given at paragraph 2.18 to 2.22 below.

Multiple responses from a single respondent

2.9 A total of 404 respondents (including 5 organisations) submitted more than one response to the consultation. Most of these (384 respondents) submitted 2 responses. In addition, 17 respondents submitted 3 responses, and 3 respondents submitted 4 responses.

2.10 In the case of individuals, one of their responses was selected at random to be included in the analysis. However, if this random process resulted in the selection of a campaign response, the campaign response was removed and the personalised response was retained. If both (or all) the individual's responses were campaign responses, all were removed from the analysis database, but one was counted among the total number of campaign responses received.

2.11 Multiple responses submitted by organisations were either duplicates, with one response being submitted through Citizen Space and one by email, **or** the email response contained **additional** material. In all cases, organisational responses were examined and all of the material in their multiple responses was amalgamated into a single response which was retained for the analysis.

2.12 This process resulted in the removal of 427 responses from the analysis database.

Responses in unreadable file formats and / or correspondence

2.13 Eight (8) further responses were excluded from the analysis. These comprised one response in the form of a short film, three (3) responses submitted in unreadable file formats and four (4) email messages that were found to be correspondence rather than responses to the consultation.³ In all cases, these submissions were highlighted to the Scottish Government policy team.

Number of substantive responses included in the analysis

2.14 Table 2.2 provides an overview of the responses received and removed, and the final number of substantive responses included in the analysis.

Table 2.2: Number of responses received and included in the analysis

Number of responses received	13,331
Number of responses removed	
Campaign responses	- 3,106
Multiple responses	- 427
Unreadable responses, etc.	- 8
Total number of responses included in the analysis	9,790

2.15 Thus, **9,790** substantive responses are included in the analysis presented in this report. The quantitative analysis, presented in tables throughout the report, is based on these substantive responses.

³ The consultation received two (2) responses in .wps (Microsoft Works Word Processor) and one (1) in Apple .pages format. These file formats were unreadable using the current Microsoft Office software available to the analysis team. Although web-based applications are available for converting these files to Microsoft Word or PDF, for data security reasons a decision was taken **not** to use this software to translate these files.

About the respondents (substantive responses only)

2.16 Substantive responses were received from 9,742 individuals and 48 organisations or groups (Table 2.3).

Table 2.3: Type of respondent (substantive responses only)

Respondent type	Number	Percent
Individuals	9,742	99.5%
Organisations	48	0.5%
Total	9,790	100%

Organisational respondents

2.17 The 48 organisational respondents to the consultation were categorised as shown in Table 2.4. The largest category of respondents was that of animal welfare and animal rights organisations or groups, accounting for half (50%) of all organisations (24 out of 48). Countryside management, sporting organisations and their representative bodies comprised 44% of organisations (21 out of 48). The remaining three organisations were categorised as 'other organisation types'. A complete list of organisational respondents is provided in Annex 1 of this report.⁴

Table 2.4: Organisational respondents (substantive responses only)

Organisation type	Number	Percent
Animal welfare and animal rights organisations and groups	24	50%
Countryside management, sporting organisations and representative bodies	21	44%
Other organisation types*	3	6%
Total	48	100%

* Includes two public sector organisations and one local branch of a political organisation.

Campaign respondents

2.18 As noted above, a number of organisations encouraged their members and supporters to submit responses to the consultation. Organisations assisted their members and supporters by either providing suggested responses to each question, or by providing a 'commentary' on the consultation and the consultation questions which people could draw on in drafting their own responses to the consultation.

2.19 The campaign responses received were associated with six different campaigns. Campaigns were organised by the following four organisations:

- British Association for Shooting and Conservation
- Keep the Ban
- OneKind

⁴ Note that a small number of organisations also submitted campaign responses. These are listed in Annex 1 but are not included in Tables 2.3 and 2.4 above or in the tables in Chapters 3–7.

- Scottish Countryside Alliance.

2.20 It was not possible to identify the originators of two further campaigns identified among the responses – these are referred to in the table below as the ‘Lobby Network’ campaign⁵ and the ‘Postal’ campaign.⁶

2.21 Table 2.5 provides a brief overview of each of the campaigns.

Table 2.5: Overview of campaigns

Campaign organiser	Submission method / format	Consultation questions addressed by campaign	Number of campaign submissions
British Association for Shooting and Conservation	Citizen Space	1, 2, 3, 5, 6, 8, 9, 11,12	35
Keep the Ban	Citizen Space	11 (possibly others – unclear)	337
‘Lobby Network’ campaign	Email	1, 2, 4, 5, 12	2,038
OneKind	Citizen Space	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12	105
‘Postal’ campaign	Post / email / Citizen Space	1, 2, 3, 4, 5, 6, 8, 9, 11, 12	382
Scottish Countryside Alliance	Email / Post / Citizen Space	1, 2, 3, 4, 5, 6, 8, 9, 11, 12	209
Total campaign responses			3,106

2.22 Further information on all six campaigns, including text and commentary, is provided at Annex 2.

Response rates for individual questions

2.23 Annex 3 shows the number of responses received at each question. It should be noted that where a question invited comments, the comments made often included general statements that were not directly relevant to the question under consideration.

2.24 Most of the closed questions in the consultation were answered by more than 95% of all respondents. The exceptions were in relation to Questions 7 and 10, which concerned the definitions of a ‘wild mammal’ and ‘pest species’ and were addressed to a subset of respondents.

2.25 The open questions at Questions 7 and 10 had the lowest response rates (14% and 17% respectively). As will be discussed in Chapter 5, respondents may have found these questions confusing.

⁵ All of the messages from this campaign were sent from ‘no-reply=lobbynetworg.org.uk@mg.lobbynetworg.org.uk’.

⁶ These responses made use of the consultation questionnaire. This appeared to have been pre-completed. Respondents then completed their own Respondent Information Form (this was often handwritten), attached it to the pre-completed questionnaire, and sent it to the Scottish Government by post. Some responses submitted by email and through Citizen Space also used this campaign text.

3. Limit on the number of dogs used to flush wild mammals (Q1 to Q3)

3.1 The Scottish Government has proposed a new limit of two dogs for flushing foxes or other wild mammals from cover. Although Lord Bonyon's review did not recommend the introduction of such a limit, he did note welfare concerns related to the current arrangements, and concerns that these arrangements may be 'providing cover for the unlawful use of dogs, contrary to the intention of the 2002 Act, with the associated concerns about welfare of foxes and other wildlife'.

3.2 The Scottish Government is also considering the introduction of a licensing scheme to allow the use of more than two dogs to control wild mammals in particular circumstances, where no satisfactory alternative method of control is available. Any licensing scheme would need to consider details such as the period of validity, the geographical area covered, and any reporting duties on the licence-holder (number of foxes culled, etc.).

3.3 The consultation asked three questions on the related issues of (i) introducing a limit of two on the number of dogs used for flushing and (ii) introducing a licensing scheme to permit the use of more than two dogs in specified circumstances.

Question 1: In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two? [Yes / No / Don't know]

Question 2: If a two-dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances? [Yes / No / Don't know]

If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed.

Question 3: If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? e.g. no more than four dogs, six dogs etc. [Max. number [insert] / No limit / Don't know]

3.4 It should be noted that because Questions 1 to 3 were inter-linked, they have been analysed and reported on together in the sections below.

'Tagging' respondents who wanted a full ban on hunting

3.5 As indicated in paragraph 1.12 above, it became clear as the analysis process began, that, although the consultation did not include a question asking respondents whether they wished to see a full ban on all hunting with dogs, a large number of respondents provided explicit comment to the effect that they did. This phenomenon was first encountered in comments provided at (the open part of) Question 2, and further confirmed by the large numbers of respondents (both organisations and individuals) who answered '0' at Question 3 (although '0' was not an answer that was expected at Question 3).

3.6 The views expressed by these respondents were distinctive and coherent within the group, and it was therefore agreed with the Scottish Government that work should be carried out to identify and ‘tag’ such respondents so that the responses from this group could be analysed separately.

3.7 A pragmatic approach was used to identify the respondents who specifically called for a ban on hunting with dogs. (See Annex 4 for details.) This approach led to the 'tagging' of 4,126 respondents (i.e. 43% of all respondents) as wanting a full ban on hunting with dogs. However, given the approach used, the actual number wanting a ban was likely to be substantially higher. This classification is used in Table 3.1 below, and in subsequent tables throughout the report. It is also referred to at appropriate points in reporting the qualitative findings of the analysis.

Proposed two-dog limit (Q1)

3.8 Question 1 asked whether – in situations where the use of dogs for flushing is permitted – the number of dogs used should be limited to two.

3.9 Table 3.1 shows that, overall, two-thirds of respondents (67%) agreed with this proposal whilst one-third (32%) disagreed. The proportions of organisations and individuals agreeing and disagreeing with the proposal were almost identical.

3.10 However, as would be expected, the proportions agreeing or disagreeing with the proposal varied substantially according to whether respondents did or did not wish to see a ban on all hunting with dogs. Among those who wanted a ban, there was virtual unanimity (93% of organisations and 94% of individuals) that the number of dogs should be limited to two. Among those who did not request a ban, just under half (47% of both organisations and individuals) agreed that the number of dogs should be limited to two, while just over half thought it should not.

Table 3.1: Q1 – In situations where the use of dogs is permitted, do you think the Scottish Government should limit the number of dogs that can be used to two?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	14 (93%)	0 (0%)	1 (7%)	15 (100%)
Does not request a ban	14 (45%)	17 (55%)	0 (0%)	31 (100%)
Total organisations	28 (61%)	17 (37%)	1 (2%)	46 (100%)
Individuals				
Wants a ban	3,882 (94%)	156 (4%)	73 (2%)	4,111 (100%)
Does not request a ban	2,608 (47%)	2,897 (52%)	39 (1%)	5,544 (100%)
Total individuals	6,490 (67%)	3,053 (32%)	112 (1%)	9,655 (100%)
Total, organisations and individuals	6,518 (67%)	3,070 (32%)	113 (1%)	9,701 (100%)

Percentages may not total 100% due to rounding.

3.11 In terms of the campaigns:

- OneKind advised respondents to tick ‘yes’ at Question 1.

- The British Association for Shooting and Conservation, the Scottish Countryside Alliance, and the Postal campaign advised respondents to tick ‘no’ at Question 1.
- The Lobby Network campaign did not provide any advice on how to answer Question 1, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

Licensing to allow more than two dogs (Q2)

3.12 Question 2 asked whether, if a two-dog limit were to be introduced, the Scottish Government should introduce licensing arrangements to allow the use of more than two dogs in certain circumstances.

3.13 Table 3.2 shows that, overall, a quarter (24%) of respondents agreed with this proposal and three-quarters (74%) disagreed. Whilst a large majority of individuals (74%) were not in favour of the introduction of licensing, opinion was fairly evenly split among organisations, with 47% saying they agreed compared with 53% who disagreed.

3.14 There was, again, a clear pattern in the responses based on whether or not respondents wanted a ban on hunting with dogs. Specifically, few of those who wanted a ban answered ‘yes’ at this question (13% of organisations and 3% of individuals). By contrast, those who did not request a ban were more divided in their views, with 63% of organisations and 41% of individuals agreeing that licensing arrangements should be introduced.

Table 3.2: Q2 – If a two-dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	2 (13%)	13 (87%)	0 (0%)	15 (100%)
Does not request a ban	19 (63%)	11 (37%)	0 (0%)	30 (100%)
Total organisations	21 (47%)	24 (53%)	0 (0%)	45 (100%)
Individuals				
Wants a ban	117 (3%)	4,002 (97%)	25 (1%)	4,144 (100%)
Does not request a ban	2,231 (41%)	3,121 (57%)	153 (3%)	5,505 (100%)
Total individuals	2,348 (24%)	7,123 (74%)	178 (2%)	9,649 (100%)
Total, organisations and individuals	2,369 (24%)	7,147 (74%)	178 (2%)	9,694 (100%)

* Percentages may not total 100% due to rounding.

3.15 In relation to the campaigns:

- The British Association for Shooting and Conservation and the Postal campaign advised respondents to tick ‘yes’ at Question 2.
- The Scottish Countryside Alliance and OneKind advised respondents to tick ‘no’ at Question 2.

- The Lobby Network campaign did not provide any advice on how to answer Question 2, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

3.16 Respondents who answered ‘yes’ were asked to briefly explain the circumstances in which more than two dogs might be needed.

3.17 Despite the instruction that **only those who answered ‘yes’** to Question 2 should answer, comments were offered **both** by those respondents who answered ‘yes’ **and** by those who answered ‘no’. In addition, whilst the open question asked respondents to ‘briefly explain the circumstances under which more than two dogs would be needed’, respondents discussed not only the **circumstances** in which more than two dogs might be needed, but also **aspects of the licensing system** which they thought would be important if such a system were to be developed.⁷ Comments on both these issues are discussed below.

Circumstances under which more than two dogs are / might be needed

3.18 The vast majority of respondents (both organisations and individuals) who were identified as wanting a ban on all hunting with dogs, expressed the view that there are ‘**no circumstances**’ or that they ‘**cannot imagine the circumstances**’ in which even two dogs should be allowed to hunt. These individuals often (re-stated) their concerns in relation to hunting with dogs.

3.19 The OneKind campaign provided the following ‘explanatory text’: ‘It seems to be inevitable that the use of two dogs is likely to be permitted in some circumstances, but **we do not want to see larger numbers of dogs used**. It is harder to keep larger number of dogs under control and there is more likelihood of a chase, or of the wild mammal being killed by the dogs.’ Thus, the OneKind campaign **did not identify any circumstances** in which more than two dogs might be needed.

3.20 However, a small number of respondents who explicitly said that they would like to see a ban on hunting noted that limiting to two the number of dogs that could be used (without a licence) would be a positive step forward. This group suggested that if the Scottish Government were to go ahead with their plans to allow more than two dogs to be used in certain circumstances, then this should be allowed only in ‘**exceptional**’ or ‘**extraordinary**’ circumstances, and / or the licence should only be for a temporary period.

3.21 By contrast, many respondents who said (at Question 3, see below) there should be ‘no limit’ on the number of dogs that could be used, said that more than two dogs would be required ‘**in all circumstances**’, ‘**in nearly all circumstances**’ or ‘**in most circumstances**’. These respondents thought that licensing arrangements were not required and that there should be no restrictions introduced in relation to hunting with dogs (see below for wider discussion of the issues around licensing).

3.22 More generally, it was common for respondents who did not explicitly ask for a ban on all hunting with dogs to say that the report by Lord Bonomy provided clear and independent

⁷ Note that respondents also discussed issues relating to the licensing arrangements in response to Question 12 – which asked respondents whether they had ‘any other comments’ on the consultation. These Question 12 comments have been incorporated into the analysis of Question 2 and are not repeated in Chapter 7.

evidence that more than two dogs would be required in certain circumstances. These respondents often commented that introducing a two-dog limit was 'going against the science and the evidence' and contradicted the recommendation of Lord Bonomy.

3.23 It was common for these respondents to repeat (aspects of) Lord Bonomy's conclusions that (i) searching and flushing by two dogs would not be as effective as that done by a full pack of hounds, (ii) imposing such a restriction could seriously compromise effective pest control, and (iii) animal welfare would not be improved by imposing a two-dog restriction.

