



Finlay Carson MSP  
Convener  
Rural Affairs, Islands and Natural Environment Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP  
[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)

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c/o Scottish Animal Welfare Commission Secretariat  
Animal Health and Welfare Team

Dear Finlay

### **Hunting with Dogs (Scotland) Bill: additional submission**

Thank you for inviting the Scottish Animal Welfare Commission (SAWC) to give evidence to the Committee last week, and for accommodating an unavoidable late change of witness on the day.

Thank you also for the opportunity to provide further views on the nature and implications of this important Bill. We hope it will be helpful to offer (1) some further clarification and expansion of points raised in the discussion and (2) some information about lamb mortality in Scotland.

#### **1. Provisions of the Bill**

The SAWC welcomes the Bill and believes that it provides a well-reasoned and well-drafted approach to addressing the anomalies and inconsistencies of the current legislation. Our view is that being flushed and hunted by dogs, either underground or above ground, is likely to cause significant fear and stress to a fox or any other wild mammal and that this will be exacerbated by the duration of any pursuit. Pursuit prior to killing, whether by a full pack or a pair of dogs, appears an inefficient approach and one that would be neither legal nor publicly acceptable if applied in the context of farmed livestock slaughter.

The SAWC supports the intentions of the Bill to close loopholes in the Protection of Wild Mammals (Scotland) Act 2002 and to prevent suffering inflicted on wildlife. We note, in particular, the aim set out in the long title, which is the *prohibition* of hunting wild mammals using dogs, and the *prohibition* of trail hunting. As stated in the Explanatory Notes (paragraph 6), the modifications contained in the Bill are intended to “further limit the circumstances in which it is permitted to hunt a wild mammal using a dog”. The Bill is therefore more than a tidying-up exercise and we reiterate

our view that, to be effective in protecting wild mammal welfare, the scope of exceptions and licensing schemes will need to be kept tight and under regular review to prevent drift away from the central purpose of the legislation.

### *“Pest species”*

The removal of the expression “pest species” from the Bill was a change sought by the SAWC, on the grounds that animals should not be controlled on the basis of terminology or labelling, but rather whether they are actually causing serious damage, or risk doing so, in a particular set of circumstances.

### *Definition of wild mammal*

The SAWC supports the inclusion of all wild mammals within the protection of the Bill, on animal welfare grounds. Our view is that rabbits merit protection in their own right, on the basis of their sentience and their capacity to suffer. We therefore agree that rabbits should receive protection from being hunted using a dog, subject to the limited exceptions permitted under the Bill, if required.

While not the primary reason for inclusion, we do see the additional argument for including rabbits so that would-be hare coursers cannot attempt to claim as a defence that they were hunting rabbits rather than hares.

According to the Scottish Government’s most recent wildlife crime report (Scottish Government, 2021), 38 offences under the Protection of Wild Mammals (Scotland) Act 2002 were recorded by Police Scotland in 2019-20, of which the majority (32) were offences of hare coursing. (Two cases involved foxes, three involved deer and one involved badger.)

### *Use of dogs below ground*

The SAWC is opposed to the use of terriers for flushing foxes from below ground. We are concerned that there is unavoidably less control over the use of dogs underground, where unintended encounters may occur (non-target species such as badger, polecat or rabbit and the young offspring of target species, as well as the animal being flushed).

We would prefer on welfare grounds that no dogs are used underground. If this is to be permitted, there should be no more than one dog used at any one time, as is the case in England and Wales, where the Hunting Act 2004 carries a specific provision to that effect.

### *Use of two dogs versus a pack*

There is almost no published research into the comparative welfare aspects of using two dogs rather than a pack of dogs to flush foxes towards waiting guns.

Some research was carried out in Scotland, from early Dec 2012 to late Mar 2013 (Naylor and Knott (2018)). One aim was to time the duration of pursuit from the onset of vocalising by the dogs, to the flushing of a fox in a position where it could be shot. In total, 71 foxes were flushed using a pack of dogs and 35 foxes were flushed using a pair of dogs. The average time taken to flush a fox using a pack of dogs (9.37 mins) was calculated as being shorter than the average time for a pair of dogs (21.67 mins). However, the longest period of pursuit by a pack was 71.08 mins compared with 39.25 mins for a pair.

