

From: [Ernie Scales](#)
To: [2002 Act Review](#)
Subject: Review of the Protection of Wild Mammals Act 2002
Date: 04 February 2016 17:44:01

Dear Lord Bonomy,

Your Lordship, until last weekend when I was parked outside the little shop in Cornhill while my wife bought bread and eggs I had thought to leave this to the Scottish people to respond, but then a person who had clearly been hunting on horseback exited the shop with coffee, got into his pick-up with horse trailer attached and drove towards Coldstream. I'm guessing he had been out with the College Valley and North Northumberland hunt because my wife said he had mentioned hunting while she waited to be served. That's when it reminded me that hunting and the quarry do not recognise borders and as we holiday in Scotland twice a year as well as making occasional forays across the border why shouldn't I comment.

One thing I do find strange about the review is the statement that *'The review will not consider whether predator control is necessary to protect livestock or wildlife'*. Whilst the review is undoubtedly about the operation of the Act isn't it fundamental to this to decide if control of any kind is necessary and by whom; I mention this because one of the arguments of hunters is that they provide a service to farmers by removal of a predatory pest. The International Fund for Animal Welfare (IFAW's) report of 2006 entitled 'After the Hunt' concluded that there was a benefit to farmers from allowing foxes to predate rabbits which far outweighed the benefit of controlling fox numbers - <http://www.thefoxwebsite.net/After-the-Hunt.pdf>. The relevant text is here *'Based upon questionnaire surveys of farmers, the rabbit is perceived as the major agricultural pest in Britain. Rabbits were estimated to cause £120 million worth of damage annually in the mid-1980s, costs associated with badgers (including the costs associated with bovine TB) up to £60 million, and costs associated with common rats and house mice together around £30 million. In comparison, the direct costs associated with fox predation are around £12 million. However, fox predation also brings economic benefits via the consumption of rabbits. Over its lifetime, a fox may be worth £150-900 pounds in increased revenue due to the consumption of rabbits. The lower estimate in this range translates to an indirect economic benefit to farmers of at least £7 million each year from the adult fox population in Britain. Thus a conservative estimate suggests that the economic benefits of foxes to agriculture largely offsets their costs and it is highly probable that there is a net gain to farmers from foxes.'*

Notwithstanding that the review chooses to ignore evidence of this nature there is still the question of effectiveness. When our chosen holiday destination was Ardnamurchan the local Lochaber and District Fox Destruction Society was occasionally mentioned in the newsletter De Tha Dol which we subscribed to. In more recent times their target was mink but historically they would take to the hills on foot with guns and terriers in many cases in terrain which was quite difficult. I have, therefore, never understood why, in lowland

areas where the ground is softer, fox chasing (I won't credit it with the term destruction) has to be carried out on horseback and with up to 40 dogs.

Section 2 of the Act states

2 Exception: stalking and flushing from cover

(1) A person who is, or who has the permission of, the owner or lawful occupier of the land on which the stalking, searching or flushing referred to in this subsection takes place does not commit an offence under section 1(1) by using **a dog under control** to stalk a wild mammal, or flush it from cover (including an enclosed space within rocks, or other secure cover) above ground for the purpose of—

and, in particular, the words highlighted. We own four dogs; they are neither gundogs nor hounds belonging as they do to the Pastoral group as decided by the Kennel Club. However, given the chance they will chase anything from a bee up to a deer. It's why we are very careful where and how we walk them. And yet how many times have I read of hounds chasing, disturbing and sometimes killing non-quarry species. If my wife and I cannot completely control four dogs how does a huntsman and whipper-in control up to 20 couple of hounds? Once on a scent this is impossible. If I chose to be pedantic the Act does actually refer only to 'a dog under control' and not many dogs.

Last year the League Against Cruel Sports (LACS) produced an exposé on Scottish hunts and, in particular, the Buccleuch -<http://www.league.org.uk/scottishhunts>. As is often shown on social media sites there is clear evidence that hunts have not changed their practices and are simply using loopholes in legislation to disguise the fact that, as far as they are concerned, the status quo prevails.

So here's a question – if Fox Destruction Societies could attempt to control foxes in rough terrain without recourse to a pack of hounds and horses, if badgers in England can be controlled by night patrols and marksmen why do foxes in the lowlands, whether Scotland, Wales or England, need to be pursued by people on horseback with a pack of hounds? In my opinion the Act needs to be updated; if you will not take into consideration the need for control then there has to be a large question over the 'need' for control using mounted humans and a pack of dogs. Historically this was never so much about controlling foxes as having a nice ride out to test both horse and rider. Yes, foxes could and did predate poultry but that was in the days before wire fencing became effective. Any farmer or other person whose poultry is still predated has only themselves to blame for not taking sufficient action. Foxes probably do predate sickly lambs but in the majority of cases their first target is afterbirth.

Last year the current Scottish Government threatened to scupper the Cameron Government's attempt to undermine or repeal the Hunting Act 2004. In doing so they left themselves and any future alternative administration open to criticism because the equivalent Scottish Act is more generous to hunters. At the very least the Scottish Act needs to equate to that in England and Wales but should preferably go beyond those

provisions and both restrict the number of dogs used to hunt and ban hunting on horseback. Anything less would be a fudge.

Yours sincerely,

Ernie Scales

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