3.24 These aspects of Lord Bonomy's report – about efficiency, pest control, and animal welfare – were highlighted not just by individual respondents but also by the Postal campaign, the Lobby Network campaign, the BASC campaign, and the Countryside Alliance campaign.

3.25 More specifically, respondents described a **range of circumstances** which would require more than two dogs to be used for flushing foxes and other animals and / or for pest control and / or for humane killing. Most commonly, respondents referred to issues relating to:

- **The terrain** – respondents said that more than two dogs would be required in situations where there was open ground with thick or dense cover, large blocks of moor or forestry, difficult terrain including rock piles, windblown trees, old heather, whins, rough or hilly ground, etc.
- **Pest control** – respondents described the need to manage fox and other pest populations. These comments were often linked to conservation considerations, and the importance of ensuring the breeding success of other species (e.g. ground nesting birds) which would otherwise be threatened.

3.26 Less often, respondents suggested that more than two dogs might be required for:

- 'Bad scenting' days when the weather conditions made it difficult for individual hounds to pick up animal scent and it was therefore helpful to have a larger number of dogs involved
- Managing wild boar or feral pig populations
- Densely populated areas where firearms cannot be used due to safety factors or noise pollution
- Recovering mammals following a vehicle collision
- Situations where there was a particularly large local fox – or other pest – population which can result in dogs getting distracted by crossing scents
- Any situation where dogs are required to work 'in teams'.

3.27 In addition, some respondents argued that:

- Animal welfare considerations, related to both protecting the dogs from exhaustion and ensuring that foxes or other pest species are humanely dispatched (i.e. shot by

gamekeepers or other trained marksmen), meant that more than two dogs were required

- The training of young dogs required more than two 'experienced' dogs to be involved.

3.28 Finally, the point was made by a land and forestry management organisation that more woodlands are currently being planned in Scotland, and these will be situated predominantly on better and lower ground, nearer to livestock. It will therefore be vital that (licensing) arrangements are developed to ensure that livestock can be protected in these wooded areas.

Views on licensing arrangements

3.29 The consultation paper did not provide exact details about how any prospective licensing scheme would operate. However, it suggested that the 'established and well-understood approaches to licensing of wildlife management operations set out in section 16 of the Wildlife and Countryside Act 1981' might provide a useful model. Respondents expressed a range of views on how any licensing scheme could or should operate. (Others, however, said that it was not possible to comment on the licensing arrangements in the absence of any specific proposals.)

3.30 Two groups of respondents thought that no licensing arrangements of any kind were required. These comprised:

- (Almost all) Respondents who wanted a ban on all hunting with dogs, who said that since hunting would not take place, no licensing system was required.
- (Almost all) Respondents who thought there should be 'no limit' on hunting with dogs, and / or who said two dogs would be required in 'all' or 'nearly all' circumstances. These respondents said that the requirement for a licence was overly bureaucratic and, indeed, unnecessary if there was no limit on the number of dogs that could be used.

3.31 Other respondents identified concerns and raised questions that they thought would need to be addressed if a licensing scheme were to be workable and effective. The types of concerns and questions identified differed depending on whether respondents were generally in favour of, or generally opposed to, hunting with dogs.

3.32 The main points about any putative licensing system made by those who were generally against hunting with dogs were as follows:

- The licensing system must not allow the creation of any new legal 'loopholes'. (This point was raised particularly in the context of the perceived loopholes that had allowed trail hunting to take place in England and Wales following introduction of the Hunting Act 2004.)
- Licences should be issued only by the Scottish Government, Scottish Government-supported land management bodies (e.g. NatureScot), Scottish Government approved contractors, or Police Scotland. Moreover, it was thought that the Scottish Government should work closely with existing organisations in developing a licensing system.

- The criteria for granting licences should be clear, cautious, narrowly defined, strictly applied, properly enforced, and based on the international consensus principles for ethical wildlife management.⁸ It was suggested that applicants should have to provide specific and detailed evidence as to why a licence was required – simply specifying a purpose (e.g. prevention of serious damage to livestock) would not in itself provide adequate justification. Some respondents who made these kinds of comments further suggested that a licence should only be granted if the applicant could show that all other alternatives had been considered – and ruled out.
- No licences should be issued for ‘sporting’ purposes, and farmers should not be allowed to use their ‘general gun licence’ for the purpose of hunting with dogs.
- ‘Independent observers’ should be appointed to monitor whether the conditions of the licence were being fully upheld.

3.33 One national animal welfare organisation commented that anyone using a dog should also be a licensed firearms holder or accompanied by a person who is, to ensure that the bolted fox is humanely dispatched. They went on to say that licences should name not only the dog handler but the named firearms licence holder, and that it should be a specific offence for a person to use any dog to flush except in the presence of a licensed firearms holder.

3.34 The main points about any putative licensing system made by those who were generally in favour of hunting with dogs were as follows:

- Licensing will involve additional bureaucracy for little benefit. Farmers, in particular, already have to deal with a lot of bureaucracy, and a licensing scheme for hunting with dogs would make running their affairs more difficult still.
- Large numbers of licences are likely to be required. Licensing arrangements must therefore be simple, easily accessible, fair, and administered efficiently and quickly. If the bureaucracy is too burdensome, or the process is inefficient, there will be detrimental consequences for pest control and conservation.
- The arrangements must be able to be applied easily in a wide range of circumstances, and any licence issued would have to cover a range of activities and arrangements. (It would be unworkable, for example, to require licences for specific activities on specific days in specific locations.) Licensable purposes should include conservation as well as livestock protection.
- Speed in granting licences will be of the essence. In a situation where a fox is threatening lambs, for example, a delayed licence is effectively the same as no licence at all.
- Any complaints about possible breaches of licences would have to be investigated quickly, and pest control activities would have to be allowed to continue whilst the investigation was underway.
- There is evidence from England and Wales that there have been problems around (i) beaver licences, (ii) licences for lethal control of pest bird species and (iii) increased

⁸ See S Dubois, N Fenwick et al (2017) [International consensus principles for ethical wildlife control. Conservation Biology](#)

restrictions on general licences. It was noted that there have been successful legal challenges to general licences in England. It is vital that the licensing authority in Scotland is able to apply light-touch implementation without attracting legal challenge.

- There would have to be a consultation on the licensing arrangements once these were developed.

3.35 In addition, the Countryside Alliance campaign text stated that ‘People have a right to protect their property and a licensing system that is discriminatory, arbitrary, unduly burdensome, or where the threshold for granting a licence was set unreasonably high, would clearly breach ECHR rights, particularly Article 1 (Protocol 1).’⁹

3.36 Other points made about any licensing system were that:

- The licensing system should be paid for by a levy on those applying for a licence
- It would be important to take account of the impacts on court time, staff, IT, etc. of any licensing system.

3.37 Finally, a few respondents suggested that, instead of a licensing system, it would be preferable to introduce either (i) a voluntary code of practice – this could draw on the current codes of practice for foot packs and deer control, or (ii) a ‘general licence’ which could cover many purposes.

Limiting the number of dogs in a licensed arrangement (Q3)

3.38 Question 3 asked respondents for views on whether there should be a limit to the number of dogs that could be used for hunting under a licensed arrangement, and (if so) what that limit should be. Respondents could enter a specific number (or short text response), or could answer ‘no limit’ or ‘don’t know’. It should be noted that respondents were invited to answer this question regardless of whether they supported the introduction of a licensing scheme (as indicated in their answers to Question 2).

3.39 In analysing the responses to Question 3, two main issues arose:

- Any comment provided by respondents had to be ‘translated’ into a number. In most cases this was fairly straightforward.¹⁰ However, there were a few cases where the text did not easily translate into a number (e.g. ‘Yes it should be a low number depending on a full independent assessment’ or ‘One per registered handler? I guess’). Such responses were categorised as ‘unclear’.
- Some respondents answered both ‘parts’ of Question 3. That is, they provided a specific number (or a comment of some type) and they **also** ticked either ‘no limit’ or ‘don’t know’. In these cases, it was decided that the respondent’s answer to Question 3 would be determined using the specific number or text that was offered. The

⁹ ECHR Article 1 (Protocol 1) states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

¹⁰ In some cases, instead of a number, respondents provide a short text response – e.g. ‘two dogs only’, ‘a full pack of hounds’, ‘10 couples’, etc. These were translated into a number as appropriate, and then grouped to allow analysis to proceed.

exception to this was where the number given was greater than 50. In these cases, the respondent's answer was categorised as 'no limit'.

3.40 In addition, given the wide range of very specific answers offered (e.g. '17', '26', etc.), responses were then categorised into a manageable number of groups. Table 3.3 below shows the results of this process.

3.41 Table 3.3 shows that, for both organisations and individuals, the two most popular responses to this question were:

- **'0'** – selected by slightly less than a third (28%) of organisations and just over a third (37%) of individuals – note that those who selected '0' wanted a ban on hunting. (See Annex 4 for details. Note also that this answer was not an expected answer to Question 3.)
- **'no limit'** – selected by a third of organisations (35%) and slightly less than a third of individuals (29%).

3.42 In addition, around one in eight respondents (12%) selected the answer '2', and a similar proportion (11%) selected '3'. Other specific numbers (1, and between 4 and 50) were suggested by a small proportion (7%) of respondents. The remaining respondents either selected 'don't know' (5%), or their response was unclear.

Table 3.3: Q3 – If licensing arrangements were to be introduced to permit more than two dogs in certain circumstances, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

	Organisations	Individuals	Total
Maximum number of dogs	Number (%)	Number (%)	Number (%)
0	13 (28%)	3,420 (37%)	3,433 (37%)
1	1 (2%)	62 (1%)	63 (1%)
2	3 (7%)	1,091 (12%)	1,094 (12%)
3	2 (4%)	985 (11%)	987 (11%)
4	3 (7%)	407 (4%)	410 (4%)
5 to 10	0 (0%)	73 (1%)	73 (1%)
11 to 20	0 (0%)	56 (1%)	56 (1%)
21 to 50	1 (2%)	45 (0%)	46 (0%)
No limit	16 (35%)	2,715 (29%)	2,731 (29%)
Don't know	7 (15%)	471 (5%)	478 (5%)
Unclear	0 (0%)	13 (0%)	13 (0%)
Total number of respondents	46 (100%)	9,338 (100%)	9,384 (100%)

4. Trail hunting (Q4 and Q5)

4.1 Trail hunting involves hounds following a specially laid animal-based scent along a line a fox might take when moving across the countryside, and is intended to simulate traditional mounted hunting activity.

4.2 In England and Wales, trail hunting has become established since a prohibition of hunting wild mammals with more than two dogs was introduced in 2004. However, there have been occasions where packs hunting a trail have encountered a fox and the fox was hunted in contravention of English law, and this situation was acknowledged by Lord Bonomy in his report.

4.3 The Scottish Government wishes to avoid trail hunting being used as a cover for illegal hunting, should a two-dog limit be introduced. They are thus proposing to take pre-emptive action to prevent trail hunting becoming established in Scotland. This could be done by banning the use of animal-based scents or any other scent that seeks to mimic the scent of wild mammals for the purpose of providing a trail for dogs to follow.

4.4 Two consultation questions invited views on the proposal to ban trail hunting and how it might be implemented. Note that for the purposes of this consultation, trail hunting was defined as follows: ‘The hunting of a scent laid manually in such a way as best to simulate traditional mounted hunting activity. The trail is laid along the line a fox might take when moving across the countryside. Trail hunters use animal-based scent, primarily fox urine, a scent with which the hounds are familiar and with which it is intended they should remain familiar.’

Question 4: Do you agree that the Scottish Government should ban trail hunting? [Yes / No / Don't know]

Question 5: Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow? [Yes / No / Don't know]

If you answered yes to question 5, please explain the reason for your answer here.

Proposed ban on trail hunting (Q4)

4.5 Question 4 asked respondents if they agreed that the Scottish Government should ban trail hunting.

4.6 Table 4.1 shows that just over two-thirds of respondents (70%) agreed that the Scottish Government should ban trail hunting. These figures were similar for organisations (61%) and individuals (70%).

4.7 As would be expected, there was near unanimity on this question among those who wanted a ban on hunting with dogs (100% of organisations and 99% of individuals). However, among those who did not call for a ban, opinions were more evenly divided between those who wanted trail hunting to be banned (41% of organisations and 47% of individuals) and those who did not (48% of organisations and 51% of individuals).

Table 4.1: Q4 – Do you agree that the Scottish Government should ban trail hunting?

	Yes	No	Don't know	Total
Respondent type	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	15 (100%)	0 (0%)	0 (0%)	15 (100%)
Does not request a ban	12 (41%)	14 (48%)	3 (10%)	29 (100%)
Total organisations	27 (61%)	14 (32%)	3 (7%)	44 (100%)
Individuals				
Wants a ban	4,147 (99%)	20 (0%)	4 (0%)	4,171 (100%)
Does not request a ban	2,627 (47%)	2,851 (51%)	62 (1%)	5,540 (100%)
Total individuals	6,774 (70%)	2,871 (30%)	66 (1%)	9,711 (100%)
Total, organisations and individuals	6,801 (70%)	2,885 (30%)	69 (1%)	9,755 (100%)

* Percentages may not total 100% due to rounding.

4.8 In terms of the campaigns:

- The OneKind campaign advised respondents to tick 'yes' at Question 4.
- The Scottish Countryside Alliance and the Postal campaign advised respondents to tick 'no' at Question 4.
- The Lobby Network campaign did not provide specific advice on how to answer Question 4, but the commentary implied that the 'no' option was appropriate.¹¹
- The British Association for Shooting and Conservation¹² did not provide any advice on how to answer Question 4, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

4.9 Although there was no space for respondents to comment at Question 4, some respondents explained their views on trail hunting at Question 5, as summarised below. (It should, however, be noted that it was not always clear if respondents were referring to Question 4 or Question 5 in their comments.)

Agreement that trail hunting should be banned

4.10 Respondents who explained why they **agreed that trail hunting should be banned** often indicated (either at Question 5 or in response to another consultation question) that they were opposed to hunting in general. These respondents (mainly individuals) offered the following main views:

- Some believed that trail hunting was currently used as a cover for fox hunting or would be used as a 'loophole' if the laws relating to the use of dogs for hunting were to be tightened. Respondents in this group believed that those involved could not be trusted to carry out trail hunting within the law, with some citing recent court cases, media evidence and their own observations as justification for their view. OneKind's

¹¹ The relevant text from the Lobby Network campaign stated the following: 'Since trail hunting isn't generally practiced in Scotland, why is it under attack? The vast majority of packs utilise trail hunting as a lawful and legitimate practice and it is unreasonable to remove this option without justifiable and sound reasons.'

¹² The advice from the British Association for Shooting and Conservation was to answer 'N/A'.

suggested response to this question argued that trail hunting was used as cover for hunting in England. Respondents in this group therefore agreed that pre-emptive action should be taken to ban trail hunting.

- Others argued that, even if trail hunting is not used deliberately as a cover for hunting, wild (and domestic) animals are at risk of harm when trained hunting dogs are involved in such activities and trail hunting should therefore be banned.

4.11 In addition, some respondents argued that trail hunting was ‘not a sport’, was used to train dogs for foxhunting, and was an archaic and unnecessary practice.

4.12 In a few cases, respondents who favoured a ban on trail hunting said that, if the practice were allowed to continue, it should be closely monitored, and action taken against those found to be breaking the law.

