RURAL AFFAIRS COMMITTEE

AGENDA

33rd Meeting, 2000 (Session 1)

Tuesday 28 November 2000

The Committee will meet at 2.00 pm in The Chamber, Assembly Hall, The Mound, Edinburgh.

1. Subordinate Legislation: The Committee will consider the following instruments under the negative procedure—

   The Dairy Produce Quotas Amendment (No.2) (Scotland) Regulations 2000 (SSI 2000/391)

   The Potatoes Originating in Egypt (Amendment (No.2) (Scotland) Regulations 2000 (SSI 2000/393)

2. Subordinate Legislation: The Committee will debate—

   Motion S1M-1369 by Ross Finnie: That the Rural Affairs Committee recommends that The Mink Keeping (Scotland) Order 2000 (SSI 2000/400) be approved.

   Motion S1M-1337 by Ross Finnie: That the Rural Affairs Committee recommends that the draft The Welfare of Farmed Animals (Scotland) Regulations 2000 (SSI 2000/draft) be approved.

3. Protection of Wild Mammals (Scotland) Bill: The Committee will take evidence at stage 1 from—

   Barry Wade – National Working Terrier Federation

   Robbie Rowantree – Scottish Hill Packs Association

   Alex Hogg – Scottish Gamekeepers Association

   Colin Shedden – British Association for Shooting and Conservation

   David Coulthread – League Against Cruel Sports


4. Protection of Wild Mammals (Scotland) Bill: The Committee will consider their conclusions on the evidence received in the preceding agenda item.
5  **Salmon Conservation (Scotland) Bill**: The Committee will consider the order of consideration of this Bill at Stage 2.

**Richard Davies**
Clerk to the Committee

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**The following papers are relevant to this meeting:**

**Agenda item 1: Subordinate Legislation**
Copies of SSI’s 2000/391 and 2000/393 are attached along with Executive Notes from SERAD
Copies of the Subordinate Legislation Committee report on SSI 2000/391 will be circulated on Friday.

**Agenda item 2: Subordinate Legislation**:
A cover note by the Clerk, with copies of the SSI’s, SERAD explanatory notes, and the report of the Subordinate Legislation Committee are attached.

**Agenda Item 3: 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—
• the original evidence previously circulated (and available on the committee web page) and
• copies of the Bill (SP Bill 10), the explanatory notes and other accompanying documents (SP Bill 10 – EN)
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
General Procedure note

1. These two instruments have been referred to the Rural Affairs Committee. They have been laid under the "affirmative procedure" which means that Parliament must approve the instrument before it may come into force. In the case of the Mink Keeping (Scotland) Order, the instrument must be approved within 28 days. The committee must consider motions for approval of both instruments.

2. Under Rule 10.6, the Rural Affairs Committee is required to report to the Parliament with its recommendation on whether to approve the instruments. The Deputy Minister and supporting Officials are ready to speak to both Orders, prior to debate on the motions, if required.

Actions required on 28 November 2000

Mink Keeping (Scotland) Order SSI 2000/400

3. Copies of the Instrument and SERAD Explanatory Memoranda are attached. The Subordinate Legislation Committee has considered this instrument and did not highlight any technical problems with it. The Order prohibits the keeping of Mink on any off-shore island apart from Arran and prohibits the keeping of mink in the rest of Scotland except under licence.

The Welfare of Farmed Animals (Scotland) Regulations SSI 2000/draft

4. The SSI and an Executive Note from SERAD are attached. The Subordinate Legislation Committee did not highlight any technical problems with the Instrument. The Order applies recent EU legislation to Scotland and replaces previous regulations on this matter.
Rural Affairs Committee

Protection of Wild Mammals (Scotland) Bill: day 3 of oral evidence at stage 1.

The witnesses and advisers appearing before the Committee are as follows—

Barry W. Wade MBCS— Chairman of the National Working Terrier Federation.
accompanied by: John Waters & Thomas Parker.

Robbie Rowantree – Scottish Hill Packs Association
accompanied by: Paul Crofts (Chairman) and Mark Naisby (Secretary).

Alex Hogg – Chairman of the Scottish Gamekeepers Association
accompanied by: Archie Dykes and Peter Fraser.

