The Committee will meet at 1.30 pm in Committee Room 1.

1. **Protection of Wild Mammals (Scotland) Bill (in private):** The Committee will receive a briefing on possible lines of questioning for item 2.

   *at 2.00 pm*

2. **Protection of Wild Mammals (Scotland) Bill:** The Committee will take evidence from—
   
   Dr Gill Hartley - Scottish Agricultural Science Agency  
   Mr Ian McCall – Director Scotland, The Game Conservancy Trust  
   Libby Anderson – Scottish Society for the Prevention of Cruelty to Animals  
   Andrew Knowles-Brown – The Scottish Hawk Board  
   Mrs Ann Taylor – The Deerhound Coursing Club  
   Mr John Gilmour – The Master of Foxhounds Association.

3. **Protection of Wild Mammals (Scotland) Bill:** The Committee will consider their conclusions on the evidence received in the preceding agenda item.

Richard Davies  
Clerk to the Committee
The following papers are relevant to this meeting:

Agenda item 1: Lines of questioning
A briefing paper will be sent to Committee Members only

Agenda item 2: Evidence taking on the Protection of Wild Mammals (Scotland) Bill:
Brief supplementary notes of evidence and names of witnesses and their advisers are attached.
Members are asked to bring with them copies of the Bill (SP Bill 10) and the explanatory notes and other accompanying documents (SP Bill 10 – EN) and the original evidence previously circulated (and available on the committee web page)
Members should also note the report of the Justice and Home Affairs Committee (circulated previously) which is available on the Justice Committee web page.
CONSULTATION ON THE PROTECTION OF WILD MAMMALS (SCOTLAND) BILL

This paper summarises factual information, as known to the Scottish Agricultural Science Agency, which may be of some interest in relation to the consideration of the Protection of Wild Mammals (Scotland) Bill.

1. Use of terriers for fox cub control

The table below is calculated from a 1971/72 SERAD survey on the methods used to kill adult foxes and cubs in Scotland.

<table>
<thead>
<tr>
<th>CONTROL METHOD</th>
<th>CURRENT LEGALITY</th>
<th>MEAN % ADULTS KILLED FOR 6 REGIONS</th>
<th>MEAN % CUBS KILLED FOR 6 REGIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Island traps</td>
<td>No</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Gin &amp; other traps</td>
<td>No</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>Gassing</td>
<td>~No</td>
<td>6</td>
<td>40</td>
</tr>
<tr>
<td>Snaring</td>
<td>Yes</td>
<td>57</td>
<td>8</td>
</tr>
<tr>
<td>Shooting</td>
<td>Yes</td>
<td>17</td>
<td>11</td>
</tr>
<tr>
<td>Terriers</td>
<td>Yes</td>
<td>1</td>
<td>25</td>
</tr>
</tbody>
</table>

Terriers are used to kill predominantly cubs rather than adult foxes. Two of the methods given above are now strictly illegal. Although gassing of foxes is legal, there are no products approved for use against foxes. Of these methods, only gassing represents an equivalent method to the use of terriers below ground. Extrapolating from these data, it can be estimated that in the region of 7% of adult foxes are now killed using terriers, while up to 65% of cubs are killed using these dogs. Terriers are used extensively in the more remote areas of Scotland as a means of destroying cubs in dens. This is particularly important, since foxes often den in rock cairns, where it would be impossible to dig down to them if terriers were no longer used.

With regard to the impact to agriculture, there is circumstantial evidence to suggest that lamb killing is associated with breeding foxes which are rearing cubs, and by killing the fox cubs at the den or earth, the need for the adults to obtain additional food (e.g. by taking lambs) should be eliminated. This relationship between canids, which are rearing young, and predation of livestock, has been proven for other species, such as the coyote, which occupies a similar role as predators of sheep to that of foxes in Scotland. However, this precise relationship has not been scientifically investigated in the fox.

Terriers are likely to kill young fox cubs quickly and humanely. The average weight of a terrier is approximately six to seven kilogrammes, while over the month of May, fox cubs grow from a weight of approximately 0.7 to 2.3 kilogrammes. This considerable difference in weight, size and power between an adult terrier and four to ten week old fox cubs suggests that it is unlikely that there would be a drawn out fight between the terrier and cubs.