Disagreement that trail hunting should be banned

4.13 Respondents who explained why they **disagreed that trail hunting should be banned** gave a range of reasons for their views. Respondents, including sporting bodies, often argued that trail hunting was a lawful and legitimate activity, enjoyed by many in rural areas, that did not harm wildlife. As such, a pre-emptive ban guarding against possible future law breaking was seen as unwarranted. The Lobby Network campaign response stated this view, while also noting that trail hunting was not common in Scotland.

Respondents also made the following additional points, arguing that trail hunting was:

- Not linked with fox hunting, or wider pest control, and that there was no evidence that the activity endangers wildlife
- A natural activity for hunting dogs, and provided valuable training and exercise – some also suggested that a ban would lead to the destruction of dogs and horses, and an eventual loss of hunting dog breeds
- An important part of countryside tradition and heritage, and the rural economy
- Beneficial to the health and wellbeing of people who participated.

Circumstances requiring the laying of a scent for dogs (Q5)

4.14 Question 5 asked respondents whether they were aware of any other activities or circumstances (beyond trail hunting) which may necessitate the setting of an animal-based or artificial scent for dogs to follow.

4.15 Table 4.2 shows that, overall, around 15% of respondents answered ‘yes’ to this question, 75% answered ‘no’ and the remaining 10% answered ‘don’t know’. Organisations were far more likely than individuals to answer ‘yes’ to this question (60% of organisations compared with 15% of individuals). Respondents (both organisations and individuals) who did not request a ban on hunting with dogs were more likely than those who wanted a ban to answer ‘yes’ to this question.

Table 4.2: Q5 – Are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	3 (25%)	8 (67%)	1 (8%)	12 (100%)
Does not request a ban	23 (74%)	6 (19%)	2 (6%)	31 (100%)
Total organisations	26 (60%)	14 (33%)	3 (7%)	43 (100%)
Individuals				
Wants a ban	144 (4%)	3,667 (91%)	218 (5%)	4,029 (100%)
Does not request a ban	1,308 (24%)	3,496 (64%)	696 (13%)	5,500 (100%)
Total individuals	1,452 (15%)	7,163 (75%)	914 (10%)	9,529 (100%)
Total, organisations and individuals	1,478 (15%)	7,177 (75%)	917 (10%)	9,572 (100%)

* Percentages may not total 100% due to rounding.

4.16 In relation to the campaigns:

- The British Association for Shooting and Conservation, the Scottish Countryside Alliance, and the Postal campaign advised respondents to tick 'yes' at Question 5.
- The Lobby Network and OneKind campaigns did not provide advice on how to answer Question 5, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

4.17 Respondents who selected 'yes' at Question 5 were asked to explain their answer. However, those who answered the question included some (more than 10 per cent of all those who commented) who selected 'no' at the tick-box part of Question 5.

4.18 Respondents answered this question in two main ways:

- Some respondents, particularly individuals, listed activities or circumstances which they said required the setting of a scent for dogs to follow but did not offer further comment. These mainly fell into two broad categories of (i) 'activities related to the training of working dogs' and (ii) 'sporting activities'. It was also relatively common for respondents to mention activities such as 'pest control', the 'retrieval of wounded deer', 'police work' and 'search and rescue' in their response to Question 5. In carrying out the analysis, it has been assumed that these respondents meant that trail setting was used in the training of dogs for such activities.
- Other respondents put forward activities that required scent laying and also went on to explain their views on such activities. The remainder of this chapter focuses on the three main perspectives identified in these fuller responses:
 - Scent laying is required in a range of activities, and should be allowed to continue
 - Scent laying is required and should be allowed in specific limited circumstances only
 - Scent laying activities are not legitimately required and should not be allowed.

4.19 It should also be noted that some respondents used the question to re-state their general opposition to hunting with dogs. These comments are not discussed here. The views of those who used their comments to expand on their answer at Question 4 have already been discussed at paragraphs 4.10 to 4.13 above.

Scent laying is required in a range of activities, and should be allowed to continue

4.20 Respondents put forward a range of activities that require the setting of an animal or artificial scent. As already noted, these largely fell into two categories relating to (i) 'the training of working dogs' and (ii) 'sporting activities', each of which are discussed further below.

4.21 There was a widespread view that the laying of scent trails was 'vital' to the **training of working dogs** and played an important part in keeping working dogs fit and healthy and maintaining their skills.

4.22 Respondents stated that working dogs fulfilled a number of essential roles in relation to countryside sports and countryside management (e.g. in relation to pest control, and the tracking and location of wounded animals and birds) and had to be trained for this purpose. This was the view expressed in the British Association for Shooting and Conservation campaign, the Postal campaign and Scottish Countryside Alliance campaign. Respondents drew particular attention to the role of working dogs in deer management, and the location of wounded deer, often in difficult terrain, to allow for humane dispatch. Respondents said that the use of working dogs in wildlife management was important to animal welfare (in avoiding unnecessary suffering) and recognised as such by organisations such as Forestry and Land Scotland and the RSPB.

4.23 Respondents also identified the use of scent laying as essential to the training of dogs for law enforcement, military and search and rescue purposes, and as guide dogs and other assistance dogs.

4.24 Respondents said that any restriction on such training activities would impact on the ability of working dogs to carry out their designated roles efficiently and effectively and would have implications for animal welfare.

4.25 Respondents also identified a range of **sporting and recreational activities** such as drag hunting, clean boot hunting, fell hound racing, hound trailing, and beagling as requiring the setting of a scent. Respondents emphasised that these activities used human or non-animal based scents and no harm was done to wildlife. Some also pointed out that the dogs taking part in such activities also required training which, again, necessitated the laying of scents.

4.26 Occasionally, respondents mentioned the use of artificial scents in dog trials and obedience training and tests.

4.27 Respondents argued that such sporting and recreational activities were (i) legitimate and established parts of rural life enjoyed by many people, and (ii) supported many jobs in the countryside, directly and indirectly.

4.28 Overall, the views expressed by respondents in this group reflected the views of those who disagreed that trail hunting should be banned (see paragraph 4.13). Additionally, these respondents – including countryside management and sporting organisations – argued that banning or restricting activities that required laying a scent would have significant implications, and were anxious that the training of dogs, in particular, was not overlooked in any new legislation.

Scent laying is required and should be allowed in specific limited circumstances

4.29 Some respondents, including some animal welfare and rights organisations that were largely opposed to hunting with dogs, accepted that there were limited legitimate circumstances in which scent laying may be required. Most often, respondents referred to the training of dogs in relation to law enforcement and military purposes and search and rescue activities, and, in some cases, the tracking of wounded animals and birds. Some said that any scent laying activities should be ‘strictly controlled’. However, some in this group also regarded sporting activities such as drag racing using artificial scents as acceptable as long as these were ‘genuine’ and carried out in a managed way that ensured that no wildlife were harmed. Some respondents in this group suggested that it might be appropriate for the use of animal and non-animal scents to be considered separately in any legislative context. The OneKind campaign advised its supporters to ‘answer this question according to their own knowledge’. However, the commentary they provided stated that they recognised some legitimate reasons for laying a scent for dogs to follow, but that ‘none of them should result directly in harm to wild mammals, and their use should not interfere with a ban on trail hunting’.

Scent laying activities are not legitimately required and should not be allowed

4.30 Some respondents who indicated that they were generally opposed to hunting said that they were aware of activities that involved laying a trail but did not think such activities should be permitted, or they said they knew of no ‘legitimate’ or ‘valid’ activities that involved laying a trail. These respondents perceived scent laying activities as linked to or facilitating hunting. They argued that such activities taught dogs how to hunt and kept dogs in condition for hunting, were used as a cover for hunting, and would be used as a loophole if the law on hunting with dogs were strengthened. Some said that the laying of all scent trails for dogs to follow should be banned.

4.31 Some listed activities that required following a trail rather than setting a trail, with these respondents arguing that such activities should not be allowed.

5. Defining wild mammals and pests (Q6 to Q10)

5.1 The 2002 Act permits the use of dogs to flush a wild mammal from cover or from below ground for a number of different purposes including the purpose of ‘controlling the number of a pest species’. Section 10 of the 2002 Act provides definitions of ‘wild mammal’ and ‘pest species’. For the purposes of the legislation:

- A ‘wild mammal’ is defined as including a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild, and not including a rabbit or a rodent.
- A ‘pest species’ is defined as including foxes, hares, mink, stoats and weasels.

5.2 The consultation paper made it clear that, under the 2002 Act, there is no prohibition on the use of a dog or dogs to hunt and kill rabbits or rodents. It was noted, however, that certain species of rodents such as beavers and red squirrels are afforded certain protections within other wildlife legislation.^{13,14}

5.3 The consultation paper asked a series of five questions on the definitions of these terms for the purposes of the proposed new legislation.

Question 6: For the purposes of this Bill do you agree with the current definition of wild mammal? [Yes / No/ Don't know]

Question 7: If you answered no to question 6, do you think that: [Rabbits / All species of rodent / Some but not all species of rodent / None of the mammals listed] should be included in this definition?

Please add any further comments on this section here.

Question 8: For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a ‘pest’ species? [Yes / No/ Don't know]

Question 9: For the purposes of this Bill do you agree with this definition of pest species? [Yes / No/ Don't know]

Question 10: If you answered no to question 9, do you think that: [Hares / stoats / mink / weasels / none of the mammals listed] should be included in the definition of pest species?

Please add any further comments on this section here.

Definition of a ‘wild mammal’ (Q6 and Q7)

5.4 Respondents were asked whether, for the purposes of this Bill, they agreed with the current definition of ‘wild mammal’.

5.5 Table 5.1 shows that, overall, just over a third (36%) of respondents agreed with the current definition while nearly two-thirds (60%) disagreed. The remaining respondents (4%)

¹³ Beavers are a European protected species, protected in the UK under the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) (as amended).

¹⁴ See Schedules 5 and 6 of the [Wildlife & Countryside Act 1981](#).

said 'don't know'. The overall pattern of response was similar among organisations and individuals.

5.6 However, the proportion who agreed with the definition varied depending on whether or not they thought hunting should be banned. In particular, none of the organisations calling for a ban on hunting with dogs agreed with the current definition. By contrast, almost two-thirds (65%, 20 out of 31) of those organisations that did not request a ban agreed with the current definition. In relation to individuals, the equivalent figures were 11% (among those who wanted a ban) and 54% (among those who did not request a ban).

Table 5.1: Q6 – For the purposes of this Bill, do you agree with the current definition of wild mammal?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	0 (0%)	15 (100%)	0 (0%)	15 (100%)
Does not request a ban	20 (65%)	10 (32%)	1 (3%)	31 (100%)
Total organisations	20 (43%)	25 (54%)	1 (2%)	46 (100%)
Individuals				
Wants a ban	467 (11%)	3,571 (86%)	100 (2%)	4,138 (100%)
Does not request a ban	2,998 (54%)	2,245 (41%)	269 (5%)	5,512 (100%)
Total individuals	3,465 (36%)	5,816 (60%)	369 (4%)	9,650 (100%)
Total, organisations and individuals	3,485 (36%)	5,841 (60%)	370 (4%)	9,696 (100%)

* Percentages may not total 100% due to rounding.

5.7 In terms of the campaigns:

- The British Association for Shooting and Conservation, the Scottish Countryside Alliance, and the Postal campaign advised respondents to tick 'yes' at Question 6.
- OneKind advised respondents to tick 'no' at Question 6.
- The Lobby Network campaign did not provide any advice on how to answer Question 6, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

5.8 Respondents who answered 'no' at Question 6 were asked, at Question 7, for their views about whether certain species of animals should be included in the definition of a 'wild mammal' for the purposes of the Hunting with Dogs (Scotland) Bill.

5.9 Table 5.2 below provides an analysis of the responses to this question. However, respondents' comments suggested possible confusion about what these questions were asking (particularly among individuals but also, to some extent, among organisations). In many cases, respondents simply left the box(es) unticked but made a general statement in the comments box at Question 7 that 'all wild mammals should be protected', or 'no wild mammal should be hunted with a dog'.

5.10 It should also be noted that, although Question 7 was directed at those who answered 'no' at Question 6, a relatively large number of respondents (i.e. several hundred) who answered 'yes' or 'don't know' at Question 6 also went on to answer the closed questions

and provide comments at Question 7 – again, possibly indicating confusion about this question.

5.11 The figures shown in Table 5.1 above and Table 5.2 below should therefore be treated with caution.

5.12 Table 5.2 shows that, among those who answered ‘no’ at Question 6, around three-quarters of respondents who answered Question 7 thought that **rabbits** (76%) and **all species of rodent** (71%) should be included in the definition of ‘wild mammals’ for the purposes of the Bill. The overall pattern of response was similar among organisations and individuals, although organisations were less likely than individuals to say that **all** species of rodent should be included in the definition, and more likely to say that **some but not all** species of rodent should be included.

Table 5.2: Q7 – If you answered ‘no’ to Question 6, which of the following wild mammals do you think should be included in the definition?

Type of wild mammal	Organisations	Individuals	Total
	Number (%)	Number (%)	Number (%)
Rabbits should be included	20 (77%)	4,314 (76%)	4,334 (76%)
All species of rodent should be included	17 (65%)	4,030 (71%)	4,047 (71%)
Some but not all species of rodent should be included	5 (19%)	728 (13%)	733 (13%)
None of the mammals listed should be included	0 (0%)	555 (10%)	555 (10%)
Base*	26	5,698	5,724

* The base figures shown here relate to the numbers of respondents who answered ‘no’ at Question 6 AND who ticked one or more of the boxes at Question 7. These figures do NOT include respondents who answered ‘yes’ or ‘don’t know’ at Question 6 OR those who answered ‘no’ at Question 6 and made comments at Question 7 without ticking one of the boxes at Question 7. However, if a respondent did not tick a box at Question 7 but made a statement in their comments such as ‘Rabbits and all rodents’ without further comment, the relevant tick-box responses at Question 7 were imputed. These imputed responses are included in the table.

As multiple responses were permitted at this question, the column percentages do not sum to 100%.

5.13 Respondents’ views in relation to each of these statements are discussed below.

Views that rabbits should be included in the definition of ‘wild mammal’

5.14 Some of the reasons given by respondents for including rabbits in the definition of ‘wild mammal’ (and wishing to see it protected under any new legislation) were that:

- The European rabbit (*Oryctolagus cuniculus*) is on the International Union for the Conservation of Nature (IUCN) red list as an endangered species and there is evidence that the rabbit population in Scotland has fallen substantially in recent years.
- Rabbits have a beneficial role in improving the habitat of other animals, insects and plants by close cropping areas of vegetation.
- Individuals involved in illegal hare coursing (as well as the illegal hunting of foxes, otters and other protected species) often give the excuse that they are hunting rabbits. (See Chapter 6 for further details.)

5.15 The OneKind campaign advised its supporters to indicate that rabbits should be included in the definition of 'wild mammal' and suggested making the following points: (i) 'all mammals are known to be sentient and should receive equal protection under the law' and (ii) 'decisions should be based on evidence and ethics, not human convenience'.

5.16 Less often, respondents who wanted rabbits to be included in the definition of 'wild mammal' did so because they thought it should be permissible to use terriers to control rabbits. This group argued that rabbits needed to be controlled because of the damage that they can do to young trees. They also thought the control of rabbits by dogs was more effective and environmentally safer than the use of poison.