Dr. Colin B. Shedden – Director, British Association for Shooting and Conservation (Scotland)
accompanied by: Alastair MacGugan, Conservation and training officer, BASC Scotland.

David Coulthread – Head of public affairs, League Against Cruel Sports
accompanied by: Bill Swann.

James Morris – Chief Executive, Scottish Society of the Prevention of Cruelty to Animals
accompanied by: Libby Anderson, Parliamentary Officer and Mike Flynn, Chief Inspector
10 points you need to know about the Scottish Hill Packs Association

1/ It is accepted by farming and conservation bodies that foxes have to be controlled.

2/ The SHPA consists of four fell foxhound gun packs and one terrier gun pack.

   They are:
   The Lochaber and Sunart Hounds, Strontian
   The Atholl and Breadalbane Hounds, Pitlochry
   The Three Straths Hounds, Tomatin
   The Argyll and District Hound, Inveraray
   The Caithness and District Terrier Pack, Reay

3/ The SHPA members use fell foxhounds and terriers to flush foxes from cover, to where they can be shot by experienced marksmen.

4/ The SHPA packs hunt between them over 1.5 million acres of land in the Scottish Highlands.

5/ The SHPA has current membership of 2000 and this is increasing.

6/ The SHPA accounts for approximately 800 adult foxes plus cubs annually.

7/ By accounting for such large numbers of foxes in the Scottish Highlands, the SHPA is contributing towards the success of the Sheep Farming Industry and the conservation of all ground nesting birds.

8/ Three members of the SHPA are grant aided by SERAD.

9/ The SHPA is organised by local people for the benefit of the local community.

10/ The SHPA hunts are carried out on a purely fox control basis with foxes shot humanely at the first opportunity.
Biographical notes

**Witness:** Dr Colin B. Shedden, 43, Director BASC Scotland

Graduate Glasgow University: 1978 B.Sc. (Hons.) Zoology

Graduate Glasgow University: 1983 Ph.D. Animal Behaviour

Employment:

1978-1984 Research Assistant/Post Doctoral Research Assistant, Glasgow University
1984 –1989 Head of National & International Affairs, BASC Headquarters
1990-1991 Legal Assistant in Private Practice
1992-1995 Deer Advisory Officer, BASC Scotland
1995- Present Director, BASC Scotland

Member Of:

Scottish Executive National Goose Forum Review Body
Cairngorm Partnership Recreation Forum
Cairngorm Partnership Moorland Forum

Dr Shedden is also an active game and rough shooter, wildfowler and deerstalker. He has formal qualifications in deer stalking and is also a qualified shotgun shooting coach.

**Advisor:** Alastair MacGugan, 34, Conservation & Training Officer, BASC Scotland


Employment:

1984-1989 Part-time Professional Deer Stalker

1989-90 Full-time Professional Deer Stalker

1990 – present Conservation and Training Officer, BASC Scotland

Member Of:

Deer Commission for Scotland Round Table
Loch Lomond & Trossachs Interim Working Group

Mr MacGugan is a keen deerstalker, wildfowler, game and rough shooter. He has formal qualifications in deerstalking, including assessor qualifications for stalker training.
PROTECTION OF WILD MAMMALS (SCOTLAND) BILL
SUMMARY OF MAIN POINTS FROM BASC SCOTLAND

SUBMITTED ON 17TH NOVEMBER 2000 WITH RESPECT TO ORAL EVIDENCE BEING PRESENTED TO THE RURAL AFFAIRS COMMITTEE ON THE 28TH NOVEMBER 2000

• BASC Scotland concludes that the Protection of Wild Mammals (Scotland) Bill (as introduced) places serious restrictions on necessary aspects of countryside management. This includes the management of fox, deer, hare and rabbits. BASC Scotland concludes that the Bill places varying degrees of both restriction and bureaucracy (through licensing) on the 100,000 participants of sporting shooting in Scotland, 62% of whom own at least one working gundog, as well as a similar number of people actively involved in working gundogs in Scotland.

• Rough shooters, game shooters and deerstalkers will collectively be directly affected by the impact of this Bill on their activities and their use of gundogs. They will be indirectly affected by the reduced ability of clubs, syndicates and individuals, including gamekeepers, to operate effectively with well-trained gundogs, hounds and terriers.

