

Protection of Wild Mammals (Scotland) Act 2002

Introduction:

I am a retired Chartered Chemist with a background in implementing environmental regulation in the River Tweed catchment where I led the prosecution of many individuals and businesses who broke environmental law. Latterly I was head of Land Policy development for SEPA. As such it is strongly against my founding principles that I would ever get involved in any activity that risked breaking the law. I understand the purpose and implementation of regulation, when it is being complied with and when it's being flouted. I know what bad and good practice in implementing the law looks like.

Involvement in 2002 Act:

Since I retired to Central Scotland I have been concerned with the number of farmers who were complaining about foxes attacking sheep, killing lambs and predating ground nest birds. As a result I have become involved in a small team that utilises the section of the legislation which permits the use of dogs to flush foxes to waiting guns. The approach is professional and uses no more than a total of six hounds, a mixture of beagles, foxhounds and harriers, controlled by one man on foot, to flush foxes from areas of gorse, rhododendron or windblown timber to a team of trained and highly experienced guns deployed at the request of a farmer. A reasonable proportion of the troublesome foxes can be accounted for effectively in one day and they are shot as soon as they break cover. Usually they lie up in pairs so both the dog and vixen can be accounted for so this approach has clear animal welfare benefits. This practice is utilitarian, efficient and effective and farmers report a clear and immediate benefit. It is invaluable in instances where lamping is impossible due to the rough nature of the terrain or softness of the ground caused by high rainfall as was the case for much of this winter. It is also useful where the use of snares is impractical due to the presence of livestock.

With the same aims and objectives I have also attended larger hunts with around 20 foxhounds utilised to flush foxes from large tracts of commercial forestry blocks some of which contain dense areas of windblown timber, ideal cover for foxes, to waiting guns. This is also an effective and indeed the only means of controlling foxes in and around these vast forestry blocks. I understand that consideration may be given to limiting the number of dogs used for this purpose to two to bring it into line with equivalent English legislation. What is not widely understood is that it is the sound of dogs giving tongue on a fox scent that moves the fox from cover to waiting guns. Limiting dog numbers to two would be futile simply because they would be unable to produce enough noise and drive to force the fox to break from cover and this utilitarian method of fox control would be lost to farmers and land managers and for the protection of ground nesting birds.

Reasons why the 2002 Act should remain unchanged:

1. The fox is the top predator in the UK and requires management for a variety of reasons well accepted. The recently published Moorland Forum Understanding Predation Report sponsored by SNH recognises this.
2. The approach described above is efficient and effective and complies fully with the legislation. From my involvement and experience in environmental regulation I have not

witnessed any flouting of the law in its application for this purpose: If I had I would not be writing this case for its continuation.

3. The restriction on the use of snares has meant that the number of people using them to control foxes has reduced and thus the number of foxes controlled by snaring has also reduced.
4. There are fewer gamekeepers controlling foxes throughout the country and the fox population has risen dramatically in unkept areas in recent decades. Where necessary this method of controlling foxes can be deployed locally efficiently and effectively and at low cost.
5. Rabbits used to form a principle part of the diet of the fox but in the last decade the Rabbit Haemorrhagic Disease Virus has all but wiped out this key food source in many areas. Foxes are versatile animals and have resorted to other food sources such as farmland birds and livestock and this has led to the need for control, often at very short notice.
6. The Scottish Governments National Forestry Strategy has targets to significantly increase forest coverage in Scotland. This will only serve to increase the fox population and the amount of suitable cover for foxes to lie up in during the day. Land managers will require to have available to them the approach described above and currently available within the law to provide ongoing and sustainable approach to fox control in the decades to come.
7. Limiting the number of dogs which could be used to flush foxes to waiting guns to two would not work simply because they would not be able to provide enough noise and drive to force the fox to flush to waiting guns.
8. Police Scotland apparently has no concerns over compliance with the 2002 Act.


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