Views that all rodents should be included in the definition of 'wild mammal'

5.17 Most respondents who wanted rabbits to be included in the definition of 'wild mammal' also wanted all rodents to be included.¹⁵ Respondents who selected both of these options often explained their views in terms of the general principles that 'a mammal is a mammal' and 'all wild mammals deserved protection under the law'. This group argued that excluding any wild mammal from a list of wild mammals was inconsistent and likely to be unworkable since a dog would not be able to differentiate between a rabbit, a rat, a red squirrel, a grey squirrel, a beaver, or a legally protected type of mouse. These respondents suggested that including **some** wild mammals in the legal definition while excluding others simply provided a loophole which would allow people to claim that their dog 'inadvertently' killed one mammal whilst hunting for another.

5.18 Some respondents who ticked 'all rodents' specifically discussed whether rats should be included in the definition of 'wild mammal'. Those who were in favour of legal protection for rats commented that rats are highly intelligent creatures. However, others suggested that rats (and mice) should be excluded from the definition because of their ability to spread disease and damage crops. Within this latter group, it was suggested that if rats (or mice) were to be excluded, then this should be specifically written into the legislation.

Views that some rodents should be included in the definition of 'wild mammal'

5.19 Where respondents ticked 'some rodents', rather than 'all rodents', they often commented that rats, grey squirrels, and (in some cases) beavers and mice should be excluded from the definition of a 'wild mammal' and not given legal protection.

5.20 The OneKind campaign advised its supporters to select 'some rodents' rather than 'all rodents' at Question 7. However, the commentary provided alongside the OneKind campaign response indicated that, in fact, OneKind would prefer **all** mammals to be included in the definition. The reason given for selecting 'some' rather than 'all' rodents was that being killed by terriers was seen as 'more humane' than other existing forms of control for rats and mice. (A full explanation of the views expressed in the OneKind campaign on this issue are provided in Annex 2.)

5.21 Other respondents who selected 'some rodents' rather than 'all rodents' at Question 7 tended to explain their views with reference to rats specifically. This group argued that only

¹⁵ Among respondents who answered 'no' at Question 6, half of organisations (13 out of 26) and 58% of individuals (3,323 out of 5,698) selected BOTH 'rabbits' and 'all rodents' at Question 7.

rats should be excluded because of the public health risk they may pose, and they generally echoed the views of the OneKind campaign (above), suggesting that it was more humane and efficient to use terriers to kill rats than to use any other form of control.

Views that none of the mammals listed should be included in the definition

5.22 Respondents who ticked 'None' at Question 7 expressed two main views (and in some cases may have misunderstood the question). The first group thought (i) all animals should be protected, (ii) no wild animal should be killed or hunted by a dog, or (iii) 'humane' methods of control should be used instead. The second group argued that there should be fewer restrictions on the hunting of 'pest' species or 'vermin', and that the use of dogs was often the most effective and environmentally beneficial method of flushing out such animals.

Other views about the definition of 'wild mammal'

5.23 Some organisations called for any new legislation to be founded on an 'intentional, purposeful, and comprehensive' definition of 'wild mammal' which clearly sets out **all** protected wild mammals – rather than having separate laws providing protections for specific wild mammals (such as beavers and / or red squirrels). Any exceptions should be set out clearly within the same Act and these should be necessary, specific, clear in purpose, and based on the principles of ethical wildlife control. These respondents argued that such an approach would require full consideration to be given to any circumstances in which the killing of a wild mammal by dogs is to be permitted.

5.24 Some respondents questioned whether a mammal that has escaped or been released from captivity should be classed as a 'wild mammal' and thus covered by the legislation. For the most part, those who raised this issue did not think that escaped animals should be considered as 'wild'. There was particular concern about the practice of capturing (or bagging) wild mammals (e.g. foxes, hares or rabbits), and then releasing them for hunting / trail hunting. Some argued that classifying escaped or released animals as 'wild mammals' would then technically permit the hunting of domestic pets or escaped livestock.

5.25 Less often, respondents suggested that there may be situations in which a dangerous animal (e.g. a zoo animal) has escaped from captivity. Those who offered these types of examples suggested that the ability to use dogs in tracking such animals would be helpful.

Inclusion / exclusion of certain species or groups of animals

5.26 Finally, irrespective of whether they ticked one of the options provided at Question 7, respondents also often commented about whether certain **other** animals, species or groups of animals (i) should or (ii) should not be included in the definition of 'wild mammal' and given legal protection in relation to hunting with dogs. It should be noted that there was a great deal of overlap between the lists of animals / species named by those who **wanted**, and those who did **not** want, greater protections for those animals / species.

5.27 On the one hand, some respondents called for protections (or additional protections) to be given to badgers; beavers; birds (in general); deer; foxes; hares, including mountain hares; mice in general, and dormice, field mice and harvest mice specifically; otters; red squirrels; shrews; and voles, including water voles. This group argued that all wild mammals are known to be sentient and should receive equal protection under the law.

5.28 On the other hand, some respondents said that certain animals or species **should not** be included in the definition and / or should not be afforded special protection. Those named included badgers; beavers; crows; deer in general and muntjacs specifically; grey squirrels; feral pigs; foxes; hares; magpies; mice; mink; moles; pigeons; rabbits; and rats. Some in this group also expressed views that ‘rodents’ in general and ‘any animal in the mustelid family’¹⁶ should not be included in the definition of ‘wild mammal’ or given protection under the proposed Bill. The main argument of this group was that some animals are ‘vermin’ or ‘pests’, cause ‘nuisance’, damage crops, injure or kill livestock, and require to be controlled.

5.29 A third relatively common view among respondents was that ‘native’ mammals should be protected while non-native invasive species (e.g. grey squirrels and mink) should be controlled and the use of dogs should be permitted in their control.

Control of a pest species (Q8)

5.30 Question 8 asked whether – for the purposes of the Bill – respondents agreed that a person should be allowed to use dogs to control the numbers of a pest species.

5.31 Table 5.3 shows that, overall, a third (32%) of respondents agreed with this proposition and two-thirds (67%) disagreed. The proportion who agreed was slightly higher for organisations (41%) than for individuals (32%).

5.32 As expected, respondents’ views on this issue were closely linked to whether or not they wanted a ban on hunting with dogs. In particular, among those who wanted a ban, almost no respondents (zero organisations and just 1% of individuals) agreed with the proposition. However, among those who did not request a ban, more than half of respondents (61% of organisations and 55% of individuals) agreed that a person should be allowed to use dogs for the purpose of controlling the number of a pest species.

Table 5.3: Q8 – For the purposes of this Bill, do you agree that a person should be allowed to use dogs for the purpose of controlling the number of a ‘pest’ species?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	0 (0%)	15 (100%)	0 (0%)	15 (100%)
Does not request a ban	19 (61%)	11 (35%)	1 (3%)	31 (100%)
Total organisations	19 (41%)	26 (57%)	1 (2%)	46 (100%)
Individuals				
Wants a ban	34 (1%)	4,109 (99%)	21 (1%)	4,164 (100%)
Does not request a ban	3,032 (55%)	2,435 (44%)	73 (1%)	5,540 (100%)
Total individuals	3,066 (32%)	6,544 (67%)	94 (1%)	9,704 (100%)
Total, organisations and individuals	3,085 (32%)	6,570 (67%)	95 (1%)	9,750 (100%)

* Percentages may not total 100% due to rounding.

¹⁶ The mustelid family includes weasels, stoats, mink, badgers, otters, ferrets, etc.

5.33 In relation to the campaigns:

- The British Association for Shooting and Conservation, the Scottish Countryside Alliance and the Postal campaign advised respondents to tick 'yes' at Question 8.
- OneKind advised respondents to tick 'no' at Question 8.
- The Lobby Network campaign did not provide any advice on how to answer Question 8, and it was not known whether the Keep the Ban campaign provided any advice in relation to this question.

5.34 Around a quarter of those who provided a written answer at Question 10 commented on whether the use of dogs to control the number of a 'pest' species should be allowed. These views are discussed below.

Agreement that dogs should be allowed to control the number of a pest species

5.35 Respondents who agreed at Question 8 expressed general support for controlling pest species populations – one respondent said it would be 'disastrous' for wildlife if control of pest species was stopped. Those who commented more specifically on the **use of dogs** for this purpose argued that this was a 'humane', 'efficient' or 'effective' method of wildlife management, especially in difficult terrain such as dense cover or forestry. Respondents argued that this was 'vital' in some circumstances, and that it was important that this option remained available.

5.36 However, some respondents qualified their response saying, for example, that this method was not effective with all pest species (e.g. stoats and weasels), and that any legislation should specify the species that may NOT be controlled with the use of dogs.

5.37 As shown in Table 5.3, those who agreed that dogs should be allowed to control the number of pest species included a few respondents who indicated they wished to see a ban on hunting. With two exceptions, these respondents did not explicitly comment on their answer to this question, and it was not, therefore, possible to explore the views of this group. With regard to the two respondents who did comment, one said that the use of dogs should **only** be allowed to control rats, while the comments of the other respondent suggested that they **disagreed** with the use of dogs to control pest species.

Disagreement that dogs should be allowed to control the number of a pest species

5.38 Respondents who disagreed at Question 8 often described the use of dogs to control pest species as 'cruel', 'barbaric' or 'inhumane'. They also questioned its efficiency and effectiveness and believed that the practice was used – or had the potential to be used – as a form of sport or entertainment, as a 'loophole' in the law, or as a 'cover' for hunting, or could lead to the harming of animals that were not the primary target of the pest control activity.

5.39 Respondents in this group said that harm (e.g. to people, livestock or crops) caused by specific species can and should be dealt with via alternative means, such as:

- Adapting human behaviour, and using deterrent or preventative measures such as good animal husbandry techniques, and the installation of effective fencing and barriers
- Relying on natural predators and introducing (or protecting) appropriate native competitive species – some respondents pointed out that foxes helped to control the numbers of rabbits and other species that might be regarded as pests.

5.40 However, others in this group (including some animal welfare and rights groups) accepted that more direct control of particular species may sometimes be required for valid reasons – particularly with regard to non-native invasive species – but said that:

- This should be determined on a case-by-case basis, and justified by evidence of actual or potential harm.
- Any action taken should adopt the most humane option available – respondents advocated control methods such as trapping and shooting, trapping and relocation, and neutering.
- Lethal control should be a last resort.
- Any action should be pursued under licence and / or by professionals or authorised government agents.

5.41 Some respondents argued that policy and / or action in this area should adhere to the principles of ethical wildlife control, which incorporate many of the individual points made by respondents.¹⁷

Definition of ‘pest species’ (Q9 and Q10)

5.42 Question 9 asked whether – for the purposes of this Bill – respondents agreed with the definition of ‘pest species’ included in the 2002 Act.

5.43 Table 5.4 shows that, overall, just under a third of respondents (29%) agreed with the definition. Organisations (37%) were slightly more likely than individuals (29%) to agree.

5.44 There was a distinct pattern in the answers to Question 9 reflecting respondents’ views on whether or not a ban on hunting was desirable. Whilst almost no respondents who wanted a ban on hunting agreed with the definition (0% of organisations and 3% of individuals), opinions were divided among those who did not call for a ban. Specifically, 55% of organisations in this group agreed with the definition and 45% disagreed. Similarly, among individuals 48% agreed with the definition and 49% disagreed.

¹⁷ [See S Dubois, N Fenwick et al \(2017\) International consensus principles for ethical wildlife control. *Conservation Biology*](#)

Table 5.4: Q9 – For the purposes of this Bill do you agree with this definition of pest species?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number
Organisations				
Wants a ban	0 (0%)	15 (100%)	0 (0%)	15 (100%)
Does not request a ban	17 (55%)	14 (45%)	0 (0%)	31 (100%)
Total organisations	17 (37%)	29 (63%)	0 (0%)	46 (100%)
Individuals				
Wants a ban	145 (3%)	3,942 (95%)	68 (2%)	4,155 (100%)
Does not request a ban	2,629 (48%)	2,727 (49%)	172 (3%)	5,528 (100%)
Total individuals	2,774 (29%)	6,669 (69%)	240 (2%)	9,683 (100%)
Total, organisations and individuals	2,791 (29%)	6,698 (69%)	240 (2%)	9,729 (100%)

* Percentages may not total 100% due to rounding.

5.45 In terms of the campaigns:

- The British Association for Shooting and Conservation, the Scottish Countryside Alliance and the Postal campaign advised respondents to tick 'yes' at Question 9.
- OneKind advised respondents to tick 'no' at Question 9.
- The Lobby Network campaign did not provide any advice on how to answer Question 9, and it is not known whether the Keep the Ban campaign provided any advice in relation to this question.

5.46 Respondents who answered 'no' at Question 9 were asked (at Question 10) for their views on whether certain species of wild mammals (hares, stoats, mink or weasels) should be defined, for the purposes of the Hunting with Dogs (Scotland) Bill, as 'pest species' – which would allow a person to use dogs to stalk, search and flush them, in order to control their numbers.

5.47 Table 5.5 below provides an analysis of the responses to Question 10. It shows that a large majority of respondents who disagreed with the current definition of 'pest species' (85%) thought that **none** of the mammals listed (hares, stoats, mink or weasels) should be included in the definition of 'pest species'. The views of organisations and individuals were similar in response to this question. In relation to the species listed, respondents were most likely to say that mink should be defined as a 'pest species' – 15% overall thought this. Fewer than 1 in 10 respondents suggested that hares, stoats or weasels should be defined as 'pest species' and, in relation to hares and stoats, individuals were more likely than organisations to see these particular species as pests.

5.48 However, as with Question 7, the responses indicate that there was potentially some confusion about this question. For example, respondents' comments suggested that some people may have thought the question was asking which species should be **protected** or **excluded** from the definition of 'pest species'.

Table 5.5: Q10 – If you answered ‘no’ to Question 9, which of the following mammals should be included in the definition of ‘pest’ species?

Type of wild mammal	Organisations	Individuals	Total
	Number (%)	Number (%)	Number (%)
Hares should be included	0 (0%)	375 (6%)	375 (6%)
Stoats should be included	1 (3%)	468 (7%)	469 (7%)
Mink should be included	4 (14%)	989 (15%)	993 (15%)
Weasels should be included	2 (7%)	455 (7%)	457 (7%)
None of the mammals listed should be included	24 (83%)	5,501 (85%)	5,525 (85%)
Base*	29	6,498	6,527

* The base figures shown here relate to the numbers of respondents who answered ‘no’ at Question 9 AND who ticked one or more of the boxes at Question 10. These figures do not include respondents who answered ‘no’ at Question 6 and made comments at Question 10 without ticking one of the boxes. As multiple responses were permitted at this question, column totals do not sum to 100%.

5.49 Question 10 invited respondents to provide further comments to explain their views. The sections below present the views of those who disagreed with the definition of ‘pest species’, before presenting the views of those who agreed with the definition. (Note that comments specifically on the use of dogs for controlling such species have already been discussed at paragraph 5.35 to 5.41 above.)