• We remain fundamentally opposed to the restrictions on those engaged in shooting sports, and pest control, to just one dog. Many of our members, other shooters and gundog handlers work more than one dog at a time for reasons of efficiency and continuity.

• We see no valid reason to introduce restrictions on those controlling rabbits, where the use of dogs is essential for both flushing and retrieving.

• We are opposed to the total restriction on the use of terriers underground. 62% of our gamekeeper members in Scotland use terriers to assist in the management of foxes, and this is recognised as the 3rd most effective technique available, accounting for 12% of the total management cull. It is seen to be of greatest significance where no other legal alternative exists, or is practical.

• Ultimately, we strongly believe that the local farmer, crofter, landowner, occupier or duly authorised person should be able to use their own judgement about the most appropriate, legal method of pest control and management to employ in their locality, according to their local circumstances. All current methods, including hunting with dogs, are considered vital by those responsible for managing local mammalian pest or quarry populations. The present raft of legal control methods already limits the choices available, but the balance is about right. Further restrictions would destroy this balance.

• We believe that the restrictions this Bill places on those working with dogs for necessary pest control, and for sporting purposes, as well as the ambiguity and dubiety surrounding many of the sections in this Bill, raise serious doubts over the technical validity of this Bill. This would lead to confusion in the countryside as to what is and is not legal.
Curriculum Vitae

Name  David Coulthread

Position  Head of Public Affairs
League Against Cruel Sports

Born  October 1957

Qualifications  BA (Hons) History and Philosophy
MSc Politics

Background Information  National Committee Member National League of Young Liberals 1979-80
Vice President Union of Liberal Students 1980-82
District Councillor, Maldon District Council 1982-86
Executive Officer, Department of the Environment 1988-94

Personal Information  A strong background in animal welfare, environmental and community issues.
Began the anti-hunting protest in Maldon, Essex which has grown to one of the largest Boxing Day anti-hunt protest, mainly because of strong local involvement

Drafted League Against Cruel Sports submissions to the Committee of Inquiry into Hunting with Dogs in England and Wales (The Burns’ Committee) and to the Scottish Parliament
League Against Cruel Sports

Main points on hunt havoc

- Hunt trespass and harassment of livestock and pets is widespread. Much havoc goes unreported due to the remote areas where some incidents occur and because of local pressure on rural dwellers who oppose hunting.

- Mounted hunting in Scotland is essentially the same as mounted hunting in England and Wales. The conclusions of the Burns’ Report are equally valid to all mounted hunting in Britain.

- Burns concluded, “There are too many cases of trespass, disruption and disturbance” (involving hunting).

- Hunting with hounds by its very nature cannot prevent hounds following foxes onto thoroughfares and onto private property.

- Attempts at self-regulation have not been successful.

- The overwhelming majority of rural residents in Scotland oppose hunting. Many live in hunt countries and will be well aware of hunt havoc.

- Other protected wildlife, notably badgers and otters can suffer as a result of hunting.

- Some individuals involved in the illegal persecution of animals use the current legal status of hunting to escape prosecution.
NATIONAL WORKING TERRIER FEDERATION (NWTF)

REPRESENTATIVE: Barrie W. Wade M.B.C.S.

RELATED BACKGROUND:
- A founder member and Chairman of the National Working Terrier Federation.
- 35 years experience of working terriers, including mainland U.K., Germany, Sweden, Finland, USA and Canada.
- Terrierman to the Border Counties Minkhounds for 17 years.
- Acknowledged internationally as an authority on working terriers and regularly invited to judge their conformation around the world.
- Has shot and engaged in other fieldsports for over 40 years.

GENERAL BACKGROUND:
- An I.T. professional for 32 years.
- A Senior Local Government Officer for 29 years.

ADVISER: John Waters.

RELATED BACKGROUND:
- 1985 until the present time, Lecturer in Gamekeeping and Wildlife Management at North Highland College, Thurso.
- For the past 34 years John has controlled foxes on the Sandside Estate and in other parts of Caithness and Sutherlandshire. He uses a small pack of terriers and beagles to flush foxes to guns. His pack is backed up by lurchers which are used to catch and quickly despatch any wounded foxes. At cubbing time, these same terriers are used to bolt adult foxes from their dens to be shot and also to despatch their cubs.

ADVISER: Thomas Parker.

