

From: [REDACTED]
To: [2002 Act Review](#)
Subject: 2002 Act Review
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2002 Act Review
Natural Resources Division,
The Scottish Government,
1-C North, Victoria Quay
Edinburgh, EH6 6QQ

31st March 2016

Dear Sir,

I am writing to you as the wife of a sheep farmer, keeper of hens and as a member of the Berwickshire Hunt, who is involved in the important task of managing the fox population for our farming community. I would like to point out that the change being proposed by animal rights groups in this review to limit the number of dogs to two goes against all the evidence put before the Scottish Parliament by those who promoted the ban in the first place and would render effective fox control in Scotland impossible. Our task managing foxes as a hunting pack would be rendered utterly futile were we to be limited to the use of two dogs to flush a fox to guns. As Douglas Batchelor, then Chief Executive of the League Against Cruel Sports, stated in August 2005 that *"pairs of dogs are utterly useless in flushing to guns."*

In order to manage foxes effectively and humanely, it is essential that our pack of hounds is a full pack rather than being limited to two dogs to flush to guns. The suggestion that a limit of two dogs would be preferable for the welfare of the fox is an assertion without any evidential foundation and contrary to the logic of the arguments advanced in support of the ban. The only research into the effectiveness of using two dogs as opposed to a greater number was commissioned by the Federation of Welsh Farmers Packs and carried out 2012–2013. It showed that using more dogs was not only more efficient but that the time between an animal being found or flushed and it being shot was reduced. This research has been submitted for peer review.

The Committee Report explicitly supported the continuation of the work of the use of packs to flush to guns as did the Scottish Parliament in its amendments. As such the Act allows dogs to be used to flush to guns for certain limited purposes and subject to conditions which ensure there is no chase and kill by dogs. Lord Burns noted the particular importance of this method where alternatives, such as lamping, were not practical:

"We concluded that if dogs could not be used at least to flush foxes from cover in those areas, it was likely that the welfare of foxes would be adversely affected."

Opponents of hunting argued that the chase and the kill elements of traditional hunting needed to be banned on the basis of perceived animal welfare concerns, despite a total absence of evidence to support this view. As Lord Burns, who conducted the independent review into hunting in England and Wales noted:

*"The committee did not have sufficient evidence to reach a clear conclusion on whether hunting involves significantly worse welfare effects than other legal methods of control."
"Arguably, the precise cause of death is irrelevant. What is more critical is how quickly*

insensibility and death result...There seems little doubt...that in the vast majority of cases the time to insensibility and death is no more than a few seconds, bearing in mind the great disparity between the size and weight of the fox and the hounds."

The Act does not make a distinction between activities under the exemptions based on what a person is wearing or the mode of transport deployed. It is equally capable of being enforced against anyone using dogs, regardless of whether mounted, on foot or using vehicles, as the number of successful prosecutions makes clear.

The judgement of Sheriff Kevin Drummond in the case of Procurator Fiscal, Jedburgh v Trevor Adams concluded that:

"I should also add that the mode of transport adopted by a participant is irrelevant: it matters not that the activity is carried out on foot, by motor vehicle or on horseback."The clear intention of Parliament as expressed in the Act is the humane despatch of target or pest species by shooting."

Given that the work of the gun packs was considered acceptable by those opposed to traditional hunting it would now be extraordinary to effectively ban them when the only difference between a gun pack and a mounted pack is whether or not people are using horses. Our 'mounted' hunt also goes out on foot on certain days due to weather and/or terrain.

There was, until recently, a relative consensus by all sides that the Scottish legislation was workable and enforceable. Calls for the Act to be reviewed only began in the light of proposals for the Hunting Act in England and Wales to be amended to bring it into line with the law in Scotland. As recently as June 2015 the Scottish Government's position was clear with regard to the League Against Cruel Sports' call for the Scottish legislation to be amended. The Minister wrote:

"The offences laid out in the 2002 Act are clear and as you have read, there is no intention to amend the legislation. Let me be clear however, the enforcement of the law is a matter for Police Scotland and I would urge anyone with evidence of the law being flouted, to report it immediately."

Public opinion in Scotland clearly indicates that the Scottish public is happy with current legislation, and supports the conclusions of the Rural Development (now Rural Affairs) Committee in accepting the need for fox control and that flushing of guns should be allowed. Scots believe that farmers need to be able to control foxes on their land and do not want the law changed to stop them doing so.

As the wife of a sheep farmer and with my own hen flock I find it ironic that the special interest groups lobby so loudly for the rights of foxes, who are by their very nature cruel predators, yet are silent on the rights of the often killed and not eaten livestock we work so hard to nurture. In considering the interests of our livestock it would be wrong to remove an long running and effective control (the use of large packs of dogs to expedite the location and flushing of the foxes) without significant burden of proof (not conjecture) that the replacement approach would have at least as effective control of predation. Given the evidence above it is clear that there is no reason to change the 2002 Act and that if it were changed it would have a damaging effect on our ability to control the fox population and therefore have a negative knock on effect onto us farmers.

Yours sincerely,

Sabina Struthers

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