

## **SUBMISSION by THE LAUDERDALE FOXHOUNDS**

### **Summary**

The Lauderdale Foxhounds ("LFH") submits that the Protection of Wild Mammals (Scotland) Act 2002 ("the Act") does not require amendment as it provides an effective and humane means of conducting necessary predator control by the use of a pack of hounds to flush foxes to guns to be despatched humanely as soon as possible.

### **Background**

The Act came into force in March 2002 and rendered traditional foxhunting (involving the chase and kill) illegal but permitted fox control to continue by the use of dogs to flush foxes from cover, to be shot as soon as possible.

From that time the LFH, along with the other Scottish mounted foxhound packs, became a gunpack and offered a fox control service to farmers and landowners to protect livestock and ground nesting and game birds in accordance with and as permitted by the Act. The LFH and the other Scottish packs entered into a Fox Control Protocol issued in September 2002, which was notified to and accepted by Lothian and Borders Police and other forces, and established the basis on which they operated from that time. (As noted below this protocol has been updated from time to time and a copy of the latest version (November 2015) is annexed for reference).

The legality of operations on the basis of the Protocol was confirmed by the acquittal in 2004 of Trevor Adams, the Master of the Buccleuch Hunt in a prosecution for illegal hunting with a pack of hounds under the Act. Sheriff Drummond issued a full judgement in that case which has been the basis on which our lawful activities have continued to date.

### **Conduct of operations**

It is often alleged by some parties that as mounted Hunts are seen to continue, they are flouting the law and continuing to operate as before. This is categorically not the case. The Act does not distinguish the legality or illegality of activities based on the mode of transport involved and already applies equally regardless of whether parties are on foot, horseback or using motor vehicles.

The LFH operates a legal fox control service using guns in accordance with the law as confirmed by Sheriff Drummond's judgement. It can offer this service to farmers and landowners free of charge (the cost being financed by the subscriptions paid by the mounted members) in exchange for permission to ride over their land, to provide the mounted field with the enjoyment of riding and jumping cross country.

The use of horses allows access to flush foxes over areas which could otherwise be inaccessible using other modes of transport and facilitates more effective control and management of hounds by the huntsman during the flushing process and around livestock.

On account of the varied kinds of terrain which can be encountered in a day's operations, guns (ie persons using guns) may not always be visible and indeed may sometimes deliberately be concealed: but guns are always present and records of that fact are kept and are available to Police Scotland on request.

The Act clearly prohibits hunting an uninjured fox in the open but does permit dogs to be used to flush to guns for limited purposes and on specified conditions which prohibit the chase and kill by dogs of an uninjured fox. The Act authorises (and can be said to require on welfare grounds) the pursuit of a fox, with a view to its being despatched quickly, which is injured or believed to have been injured in the course of flushing. This may not be immediately ascertainable to distant observers of such operations.

Use of a pack of hounds, rather than a limited number, to conduct flushing is the most effective and humane method and this has been confirmed by independent research (*Naylor/Knott Report: Federation of Welsh Farmers Packs 2012/13*). A suggested number such as two would prolong the time taken in locating and flushing a fox besides being completely impractical in areas of dense cover or forestry.

### **Effectiveness of current law**

The mounted Scottish packs (including the LFH) have operated since 2002, and continue to operate under the self-regulatory umbrella of the Scottish Mounted Foxhound Packs and the MFHA (Masters of Foxhounds Association) within the bounds of the Protocol, which has recently (November 2015) been updated in terms notified to and approved by Police Scotland following a consultative meeting with Police Scotland.

The activities of the LFH and other Scottish packs are carried on openly in public and in accordance with the law. The Scottish packs maintain ongoing liaison with Police Scotland and on request notify them of locations and times of Meets and other relevant information.

Police Scotland have said that there is no evidence to suggest that the law is being broken and the current law has proved successful and effective in attaining its stated objectives of wildlife protection combined with effective and humane control where necessary.

22 March 2016





## SCOTTISH MOUNTED FOXHOUND PACKS

Original version issued September 2002

Revised September 2004

Revised September 2015

Further Revised November 2015

### FOX CONTROL PROTOCOL

“The Scottish Mounted Foxhound Packs will continue to offer a fox control service to farmers and landowners using hounds. This will involve the use of guns and within the bounds of the law.”

#### General

They will offer a fox control service to farmers and landowners operating within the bounds of the Protection of Wild Mammals (Scotland) Act 2002 (“the Act”).

They will operate only with permission from the farmers and landowners.

They will keep the Police informed of their whereabouts and operations, as requested.

They will ensure that safety issues are paramount.

#### Operating within the Act

They will not deliberately hunt a fox as defined within the Act.

They will use their hounds to flush out foxes from covert.

They will act to ensure that foxes are shot as soon as it is safe to do so.

They will use experienced individuals with shotguns.

They will use an appropriate number of guns dependent on terrain and location as a safety measure.

They will use assistants (either mounted or on foot) to turn foxes towards the guns, away from roads, dwellings etc and the sides of a covert where it is unsafe/difficult to shoot and for safety reasons.

They will ensure that their operations comply with one of the six purposes listed in the Act, principally

2 (1) (a) protecting livestock, ground nesting birds.....fowl (including wild fowl), game birds....from attack by wild mammals;

(d) preventing the spread of disease

(e) controlling the number of pest species; or

(f) controlling the number of a particular species to safeguard the welfare of that species.

## Operational recommendations

### Farmers/Landowners

- permission to undertake fox control must be granted
- one of the six purposes should be identified, e.g. protect livestock or ground nesting birds, control of pest species

### Huntsmen

- may only search for a fox in covert in order to flush to guns
- may not lay hounds on out of covert or go to a view unless he believes the fox is diseased or wounded
- may regard “covert” as meaning any natural growth in or under which a fox can hide, e.g. gorse, bracken, heather as well as woodland
- identifying dress should be considered.

### Guns

- a valid shotgun certificate (and evidence of insurance should be carried)
- a minimum of two guns should be available
- shotguns preferred with No. 4 shot or less
- guns should be in radio contact with the Huntsman
- guidance to guns will be issued
- experienced guns to be used

### Mounted assistants

- mounted assistants will be appointed at the discretion of the Master in charge
- they should be used to control hounds, to turn foxes towards guns, to limit the number of guns that would otherwise be required and for safety reasons, e.g. roads
- numbers of assistants will depend on location, type of country, proximity of habitation, etc
- other spectators must be kept at a safe distance

### Motorised vehicles

- owned or supplied by the Hunt, e.g. quad bikes, motorbikes
- users of such vehicles must be covered by suitable insurance
- if such vehicles are to be used on public roads, they should be equipped for road use, e.g. lights, indicators, etc
- passengers should not be allowed unless insurance cover specifically permits
- crash helmets must be made available to users of such vehicles.

### Terrier work

- terriermen must be licensed by MFHA and operate under the code of the National Working Terrier Association
- a fox may be bolted to be shot
- a fox may be bolted in covert and, if unsafe to shoot, subsequently flushed from covert to be shot
- all reasonable steps must be taken to avoid injury to the terrier (1A 2(b))
- hounds must be available at all times in case of wounding.