RELATED BACKGROUND:
- Treasurer - Scottish Working Terrier Club.
- Secretary - Scottish Working Dog Association.
- A founder member of the National Working Terrier Federation.
- Tom has worked dogs since 1968 and controlled foxes with terriers since 1970. He has been involved in shooting, hunting, ferreting, wildfowling and fishing (to Scottish record standard).
- One of Lord Watson’s constituents.
The NWTF is opposed to this Bill which would criminalise the use of terriers to control foxes and mink. It would also adversely affect those who use terriers to control rats and rabbits, as they would be required to justify their actions or run the risk of falling foul of the law.

It is our belief that this Bill is based upon ignorance, misinformation and misguided political bigotry and is influenced by animal rights rather than animal welfare considerations. Indeed, until advised otherwise, the Bill’s main sponsor (Lord Watson) believed that terrierwork, something which he sought to ban, was an activity carried out during the night with the aid of a lamp. In fact, when he was shown video footage to clarify matters, his comment was "If that’s terrierwork, then I don’t think I have a problem with it." Yet here we are today discussing a Bill which seeks to ban terrierwork.

The Bill’s supporters (SCAHD), in order to justify their case, allege that terrierwork causes "mental cruelty" to an animal which is "trapped underground". In reality the animal is not “trapped”, but is in its own natural environment - the den where it lives. The terrier’s role is simply to flush it out. It is a ‘natural’ process, one which equates to the territorial challenges which a fox encounters throughout its natural life and is therefore relatively stress free. A fact confirmed by recent research commissioned by the Swedish Government and conducted by the Swedish Veterinary Institute in relation to the behaviour of underground mammals when confronted with dogs below ground.

The Bill’s supporters (SCAHD) claim that terrierwork is unnecessary. In reality it is the only method of dealing with foxes whilst below ground. A fact confirmed by the Burns Inquiry which concluded that "In upland areas, where the fox population causes more damage to sheep-rearing and game management interests, and where there is a greater perceived need for control, fewer alternatives are available to the use of dogs, either to flush out to guns or for digging-out."

The Bill’s supporters (SCAHD) contend that terrierwork could be replaced by "ethical" shooting at the earth. In reality it takes but a few minutes for a terrier to identify whether a den is occupied, whereas even after many hours or even days of observation with a rifle one may still not be sure. This necessity for terrierwork is borne out by the Burns Inquiry which concluded that even if a rifle is used to kill adult foxes at the earth, there is still a case to be made on welfare grounds that terriers should be used subsequently to ensure that cubs are not left without parental care. An opinion reinforced by the Scottish Agricultural Science Agency that "Young cubs cannot be controlled effectively or humanely by shooting adult foxes above ground." and "the most effective method of controlling young cubs is the use of terriers below ground" and the SSPCA that "If there is not to be a closed season (for shooting foxes), the SSPCA would have to support the allowing of terriers below ground in order to avoid cruelty".

The Bill’s supporters (SCAHD) claim that terrierwork represents no more than 12-15% of the total fox cull. However, the Scottish Agricultural Science Agency estimate that up to 65% of fox cubs are culled with terriers. A fact further borne out by the Burns Inquiry which concluded that "In Wales and other upland areas, a high proportion of foxes are dug out, using terriers, and shot" and "in the upland area of Wales, terriers or hounds were involved in some way in the killing of 70% of the fox tally".
The Bill’s supporters (SCAHĐ) claim that "a substantial proportion of terrierwork is carried out as a sport" - but offer no justification for such claims. They use emotive language and attempt to liken terrierwork to "dog fighting or baiting". In reality the NWTF Code of Conduct excludes such bad practices and ensures that any risk of injury, either to the terrier or to its quarry, is kept to the absolute minimum and that the whole exercise is carried out in the most humane manner possible. Whilst the NWTF may not represent all terriermen (a point made by the SSPCA) its Code of Conduct is either adopted or endorsed by virtually every reputable organisation whose members are engaged in terrierwork.

The Bill’s supporters (SCAHĐ) claim that using dogs under "close control" to flush foxes so that they can be shot at close range is a viable and practical alternative in remote upland areas, to other forms of hunting with dogs. However, they offer no guidance as to how this "close control" will be achieved, or how the dogs might be prevented from catching the fox, or indeed how they would deal with any foxes which are wounded and seek refuge below ground. In reality they have no practical experience in such matters, neither do they have the responsibility for making the unworkable work. They have only one objective, regardless of the consequences, and that is to ban hunting with dogs.

