

**From:** [redacted s.38(1)(b)]@gov.scot> **On Behalf Of** First Minister  
**Sent:** 22 December 2022 14:56  
**To:** [redacted s.38(1)(b)]@royal.uk  
**Cc:** [redacted s.38(1)(b)]@gov.scot>; [redacted s.38(1)(b)]@royal.uk) [redacted s.38(1)(b)]@royal.uk>; [redacted s.38(1)(b)]; [redacted s.38(1)(b)]@royal.uk  
**Subject:** Hunting with Dogs Bill - Crown Consent

Dear Sir Clive

Please see attached letter from the First Ministers Principal Private Secretary, Chris Mackie regarding the above Bill. I have also attached a copy of the Bill, Policy Memorandum and explanatory notes.

Kind Regards

[redacted s.38(1)(b)]

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Rt Hon Nicola Sturgeon MSP  
First Minister of Scotland



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Sir Clive Alderton KCVO  
Buckingham Palace  
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22 December 2022

Dear Clive,

The First Minister has asked me to write to you seeking His Majesty's consent to the application of the Hunting with Dogs (Scotland) Bill to the Crown. I am writing following exchanges between [REDACTED], Morton Fraser Solicitors, the King's Solicitors in Scotland, and the Scottish Government's Legal Directorate.

[redacted  
s.38(1)(b)]

As you will be aware, the consent of His Majesty must be obtained where a Bill for an Act of the Scottish Parliament affects directly, indirectly, or by implication, the Royal prerogative, the hereditary revenues of the Crown, or the personal property or interests of the Sovereign. In this case, the Hunting with Dogs (Scotland) Bill contains some provisions that have such effects.

The Bill was introduced to the Scottish Parliament on 24 February 2022. The Scottish Parliament agreed to the general principles of the Bill at stage 1 on 25 October 2022, and the Bill passed stage 2 on 14 December 2022.

I enclose 3 copies of the Bill as amended at Stage 2 together with a copy of the Policy Memorandum and Explanatory Notes. The Bill and its accompanying documents can also be accessed on the Scottish Parliament's website at: [Hunting with Dogs \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

The Scottish Government's aim in bringing forward this Bill is to repeal and replace the Protection of Wild Mammals (Scotland) Act 2002 (the "2002 Act").

The Bill broadly replicates the provisions of the 2002 Act, but with modifications to further limit the circumstances in which it is lawful to hunt a wild mammal using a dog.

Under both the 2002 Act and Part 1 of the Bill, it is an offence to hunt a wild mammal using a dog but exceptions apply for certain activities. The Bill restates and modifies the current exceptions to the offence so as to allow the use of a dog:

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

- to search for, stalk or flush wild mammals above ground for wildlife management purposes (for example, to prevent serious damage to livestock),
- to search for or flush foxes from below ground for wildlife management purposes or to relieve the suffering of a dependent fox,
- to search for, stalk or flush wild mammals above ground to provide quarry for falconry, game shooting or deer stalking,
- to search for, stalk or flush injured wild mammals above ground to relieve their suffering,
- to search for dead wild mammals above ground,
- to search for, stalk or flush wild mammals above ground where there is an environmental benefit (for example, to eradicate an invasive non-native species as is being done in relation to stoats by the Orkney Native Wildlife Project).

The Bill also creates an offence of engaging or participating in the activity known as trail hunting, and provides for an exception to that offence to allow the training of a dog for a lawful purpose.

This follows a process of consultation and engagement, including two public consultations.

There is nothing in the Bill that directly, by itself, impinges on the Royal prerogative or the hereditary revenues of the King. However, it is considered that the Bill will require Crown consent due to its possible effect on the personal property and interests of His Majesty in Scotland. An overview of the Bill and how its provisions may affect His Majesty is set out in the attached Annex..

*I should be most grateful if you would confirm that the Hunting with Dogs (Scotland) Bill, to the extent that it affects the Crown, is acceptable to His Majesty and to signify Crown consent to the Bill. Should His Majesty be content with the proposals, consent will be signified to Parliament at the start of the Stage 3 debate, which, is scheduled to be held on 24 January 2023. It would be appreciated if you were able to reply with an electronic authorisation by 19 January and a hard copy to follow. Your help in the matters of timing described above would be greatly appreciated.*

*I am copying this letter and the Bill to the King's Solicitor in Scotland.*

*With Best Wishes*

*Chris Mackie*

**Chris Mackie**  
Principal Private Secretary