

**JUSTICE AND HOME AFFAIRS COMMITTEE**  
**SUPPLEMENTARY PAPERS FOR MEETING ON 27 SEPTEMBER 2000**

Item 3 – Protection of Wild Mammals (Scotland) Bill

Memorandum by the Scottish Gamekeepers' Association

JH/00/29/9

Correspondence from A Taylor

JH/00/29/10

Sarah Aitcheson  
25 September 2000

# **The Scottish Gamekeepers Association**

## **Submission to the Justice & Home Affairs Committee**

### **On**

## **The Protection of Wild Mammals (Scotland) Bill**

The Scottish Gamekeepers Association appreciates that the Justice & Home Affairs Committee is concerned only with the judicial aspects of the Protection of Wild Mammals (Scotland) Bill (known hereafter as the Bill).

We submit that without an understanding of the contribution made by the professional gamekeeper to Scotland's natural heritage and to Scotland's rural economy, it is impossible to accurately determine the legislative effects of the Bill.

We attach a copy of our submission to the Rural Affairs Committee, as Appendix 1, illustrating the wider implications of the Bill. The first section, entitled "Terriers", and the section at the end of page 2, "The National Parks Bill", are of particular relevance.

The SGA condemns the Bill and submits that it will have a divisive effect on rural communities. Accordingly, we dispute the validity of **all** the evidence given to this committee by the Scottish Campaign Against Hunting With Dogs (SCAHD) and their advisors.

Scotland's wildlife managers (gamekeepers) are the largest working group affected by the Bill. Having read the 28th Official Report of the Justice and Home Affairs Committee meeting, the SGA seeks permission to submit the following for the Committee's consideration:

1. It is unclear precisely what the "Licensing" intentions are. The SGA submits that licences are an unnecessary and bureaucratic expense. The SGA is concerned that the conflicting evidence given, reflects the confusion surrounding the principles of the Protection of Wild Mammals (Scotland) Bill. A further example of the muddled thinking employed in the drafting of this Bill, can be found in Section 1 (5) which states: A person who owns or keeps one or more dogs intending any of them to be used to hunt... commits an offence". Does this mean that any dog owner with a terrier or hound is a suspected criminal?
2. The recent Burns Inquiry, in England & Wales, recognises that in some areas, Terrier Work is necessary as a means of fox control (9.20). The foreword to the Consultation on the National Parks (Scotland) Bill, written by Sarah Boyack (MSP and Minister for Transport and Environment), begins: 'Scotland's natural and cultural heritage is a most precious and valuable asset. It is an essential part of what defines Scotland, what makes it special. It is worth protecting in its own right...' The SGA maintains that the putting of terriers down holes to flush out foxes so that they may be humanely shot, is integral to Scotland's unique bio-diversity.

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3. When considering the evidence given by Mike Flynn, SSPCA, the committee's Convener noted that in 1999, only four cases of wildlife crime were reported to the Procurator Fiscal - of which only two cases resulted in convictions. Given the rising rate of serious crime and the negligible figures involved in Terrier Work, the SGA questions the justification and the requirement for this legislation.
4. Assistant Chief Constable Gordon states in his evidence that he does not expect chief constables to see this bill as a major priority for police resources. Indeed, he goes on to say it might well "sit low on the list of policing activity, when compared with other more pressing demands".
  - a. Current police funding focuses on issues of **real** importance to government and to the welfare of society such as: drug dealing, theft, murder, rape and arson.
  - b. There is no financial or moral justification for adding law-abiding gamekeepers to that list.
  - c. We object to the Burden of Proof being placed on the accused. There is no parallel between those who misuse or sell drugs and the work of the professional gamekeeper. The SCAHD has failed to show why a "crime" that the police concede does not fulfill the criteria of a "Serious crime", should be classified as one that requires such harsh measures.
5. The SGA supports the evidence given by Assistant Chief Constable Gordon and by the wildlife liaison officer for Tayside Police, Alan Stewart. Relationships between police and gamekeepers/rural communities are generally constructive and crime in rural areas is generally low. If this Bill is enacted and surveillance teams descend on rural areas, these contacts will deteriorate and the police will inevitably be viewed with suspicion. Equally, Countryside Rangers would find life in rural communities untenable were this responsibility to pass to them.
6. We are concerned about the confusion surrounding dogs seized by police, in particular where the accused enters a plea of Not Guilty. Furthermore, who is going to pay for a dog's upkeep if the accused is subsequently found not guilty? Who will be responsible for the dog's welfare during its incarceration? Working dogs are often household pets and the distress caused, to all family members, by the removal of a dog who is following its instinct and its training, is draconian in the extreme.
7. In our submission to the Rural Affairs Committee, we covered the question of compensation for those whose dogs would be destroyed because of this Bill. The MLURI report to the Scottish Executive suggests that 10% of gamekeepers would lose their jobs (and their homes) if this Bill is enacted. We submit that this is a short-term view and that, long-term, numbers will be much higher; there has been no consideration by the drafters of this Bill as to what level of compensation should be payable. Nor has there been any consideration as to levels of compensation payable to land owners for loss of income due to depleted shooting stocks, nor for the inevitable drop in land value. There is of course no way that Scotland can be compensated for the loss of wildlife.