Terrierwork provides for the targeted control of specific predators and does so in a manner as close as possible to nature itself. It is a necessary activity and one which could not at this time, or in the foreseeable future, be replaced by any other practical or more humane alternative. At lambing time, when fox predation occurs, there is no more certain way of identifying, locating and dealing with rogue foxes than the combination of hounds and terriers. Hounds are taken to the spot where lambs have been killed, the fox is tracked by scent back to its den, from where it is flushed out by terriers. In real terms, when damage occurs, the alternative to targeted control is blanket control - this achieves little in true animal welfare terms, nor does it provide for proper species management.
1. The SGA endorses the NWTF Code of Conduct. It is not our intention to have terriers bait a fox underground, preferring to use: “Individual terriers, which are known by their behaviour not to attack foxes physically” - Dr Gill Hartley Pesticide Usage & Wildlife Management SASA. Terriers are used in the so-called civilized Nordic countries, why should Scotland be different? We maintain that the hunting of foxes with dogs is a necessary tool in predator control, without which ground nesting birds in particular will suffer enormous losses.

2. In oral evidence, Bill Swann stated: “the most effective way of controlling the population is to shoot in the late autumn and early winter”. In fact this is the least effective time to control, for two reasons. First, the damage of concern to gamekeepers, conservationists and sheep farmers occurs during spring and early summer. In autumn and early winter, it is not possible to identify and target those foxes that will settle and cause damage during the following spring and summer. Considerable mortality takes place during autumn and winter, culling at this time kills foxes that would in any case have died or moved away by springtime. Thus culling in spring and summer is far more closely targeted on problem animals, and will actually involve the culling of fewer foxes. Second, on an estate with effective and intensive fox control, rebuilding of the fox population will occur more through immigration than through reproduction ‘on site’. Replacement by immigration will happen rapidly in autumn/early winter since this is the peak time for fox dispersal. Dispersal hardly occurs during spring/summer.

3. Bill Swann further stated “We are not calling gamekeepers cruel, but when they put terriers underground – an action that in effect results in baiting of the fox which is trapped and cannot escape – the fox suffers unacceptable mental cruelty.” He goes on to describe the underground use of terriers as a cruel Practice. What he fails to recognise is that keepers do not want their management to result in confrontation; they want the fox to escape so that they can shoot it.

4. If terrier work is prohibited, the Scottish Executive’s National Parks Bill will fail. There can be no Sustainable Biodiversity (one of the key principles of the Bill) if unregulated foxes are eating the eggs and young of ground nesting birds: “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.” “Game management delivers significant biodiversity benefits at no net cost to the taxpayer.” - Game Conservancy Trust.

5. Rural Sustainability – another key principle of the National Parks Bill - is inextricably linked to Sustainable Biodiversity “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.” - Game Conservancy Trust.

6. Different terrain and habitats require particular methods of predator control. Keepers in some areas require hunts to flush foxes from huge acres of sterile forestry planted as a result of government grants in the 1960s/70s. 8 of the 15 European Member States hunt with hounds, why should Scotland be different. Nowhere in Europe can you find such rich biodiversity of flora and fauna in such a small area.

7. Gamekeepers or Wildlife Managers as we have increasingly become, ensure that ground-nesting birds such as curlews, lapwings, skylarks, ring-ouzel, capercaillie and black cock, merlin and dotterel are protected from predators during their vulnerable nesting season. Without terriers, this protection would be incomplete.

8. Those supporting the Protection of Wild Mammals (Scotland) Bill state that terrier work accounts for 12% of the annual cull. The importance of terrier work during the vulnerable bird nesting period needs to be stressed e.g.: in upland areas there are few, if any, alternatives and that in such areas, hunting with dogs actually accounts for a high proportion of the fox cull – 26% (SGA Fox Cull Census results, 1999). “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.” - Dr Gill Hartley

9. If driven foxes are wounded and go to ground, it is immoral not to use terriers to swiftly locate and humanly dispatch them.