The paper focused on duration of pursuit but did not record the number of foxes actually shot. As far as we can see the results show that flushing can be carried out using two dogs, but the evidence regarding potential welfare impacts is lacking.

The SAWC does not support the use of dogs to hunt wild mammals but if it is to continue under exceptions, we support a limit of two dogs and believe that any licensed use of more than two should be kept to a minimum.

#### *Birds of prey*

We recommend deletion of “or killed by a bird of prey” from subsection 3(3)(e) and all equivalent provisions throughout the Bill. We cannot envisage a scenario where, in terms of animal welfare, killing a wild mammal by a bird of prey equates to or improves on prompt and efficient shooting.

#### *Disqualification and deprivation orders*

Deprivation orders for horses was not something that we covered in our written submission. We did however touch on disqualification orders as provided at section 17 of the Bill, to recommend that the provisions at subsections (1) and (5) should mirror the exact words of the Animal Health and Welfare (Scotland) Act 2006.

#### *International consensus principles for ethical wildlife control*

The SAWC and others have made a number of references to the international consensus principles for ethical wildlife control (Dubois et al., 2017). The principles offer a new approach to appraising and solving problems experienced with wild animals in certain environments: they do not proscribe lethal control but do question assumptions about its efficacy and appropriateness. It seems essential to the SAWC that any use of dogs in the lethal control of wild mammals should be assessed on the basis of principles of this nature. Allowing current activities to continue unchanged could hamper progress towards improving the guardianship of wild animal welfare in Scotland.

#### *Shared approach to wildlife management*

The SAWC is about to open discussions with NatureScot regarding its shared approach to wildlife management and its position statement on animal welfare. We acknowledge the focus by NatureScot on welfare in recent years and we hope to be of assistance in developing and progressing its policies.

## **2. Lamb mortality**

Early lamb mortality is a complex and multi-factorial issue and there is no doubt that, whatever the primary cause in each specific case, it is a significant animal welfare problem. Dwyer et al (2016) explored the primary factors causing lamb mortality including birth trauma; starvation and hypothermia, often related to a poor bond between ewe and lamb; infectious disease; and a number of other causes which are less prevalent, including congenital malformation, predation and accident. The paper also considered why, internationally, research on lamb mortality reduction has not been consistently implemented on farm. Across Scotland and elsewhere estimates of annual lamb losses, which can vary markedly between farms, are around 10-25% of lambs born, with 75% of losses occurring in the first three days of life.

There is relatively little Scottish research to evidence the proportion of lamb losses caused by fox predation, but existing studies point to this being below 2% of lambs

born. A Scottish Government report, *Sheep attacks and harassment: research* (Scottish Government, 2019) notes “there are limited recent empirical studies of the issue in Scotland; a situation that may in part reflect the difficulties involved in establishing causality in some sheep/lamb mortality.”

Three papers are referenced in the Scottish Government report.

Hewson (1984) identified predators in two small areas in the west of Scotland (Ardnish and Drimnin) as fox (1-16), badger (0-7), eagle (0-1 pair), buzzard (1-2 pairs), raven (1-2 pairs) and crow (6-22 pairs). Foxes were estimated to have killed up to 1.8% of lambs born. This study considered that lamb predation provided foxes with only a small proportion of their food and that it was very rare to see actual predation.

In a study of fox management in three different areas of England in 1995 (Heydon and Reynolds, 2000), where 24-60% of farmers reported predation by foxes during the previous year, the authors found that, as an average percentage loss of lambs, fox predation accounted for less than 1% (range 0-28.6%).

In a separate study on two Scottish farms (1993-1996), confirmed losses due to foxes were 0.2% and 0.6% with maximum loss due to foxes up to 1.8% (White et al., 2000). This study concluded that fox predation was a relatively unimportant cause of death of lambs, in numerical terms, and of low overall financial impact.