Views of those who disagreed with the definition of pest species

5.50 Those who disagreed with the use of dogs to flush pests (Question 8) and / or wished to see a wider ban on hunting with dogs offered two main views in explaining why they disagreed with the definition of ‘pest species’:

- Some respondents said that all animals were sentient beings and had a right to live, free from harm, and all should be afforded equal protection under the law. These respondents did not think that **any** animals should be classed as ‘pests’.
- Other respondents disagreed with the use of the word ‘pest’ and argued that the concept of ‘pest species’ was ‘not scientific, ethical or logical’, was ‘subjective’ or was a ‘human construct’ that devalued species and legitimised cruelty. This reflected the response suggested by OneKind in their guidance on responding to the consultation. Respondents called for this term to be removed from legislation. Some respondents offering this view, nevertheless, accepted that animal populations sometimes presented problems and may need to be managed (e.g. because of excessive numbers or serious risk to human or animal health). However, they argued that this required an approach based on ‘pest characteristics’ rather than ‘pest species’, or should be evidenced on a case-by-case basis. Animal welfare and rights organisations, in particular, highlighted the principles of ethical wildlife control as providing a framework for guiding decision making in such situations.

5.51 Occasionally, respondents in this group said that the definition of pest species should be reserved for non-native invasive species only.

5.52 Those who agreed with the use of dogs to flush pests and / or did not call for a wider ban on hunting with dogs were less likely than other respondents to disagree with the definition of pest species. However, those that did offered two main viewpoints.

- Most commonly, respondents in this group thought the definition of 'pest species' was too narrow or too prescriptive. These respondents said the definition should include all wildlife or other additional specific species, or should be reformulated to take account of pest behaviour, population numbers and the various circumstances in which different species might be regarded as pests.
- Less often, respondents in this group thought the definition should be made more restrictive, by limiting the species included to (i) non-native species, (ii) species that share dwelling space with humans, or (iii) species that are a threat to diversity, wildlife, livestock and crops. In some instances, respondents expressed concern about the inclusion of particular species in the definition – in most cases querying if hares should be included (see paragraph 5.54).

Views on the inclusion of individual species in the definition of pest

5.53 Although most respondents discussed their views on the definition of 'pest species' in a general sense, some commented more specifically on the inclusion (or exclusion) of the four listed species.

5.54 Among those that did so, there was a common view that **hares and, albeit to a lesser extent, stoats and weasels** should not be included in the definition. Respondents argued that these animals were native to Scotland and played an important part in local ecosystems, were not present in excessive numbers (and in some cases were declining in numbers and / or, in the case of mountain hares, had protected status); and did not do significant damage to wildlife, crops or livestock. Interference with game birds and shooting activities was specifically not regarded as justification for classification as a pest.

5.55 In contrast, those who thought these species should be included in the definition of pest generally argued that they existed in high numbers and caused significant damage in the countryside. They also raised specific points in relation to individual species as follows:

- Hares were said to be carriers of disease and to cause extensive damage to crops.
- Stoats and weasels were identified as a serious threat to hens and eggs on farms, and to wildlife and ground-nesting birds. In particular, the serious impact on rare bird species in Orkney – where stoats had been introduced as a non-native species – was noted.

5.56 Views with regard to **mink** were somewhat different. Respondents frequently pointed out that mink was a non-native invasive species that caused significant harm in the Scottish countryside and needed to be controlled (or eradicated) to protect local biodiversity and native species. Some nevertheless thought that any population control should be carried out humanely and / or under licence. However, other respondents thought that the non-native status of minks was irrelevant to their classification as a pest, arguing instead that, like the other animals listed, their numbers were low and any harm done was minimal.

5.57 Some respondents also mentioned **foxes**, arguing both for and against their inclusion in the definition of pest species. Foxes are defined as a pest species in the 2002 Act, but Question 9 did not specifically ask respondents for views on this.

Other animals that should be included in the definition of pest species

5.58 Around a tenth of those who responded to this question suggested other animals that should be included within the definition of 'pest species'. The most frequently mentioned animals were badgers, beavers, rabbits, grey squirrels, rats, mice and deer, with respondents citing the harm or damage caused by the suggested species. Species mentioned less often included otters, pine martens, seagulls, seals, rodents (in general), feral cats, pole cats, ferrets, and moles.

Views of those who agreed with the definition of 'pest species'

5.59 Although Question 10 was directed at those who disagreed with the definition of 'pest species', some respondents who agreed with the definition also provided comments. For the most part, these respondents commented in general terms saying that (i) all species (including those listed) needed to be controlled when populations become too great in a local area in order to achieve an appropriate balance in nature and to protect wildlife, crops and livestock, or that (ii) any mammal causing damage and creating a problem should be controlled. Some suggested that there should be a process for making changes to the species listed in the definition.

5.60 In a few cases, respondents in this group qualified their answer by saying that the classification as a pest species should be determined at a local level, or that no endangered species should be included within the definition.

6. Hare coursing (Q11)

6.1 The 2002 Act prohibits the hunting of hares with dogs in Scotland (hare coursing). The consultation paper noted, however, that illegal hunting of hares still takes place. This has implications for animal welfare and also causes significant problems for people living in rural communities. Question 11 sought views on whether and how the law could be strengthened to tackle hare coursing.

Question 11: Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland? [Yes / No / Don't know] Please explain the reason for your answer here.

6.2 Question 11 asked for respondents' views on whether current legislation provides sufficient protection to tackle hare coursing in Scotland (Table 6.1).

6.3 Table 6.1 shows that overall, around a fifth of respondents (20%) thought current legislation provided sufficient protection against hare coursing, and two-thirds (67%) thought it did not. More than a tenth of respondents (13%) answered 'don't know' to this question. The proportion of organisations who thought the current legislation provided sufficient protection (31%) was slightly higher than for individuals (20%).

6.4 As would be expected, views on this question differed substantially depending on whether or not the respondent wished to see a ban on all hunting with dogs. In particular, among those who wanted a ban, no organisations and just 2% of individuals thought the current legislation provided sufficient protection. By contrast, opinions were more divided among those who did not call for a ban. In this group, just under a half of organisations (47%) and a third of individuals (33%) thought that the current legislation provided sufficient protection, compared with a third of organisations (33%) and half of individuals (50%) who thought it did not.

Table 6.1: Q11 – Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland?

Respondent type	Yes	No	Don't know	Total
	Number (%)	Number (%)	Number (%)	Number (%)
Organisations				
Wants a ban	0 (0%)	11 (73%)	4 (27%)	15 (100%)
Does not request a ban	14 (47%)	10 (33%)	6 (20%)	30 (100%)
Total organisations	14 (31%)	21 (47%)	10 (22%)	45 (100%)
Individuals				
Wants a ban	91 (2%)	3,681 (89%)	376 (9%)	4,148 (100%)
Does not request a ban	1,830 (33%)	2,749 (50%)	911 (17%)	5,490 (100%)
Total individuals	1,921 (20%)	6,430 (67%)	1,287 (13%)	9,638 (100%)
Total, organisations and individuals	1,935 (20%)	6,451 (67%)	1,297 (13%)	9,683 (100%)

Note: Percentages may not total 100% due to rounding.

6.5 In terms of the campaigns:

- The British Association for Shooting and Conservation, and the Postal campaign advised respondents to tick 'yes' at Question 11
- OneKind advised respondents to tick 'don't know'
- The Keep the Ban campaign advised respondents to tick 'no'
- The Scottish Countryside Alliance and the Lobby Network campaign did not provide any advice on how to answer Question 11.

6.6 Note that, in their comments at Question 11, respondents often made reference to and compared the provisions of the Protection of Wild Mammals (Scotland) Act 2002 (referred to below as the 2002 Act) and the Wildlife and Countryside Act 1981 (referred to below as the 1981 Act) – suggesting that there should be greater alignment between these two laws. Further details of these suggestions are discussed below.

Views that current legislation provides sufficient protection

6.7 Respondents who answered 'yes' at Question 11 made three main points.

6.8 The main point – raised both by organisations and individuals – was that current legislation already makes hare coursing illegal. Some respondents cited Lord Bonomy's review report, claiming that 'where there is sufficient evidence, hare coursing is prosecuted'. The problem, as this group saw it, **was not the legislation, but the challenge of enforcing it**. Respondents frequently noted that hare coursing generally takes place in isolated rural areas, often at night, and the individuals who engage in this activity are perceived to be intimidating or aggressive when approached. Respondents in this group thought that legislation did not need to change, but that additional resources were needed for the police to support enforcement.

6.9 A second point – mainly expressed by individuals – was that strengthening the legislation would make no difference. These respondents said that people who take part in hare coursing are already breaking the law, and new laws are unlikely to change their behaviour. Others commented that hare coursing is largely practised by the travelling community, and within this community, it is a long-established tradition which is unlikely to change as a result of the introduction of new legislation. Some respondents went further and suggested that hare coursing among the travelling community should not be interfered with as the community relied on this form of hunting for food.

6.10 A third, less common point – again, mainly raised by individuals – was that hare coursing is not a significant problem, and that any problems related to hare coursing have only arisen since it was made illegal. Some respondents with this view suggested that farmers have no real issue with hare coursing since hares are considered to be pests. (Note, however, not all respondents agreed with this view.) There were also suggestions that, in fact, hare coursing was preferable to shooting hares as this would result in the removal of weaker animals and lead to a healthier breeding stock of hares. Other respondents thought that the practice of hare coursing was relatively uncommon, and that it did not ultimately affect the population of hares. In addition, there was also a view that local

populations of hares in some parts of Scotland were flourishing; some respondents therefore questioned whether there was a need to protect hares at all.

6.11 Some of those who answered 'yes' to Question 11 nevertheless went on to make suggestions for tackling hare coursing. However, unlike those who answered 'no', the suggestions from this group generally focused on making changes to other wildlife legislation. For example, it was suggested that the 1981 Act should be amended to provide for the disqualification of a person from owning or keeping a dog (a provision currently included in the 2002 Act). Some respondents in this group also said they welcomed the tougher penalties for hare coursing introduced by the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020, but they thought there may be a lack of awareness of these changes among the police and the courts.

6.12 Very occasionally, respondents answering 'yes' at Question 11 suggested that greater penalties (heavier fines and jail terms) were need for those found guilty of hare coursing.

6.13 Finally, Table 6.1 above showed that, among individual respondents who wanted a ban on hunting, around 2% (92 out of 4,148) answered 'yes' to Question 11. In their comments, this group generally asserted that current legislation on hare coursing was not being enforced, that the legislation was **difficult** to enforce, or that the current penalties did not provide sufficient deterrence. This group wanted an increase in fines, an increase in prison sentences, confiscation of vehicles, prosecution of landowners (if it could be proved that they were complicit), and a ban for life on owning animals. As these views largely repeated those of respondents who answered 'no' at this question (see below), it is possible that many of these individuals ticked 'yes' in error. Alternatively, this group may have been making a distinction between the law in general (which they thought was sufficient) and the penalties available and / or being handed down by the courts (which they did not think were sufficient).

Views that current legislation does not provide sufficient protection

6.14 As Table 6.1 showed, respondents who answered 'no' at Question 11 comprised nearly half of organisations and two-thirds of individuals. This group expressed a general view that hare coursing continued to be common, and they thought (i) the current legislation was ineffective, and / or (ii) the legislation was not taken seriously by the police or the courts.

6.15 Some respondents in this group echoed points discussed above – i.e. that there are significant challenges in enforcement because of the nature of the crime, and that the police need more resources to tackle this issue (and other forms of rural crime). Some respondents in this group perceived that hare coursing was largely practised by local 'gangs', with connections to organised crime. However, this group was much more likely to say that there are too many loopholes in the current legislation which contribute to the difficulties in enforcement.

6.16 Organisational respondents, in particular, often suggested specific ways of strengthening the legislation, and highlighted the following:

- Individuals accused of hare coursing can falsely claim that they were simply walking their dog off lead when it ran off – or that they were hunting rabbits, which are not currently covered by the 2002 Act. Legislation, therefore, needs to be changed to require a person to have their dog under control at all times and make it illegal to hunt rabbits with dogs.
- The use of the term ‘deliberate’ in the 2002 Act means that there is a requirement to prove that an individual has **intentionally** set their dog onto a hare. This is difficult to prove, and many prosecutions fail on this point. The legislation should be amended to adopt the terminology ‘wilfully or recklessly’.
- The 1981 Act allows single witness evidence in relation to poaching incidents, whereas the 2002 Act requires two witnesses in relation to hare coursing. The 2002 Act should be changed to align with the 1981 Act on this point.

6.17 In addition to the specific suggestions regarding changes to legislation discussed above, organisational and individual respondents made a range of other suggestions, which they believed would help to tackle hare coursing. These included:

- **Increasing fines and other penalties:** Individuals who submitted responses as part of the Keep the Ban campaign stated that a £5,000 fine and / or 6 months imprisonment did not provide a sufficient deterrent.¹⁸ Other (mainly individual) respondents also called for fines to be substantially increased (suggestions ranged from £25,000 to £50,000) and for prison sentences to also be increased (suggestions ranged from a two-year minimum to 15 years). Some respondents said that any person found guilty of hare coursing should, as a matter of routine, have their dogs removed from them and be banned from keeping dogs and other animals for life. Any vehicles or guns used in the crime should also be confiscated.
- **Increase public awareness:** Respondents (mainly organisations) also suggested that there was a need to educate members of the public to report hare coursing when they see it. There was a perception that members of the public may not realise this activity is illegal, and may not know who to contact (and the importance of urgency in doing so) when they witness hare coursing. There was a suggestion that it may be beneficial to allow those reporting incidents of hare coursing to do so anonymously via the Crimestoppers service.

6.18 Some organisations highlighted what they saw as the confused messages inherent in the existing legislation which made hare coursing illegal but at the same time described hares as a ‘pest’ species and enabled licences to be issued to grouse moor managers to shoot mountain hares as ‘vermin’.

6.19 Finally, more than half of the respondents who answered ‘no’ at Question 11 were individuals who wanted a ban on all forms of hunting with dogs. Comments from this group indicated a preference for a ban on all forms of hunting – including all forms of hare hunting

¹⁸ At the time of the consultation, the penalties for offences under the 2002 Act had been recently increased (to a maximum of 5 years imprisonment and / or unlimited fine). However, the actual sentences issued by the courts for convicted crimes tended to be far lower.

– and especially any hunting done for ‘pleasure’ or ‘sport’. Whilst many made the same suggestions discussed above, it was also relatively common for this group to not directly address the question, but simply to restate their opposition to hunting, and reiterate their view that ‘all animals have the right to live pain and stress free’.

Uncertainty about whether current legislation provides sufficient protection

6.20 Respondents who answered ‘don’t know’ at Question 11 made three types of comment. First, some said they simply did not know enough about the subject to have an opinion. A second group (including some organisations) expressed certainty that hare coursing continues to be practised, but they were unsure whether this was due to a weakness in the legislation or a lack of enforcement. Respondents in this group often called for more resources for enforcement. A third group thought that hare coursing should never have been banned, or that it should be licensed, rather than banned. Within this latter group were some who thought this was a relatively harmless activity which is used by some to hunt a ‘hare for the pot’, thus usefully removing weak hares from the population.

7. Other comments (Q12)

7.1 The final question in the consultation invited any other comments from respondents concerning the measures outlined in the consultation document in relation to the hunting of wild mammals with dogs.

Question 12: If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here.

7.2 Many respondents used Question 12 to reprise their views as to whether there should be (i) a full ban on hunting, (ii) no change to the current legislation, or (iii) fewer restrictions on the use of dogs for pest control. Respondents also rehearsed the various arguments from their own perspective about the extent to which animal welfare, pest control, and environmental and / or conservation considerations did or did not support the current proposals to limit the number of dogs allowed to hunt to two. These arguments and perspectives, which are covered both in the various campaign texts as well as in the preceding analysis of Questions 1 to 11 above, are not repeated here.