10. If a lactating vixen is shot, how does a keeper locate and humanly dispatch the cubs without a terrier to ascertain their whereabouts? “Terriers are likely to kill young fox cubs quickly and humanely.” “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
11. The Bill’s supporters assert “Foxes are immobilised in a powerful beam of light and then shot with a high powered rifle”. We emphasise that this is not the case, foxes are not cardboard cut-outs and are definitely not immobilised – they are merely less cautious under the cover of darkness. The light simply identifies their presence by the reflection from their eyes and does no more good. This is normally some distance away and they are called, or stalked, with a view to reducing that distance as much as possible. How cautious the fox is (dependant on its age or whether it has been shot at or chased before), wind direction and natural light level all play a part in determining success. In written evidence, the SSPCA state “Hand-held lamps now make night shooting in remote areas more feasible.” However Dr Gill Hartley states “But, there are a number of situations in which lamping is not practical or safe.” It is our experience that, in rough terrain, attempting to shoot whilst using a hand-held lamp is impractical and likely to result in an increased number of wounded foxes.

12. Scientifically, rodents are mammals. This Bill does not seek to outlaw Rat poisoning - a death that can take up to 3 days - or their dispatch by terriers. Presumably, the Bill’s promoters consider this “Necessary Suffering”. Why then are hounds killing a fox in seconds not acceptable? Why is the use of ferrets to flush rabbits from underground acceptable suffering and not the use of terriers to flush foxes?

13. Live trapping of wild foxes in rural areas are trap shy and figures do not indicate this is a viable method of control in the countryside.

14. Other forms of non-lethal predator control have been variously suggested. MAFF considered the use of electric fencing. Clearly this would prove uneconomic on grouse moors; heavy snow and power failure would make this an unviable option. The Game Conservancy Trust gave evidence that Conditioned Taste Aversion would not work in this country.

15. Lurchers do not chase foxes to exhaustion; they are quickly caught and dispatched. Lurchers like foxhounds, rapidly learn not to grab a fox by the hind legs as the fox will turn and bite the dog. The Lurchers learns to grab the top of the spine, thus ensuring a swift death. This is surely equivalent to the end phase of hunting with hounds. Both hounds and lurchers have superior speed to a fox in anything more than a sprint.

16. In 1999, 4 cases of Wildlife Crime were reported to the Procurator Fiscal, of which 2 resulted in convictions. This Bill will not be a priority for the Police; will be difficult to enforce resulting in an atmosphere of subterfuge.

17. Gamekeepers’ dogs are usually household pets as well as a working tool. Who will pay for their incarceration, their work and their training if an Accused is subsequently found Not Guilty and what compensation will there be for the distress caused to family members?

18. The Bill’s Disqualification Orders (Part 7) state “In order to protect livestock, fowl or gamebirds kept, or crop growing, on that land; or in the case of rabbit or hare, in order to provide (but not by way of sale or trade) food for human consumption. What justification is there for banning the sale of Game? This is back door legislation against shooting.

19. The Scottish Gamekeepers Association backs all legal forms of predator control. We feel that if the Protection of Wild Mammals (Scotland) Bill becomes law, it will cause unnecessary suffering and will do nothing for the welfare of the fox. “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.” “The present Bill would so reduce the list of current methods as to render control ineffective or impractical.” - Game Conservancy Trust.

20. As professionals we ensure that our working practices are of the highest standard and that suffering is minimized – we care deeply about the countryside we manage, the countryside we live and work in - and the flora and fauna dependant on our skills. Legislation should be based on facts not feelings. If Lord Watson seeks to ban cruelty, he is failing to do so with this Bill.

21. For generations, we have managed Scotland’s countryside. As it stands, this Bill is a direct threat to all aspects of professional countryside management. This Bill does not directly concern itself with hare coursing & foxhunting and is therefore totally flawed. We will be pleased to answer any questions you have on the wider implications of this Bill.
The Scottish Gamekeepers Association

**Representative:** Alex Hogg, Chairman.
Age 42. Gamekeeper 26 years, headkeeper for 12 years. Experience High and Low ground includes grouse, deer, pheasants, duck and partridge. Keen wildlife photographer. Chairman of the Scottish Gamekeepers Association.

**Advisor:** Archie Dykes
Age 54. Gamekeeper for 30 years, headkeeper for 23 years. Experience, mainly highground, includes grouse, deer, pheasants, duck and partridge.

**Advisor:** Peter Fraser