The SGA urges the Justice and Home Affairs Committee to recommend to the Parliament's lead committee on this Bill that this proposed legislation is unworkable and **unnecessarily** compromises law abiding citizens.

## Appendix 1.

### Submission to Rural Affairs Committee.

The original intention of Lord Watson's Member's Bill was to ban hunting with hounds. The Bill, as laid before Parliament, attempts to restrict many countryside activities including vermin control and rough shooting.

#### Terriers

- .. Terriers play a vital role in pest control. It is widely recognised that foxes and mustelids destroy the young of mammals and the eggs and young of ground nesting birds (including Dotterel, Hen Harriers, Golden Plovers, Capercaillie, Lapwings, Merlins and Black Grouse), not just game birds. The RSPB have recently re-imposed fox control at their Abernethy Reserve in Speyside following a dramatic decline in Capercaillie numbers. In the interest of bio-diversity, predator numbers must be controlled.
- .. Gamekeepers use terriers to bolt foxes, which are then shot. Radio collars are used to track dogs and to ensure that if necessary, the gamekeeper can dig down to the fox and humanly shoot it.
- .. Gamekeepers do not want to pay huge amounts in Vets' bills. They are fond of their dogs and the vast majority would never endanger their dogs' welfare, or its ability to work, by deliberately encouraging a fight between their dog and a fox.
- .. A ban on terrier work will not, we submit, stop the die-hard who misuse their dogs. As civilised and law abiding members of society, we abhor the violent and loutish behaviour of some football fans, but we do not seek to ban football.

#### Hounds

- ♦ Many estates and farmers employ footpicks to control foxes.
- ♦ In forested and highland areas, the use of hounds in vermin control is invaluable to gamekeepers and the SGA backs the work of the Scottish Hill Packs Association.
- ♦ The protection offered to livestock during lambing could not be replaced if the use of hounds was made illegal.
- ♦ In lowland areas, mounted packs perform a similar service.

#### Other Dog Uses

- .. Gamekeepers working near built up areas, where gun use is unsafe, are increasingly finding that lurchers play an important role in fox control (15,000 foxes per annum). A lamp is used to locate the fox; the dog is slipped from the lead and swiftly dispatches the fox. Lurchers are large dogs, easily outweighing foxes. The role of a lurcher can be likened to a terrier killing a rat.
- .. Retrievers, spaniels and Labradors are used to flush and locate rabbits and hares in agriculture and forestry.
- .. The high, dense growth of vegetation cover, which evolves during the early stages of afforestation, provides various pests with ideal cover and significant damage can be inflicted on young trees if effective forest protection is not carried out. The use of trained dogs is a vital part of this management if successful tree establishment is to be achieved.

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- ♦ Humane deer management is essential if woodland growth/regeneration is to be achieved. A deer, shot through the heart, can run for over 200 yards despite being clinically dead. For moral, ethical, sporting and financial reasons it is essential that the carcass is recovered. Dense cover or thicket stage plantation requires the use of trained tracker dogs. Different deer species require different breeds of dogs to accomplish this task and therefore a wildlife manager/stalker usually has a number of dogs to cover the wide variety of tasks they may need to perform.