7.3 In addition, in their responses to Question 12, some individuals provided – sometimes lengthy – personal accounts of their own experiences. These personal accounts were explicitly linked to the wider views of respondents on the proposals outlined in the consultation.

7.4 The main topics covered at Question 12, but not covered in the comments made at earlier questions were:

- The consultation process, and the way the consultation questions were ‘framed’
- Wider impacts / potential wider impacts of implementing the proposals
- The role of public opinion
- Issues relating to the current legislation, or requirements for future legislation.¹⁹

7.5 Each of these is discussed briefly below.

The consultation process

7.6 Some of the individuals who favoured a more stringent approach to hunting with dogs explicitly expressed their satisfaction with the consultation process. They welcomed the ‘direction of travel’ of the Scottish Government in relation to the issues under consideration, and the commitment in the consultation document to put animal welfare at the centre of wildlife management.

¹⁹ Note that issues relating to licensing arrangements were also often discussed at Question 12. However, given that licensing arrangements were also raised earlier in the consultation – in response to Question 2 – the material provided at Question 12 was combined with that provided at Question 2, and has been reported in Chapter 3 (paragraphs 3.29 to 3.37).

7.7 By contrast, both individuals and organisations who were not in favour of the proposals made a range of critical comments about the consultation process as follows:

- Given the current political situation, and the enormity of the problems facing Scotland in relation to education, the NHS, etc., this consultation is not a priority and does not deserve the resources that have been allocated to it.
- Some asked why information was not gathered about the geographical location of respondents – and, in particular, whether or not they lived in Scotland. Those who made this point thought it is important to know where respondents were based.
- Some thought the questions were phrased in a ‘leading’ or ‘biased’ way in that they assume that a two-dog limit is acceptable and that changes to the 2002 Act are necessary. This perceived ‘lack of even-handedness’ was said to give the impression that the Scottish Government is simply ‘pandering to lobby groups’ who want a full ban on hunting. Respondents also said that this framing of the questions speaks to an urban / countryside divide in understanding the issues – see paragraph 7.12 below.
- The proposals suggest that hunting with more than two dogs will first be made unlawful and will then be permitted under licence. This, it was suggested, does not seem to be very logical. Respondents queried why hunting with more than two dogs should be made unlawful in the first place.
- Some respondents also pointed out that the consultation does not address the full range of the recommendations made by Lord Bonomy.
- Some respondents were critical of the word limit allocated to responses as they felt this did not allow them to fully explain their views.

7.8 In addition, respondents who held a range of views in relation to hunting with dogs asked why the consultation had not explicitly asked respondents whether or not they were in favour of a complete ban on hunting with dogs.

Wider impacts / potential wider impacts of the proposals

7.9 Respondents who were not in favour of the consultation proposals enumerated a range of wider impacts (i.e. wider than the impacts on pest control, animal welfare and conservation identified earlier in this report) which they thought rural communities would be subject to if a more stringent approach to hunting with dogs was introduced. These covered:

- Economic impacts: The loss of jobs in rural areas (including of vets, farriers, grooms, apprentices, hospitality services, trainers, etc.) and the increase in administration costs for businesses
- Social impacts: The loss of a social structure and way of life which brings people together and provides social occasions and opportunities to meet
- Mental health impacts: The loss of the social structure around hunts which would increase loneliness and isolation and have an adverse impact on mental health.

7.10 One countryside management organisation noted that the ‘future intent on the part of both EU and UK administrations to incentivise land management through the payment for

maintenance or improvement of environmental and species outcomes may be hampered by disincentives created by limiting predator control’.

The role of public opinion

7.11 Those respondents who wanted the Scottish Government to go further in strengthening the laws against hunting with dogs often highlighted recent survey findings which indicated that public opinion was strongly opposed to hunting with dogs. These respondents argued that this justified the ‘direction of travel’ of the Scottish Government’s thinking on this issue and provided confirmation that a strengthening of the current position was desirable.

7.12 By contrast, those who were not in favour of the Scottish Government proposals sometimes made explicit statements to the effect that reliance on public opinion did not represent ‘an evidence-based approach’ to decision making. Furthermore, some respondents in this group argued that people who lived in urban areas ‘did not understand’ or ‘were ignorant about’ the realities of rural life. There were strong views expressed that the current consultation was ‘an attack’ on the values of those living in rural areas, and that decisions about hunting with dogs were best left to those who lived in the countryside and understood the complexities and realities of rural life.

Current / future legislation

7.13 A range of specific (technical) points – additional to those already discussed earlier in this report – were made both about the current legislation and about the requirements in relation to any future legislation. Specifically:

- Any current or future legislation should be clear in relation to the use of the guns for shooting foxes, including how close the guns should be in relation to the pack. (This point was made by an animal welfare organisation.)
- Consideration should be given to the value of introducing a concept of ‘vicarious liability’ into the legislation – this would allow for the prosecution of landowners who have permitted a hunt to take place on their land if someone involved in that hunt commits an offence.
- It is important to examine the rights and case law supporting Article 8 of the ECHR, (the right to respect for one’s private and family life and home), Protocol 1 Article 1, (the right to the peaceful enjoyment of one’s possessions), and Article 11, (the right to assembly and association). These appear to be in potential conflict with the proposals, and will likely lead to legal challenge.
- There should be a re-consideration of the proposal that ‘the onus of establishing that an activity falls within one of the exceptions detailed in the 2002 Act should lie upon the person accused of an offence’. It was suggested that, as it stands, this appears to propose a change to the burden of proof in criminal cases.
- Given that, internationally, there is a generally accepted presumption against retrospective prosecutions, there should be a re-consideration of the proposal that ‘the time limit for bringing prosecutions under the 2002 Act should be extended’.

Annex 1: List of organisational respondents

The consultation received 48 organisational responses.

Animal welfare and rights organisations and groups (24)

- Ananda Animal Sanctuary
- Animal Aid
- Animal Concern Ltd
- Born Free Foundation
- Cats Liberation
- Conservatives Against Fox Hunting
- Dartford Animal Rescue
- Eyes on Animals
- Four Paws UK
- Foxhunting Evidence UK
- Heart of Argyll Wildlife Organisation
- Humberside Against Bloodsports
- Keep The Ban
- League Against Cruel Sports
- One Voice for Animals UK
- OneKind
- PETA
- Scottish Badgers
- Scottish SPCA
- Société Anti-Fourrure
- Southend Animal Rights
- UK Centre for Animal Law
- West Yorkshire Hunt Saboteurs
- Wild Animal Welfare Committee

Countryside management, sporting organisations and representative bodies (21)

- Association of Deer Management Groups (ADMG)
- The British Association for Shooting and Conservation
- British Deer Society
- British Moorlands Ltd
- Campaign for Working Dogs
- Duke of Buccleuch Hunt
- Four Burrow Hunt
- Game & Wildlife Conservation Trust
- Humane Wildlife Solutions
- The Hunting Office
- Kincardineshire Foxhounds
- Lauderdale Hunt
- Masters of Foxhounds Association (Scotland)
- NFU Scotland

- Scottish Association for Country Sports (SACS)
- Scottish Countryside Alliance
- Scottish Crofting Federation
- Scottish Gamekeepers Association
- Scottish Land & Estates
- UK Deer Track & Recovery (UKDTR)
- Veterinary Association for Wildlife Management

Other organisations (2)

- Perth Green Party
- Police Scotland Wildlife Crime Unit and Wildlife Crime Liaison Officers (joint response)
- Scottish Courts and Tribunals Service

Organisational campaign respondents

In addition, the following organisations – all sporting bodies – submitted Scottish Countryside Alliance campaign responses.

- Airedale Beagles
- Brighton Storrington Surrey & North Sussex Beagles
- Derwent Hunt
- Royal Agricultural College Beagles
- Taw Vale Beagles

Annex 2: Campaign texts

This annex provides further information about the six campaigns which provided templates or suggested text in response to the consultation. Copies of all the campaign texts are provided below. Rather than providing a standard response for supporters to use, some organisations provided commentary and suggestions to assist individuals in drafting their own responses. This commentary is also provided in this annex.

For those campaigns that did follow the structure of the consultation questionnaire, information is provided on how the text has been allocated to individual consultation questions for the purposes of analysis.

Any campaign response that was edited or otherwise personalised by the respondent was copied into the analysis database and has been included in the quantitative and qualitative analysis presented in Chapters 2 to 7 of this report.

British Association for Shooting and Conservation campaign

The British Association for Shooting and Conservation (BASC) provided a guide for supporters to complete the consultation questionnaire. Responses were received via Citizen Space. 35 campaign responses were received.

Q1: In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

No.

Q2: If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances?

Yes.

We reject the proposed two-dog limit. If the government insists on following this course of action, a provision to use more than two dogs must be created. We strongly recommend that the government reflect on the findings of the [sinto](#) the effectiveness of two dogs versus a pack. The authors clearly demonstrate that two dogs will flush fewer foxes at a slower rate and with a longer active pursuit compared with a pack. We therefore echo the sentiments of Lord Bonomy: "such a restriction could seriously compromise effective pest control in the country". There is clear evidence to suggest that this proposal will diminish land managers' ability to protect livestock. A licensing scheme is a necessity – not a choice – should the government insist on pursuing this damaging proposal. The government should also reflect on the welfare implications of a longer active pursuit for foxes.

Q3: If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

No limit.

Q4: Do you agree that the Scottish Government should ban trail hunting?

N/A.

Q5: Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow?

Yes

Dogs can be trained to track down deer that have been inadvertently injured in a range of scenarios, including by road traffic. Performing this vital service limits the extent to which deer suffer, but it is important to note that it is reliant on setting animal-based scents in the training process. A blanket ban on laying a scent would have the unintended consequence of banning the training of dogs for deer tracking and this will cause unnecessary suffering to some injured deer that need to be located by trained dogs.

Q6: For the purposes of this Bill do you agree with the current definition of wild mammal?

The 2002 Act defines a wild mammal as including 'a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild'. However, rabbits and rodents are excluded from this definition. This means that this Act does not prohibit the use of a dog or dogs to hunt and kill a rabbit/s or rodent/s. However, some species of rodents such as beavers and red squirrels are afforded certain protections within other wildlife legislation.

Yes.

Q7: N/A

Q8: For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species? The 2002 Act permits the use of dogs to flush from cover or from below ground for a number of different purposes including the purpose of 'controlling the number of a pest species'. The 2002 Act defines pest species as; foxes, hares, mink, stoats and weasels.

Yes.

Q9: For the purposes of this Bill do you agree with this definition of pest species? The 2002 Act defines “pest species” as foxes, hares, mink, stoats and weasels.

Yes.

Q10: N/A

Q11: Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland? Under the 2002 Act, it is an offence to use dogs to hunt brown and mountain hares (hare-coursing) however, we are aware that illegal hunting still continues in some areas. We are considering whether there are any further changes to the law which could discourage this practice.

Yes.

We welcome the tougher penalties for hare coursing brought about by the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020. However, we note that there is a lack of awareness of these new penalties in various quarters, including within the police, which we find concerning. Consideration should be given to ensuring statutory agencies are aware of the new penalties. We also believe that these new penalties have compelling deterrence potential. As such, we recommend that consideration is given to a campaign to highlight them as part of Operation Wingspan. We are aware that hare coursing is sometimes prosecuted as a poaching offence under the Wildlife and Countryside Act 1981. We strongly believe that there should be a provision to disqualify a person prosecuted under the 1981 Act (as amended) from owning or keeping a dog, as there is under the 2002 Act.

Q12: If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here.

We are not convinced by the proposed two dog limit. The balance of evidence indicates that such a move would make fox control less efficient, and we are concerned that there could be implications for fox welfare as a consequence of a longer pursuit time.

Use of two dogs or less is rare. The government should therefore expect to receive a considerable number of licence applications. It is therefore difficult to deduce what the point of this bill actually is. The government seems to be committed to a medial and bureaucratic approach that is predicated upon making an activity unlawful, only to then permit it to continue under licence. It calls in to question the point of making the activity unlawful in the first place.

It is important to remember that it is land managers with obligations to livestock, ground-nesting birds and game birds that will feel the implications of this proposal the most. If a land managers' ability to control foxes is irreparably compromised, or the burden of evidence required to obtain a licence is too high, then there is a legitimate case to be answered under protocol 1, article 1 (protection of property) of the European Convention of Human Rights.

Moreover, we would remind the government that any such licensing scheme that is brought to fruition must be designed to prevent harm. In the words of Lady Carmichael during her recent ruling on the lethal management of beavers: “it is not necessary that serious harm should have occurred before a licence is issued”. This principle must be applied here.

These proposals have wide-reaching ramifications. While the intent is clearly to target mounted fox hunts, it will also impact footpacks that fulfil important pest control functions – especially in dense forestry blocks. In addition, the government must ensure that exemptions are made for shooting activities. For example, if gundogs working in a beating line were to flush a fox during a pheasant drive. There is a risk that these proposals could restrict other countryside activities involving dogs. The government must ensure exemptions are put in place.

Keep the Ban campaign

Keep the Ban provided information to assist supporters in responding to the consultation. However, at the time the analysis was undertaken, the only information identified on the Keep the Ban website related to guidance on answering Question 11 (about hare coursing). This is shown in Table A2.1 below. A total of 337 campaign responses were received.

Suggested text:

[The] Maximum penalties on summary conviction only are a fine of up to Level 5 on the Standard Scale (£5,000) and/or 6 months imprisonment for offences relating to the deliberate hunting of a mammal with dogs. There should be efforts made to increase the penalties associated with the illegal hunting of wildlife in an attempt to deter this activity.

Table A2.1: Allocation of ‘Keep the Ban’ text to the consultation questions

Text	Related consultation questions
[The] Maximum penalties on summary conviction only are a fine of up to Level 5 on the Standard Scale (£5,000) and/or 6 months imprisonment for offences relating to the deliberate hunting of a mammal with dogs. There should be efforts made to increase the penalties associated with the illegal hunting of wildlife in an attempt to deter this activity.	Q11

‘Lobby Network’ campaign

This campaign provided a letter for individuals to email to the consultation via a website. The letter did not follow the structure of the consultation questionnaire. Table A2.2 provides details of how the content of the letter has been allocated to the consultation questions for the purposes of the analysis. The originator of the campaign is not known. Altogether, 2,038 campaign responses were received.

From: no-reply=lobbynetworg.org.uk@mg.lobbynetworg.org.uk; on behalf of; Lobby Network no-reply@lobbynetworg.org.uk

To: Protection of Wild Mammals Act Consultation 2021

WildMammalsActConsultation2021@gov.scot

Dear Consultation Team,

I am responding to the consultation ‘Use of dogs to control foxes and other wild mammals’. As someone who cares passionately about the Scottish countryside, its communities, and its wildlife I am concerned about some of the proposals contained within the consultation.

The consequences of these proposals are extremely serious for farmers, land managers and all those responsible for the management of pest species in Scotland, as well as the welfare of the livestock and wildlife which that management helps protect.

I particularly wanted to draw your attention to the following points:

- Two dog limit

Attempts to reduce a hunt pack to 2 dogs is not increasing the welfare of the fox. Evidence of this is clearly explained by Lord Bonomy. The two dog limit was plucked out of the air by those who support a ban on hunting, to give the impression that they lend their support to legitimate pest control. The evidence shows that a pack of dogs is more efficient at flushing and, when a fox is dispatched by dogs, it occurs almost instantaneously. Reducing the pack number to two will reduce efficiency and welfare.

