Hunting with Dogs (Scotland) Bill

Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
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- the text of amendments to be debated on the day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Offences of hunting a wild mammal using a dog: key concepts
131, 58, 63, 64, 65, 66, 67, 68, 59, 60, 110, 61, 62

Exception for use of dogs underground
1, 3, 5, 7, 73, 74, 75, 76, 162, 212, 213, 77, 78, 79, 80, 163, 214, 215, 117, 81, 82, 83, 84, 164, 216, 26, 217, 218, 27, 219, 28, 220, 85, 86, 87, 88, 165, 221, 89, 90, 91, 92, 166, 222, 224, 122, 93, 94, 95, 96, 167, 225, 13

Field sports
2, 132, 133, 4, 134, 135, 6, 136, 137, 8, 138, 139, 123, 227, 100, 146, 101, 102, 228, 14, 142, 143

Searching for injured and dead wild mammals
148, 149, 150, 151, 152, 153, 154, 155, 168, 168A, 169

Exceptions: circumstances in which exceptions are available
35, 111, 112, 118, 119, 144, 145, 127, 147

Licensing
9, 10, 11, 21, 191, 72, 156, 204, 205, 22, 206, 23, 157, 116, 207, 208, 158, 24, 209, 159, 210, 160, 211, 161, 25, 12, 15, 16, 17, 171, 103, 231, 232, 33, 233, 34, 172, 130, 234, 235, 173, 236, 18, 104, 105, 106, 19, 20, 107

Notes on this group
Amendment 156 pre-empts amendment 204
Amendment 206 pre-empts amendment 23
Amendment 208 pre-empts amendment 158

Exceptions: condition of killing the wild mammal
69, 70, 114, 140, 115, 203, 71, 36, 120, 29, 121, 223, 37, 97, 98, 125, 141, 126, 226, 38, 99, 128, 32, 129, 230, 39

Notes on this group
Amendment 140 pre-empts amendments 115 and 203
Amendment 29 pre-empts amendments 121 and 223
Amendment 223 pre-empts amendment 34
Amendment 141 pre-empts amendments 126 and 226
Amendment 32 pre-empts amendments 129 and 230

Exceptions: behaviour of dog
113, 124, 242

Exceptions: landowner permission
194, 195, 196, 197, 198, 199, 200, 201, 202

Exception for environmental benefit
229, 170, 31

Laying a scent for a dog to follow
174, 174A, 237, 238

Enforcement of proceedings
175, 176, 177, 178, 179, 40, 41, 192, 42, 108, 43, 44, 45, 46, 47, 48, 49, 109, 193, 50, 51, 52, 53, 54, 55, 56

Ancillary provision
239, 240, 241

Minor and technical
180, 182, 183, 184, 185, 186, 187, 188, 189, 190

Duties to report
181, 57

Amendments in debating order

Offences of hunting a wild mammal using a dog: key concepts

Liam Kerr

131 In section 1, page 1, line 9, leave out <and> and insert—

<( ) the person knows or ought to have known that hunting a wild mammal was the intended use of the dog, and>

Edward Mountain
Supported by: Rachael Hamilton

58 In section 1, page 1, line 10, after <7> insert <, (*Exception: rabbits*)>

Edward Mountain

63 In section 1, page 1, line 17, after first <and> insert <subsequently>

Edward Mountain

64 In section 1, page 2, line 1, at end insert—

<( ) a weasel,>

Edward Mountain

65 In section 1, page 2, line 1, at end insert—

<( ) a stoat,>

Edward Mountain

66 In section 1, page 2, line 1, at end insert—

<( ) a mink,>

Edward Mountain

67 In section 1, page 2, line 1, at end insert—

<( ) a polecat,>

Edward Mountain

68 In section 1, page 2, line 1, at end insert—

<( ) a ferret,>

Edward Mountain
Supported by: Rachael Hamilton

59 In section 2, page 2, line 14, after <7> insert <, (*Exception: rabbits*)>

Edward Mountain
Supported by: Rachael Hamilton

60 In section 2, page 2, line 20, after <7> insert <, (*Exception: rabbits*)>

Colin Smyth

110 In section 2, page 2, line 24, after <show> insert <evidence that supports their position>

Edward Mountain
Supported by: Rachael Hamilton

61 In section 2, page 2, line 25, after <7> insert <, (*Exception: rabbits*)>

Edward Mountain
Supported by: Rachael Hamilton

62 After section 8, insert—

<Exception: rabbits

This section applies if—

(a) a person is using a dog to hunt rabbits, and

(b) permission for the activity has been given by the owner of the land on which the activity takes place.>

<u>Exception for use of dogs underground</u>

Ariane Burgess

1 In section 1, page 1, line 10, leave out <5,>

Ariane Burgess

3 In section 2, page 2, line 14, leave out <5,>

Ariane Burgess

5 In section 2, page 2, line 20, leave out <5,>

Ariane Burgess

7 In section 2, page 2, line 25, leave out <5,>

Edward Mountain

73 In section 5, page 4, line 35, after <fox> insert <, weasel>

Edward Mountain

74 In section 5, page 4, line 35, after <fox> insert <, stoat>

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Edward Mountain

75 In section 5, page 4, line 35, after <fox> insert <, polecat>

Edward Mountain

76 In section 5, page 4, line 35, after <fox> insert <, ferret>

Jenni Minto

162 In section 5, page 4, line 35, leave out <or mink>

Rachael Hamilton

212 In section 5, page 4, line 35, leave out <fox or mink> and insert <wild mammal>

Rachael Hamilton

213 In section 5, page 4, line 35, after <ground,> insert <from an enclosed space within rocks or other secure cover above ground,>