Vixens do not lie up with their cubs once they are able to thermoregulate themselves at approximately two weeks of age. Foxes are also seasonal breeders, and so the timing of terrier use can be regulated to coincide with young fox cubs being in the den, without the presence of adult foxes (most cubs are born around mid March to early April). Thus, providing terriers are used at known breeding dens for a limited period in the spring, there is a much-reduced chance of encountering an adult fox in the den with the cubs, although clearly, this could not be guaranteed. Also, in relation to the timing of predation, foxes tend to kill lambs mainly at one to
five days old, although lambs are particularly vulnerable up to 10 days of age. In the west of Scotland, this coincides with the first half of May.

Alternative control methods would include the shooting adult foxes returning to feed the cubs. This would condemn the cubs to death through starvation, especially in areas where it is impossible to dig down to the cubs.

The Report of the Committee of Inquiry into hunting with dogs in England and Wales (2000) states that “lamping with a high powered rifle, if carried out properly and in appropriate circumstances, is the most humane way of killing a fox. But, there are a number of situations in which lamping is not practical or safe. In particular, because of the need for vehicular access, it is not usually suitable in more remote, upland areas. There is also the welfare issue of what happens to orphaned cubs when the vixen is shot during the breeding season. Terriers are used at present by gamekeepers and others to dispatch cubs which have been orphaned in this way.”

2. Use of terriers for nuisance fox control or for scientific purposes

In exceptional circumstances, urban foxes have been known to use the area beneath floorboards of domestic properties, potentially causing damage to property, with dangerous implications, such as the chewing of lead gas or water pipes. Here, it would be far easier to send down a terrier to flush out the foxes, rather than tear up all the floorboards in an effort to locate them. Furthermore, in built-up areas, one would not want to shoot any emerging foxes.

In addition, individual terriers, which are known by their behaviour not to attack foxes physically, are occasionally used to flush fox cubs out from under garden sheds and in buildings for scientific purposes. Fox cubs are then tagged, weighed and replaced, unharmed, beneath the building.

3. Use of terriers to protect property and stored crops from rats

Rats can cause considerable damage to property (gnawing electrical cables, wooden structures) and stored crops (around bale stacks and in farm buildings). The use of alternative methods such as poisoning may not always be desirable. For instance, to minimise the risks of secondary poisoning of birds of prey, including owls.

Summary

- Foxes kill livestock, predominantly lambs, in Scotland.
- There is evidence that this occurs mainly by foxes that are rearing cubs.
- Young cubs cannot be controlled effectively or humanely by shooting adult foxes above ground.
- The most effective method of controlling young cubs is the use of terriers below ground.

Dr Gill Hartley
Pesticide Usage & Wildlife Management
SASA
Ext 48804
16 November, 2000
The Game Conservancy Trust is an independent wildlife conservation charity that carries out research into game and its associated species and habitats. It is supported by 26,000 members and spends over £1.5 million annually on research undertaken by 60 scientists based at study centres across the UK.

The Trust's main areas of interest include farmland, moorland and woodland conservation, river and habitat restoration, disease, predation control and education.

Summary of The Game Conservancy Response

1. The effect of this Bill would be to restrict the use of dogs not only for the traditional hunting of foxes with hounds, but in a much wider context also.

2. In this wider sense, the use of dogs is fundamental to game management.

3. Scotland’s wildlife, including game species and their predators, are inescapably affected by human activity. Active management is thus an inescapable aspect of rural conservation.

4. Scotland’s managed game populations are world-famous. This nationally important land-use sustains rural employment, has contributed to a number of our most attractive landscapes, and significantly enhances biodiversity.

5. Encouraging increased biodiversity is a major commitment of Government. Game management delivers significant biodiversity benefits at no net cost to the taxpayer.

6. The use of dogs - in particular the use of foot packs and working terriers - is important in the control of mammalian predators of game, as well as in agriculture and wildlife conservation. This is especially the case in the rocky, wooded and hilly countryside so prevalent in Scotland. The present Bill would so reduce the list of current methods as to render control ineffective or impractical.

7. Among other mammalian pests and quarry species, the fox is an especially important predator of ground-nesting game birds and of some mammals, such as the brown hare. The fox population in Scotland as a whole, as elsewhere in Britain, has increased substantially during the last 50 years. This already makes effective control of fox numbers at both local (farm) and regional (county) scales more difficult than previously. Nevertheless, at a regional scale the present-day situation owes much to a long history of intensive control.
8 Working dogs are also crucial in other aspects of game conservation and harvesting - in particular pointing dogs, flushing dogs and retrieving dogs.