- Restriction on responses

Severe word limitation on response questions does not allow for sufficient evidence to be submitted. This gives the impression that the consultation is merely a paper exercise.

- Licensing

There is no detail as to what kind of licence is being considered. Any licence that is introduced will present a number of unintended and damaging knock-on effects, and so any proposal should be thought through carefully. ScotGov should consult with individuals and organisations that will be affected by licensing, prior to implementation. What will constitute “serious” damage when a farmer applies for a licence? Who or what will be licensed?

- Protected sites

Has any consideration been given to the negative impact this will have on protected sites? How are negative impacts assessed prior to implementation? Is a European Protected Site Habitat Regulation Assessment planned prior to implementation, as the law requires?

- Trail hunting

Since trail hunting isn't generally practiced in Scotland, why is it under attack? The vast majority of packs utilise trail hunting as a lawful and legitimate practice and it is unreasonable to remove this option without justifiable and sound reasons.

- Misrepresentation of evidence from Bonomy report and Burns inquiry Why is the government choosing to ignore and misrepresent independent evidence from the reports it commissioned? Rather than heed the expert and independent advice in the reports, ScotGov seem to be pushing ahead with an agenda that totally ignores scientific evidence and a wealth of experience.

- Snaring

It was announced last week that Minister Mairi McAllan is planning to reassess the laws around snaring. It is likely that she will attempt to ban snaring and so if the hunting with dogs proposals are upheld, it will have a devastating affect on Scottish wildlife. Ground-nesting red listed species are on the brink of collapse, yet the Scottish Government seem committed to contribute to their demise.

I am also concerned that until we see any draft bill we will not have a clear view of the impact of the changes proposed. Any draft legislation must be consulted on enabling Parliament to take an informed view as to whether effective and humane fox control will remain possible, and the welfare of livestock and wildlife will remain protected. Any proposals should be fair and workable.

Yours sincerely,

<Respondent name>

<Respondent email address>

Table A2.2: Allocation of ‘Lobby Network’ text to the consultation questions

Text	Related consultation questions
<p>•Two dog limit Attempts to reduce a hunt pack to 2 dogs is not increasing the welfare of the fox. Evidence of this is clearly explained by Lord Bonomy. The two dog limit was plucked out of the air by those who support a ban on hunting, to give the impression that they lend their support to legitimate pest control. The evidence shows that a pack of dogs is more efficient at flushing and, when a fox is dispatched by dogs, it occurs almost instantaneously. Reducing the pack number to two will reduce efficiency and welfare.</p>	Q1 and Q2
<p>•Trail hunting Since trail hunting isn't generally practiced in Scotland, why is it under attack? The vast majority of packs utilise trail hunting as a lawful and legitimate practice and it is unreasonable to remove this option without justifiable and sound reasons.</p>	Q4
<p>•Restriction on responses Severe word limitation on response questions does not allow for sufficient evidence to be submitted. This gives the impression that the consultation is merely a paper exercise.</p> <p>•Licensing There is no detail as to what kind of licence is being considered. Any licence that is introduced will present a number of unintended and damaging knock-on effects, and so any proposal should be thought through carefully. ScotGov should consult with individuals and organisations that will be affected by licensing, prior to implementation. What will constitute “serious” damage when a farmer applies for a licence? Who or what will be licensed?</p> <p>•Protected sites Has any consideration been given to the negative impact this will have on protected sites? How are negative impacts assessed prior to implementation? Is a European Protected Site Habitat Regulation Assessment planned prior to implementation, as the law requires?</p> <p>•Misrepresentation of evidence from Bonomy report and Burns inquiry Why is the government choosing to ignore and misrepresent independent evidence from the reports it commissioned? Rather than heed the expert and independent advice in the reports, ScotGov seem to be pushing ahead with an agenda that totally ignores scientific evidence and a wealth of experience.</p> <p>•Snaring It was announced last week that Minister Mairi McAllan is planning to reassess the laws around snaring. It is likely that she will attempt to ban snaring and so if the hunting with dogs proposals are upheld, it will have a devastating affect on Scottish wildlife. Ground-nesting red listed species are on the brink of collapse, yet the Scottish Government seem committed to contribute to their demise.</p> <p>I am also concerned that until we see any draft bill we will not have a clear view of the impact of the changes proposed. Any draft legislation must be consulted on enabling Parliament to take an informed view as to whether effective and humane fox control will remain possible, and the welfare of livestock and wildlife will remain protected. Any proposals should be fair and workable.</p>	Q12

OneKind campaign

OneKind provided a guide on their website for supporters to complete the consultation questionnaire. Responses were received via Citizen Space. A total of 105 campaign responses were received.

Section 1 – limit on the number of dogs used to flush wild mammals

1. In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

Our suggested answer is **Yes**

There is no space for comments on this question.

Explainer: Ideally, we would not want any use of dogs to be permitted. Unfortunately, that is not given as an option here. Some exception to the law to allow killing of foxes, for example, to protect farmed animals, will probably remain. Using only two dogs to flush wild mammals to guns, although something we strongly object to, is preferable to the current situation using full packs of dogs. Answering no to this question would be understood as support for the current situation.

2. If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances? If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed (max 150 words).

Our suggested answer is **No**, with no further comment

Explainer: It seems to be inevitable that the use of two dogs is likely to be permitted in some circumstances, but we do not want to see larger numbers of dogs used. It is harder to keep larger numbers of dogs under control and there is more likelihood of a chase or of the wild mammal being killed by the dogs.

3. If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

Our suggested answer is **Max. number: 0**

There is no space for comments on this question

Section 2 – trail hunting

Do you agree that the Scottish Government should ban trail hunting?

For the purposes of this consultation we are defining trail hunting as: 'The hunting of a scent laid manually in such a way as best to simulate traditional mounted hunting activity. The trail is laid along the line a fox might take when moving across the countryside. Trail hunters use animal-based scent, primarily fox urine, a scent with which the hounds are familiar and with which it is intended they should remain familiar.'

Our suggested answer is **Yes**

There is no space for comments on this question

Explainer: The foxhunting legislation passed in England and Wales in 2004 has a two dog limit for stalking or flushing to guns (which is allowed under exemptions, similarly to our law). Since then, England and Wales have seen the establishment of trail hunting being used as a cover for illegal foxhunting. The Scottish Government aims to avoid a similar problem emerging in Scotland; if it reduces the permitted number of dogs to two, flushing to guns with a full pack will no longer be available as a cover for illegal hunting, so those looking for such a cover story may turn to trail hunting instead. It is good that the Scottish Government is pre-empting this problem, and we support a ban on trail hunting.

5. Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow? If you answered yes to question 5, please explain the reason for your answer here (max 150 words)

We suggest that you ignore this question or answer according to your own knowledge.

Explainer: There are some other reasons that a scent may be laid for dogs to follow. However, none of them should result directly in harm to wild mammals, and their use should not interfere with a ban on trail hunting.

Section 3 – mammals covered by the 2002 Act

6. For the purposes of this Bill do you agree with the current definition of wild mammal?

The 2002 Act defines a wild mammal as including 'a wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild'. However, rabbits and rodents^[3] are excluded from this definition. This means that this Act does not prohibit the use of a dog or dogs to hunt and kill a rabbit/s or rodent/s. However, some species of rodents such as beavers and red squirrels are afforded certain protections within other wildlife legislation.

Our suggested answer is **No**

7. If you answered no to question 6, do you think that:

Our suggested answers are:

Rabbits should be included in this definition

Some but not all species of rodents should be included in this definition

Please add any further comments on this section here (max 150 words):

- All mammals are known to be sentient and should receive equal protection under the law.
- Decisions should be based on evidence and ethics, not human convenience.

Explainer: This is a challenging issue. As a matter of principle, we believe all mammals should be included in this definition; because they clearly are wild mammals and because we don't believe in categorising animals to allow some to receive less protection than others.

However, some of the ways that rats and mice are currently killed, other than by dogs, are extremely cruel. These include being caught in glue traps where they may suffer immensely for hours before dying or being killed, and certain poisons that cause slow, agonising deaths. In contrast, being killed by terriers is a more humane death. If rats and mice are included in the definition of wild mammal for the purposes of this Bill, then using terriers to kill them would become illegal. A possible consequence of this is that people would then use the other, worse methods instead.

We are working to get glue traps and cruel poisons banned too. But until that happens, it may actually be better for the welfare of rats and mice to not include them under this legislation, counter intuitive as that seems.

There should be a better way to exclude them than saying that they are not wild mammals, which seems nonsensical. However, this approach is also used in other legislation. Starting from scratch we would suggest doing it differently, but as the legislation has been written it would be hard to change now.

Some other rodents, though, such as beavers and squirrels, should be included in the definition and protected under the Act, which is why we will answer 'some rodents but not all'. We would like to see rabbits included in this definition.

8. For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species?

The 2002 Act permits the use of dogs to flush from cover or from below ground for a number of different purposes including the purpose of 'controlling the number of a pest species'. The 2002 Act defines pest species as; foxes, hares, mink, stoats and weasels.

Our suggested answer is **No**

Explainer: OneKind is opposed to the use of labels like 'pest' that malign certain species and cultivate an attitude that they should be killed routinely. Animals such as foxes and rats have been vilified for so long that it is considered normal to kill them or treat them badly, without questioning the reason for doing so or possible alternatives.

We do not support the killing, harm, or disturbance of wild mammals but, when it is deemed necessary, we recommend the seven principles of ethical wildlife control should be followed. These principles say that any action taken should be justified with evidence, be well planned, and should use methods that cause the least animal suffering. Following such a framework for decision making would avoid certain animals being targeted simply because they have been labelled as 'pests'. We believe this word should be removed from the legislation, and from any use when discussing animals.

9. For the purposes of this Bill do you agree with this definition of pest species?

The 2002 Act defines "pest species" as foxes, hares, mink, stoats and weasels.

Our suggested answer is **No**

10. If you answered no to question 9, do you think that:

Our suggested answer is:

None of the mammals listed should be included in the definition of pest species

Please add any further comments on this section here (max 150 words):

- There should be no definition of pest because it is a word we should stop using.
- Calling certain species 'pests' is a way to justify giving them less protection than other animals. This is not logical, scientific, or ethical.

Section 4 – hare coursing

Under the 2002 Act, it is an offence to use dogs to hunt brown and mountain hares (hare-coursing) however, we are aware that illegal hunting still continues in some areas. We are considering whether there are any further changes to the law which could discourage this practice.

11. Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland?

Our suggested answer is **Don't Know**

Please explain the reason for your answer here (max 150 words):

- Hare coursing is still happening, which is a problem, but it is not clear if the problem is the law itself, or how it is enforced.

Section 5 – comments

12. If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here (max 350 words).

- It would be better to have no exceptions at all to the Protection of Wild Mammals (Scotland) Act 2002. However, if exceptions are to continue, they should be only for extra-ordinary circumstances and using two dogs only. The wording should be chosen carefully to avoid the type of loopholes that have so far allowed foxhunting to continue.
- For any killing, harming or disturbance to wild mammals there should be a standard decision-making process based on evidence and ethics.

'Postal' campaign

This campaign provided a pro-forma response to the consultation questions. Responses were submitted via Citizen Space, email and post. In total, 382 campaign responses were received. The originator of this campaign is not known.

Section 1: Limit on the number of dogs used to flush wild mammals

1. In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

No

2. If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances?

Yes

If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed (max 150 words)

To maintain and protect a diverse wildlife the fox population must be humanely controlled. The current law ensures this. The review by Lord Bonomy conducted at some expense by the Government found that imposing a 2 dog restriction could compromise effective pest control.

3. If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

No Limit

Section 2: Trail hunting

4. Do you agree that the Scottish Government should ban trail hunting?

No

5. Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow?

Yes

If you answered yes to question 5, please explain the reason for your answer here (max 150 words):

Training of working dogs

Section 3: Mammals covered by the 2002 Act

6. For the purposes of this Bill do you agree with the current definition of wild mammal?

Yes

7. If you answered no to question 6, do you think that:

[No answers]

Please add any further comments on this section here (max 150 words):

[No answer]

8. For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species?

Yes

9. For the purposes of this Bill do you agree with this definition of pest species?

Yes

10. If you answered no to question 9, do you think that:

[No answers]

Please add any further comments on this section here (max 150 words):

[No answer]

Section 4: Hare coursing

11. Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland?

Yes

Please explain the reason for your answer here (max 150 words):

The police need the resources to enforce the current law

Section 5: Comments

12. If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here (max 350 words).

The limit of 2 dogs is not logical and goes against the findings of the independent review by Bonomy funded by the government.

A licensing system needs to be fair and workable.

Scottish Countryside Alliance campaign

There were two slightly different versions of the Scottish Countryside Alliance campaign response. Some of the respondents participating in this campaign used just one or the other of the suggested responses, verbatim. However, others chose certain statements from both templates to form their own response.

In cases where a respondent combined texts from the two campaign templates and made no changes to these, these responses were categorised as campaign responses even if the respondent did not use **all** the texts from any one of the templates.

Altogether, 209 campaign responses were received through this campaign.

Scottish Countryside Alliance commentary on consultation questions [campaign response #1]

Q1 In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

- No. The consultation allows no further comment.

Q2 If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances? (max 150 words)

- There should be no limit. A two dog limit goes against peer reviewed science and contradicts the clear finding of the Bonomy Review.
- Agreement between all parties that flushing using two dogs is useless. As the then Chief Executive of the League Against Cruel Sports, stated in August 2005 "The gun packs have realised that pairs of dogs are utterly useless in flushing to guns...".
- Lord Bonomy recognised "...the use of packs of hounds to flush out foxes to be shot remains a significant pest control measure...I am persuaded ...not only that searching and flushing by two dogs would not be as effective as that done by a full pack of hounds, but also that imposing such a restriction could seriously compromise effective pest control in the country". If the Government wants to ensure the necessary and humane management of foxes then clearly licensing will be necessary and applied widely.
- The management of foxes is not just vital to protect livestock but is also important in protecting vulnerable species, such as ground nesting birds.

Q3 If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

- No. The consultation allows no further comment.

Q4 Do you agree that the Scottish Government should ban trail hunting?

- No. The consultation allows no further comment.

Q5 Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow? (max 150 words)

- Yes. Animal scent is vital for the training of dogs for deer tracking, which is essential for finding wounded or injured deer. Scents, whether animal-based or artificial also play a role in the training of working dogs in connection with shooting.

Q6 For the purposes of this Bill do you agree with the current definition of wild mammal?

- Yes

Q7: Ignore

Q8 For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species?

- Yes

Q9 For the purposes of this Bill do you agree with this definition of pest species?

- Yes

Q10: Ignore

Q11 Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland? (max 150 words)

- Amendments to the laws around hare poaching, which would strength court and police powers, and are currently under consideration in England and Wales, and could also be applied in Scotland.

Q12 If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here (max 350 words).

