

Hunting with Dogs (Scotland) Bill

Fairer Scotland Duty

February 2022



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Fairer Scotland duty

Assessment not required declaration

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|---|---|
| Policy title | Hunting with Dogs (Scotland) Bill |
| Directorate: Division: team | Directorate environment and forestry (enfor) EnFor : Natural Resources NRD : Wildlife Legislation |
| Policy lead responsible for taking the decision | Leia Fitzgerald |

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| Rationale for decision |
| <p>An assessment under the Fairer Scotland Duty is not required because the provisions of the Bill should not have any direct or indirect implications on socio-economic inequalities.</p> <p>The Hunting with Dogs (Scotland) Bill will repeal and replace the Protection of Wild Mammals (Scotland) Act 2002 (“the 2002 Act”) which makes it an offence to hunt a wild mammal using a dog in Scotland except in limited specified circumstances.</p> <p>The Bill will broadly replicate the core provisions of the 2002 Act but will address the inconsistencies and ambiguities in the language of the 2002 Act to make the law easier to understand and to enforce. The use of dogs to hunt wild mammals in Scotland will continue to be banned except in limited specified circumstances and for certain permitted activities. Additionally, the Bill will introduce measures to:</p> <ul style="list-style-type: none">• Limit the number of dogs that can be used to search for, stalk or flush wild mammals from cover above ground to two.• Introduce a licensing regime for the use of more than two dogs to search for, stalk or flush wild mammals above ground in certain limited circumstances.• Limit the number of dogs that can be used to search for or flush foxes or mink from cover below ground to one.• Prohibit the activity known as trail hunting (the activity of directing a dog to find and follow an animal-based scent). |

The Bill will affect those who wish to lawfully use dogs within the terms of the permitted exceptions to hunt wild mammals, those who commit offences under the Bill and those who have a role in enforcing the legislation.

It is considered that the policy contained within the Bill provisions brings no discernible reduction or progress in socio-economic inequalities in Scotland or their wellbeing, and therefore an assessment under the Fairer Scotland Duty is not required.

As discussed, the Bill broadly replicates certain offences currently set out in the 2002 Act, and for those offences, the impacts on socio-economic inequalities will be identical to those faced in the current legal regime.

For the new offences created by the Bill e.g. the offence of trail hunting, there will be no additional impact on socio-economic inequalities compared to the impact of the existing offences.

Therefore, the proposals in this Bill should not result in any direct or indirect inequalities of outcome.

It is acknowledged that currently people on lower incomes may struggle to pay a fine imposed by a court. These matters will not be addressed or altered by the provisions of this Bill. The standard of proof required to prosecute those charged with an offence under the Bill remains unchanged and it is still a matter for the courts to decide the appropriate sentence to impose, taking into account all the evidence and mitigating factors presented to them.

I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:

| Name and job title of Deputy Director (or equivalent) | Date authorisation given |
|---|-------------------------------|
|  Cate Turton, Deputy Director, Natural Resources Division | 7 th February 2022 |



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