



Finlay Carson MSP  
Convener  
Rural Affairs, Islands and Natural Environment  
Committee [Rural.committee@parliament.scot](mailto:Rural.committee@parliament.scot)

06 December 2022

## HUNTING WITH DOGS (SCOTLAND) BILL

Dear Finlay,

During Stage 1 of the Hunting with Dogs (Scotland) Bill ("the Bill") I made a commitment to provide the Rural Affairs and Natural Environment Committee with an update on the work that NatureScot is undertaking to develop the licensing scheme, which, should the relevant provisions of the Bill be passed, will allow a person to apply for a licence to use more than two dogs to search for, stalk or flush from cover wild mammals with the intention of killing, them for one or more of the permitted purposes under sections 3 or 7 such as preventing serious damage to livestock or eradicating an invasive non-native species of wild mammal from an area.

I am pleased to be able to provide you with that further information below.

### Stakeholder engagement

NatureScot, as the licensing authority, will be the delivery body for the Bill and will develop the licensing scheme on the direction and provisions of the final legislation. The Bill sets out the framework of the licensing scheme and the tests which NatureScot must be satisfied are met before granting a licence.

NatureScot is committed to a '[shared wildlife management principles](#)' approach to stakeholder engagement. Throughout the development of the Bill, NatureScot has engaged with a range of key stakeholders.

Between Stage 2 and Stage 3 NatureScot will undertake bilateral discussions with stakeholders, including those representing land management, conservation and animal welfare bodies.

When the Bill completes its Parliamentary passage, NatureScot will embark upon a series of stakeholder workshops. These workshops will be cross-sectoral and cross-organisational.

The workshops will provide a platform for stakeholders to inform guidance, raise questions and to discuss key aspects of the licensing scheme.

These sessions will help to inform the development of the licensing scheme and associated guidance prior to the relevant provisions of the Bill coming into force. I anticipate that they will be focused on the key aspects on the licensing tests, as set out in the final version of the Bill, and what information and type of evidence will be required from an applicant.

As the Bill is still subject to amendment, I cannot know what its final form will be or how the licensing scheme will operate as part of it, however, I have provided an overview below of the key points that NatureScot will consider when developing the licensing scheme and accompanying application forms and guidance.

I have also provided an example of the tests that would be applied based on how the Bill is currently drafted at Annex A.

## **General principles of licensing approaches**

All licences are underpinned by legislation. They permit, for certain specific purposes, an activity which would otherwise be an offence. Licences can only be granted where there is a licensable purpose and where the application meets prescribed licensing tests.

### **How might these principles apply to licences for the use of more than two dogs?**

#### Test 1 - Licensable purposes

NatureScot can only issue licences for purposes set out in the legislation. NatureScot will require justification as to why the licensable purpose is applicable. In the instance of a licence to use more than two dogs an applicant will be required to state the relevant purpose as set out under the applicable sections of the Bill and will need to explain how the licensed activity will meet this purpose. The sort of information which may be required could include:

- Evidence of damage or anticipated damage.
- A clear plan with objectives and outcomes and anticipated benefits (in relation to an environmental scheme).

It is anticipated that the primary purpose for which licences to use more than two dogs will be applied for, will be 'preventing serious damage to livestock, woodland or crops'. This is one of the main reasons for the use of hunting with dogs and it is known that certain wild mammals in certain situations can cause serious damage to livestock. In terms of granting a licence for 'preventing the spread of disease' or for 'protecting human health' NatureScot will consider and assess any licence application based on its merits and where robust evidence supports the purpose and the licensing test has been met, NatureScot will issue licences for these two purposes.

#### Test 2 - Other solutions which would be effective in achieving the purpose

A licence will only be granted if the applicant provides evidence that there is no other solution which would be effective in achieving the purpose. Other solutions could include:

- The use of control by lamping, snaring, cage trapping
- Using up to 2 dogs
- Housing or other protection of livestock during vulnerable periods

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

αβχδ αβχδεφγ α

- Fencing

Information as to why other solutions are not, have not been or will not be effective in achieving the purpose will have to be provided in the application for a licence.

### **How might the licence applications be assessed and monitored?**

NatureScot will assess each licence application on the basis of the information provided in the application. Provided the information meets the licensing tests then a licence can be issued.

#### Compliance monitoring

As with the other licensing schemes they administer NatureScot will monitor compliance, primarily through the licence returns that applicants will be required to submit.

### **Adaptive management and review**

Nature Scot applies the principles of Adaptive Management<sup>1</sup>. This will inform and accommodate a methodical approach to developing the details of the licensing scheme where NatureScot will actively review the results of actions to inform and adapt any future licensing actions. This will play a role in the licensing schemes continuous improvement.

Alongside the focused approach to stakeholder engagement I have set out above, my officials and I will continue to engage directly with stakeholders in relation to both the licensing scheme and the Bill more generally, before, during and after Stage 3.

Yours Sincerely,



**Màiri McAllan MSP**

---

<sup>1</sup> Bunnefeld, Redpath, & Irvine. (2015). *SNH Commissioned Report 795: A review of approaches to adaptive management*.

## Annex 1 - Licensing purposes and tests for the use of more than two dogs

Below are the permitted licensing purposes and tests for a licence for the use of more than two dogs:

### *Licensable purposes:*

The purposes are:

- a. Preventing serious damage to livestock, woodland or crops.
- b. Preventing the spread of disease.
- c. Protecting human health.
- d. Preserving, protecting or restoring a particular species which may include controlling the number of a species for its welfare).
- e. Preserving, protecting or restoring the diversity of animal or plant life.
- f. Eradicating an invasive non-native species of wild mammal from an area.

### *Licensing tests*

Licences can only be granted if the licence will pass the following tests:

1. That there is a justified licensable purpose, as set out in the Bill.
2. That there is no other solution which would be effective in achieving the purpose set out in the licence application.
3. And, in the case of licenses in connection with section 7, that the killing, capturing or observing of the wild mammal will contribute towards a long term or significant environmental benefit.

### *Examples of what will be required from the applicant*

- The person or category of persons to whom it is granted
- The species of mammal to which the licence relates
- Statement of purpose and justification (need)
- The period for which a licence is required
- Details of other alternatives which have been tried or considered and how they have failed or would fail to achieve the stated purpose
- Details of how the activity meets the criteria of being part of a scheme (*environmental benefit licence applications only*)
- Details of how the killing, capturing or observation of the wild mammal will contribute towards a significant or long-term environmental benefit (*environmental benefit licence applications only*)
- Detail and evidence required from the applicant:
  - Location of hunting activity / control
  - Location of the affected interest to be protected (including areas of vulnerability e.g. lambing stock or ground nesting birds)
  - An outline of the activity / control method
  - Proposed number of dogs including justification