## Employment

- ♦ We are concerned that the nature of the questions asked by the Macaulay Land Use Research Institute resulted in the conclusion that **in the short-term** an estimated 114 of our members will face redundancy if The Protection of Wild Mammals (Scotland) Bill becomes law, may not reflect the true picture and many more may face job losses. Without an in-depth inquiry, **the long-term** implications of this Bill are impossible to determine.
- ♦ The decline in Scotland's wild salmon stocks has seen a dramatic decrease in fishermen coming to Scotland in recent years (with hotel owners and rural shops suffering accordingly). There are plenty of good rivers elsewhere in the world; so why bother coming here? The answer is, that they do so less and less and the same would apply to those who come to shoot.
- ♦ Shooting provides employment from August through to February. Hotels and shops in rural communities depend on the sporting gun for income the winter season after the holidaymaker has returned home.
- ♦ Ultimately, like the fisherman and the sporting gun, how many tourists will suffer the high fuel costs of getting to the Highlands if there is nothing to see? Without the tourist how long will small isolated communities survive?

## Financial Implications

- .. *"Subsections (1) to (6), read with subsection (8), of the Bill permit the licensed use of dogs under close control to stalk a wild mammal, or flush it from surface cover, to swift dispatch by gun".* Who is going to pay for the issuing of these licenses?
- .. A working dog is worth between £200 and £5,000. The Scottish Gamekeepers Association would expect their members to be compensated if dogs are destroyed or rendered useless as a result of this Bill.

## Scottish Campaign Against Hunting Video

- .. The video does not depict Scottish gamekeepers and is clearly showing the work of amateurs. We note that no shotguns were used, only a pistol, which is not usual practice by gamekeepers.

## The National Parks Bill

- .. The Scottish Executive's National Parks Bill aims "To promote sustainable use of the natural resources of the area" and "To conserve and enhance the natural and cultural heritage of the area".
- ♦ Grouse shooting underpins the rich and varied biodiversity of the Cairngorms and yet Watson's Bill would remove an important tool in maintaining our endangered heather habitat: the use of terriers to flush foxes from underground. Gamekeepers are employed to provide shooting. Shooting is a huge countryside industry. It relies on a healthy abundance of game birds and animals and they in turn rely on gamekeepers to manage their habitats, provide their food and to control their predators.

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- .. Thousands of tourists admire the abundance of our flora and fauna - Scotland has one of the richest examples of biodiversity in Europe. If grouse numbers fall because of inadequate predator control, the grouse shooter cannot find his sport elsewhere. It follows therefore, that without the grouse shooter there will be little incentive for estates to manage the heather mosaic and consequently either the taxpayer will have to foot the bill or it will fall into decline, thus losing our uniquely Scottish biodiversity.
- ♦ Capercaillie & Brown Hares are Threatened Species. Action Plans have been produced for their survival. In both cases, one of the factors in their decline is increased fox predation ("Biodiversity of the Cairngorms - An Assessment of Priority Habitats and Species" p62 - Brown Hare and p76 - Capercaillie refers.)
- .. The Scottish Gamekeepers Association submits that the Protection of Wild Mammals (Scotland) Bill is contrary to the National Parks Bill, as it will clearly undermine the aims of a Park.

### **Macaulay Land Use Research Institute**

- ♦ The recently concluded Macaulay Land Use Research Institute investigation into some of the effects of this proposed Bill leaves many questions – regarding the wider implications to the rural business community (i.e.: hotels, garages, shops, restaurants etc.) - unanswered.
- ♦ The long-term effects of the Bill (sociologically, environmentally and economically) have not been investigated.

### **Policing The Bill**

- ♦ The Rural Affairs Committee will be considering the financial and practical implications of policing this Bill. We would ask that the Committee also consider the probability of this Bill creating a new tier of criminals who are currently law-abiding citizens.

An enquiry should be instigated to determine the long-term economic, environmental and sociological effects of reduced fox control. Just as a Jury must dismiss the case against the Accused if there is any reasonable doubt arising from the evidence, so too should the Rural Affairs Committee dismiss this Bill if there is **any** possibility that it may be detrimental to rural areas.