9 We question how these widespread requirements (points 6 and 8) could be functionally replaced or effectively administered through a licensing system. Provisions of the Bill to license the use of dogs for certain functions will be burdensome, complex and expensive to administer for all concerned. This is a major concern for interests such as game management that are already financially fragile.

10 It is important that the benefits delivered by Scotland’s mounted hunts are recognised. Outside the fox and cub-hunting seasons many operate as working footpacks expressly to undertake pest control particularly for hill sheep farmers.

This response prepared by:

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EH10 7AN
BIOGRAPHIES

Dr Jonathan C Reynolds, Head of Predation Control Studies, The Game Conservancy Trust.
Wildlife biologist. b. 1955; BSc with Hons at University of Durham 1976; PhD at University of East Anglia 1981;
Royal Society Overseas Fellowship at the Game Research Institute, Helsinki 1982; Overseas Research Fellow, Grimsö Wildlife Research Station, Sweden 1983-4.
Has conducted scientific research into foxes and fox control at The Game Conservancy Trust since 1985. To date
has published 14 refereed scientific papers on these subjects, and many articles in more populist media.
Conducted the only systematic studies of fox culling as currently practised, and pioneered the exploration of non-
lethal methods to control fox predation of gamebirds. Author of a special report 'Fox Control in the Countryside'
which summarised current scientific knowledge on the subject at the time of Lord Burns' Inquiry. Member of a
team of 8 scientists contracted by Lord Burns to report on the use, efficiency and effectiveness of the various
control methods employed against foxes, mink, hares and deer. Other current research interests include
conservation, welfare and efficiency aspects of spring traps used to catch small mammalian pests; strategies for
wise management of farmland/woodland pests; and sarcoptic mange in foxes.

Ian McCall BSc - Game Conservancy Trust (GCT) Director Scotland
Game Conservancy Limited (GCL) Director of Advisory Services
b. 1949; BSc with Hons in Agriculture at Wye College, London University 1972; joined the Game Conservancy in
1972 and after 3 years training became Regional Advisor South of England. In 1979 promoted Head of Advisory
Services then in 1988 moved to Perthshire to become GCT Director Scotland and GCL Director Advisory
Services. Also still conducts advisory and educational work for GCL in Northern Scotland on game conservation.
Currently serves on the Scottish Executive's Scottish Biodiversity Agriculture Working Group, Fife Biodiversity
Group's Agricultural Working Group and the Scottish Executive's Land Reform Consensus Group. Since returning
to Scotland has bought a small hill farm which he runs in partnership with his wife.
The Scottish SPCA hopes to assist the Committee by
1) offering views on definitions
2) recommending humane predator control techniques
3) discussing the welfare of hound packs after a possible ban on hunting
4) referring to animal welfare cases involving foxes, terriers and pest control methods

1) A. Definition of cruelty
For operational purposes, the Society depends on the legal definition of *cruelty* as the infliction of unnecessary suffering. In making policy, the Society uses the definition of *animal welfare* as the ability of the animal to cope with its environment. The Society considers that interference with that environment by humans – for example, by pursuing it with dogs - inflicts stress on the animal and that where this is shown to be unnecessary, it should be prohibited.

The Society notes that the 1912 Protection of Animals (Scotland) Act makes it an offence to “terrify” a captive or domestic animal, and considers that this equates with the concept of “mental cruelty” discussed at the first session of oral evidence. With increasing awareness of animal sentience comes a demand to extend such protection to as many species as possible, and the Society welcomes this.

In order to report a case of cruelty to the Procurator Fiscal, a Scottish SPCA Inspector requires evidence of unnecessary suffering. The criteria applied by Inspectors in domestic animal cases tend to be accepted in courts of law: regardless of the availability or otherwise of scientific research, pursuing, terrifying and killing in a non-instantaneous fashion has long been held to constitute cruelty to these species.

The Society has offered to facilitate post-mortem examination of hunted foxes by a prominent veterinary pathologist and repeats this offer now.

1) B. Sport or pest control?
The Society is not opposed to legitimate predator control provided it is carried out in as humane a manner as possible. However, as stated above, the Society seeks the reduction of suffering in any activity involving animals.

*Traditional mounted hunting* is not an effective pest control measure, as kill figures show. It is therefore, primarily a sport.

*Hare coursing* is purely a sporting activity in that it serves no pest control purpose, is attended by many spectators and is the subject of betting.

*Footpacks using hounds* are primarily engaged in predator control.

