



Review of the Protection of Wild Mammals (Scotland) Act 2002

BASC Scotland submission

The British Association for Shooting and Conservation (BASC) was founded in 1908 as the Wildfowlers Association of Great Britain and Ireland and is the UK's largest shooting association. BASC has a membership of over 144,500.

BASC is the representative body for sporting shooting in the UK. It aims to promote and protect sporting shooting and the wellbeing of the countryside throughout the UK and overseas. We actively promote good firearms licensing practice, training, education, scientific research and practical habitat conservation. In addition, many of our members in Scotland (such as gamekeepers) are actively involved in the control of pest mammals, such as foxes, and have operated under the provisions of the current legislation since 2002.

BASC therefore welcomes the opportunity to contribute to the Scottish Government's legislative review of The Protection of Wild Mammals (Scotland) Act 2002. We have limited our comments to the published remit of the review.

The Act

We are firmly of the view that the Act is an effective legislative instrument that strikes the appropriate balance between a sufficient level of protection for wild mammals and allowing for their control in certain circumstances.

We were closely involved with this Bill as it passed through Parliament and sought to ensure that it did allow "effective and humane control of mammals, such as foxes, where necessary". We welcomed the provisions relating to the use of shooting as the intended means of despatch alongside the continued ability to use a dog or dogs for flushing etc.

Using dogs for flushing is an essential element of pest control and the Act recognises this. The Act is also pragmatic in that apart from Section 5(3) any reference to a dog means more than one dog. The use of a number of dogs (commonly referred to as a pack) to be used for flushing is an essential form of fox control, especially when alternatives such as lamping (night shooting) and snaring are impractical. Any attempt to restrict the number of dogs used would make it impractical to effectively find and then flush foxes from cover. In addition, the use of a small number of dogs would make it much harder to ensure that a flushed fox is moved in the appropriate direction towards the waiting guns. We would oppose the setting of any arbitrary limit on the number of dogs that can be used without substantive evidence that this could be either more effective or more humane, both of which are highly unlikely.

Recognising that pest control is necessary, and that the Act allows for the flushing of such pests to waiting guns, we see no need to distinguish or differentiate between those managing dogs on foot, on horseback or any other means of transport. What is important is that the dogs are managed in a manner that ensures that any flushed pest mammals are directed towards the waiting guns.

The effectiveness of the Act is further demonstrated by the number of offences reported under Section 1 between 2009-10/2013-14, as noted in the Wildlife Crime in Scotland 2014 Annual Report (<http://www.gov.scot/Publications/2015/09/6676>). Over that five year period an average of 32 offences were recorded per year. The majority of these offences related to hare and deer coursing.

Between 2002-03 and 2013-14 ten offences were reported to COPFS relating to “fox hunting allegations” but only five “appear to have been associated with the activities of a mounted fox hunt”. None of these allegations resulted in a conviction compared to three of the other five.

It is clear that the Act is effectively addressing a significant number of “hunting with dogs” offences, mainly in situations where people are using dogs to course hares or deer, or hunt foxes out with organised mounted hunting.

We understand that there has been a high degree of cooperation between hunts in Scotland and Police Scotland since the Act came into force. Our members are frequently called upon to assist these hunts as “the guns”. Activities of hunts are transparent and undertaken within the operation of the law as it stands. This was recognised in evidence given by Police Scotland to the Rural Affairs, Climate Change and Environment Committee of the Scottish Parliament at an evidence session on 13th January of this year.

It is our view that the Act is operating effectively, addressing coursing offences, is widely understood and does not need amendment.

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