- The consultation seems to start from the false assumption that in most situations a pair of dogs is enough and that only occasionally will a pack be needed. Two dogs are useless for flushing to guns and if there is to be effective and humane fox control in Scotland there will need to be many licences issued.
- If these licences are to be the only means by which farmers and land managers can protect livestock and vulnerable wildlife, then the system needs to be fair and workable. People have a right to protect their property and a licensing system that was discriminatory, arbitrary, unduly burdensome, or where the threshold for granting a licence was set unreasonably high, would clearly breach ECHR rights, particularly Art 1 (Protocol 1).
- The consultation misrepresents the findings of Lord Burns and Lord Bonomy, suggesting a two dog limit is somehow a welfare measure preventing occasions when foxes are still killed by dogs under the current rules. As both Burns and Bonomy noted a kill by hounds is almost instantaneous and there is no risk of wounding. Lord Bonomy noted: "... The practice of using dogs or a single dog to dispatch another injured animal or orphaned cubs may seem to many distasteful. The same may be said of the sight of the breaking up of the carcass of a fox. However, the weight of the evidence, as noted in the Burns Report at paragraph 6.48, is that in the vast majority of cases the time to insensibility and death in these situations is no more than a few seconds. These provisions were enacted in the knowledge of the terms of the Burns Report..." These proposals cannot be justified by claims of some benefit in terms of animal welfare.
- The current proposals not only go beyond the available evidence, but actually go against the available science and evidence. They are unnecessary, and risk both the proper and humane management of pest species and jeopardise the welfare of livestock and many vulnerable species that benefit from fox control across Scotland.

Pro forma response based on the Scottish Countryside Alliance campaign text [campaign response #2]

Section 1 – limit on the number of dogs used to flush wild mammals

1. In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two?

Yes No Don't Know

2. If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances?

Yes No Don't Know

If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed (max 150 words):

There should be no limit. A two dog limit goes against peer reviewed science and contradicts the clear finding of the Bonomy Review. There is an agreement on all sides in this debate that using two dogs is useless in flushing foxes to guns. As the then Chief Executive of the League Against Cruel Sports, stated in August 2005 “The gun packs have realised that pairs of dogs are utterly useless in flushing to guns...”. Lord Bonomy concluded: “7.26 ...I am persuaded ...not only that searching and flushing by two dogs would not be as effective as that done by a full pack of hounds, but also that imposing such a restriction could seriously compromise effective pest control in the country”.

Given that Lord Bonomy recognised that: “3.9 ...the use of packs of hounds to flush out foxes to be shot remains a significant pest control measure, both to control the general level of foxes in an area as well as to address particular problems affecting a farm or estate.”, the need for a licensing regime, or other mechanism, to allow the continued use of packs would seem unarguable, assuming the Government still wants to ensure the necessary and humane management of foxes. Moreover, licences will need to be granted widely given that in most situations two dogs are useless. The management of foxes is not just vital to protect livestock, but is key to protecting vulnerable species, such as ground nesting birds.

3. If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.

Max. number No Limit Don't Know

Section 2 – trail hunting

4. Do you agree that the Scottish Government should ban trail hunting?

For the purposes of this consultation we are defining trail hunting as:

'The hunting of a scent laid manually in such a way as best to simulate traditional mounted hunting activity. The trail is laid along the line a fox might take when moving across the countryside. Trail hunters use animal-based scent, primarily fox urine, a scent with which the hounds are familiar and with which it is intended they should remain familiar.'

Yes No Don't Know

5. Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow?

Yes No Don't Know

If you answered yes to question 5, please explain the reason for your answer here (max 150 words):

Animal scent is essential for the training of dogs for deer tracking, which is vital for finding dead, wounded or injured deer. Scents, whether animal-based or artificial, can play a role in the training of many types of working dogs in connection with shooting activities. Training spaniels and retrievers to recover dead or injured game and training lurchers or whippets to catch rabbits that escape purse nets whilst ferreting. This banning of scent laying will have wide-ranging ramifications.

Section 3 – mammals covered by the 2002 Act

6. For the purposes of this Bill do you agree with the current definition of wild mammal?

The 2002 Act defines a wild mammal as including 'a *wild mammal which has escaped, or been released, from captivity, and any mammal which is living wild*'. However, rabbits and rodents are excluded from this definition. This means that this Act does not prohibit the use of a dog or dogs to hunt and kill a rabbit/s or rodent/s. However, some species of rodents such as beavers and red squirrels are afforded certain protections within other wildlife legislation.

Yes No Don't Know

7. If you answered no to question 6, do you think that:

Rabbits should be included in this definition

All species of rodent should be included in this definition

Some but not all species of rodents should be included in this definition

None of the mammals listed should be included in the definition

Please add any further comments on this section here (max 150 words):

8. For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a ‘pest’ species?

The 2002 Act permits the use of dogs to flush from cover or from below ground for a number of different purposes including the purpose of ‘controlling the number of a pest species’. The 2002 Act defines pest species as foxes, hares, mink, stoats and weasels.

Yes

No

Don't Know

9. For the purposes of this Bill do you agree with this definition of pest species?

The 2002 Act defines “pest species” as foxes, hares, mink, stoats and weasels.

Yes

No

Don't Know

10. If you answered no to question 9, do you think that:

- Hares should be included in the definition of pest species
- Stoats should be included in definition of pest species
- Mink should be included in the definition of pest species
- Weasels should be included in the definition of pest species
- None of the mammals listed should be included in the definition of pest species

Please add any further comments on this section here (max 150 words):

Section 4 – hare coursing

Under the 2002 Act, it is an offence to use dogs to hunt brown and mountain hares (hare-coursing) however, we are aware that illegal hunting still continues in some areas. We are considering whether there are any further changes to the law which could discourage this practice.

11. Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland?

Yes

No

Don't Know

Please explain the reason for your answer here (max 150 words):

As far as the Protection of Wild Mammals (Scotland) Act 2002 is concerned, Lord Bonython concluded: "The statistics suggest that the Act enables prosecution of offences relating to hares. When there is sufficient evidence, coursing appears to be prosecuted." Hare coursing can also be a poaching offence and prosecuted under section 11G of the Wildlife and Countryside Act 1981. However, while a person prosecuted under the 2002 Act can be subject to a disqualification order under section 9, this does not appear to be the case under the 1981 Act (as amended). Consideration might be given to addressing this apparent anomaly. The ability not simply to seize and dispose of a dog used in illegal hare coursing, but also to disqualify a person from owning, or keeping a dog is an important tool in the armoury of the police and courts against illegal hare coursing. Such a change to poaching laws is also being considered by Defra.

Section 5 – comments

12. If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here (max 350 words).

The consultation seems to start from the false assumption that in most situations a pair of dogs is enough and that only occasionally will a pack be needed. As noted above, two dogs are useless for flushing to guns. If there is to be effective fox control in Scotland there will need to be a number of licences.

If these licences are to be the only means by which farmers and land managers can protect livestock and vulnerable wildlife, then the system needs to be fair and workable. People have a right to protect their property and a licensing system that was discriminatory, arbitrary, unduly burdensome, or where the threshold for granting a licence was set unreasonably high, would clearly breach ECHR rights, particularly Art 1 (Protocol 1).

At present there is no detail as to the circumstances in which those licences would be granted, the evidential requirements on land managers to demonstrate loss and what level of loss to fox predation must be tolerated before a licence is granted. Would fox control be permitted on a preventative basis? We would note the issue of the licensing of lethal control of pest bird species which has proved anything but straightforward. It is also important to remember that those opposed to hunting in Scotland start from the premise that fox control is not necessary at all. In short, we are unable to assess what impact a licence would have as it is unclear as to who, or what, would be licenced and how that licence would work.

It has been announced recently that snaring may soon be banned. This will be catastrophic for those who rely on the effective control of foxes if the hunting with dogs proposed legislation is passed. The ways in which we can protect our livelihoods are being eroded. The biodiversity impact will be huge too as both of these proposals will adversely affect red-listed species.

Lastly, we would like to note, that the consultation links the two dog limit in England to the Burns Report. This is not the case and two dogs was always arbitrary. As Lord Bonyon correctly recognised a kill by hounds is almost instantaneous and there is no risk of wounding: “5.36... The practice of using dogs or a single dog to dispatch another injured animal or orphaned cubs may seem to many distasteful. The same may be said of the sight of the breaking up of the carcass of a fox. However, the weight of the evidence, as noted in the Burns Report at paragraph 6.48, is that in the vast majority of cases the time to insensibility and death in these situations is no more than a few seconds. These provisions were enacted in the knowledge of the terms of the Burns Report...” These proposals cannot be justified by claims of some animal welfare benefit.

The current proposals in this consultation are not only unsupported by the evidence but actually go against the available science and evidence. They are unnecessary, risk both the proper and humane management of pest species and jeopardise the welfare of livestock and many vulnerable species that benefit from fox control across Scotland.

Annex 3: Question response rates (substantive responses only)

The table below shows the number of substantive (personalised) responses received, and the percentage of all substantive responses, for each consultation question.

Question number	Question	Number of responses	% of total 9,790
1	In situations where the use of dogs is permitted, including searching for or flushing a wild mammal to waiting guns, do you think the Scottish Government should limit the number of dogs that can be used to two? [Yes / No / Don't know]	9,701	99%
2	If a two dog limit were to be introduced, should the Scottish Government introduce licensing arrangements to allow the use of more than two dogs in certain circumstances? [Yes / No / Don't know]	9,694	99%
	If you answered yes, please briefly explain the circumstances under which more than two dogs would be needed.	2,296	23%
3	If licensing arrangements to permit more than two dogs in certain circumstances were to be introduced, should there be a limit to the number of dogs that could be used? E.g. no more than four dogs, six dogs etc.[Max. number [insert] / No limit / Don't know]	9,388	96%
4	Do you agree that the Scottish Government should ban trail hunting? For the purposes of this consultation we are defining trail hunting as: 'The hunting of a scent laid manually in such a way as best to simulate traditional mounted hunting activity. The trail is laid along the line a fox might take when moving across the countryside. Trail hunters use animal-based scent, primarily fox urine, a scent with which the hounds are familiar and with which it is intended they should remain familiar.' [Yes / No / Don't know]	9,755	100%
5	Other than for the purpose of laying a trail for sport as outlined in question 4, are you aware of any other activities or circumstances which may necessitate the setting of an animal-based or artificial scent for dogs to follow? [Yes / No / Don't know]	9,572	98%
	If you answered yes to question 5, please explain the reason for your answer here.	1,469	15%
6	For the purposes of this Bill do you agree with the current definition of wild mammal? [Yes / No/ Don't know]	9,696	99%

7	<p>If you answered no to question 6, do you think that:</p> <ul style="list-style-type: none"> • Rabbits should be included in this definition • All species of rodent should be included in this definition • Some but not all species of rodents should be included in this definition • None of the mammals listed should be included in the definition 	<p>4,635 4,358 895 910</p>	<p>47% 45% 9% 9%</p>
	Please add any further comments on this section here.	1,371	14%
8	<p>For the purposes of this Bill, do you agree that a person should be allowed to use dogs to stalk, search and flush wild mammals for the purpose of controlling the number of a 'pest' species?</p> <p>The 2002 Act permits the use of dogs to flush from cover or from below ground for a number of different purposes including the purpose of 'controlling the number of a pest species'. The 2002 Act defines pest species as: foxes, hares, mink, stoats and weasels. [Yes / No/ Don't know]</p>	9,750	100%
9	<p>For the purposes of this Bill do you agree with this definition of pest species?</p> <ul style="list-style-type: none"> • The 2002 Act defines "pest species" as foxes, hares, mink, stoats and weasels. <p>[Yes / No/ Don't know]</p>	9,729	99%
10	<p>If you answered no to question 9, do you think that:</p> <ul style="list-style-type: none"> • Hares should be included in the definition of pest species • Stoats should be included in definition of pest species • Mink should be included in the definition of pest species • Weasels should be included in the definition of pest species • None of the mammals listed should be included in the definition of pest species 	<p>518 669 1,279 645 5,746</p>	<p>5% 7% 13% 7% 59%</p>
	Please add any further comments on this section here.	1,679	17%
11	Do you think the current legislation provides sufficient protection in order to tackle hare coursing in Scotland? [Yes / No / Don't know]	9,683	99%
	Please explain the reason for your answer here.	4,391	45%
12	If you have any other comments on the proposals we have set out in sections one to four of this consultation or if there are any further measures relating to the hunting of wild mammals with dogs that you think we should consider please provide them here.	4,322	44%

Annex 4: Identifying respondents who wanted a ban on hunting

The following approach was used to identify respondents who wanted a full ban on hunting with dogs:

- All those who answered '0' in response to Question 3 were assumed to want a ban on all hunting with dogs.²⁰ (Question 3 asked for views on what the maximum number of dogs should be under any licensing scheme.)
- All those who answered 'no limit' at Question 3 were categorised as 'does not request a ban'.
- In all other cases (i.e. all those respondents who answered Question 3 with something other than '0' or 'no limit'), additional text from the full response was read by a member of the analytical team.²¹ The approach used to identify those wanting / not requesting a ban for these respondents was as follows:
 - Where an explicit, definitive statement was made about banning / outlawing / making illegal the practice of all hunting / hunting with dogs / hunting any wild mammals, respondents were categorised as wanting a ban.
 - Where respondents did not say explicitly that they wanted a ban on all hunting with dogs but made a statement that the practice was barbaric / inhumane / should be consigned to history / that there is no place in a progressive country for this practice etc., a judgement was made about the respondent's overall stance on hunting. These cases were then reviewed by a second member of the team. If there was still any doubt about the intentions behind the comments, the respondent was **not** assumed to want a ban, and was classified as 'does not request a ban'.
 - Where respondents specifically said they wished to 'ban trail hunting' or 'ban hare coursing' without asking for a more general ban, the respondent was **not** assumed to want a ban, and was classified as 'does not request a ban'.

This approach led to 'tagging' 4,126 respondents (i.e. 43% of all respondents) as wanting a full ban on hunting with dogs.

²⁰ An assumption was made that all those answering '0' at Question 3 wished to see a full ban on hunting with dogs. There were over 3,000 of such respondents (see Table 3.3). It was not possible, given time constraints, to check this assumption fully. However, detailed examination of 300 records confirmed that around two-thirds of respondents who answered '0' at Question 3 made explicit statements either to the effect that they wanted, or would prefer, a full ban on hunting with dogs. The remaining third did not express a clear view in relation to a full ban, although many made comments which expressed disapproval of hunting with dogs. A small number of respondents (approximately 30 of the 300 examined) indicated 2 dogs would be acceptable in certain limited circumstances. It was therefore decided that the answer '0' at Q3 could be taken as a rough proxy for wishing to see a full ban on hunting with dogs.

²¹ In the interests of efficiency, a decision was made initially to restrict the additional reading to the text for Question 11 (on hare coursing) and the text for Question 12 (other comments). Early familiarisation with the entire database indicated that these two questions attracted more comments than other consultation questions and they both contained material that was relevant for this exercise.

The approach adopted was not precise, and there were many cases where a definitive adjudication could not be made. Additionally, a small number of respondents who were tagged because they answered '0' at Question 3 did not actually belong in this group (see footnote 20). On the other hand, there were fairly large numbers of respondents (who did not answer either '0' or 'no limit' at Question 3) who were categorised as 'does not request a ban' but whose response used words to the effect that they would 'prefer a ban' or that 'a complete ban would be better'. Overall, therefore, it is likely the **actual number** of respondents who wished to see a complete ban on hunting with dogs (had they been asked directly) is **higher** than the numbers reported in the tables in Chapters 3 to 6 of this report.



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