*Use of terriers* is primarily for pest control but the Society has encountered cases where the practice was obviously carried out for enjoyment. The Society notes that only 25 per cent of terrier operators are members of the National Working Terrier Federation and subject to its codes of practice. The Society accepts that most grant-aided terrier clubs, farmers and gamekeepers using terriers are engaged in pest control. Nonetheless the Society believes
they should now review their practices in the light of improved awareness of animal welfare and humane methods.

2) Humane predator control techniques
The Society notes that most foxes are killed by shooting and views this as the only humane method of despatch. Hand-held lamps now make night shooting in remote areas more feasible.

Culling at earth is a viable technique practised by many farmers. The Society is aware of the welfare issues surrounding orphaned cubs, if a vixen is shot in springtime. The Society agrees with the recommendation by SCAHD that culling is best practised in autumn, when the pre-breeding population is lower and there are no dependent cubs. Population control studies show this to be the most effective time to cull.

Practitioners could adopt a code of practice involving a close season when cubs are vulnerable, with possible exemptions for “rogue” foxes known to take lambs.

3) Welfare of hound packs in the event of a ban on hunting
There is understandable concern about the fate of hounds made redundant if traditional hunting is made illegal. The Society has stated that it expects owners to act responsibly and if necessary to mitigate the effect of any ban by keeping breeding to a minimum. Strictly speaking a humane cull of hounds is no more a welfare concern than the humane destruction of a single dog, as carried out currently by the hunts. However there is distaste for unnecessary destruction of healthy dogs and the Society would, if necessary, try to work with other agencies to identify those dogs which may be suitable for re-homing.

4) Animal welfare cases
In recent years the Society has investigated cases of illegal fox- and badger-baiting, failure to obtain veterinary treatment for terriers, cruelty to animals in connection with terrier training, stopping of earths/badger setts, illegal use of traps and snares, and allegations of cruelty to hunt horses.

The Society was required to comment on one case where four terriers were set to bait a pregnant vixen above ground and, after twenty minutes, had not succeeded in killing it. In the light of this case the Society considers it likely that underground encounters between fox and terrier would compromise both animals’ welfare even more severely.

LA
16/11/00
Attendees to give oral evidence on 21st November 2000

Representative: Andrew Knowles-Brown
Chairman of Scottish Hawk Board
Chairman of Scottish Hawking Club
Treasurer of British Falconers Club (Scottish Group)
Scottish Hawk Board UK Hawk Board Representative
Scottish Hawking Club UK Hawk Board Representative

Andrew Knowles-Brown has been a practicing field falconer for 35 years; and has been resident in Scotland for the past 15 years. He has flown most of the indigenous Falcons, Hawks and Eagles that are recognised as suitable to be flown for falconry purposes in this country.
He has also bred a number of Falcons, Hawks and Eagles.
He currently has a male Golden Eagle, which he flies in conjunction with a pair of German Shorthaired Pointers that are used to locate and flush quarry.

Adviser Marian Sherwood
Secretary of the Scottish Hawk Board
Secretary and Librarian of the British Falconers’ Club (Scottish Group)

Marian Sherwood has been a practising field falconer for 11 years and is currently flying her own-bred Harris Hawk. Over the past twenty years, she has been involved in breeding a variety of species of Eagles, Hawks, Falcons and Buzzards and is a keen conservationist.

Adviser Graham Whiting
Committee member of the Scottish Hawking Club
Scottish Hawking Club representative to the Scottish Hawk Board

Graham Whiting has been a practicing field falconer for 10 years; he is currently flying a Harris Hawk. One of a pair with which he hopes to breed. He has had a lifelong interest in birds of prey, and their behaviour.
Main Points of Evidence