We submit that the PROTECTION OF WILD MAMMALS (SCOTLAND) BILL **will** have devastating economic, environmental and social consequences for our Country. We urge the Rural Affairs Committee to throw out this Bill in its entirety as to implement the Bill will serve no other purpose than to allow the proliferation of major pests: the fox, the mink and other mustelids.

*The Scottish Gamekeepers Association will welcome the opportunity to give Oral Evidence before the Rural Affairs Committee and to answer any questions the Members might have.*

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**Email from Ann Taylor****From:** <mailto:lyart@countryside-inter.net>**Sent:** 21 September 2000 20:35**To:** [Roseanna.cunningham.msp@scottish.parliament.uk](mailto:Roseanna.cunningham.msp@scottish.parliament.uk)**Cc:** [Scott.barrie.msp@scottish.parliament.uk](mailto:Scott.barrie.msp@scottish.parliament.uk); [phil.glaie.msp@scottish.parliament.uk](mailto:phil.glaie.msp@scottish.parliament.uk); [christine.grahame.msp@scottish.parliament.uk](mailto:christine.grahame.msp@scottish.parliament.uk); [gordon.jackson.msp@scottish.parliament.uk](mailto:gordon.jackson.msp@scottish.parliament.uk); [lyndsay.mcintosh.msp@scottish.parliament.uk](mailto:lyndsay.mcintosh.msp@scottish.parliament.uk); [kate.maclean.msp@scottish.parliament.uk](mailto:kate.maclean.msp@scottish.parliament.uk); [maureen.macmillan.msp@scottish.parliament.uk](mailto:maureen.macmillan.msp@scottish.parliament.uk); [michael.matheson.msp@scottish.parliament.uk](mailto:michael.matheson.msp@scottish.parliament.uk); [pauline.mcneill.msp@scottish.parliament.uk](mailto:pauline.mcneill.msp@scottish.parliament.uk); [euan.robson.msp@scottish.parliament.uk](mailto:euan.robson.msp@scottish.parliament.uk)**Subject:** Protection of Wild Mammals (Scotland) Bill

I have just read the Official Report of the Committee meeting on Tuesday this week, specifically of the evidence given by Bill Swann of SCAHD on the subject of hare coursing. Since this man is representing himself as an expert, I was astonished and outraged at how little he appears to know about coursing. His evidence is riddled with inaccuracies, so much so that I would seriously doubt that any credence at all can be given to it. I have attended hare coursing meetings for nearly twenty years and am a member of the Deerhound Club Coursing Sub Committee - I hope you have read the written evidence we submitted. NEVER in all that time have I heard of hares being transported in cages to a meeting run under National Coursing Club Rules. It cannot be stressed strongly enough that the object of coursing is NOT to kill hares, but to test the relative merits of two sighthounds. Releasing captive hares completely negates the object of the exercise. Under NCC rules, only wild free hares who have lived on the coursing ground for a minimum of six months may be coursed; the progress of the hare may not be impeded in any way; the hare is given at least 80 yards start before the hounds are slipped and the vast majority of hares escape completely unharmed, if a little out of breath. There are officials on the field at all times to ensure that these rules are strictly enforced to ensure the welfare of the hare. The slipper is required to make sure that hares are fit to be coursed; leverets are left alone, as is any hare that does not appear to be in prime condition. Most coursing meetings in Scotland, with the exception of the Scottish National, are walked-up. This means that there is no formal running ground and that spectators, officials, hounds and handlers walk in line behind the slipper, while the judge stations himself at a suitable vantage point. On the rare occasions when a hare is caught, it is swiftly killed by the leading dog, and on the even rarer occasions when it is not instantly killed, there are officials whose sole job is to ensure that it is removed from the dog and killed to avoid suffering. Hares are not ripped apart.

I hope you will take oral evidence from people who know what they are talking about - Bill Swann clearly either does not or is so hellbent on getting this deeply flawed and draconian Bill passed that he is prepared deliberately to lie to your Committee. Whether he has lied about coursing, or simply not bothered to acquaint himself with the facts because they don't suit his agenda, his evidence simply cannot be relied upon. Please treat it as it deserves.

Ann Taylor