The Scottish Government research shows that farmers' reports of attacks by wildlife suggest a higher prevalence than these loss figures would indicate. Overall, 64% of all sheep farmers in the survey indicated that, at some point, their sheep had been attacked, chased or preyed on by animals or birds other than dogs, with 37% stating that this had occurred in the past 12 months and most reporting multiple incidents. The estimated total number of incidents of wildlife (including corvids, foxes, eagles, gulls and skuas) attacking, chasing or preying on sheep in Scotland in the period 1 May 2018 to 30 April 2019 was around 50,000, with the true figure likely to be in the range of around 45,000 to 55,000.

It is important to note, however, as the report says, “these estimates are subject to wide confidence intervals and the limitations of any survey of this nature (not least because most wildlife incidents are unobserved and farmers are generally only aware of incidents where the aftermath, such as the disappearance of a lamb or an injured sheep, is obvious). They should therefore be treated with extreme caution.”

Studies at SRUC have shown that farmers in the UK were more likely to attribute lamb mortality to predation than any other cause, and in some cases their estimates of losses from predation exceeded actual lamb losses (as calculated from their own on-farm data).

A recent study in Ireland (Shiels et al., 2021) also found that predators were considered the main cause of live-born lamb mortality, based on farmers' own perception, even though most participants in the study lambed indoors. A follow-on study (submitted for publication) from post-mortem data following lamb mortalities suggested that almost no deaths were actually caused by predators in an Irish sample of farms.

There can be difficulty in distinguishing between the after-effects of a predation incident and the scavenging of lambs that are already dead. Hewson (1984) includes a table of characteristics to help identify and evidence what has actually

happened, noting, for example that finding a nose, ear or tail bitten off is associated with scavenging rather than predation. The table is reproduced in the Scottish Government report.

We hope this information is useful and would be happy to discuss any issue further with the Committee.

Yours sincerely

Chair

Scottish Animal Welfare Commission

## References

- Dubois, S., Fenwick, N., Ryan, E. A., Baker, L., Baker, S. E., Beausoleil, N. J., Carter, S., Cartwright, B., Costa, F., Draper, C., Griffin, J., Grogan, A., Howald, G., Jones, B., Littin, K. E., Lombard, A. T., Mellor, D. J., Ramp, D., Schuppli, C. A., Fraser, D. (2017). International consensus principles for ethical wildlife control. *Conservation Biology*, Volume 31, No. 4, 753–760 <https://doi.org/10.1111/cobi.12896>
- C.M. Dwyer, J. Conington, F. Corbiere, I.H. Holmøy, K. Muri, R. Nowak, J. Rooke, J. Vipond, J.-M. Gautier. Invited review: Improving neonatal survival in small ruminants: science into practice, *Animal*, Volume 10, Issue 3, 2016 <https://doi.org/10.1017/S1751731115001974>
- R. Hewson. Scavenging and Predation Upon Sheep and Lambs in West Scotland. *J. Appl. Ecol.* 21, 843-868 (1984).
- Heydon, M. J. & Reynolds, J. C. Fox (*Vulpes vulpes*) management in three contrasting regions of Britain, in relation to agricultural and sporting interests. *J. Zool.* 251, 237-252 (2000).
- Naylor, J. R. J., and Knott, J. G. 2018. A pack of dogs is more effective at flushing red foxes to guns than a pair. *Wildlife Society Bulletin* 42(2): 338–346. <https://wildlife.onlinelibrary.wiley.com/doi/full/10.1002/wsb.876>)
- Scottish Government, 2019 *Sheep attacks and predation: research* <https://www.gov.scot/publications/sheep-attacks-harassment-research/pages/4/>
- Scottish Government, 2021 *Wildlife Crime Report 2020* <https://www.gov.scot/publications/wildlife-crime-scotland-2020-annual-report/documents/>
- Shiels, D.; Loughrey, J.; Dwyer, C.M.; Hanrahan, K.; Mee, J.F.; Keady, T.W.J. A Survey of Farm Management Practices Relating to the Risk Factors, Prevalence, and Causes of Lamb Mortality in Ireland. *Animals* 2022, 12, 30. <https://doi.org/10.3390/ani12010030>
- White, P. C. L., Groves, H. L., Savery J. R., Conington, J. & Hutchings, M. R. Fox predation as a cause of lamb mortality on hill farms. *Vet. Rec.* 147, 33-37 (2000.)