- The Scottish Hawk Boards primary concern regarding this bill is the protection of falconry.
- This current bill for the Protection of wild Mammals has inadvertently (or otherwise) trapped the legitimate activities of falconers, who choose to use dogs to hunt game such as rabbit or hare for the search, flush and capture by their hawk.
- Falconry has been traced back at least 3000 years, with the use of dogs to search and flush quarry well documented.
- Hares are a legitimate quarry species for a number of hawks and eagles to take; this bill would prevent the use of dogs to search and flush hares.
- Rabbits are a legitimate quarry species for a number of hawks and eagles to take; this bill would prevent the use of dogs to search and flush rabbits.
- Falconers frequently use 2 or more dogs to cover large tracts of open moorland in search of quarry.
- Lord Watson was informed prior to this bills publication and made aware that any proposed legislation similar to that included within the Foster Bill would affect falconry.
- Mr Ward (Advocate for Animals) was informed prior to this bills publication and made aware that any proposed legislation similar to that included within the Foster Bill would affect falconry.
- Both Lord Watson and Mr Ward made categorical assurances before publication, that the bill when published would not affect falconry.
- This bill was widely advertised as an anti hunting bill and as such the majority of the general public expect it to affect the hunting of foxes on horseback using hounds, or hare coursing, not falconry.
- This badly drafted bill should be withdrawn and redrafted to outlaw exactly what this bill was advertised as prohibiting. Falconry should not be affected by default with an exemption for our sport added later.
- Falconry and raptor keeping is an increasingly popular hobby in the UK. Up to 20,000 individuals keep raptors (*1).
- 21% of bird of prey keepers make border crossings within the UK, most will be into Scotland (*1). This does not include numbers of European falconers coming to Scotland. This bill will affect the economy of Scotland.
- With an estimated 13.5% of raptor keepers in the UK living in Scotland they alone generate over £1,000,000.00 to the Scottish economy (*1)

(*1) Fiscal Study of Raptor Keeping in the UK (Casper)

Crookedstane Elvanfoot By Biggar Lanarkshire ML12 6RL
Tel/Fax: 01864 505245 e-mail Scothawkbd@aol.com
Chairman: Andrew Knowles-Brown - Vice Chair: Emma Ford - Secretary: Marian Sherwood
Treasurer: Janet Payne - Press Officer: Brian Morris Tel 0467 358859
The Scottish Deerhound is Scotland’s only native hound. It was developed over centuries to be a superb hunting dog whose prime function was to pursue and capture red deer. To do this, the dog needed a unique combination of speed, agility, courage, strength and stamina. Coupled with this is the delightful docile temperament which is a hallmark of the breed. The Deerhound, although little recognised in its own country, is a potent symbol of Scotland and has an international following. Scottish-bred dogs are highly sought after and exported world-wide. However, since there are only about 200 puppies registered with the Kennel Club each year in the UK, most of them stay in Britain. At any time in Scotland there will be fewer than 100 Deerhounds, so the breed is a very rare part of Scotland’s heritage, and greatly cherished by those of us lucky enough to own them.

When the Deer Act of 1951 was passed, it became illegal in Scotland to use dogs to take deer and the Deerhound finally lost the work for which it was developed. In order to maintain working ability in the breed and to prevent any deviation from the correct type handed down to us, breed enthusiasts started to hold private hare coursing meetings by invitation of sympathetic landowners. Deerhound coursing meetings under National Coursing Club rules, modified for Deerhounds, have been held in Scotland every year since 1954. The same dogs are coursed and shown. Indeed, some of the top winners in the field are also champions in the show ring.

Those of us who course our hounds do so out of a firmly held conviction that the Deerhound’s working instincts and ability absolutely must be retained as an essential part of its make-up. Coursing is the only legal way left to us to test this. The hares in question are all wild and have lived on the ground for at least six months. Although the hare is not the Deerhound’s natural quarry, it does provide the best means to test speed, agility and stamina. However, the Deerhound is a large, relatively heavy animal and seldom catches the hare, although it tries very hard. The hare is much nimbler and loses the hounds very easily on the turn. As a result, the hare provides the hounds with some very testing work and usually escapes unharmed, if out of breath. As a prey species, the hare is perfectly adapted to escape from a pursuer and then return to whatever it was doing before the chase and a coursing day is carefully arranged to avoid the possibility of coursing a hare for a second time, although the hounds may have to run up to four times in order to decide the stakes. The few hares killed during a meeting are sold by the estate, for human consumption, at the end of the meeting.

We do not accept that there is a case to be made that coursing is inherently cruel, but rather we assert that it protects and adds value to the hare population as a whole on the farms and estates where we are invited to hold meetings. In order to run a successful meeting, hare numbers must be high enough to guarantee at least twice as many as are actually needed to
run the stakes. The hare is therefore preserved as a game animal, rather than shot as an agricultural pest.

When the Scottish Parliament was established, one of the first things it did, in the face of media controversy and public opposition, was to get rid of Section 2A. It took considerable courage for MSPs to vote for what they believed was the right thing to do and to protect the rights and interests of a minority of Scottish citizens. The law-abiding minority of us who hunt with hounds expect no less consideration. Hunting should be a matter for personal conscience, not for legislation, and our conscience is clear.