Edward Mountain

77 In section 5, page 4, line 36, after <fox> insert <, weasel>

Edward Mountain

78 In section 5, page 4, line 36, after <fox> insert <, stoat>

Edward Mountain

79 In section 5, page 4, line 36, after <fox> insert <, polecat>

Edward Mountain

80 In section 5, page 4, line 36, after <fox> insert <, ferret>

Jenni Minto

163 In section 5, page 4, line 36, leave out <or mink>

Rachael Hamilton

214 In section 5, page 4, line 36, leave out <fox or mink> and insert <wild mammal>

Rachael Hamilton

215 In section 5, page 4, line 36, after <ground,> insert <from an enclosed space within rocks or other secure cover above ground,>

Colin Smyth

117 In section 5, page 4, line 37, after <it> insert <immediately by shooting>

Edward Mountain

81 In section 5, page 5, line 5, after <fox> insert <, weasel>

Edward Mountain

82 In section 5, page 5, line 5, after <fox> insert <, stoat>

Edward Mountain

83 In section 5, page 5, line 5, after <fox> insert <, polecat>

Edward Mountain

84 In section 5, page 5, line 5, after <fox> insert <, ferret>

Jenni Minto

164 In section 5, page 5, line 5, leave out <or mink>

Rachael Hamilton

216 In section 5, page 5, line 5, leave out <fox or mink> and insert <wild mammal>

Rachael Hamilton

26 In section 5, page 5, line 5, at end insert—

<( ) preserving, protecting or restoring a particular species (which may include controlling the number of a species for its welfare),

( ) preserving, protecting or restoring the diversity of animal or plant life,

( ) eradicating an invasive non-native species of wild mammal from an area.>

Rachael Hamilton

217 In section 5, page 5, line 5, at end insert—

<( ) preserving, protecting or restoring a particular species (which may include controlling the numbers of a species for its welfare) for environmental benefit,

( ) preserving, protecting or restoring the diversity of animal or plant life,

( ) eradicating an invasive non-native species of wild mammal from an area.>

Rachael Hamilton

218 In section 5, page 5, line 7, at beginning insert <wherever practical or possible,>

Rachael Hamilton

27 In section 5, page 5, line 7, leave out <does not involve the use of more than one dog> and insert <involves no more than one dog below ground where possible or practical>

Rachael Hamilton

219 In section 5, page 5, leave out line 9

Rachael Hamilton

28 In section 5, page 5, line 9, after <dog> insert <, or dogs as the case may be,>

Rachael Hamilton

220 In section 5, page 5, line 11, at end insert—

<( ) a wild mammal which is being searched for or flushed is flushed as soon as reasonably possible after it is located,>

Edward Mountain

85 In section 5, page 5, line 12, after <fox> insert <, weasel>

Edward Mountain

86 In section 5, page 5, line 12, after <fox> insert <, stoat>

Edward Mountain

87 In section 5, page 5, line 12, after <fox> insert <, polecat>

Edward Mountain

88 In section 5, page 5, line 12, after <fox> insert <, ferret>

Jenni Minto

165 In section 5, page 5, line 12, leave out <or mink>

Rachael Hamilton

221 In section 5, page 5, line 12, leave out <fox or mink> and insert <wild mammal>

Edward Mountain

89 In section 5, page 5, line 15, after <fox> insert <, weasel>

Edward Mountain

90 In section 5, page 5, line 15, after <fox> insert <, stoat>

Edward Mountain

91 In section 5, page 5, line 15, after <fox> insert <, polecat>

Edward Mountain

92 In section 5, page 5, line 15, after <fox> insert <, ferret>

Jenni Minto

166 In section 5, page 5, line 15, leave out <or mink>

Rachael Hamilton

222 In section 5, page 5, line 15, leave out <fox or mink> and insert <wild mammal>

Rachael Hamilton

224 In section 5, page 5, line 17, at end insert—

<( ) all reasonable steps are taken to prevent injury to the dog used in the activity, including steps to prevent the dog becoming trapped underground,

( ) if a dog becomes trapped underground, steps are taken to ensure it is rescued as soon as practicable,

( ) the dog used in the activity is fitted with suitable electronic locating equipment,

( ) other than if using nets, all entrance and exit holes must be left open and unblocked, and no actions taken which might deter or prevent the wild mammal from leaving whenever it chooses to do so.>

Colin Smyth

122 In section 5, page 5, line 18, leave out subsection (4)

Edward Mountain

93 In section 5, page 5, line 18, after <fox> insert <, weasel>

Edward Mountain

94 In section 5, page 5, line 18, after <fox> insert <, stoat>

Edward Mountain

95 In section 5, page 5, line 18, after <fox> insert <, polecat>

Edward Mountain

96 In section 5, page 5, line 18, after <fox> insert <, ferret>

Jenni Minto

167 In section 5, page 5, line 18, leave out <or mink>

Rachael Hamilton

225 In section 5, page 5, line 18, leave out <fox or mink> and insert <wild mammal>

Ariane Burgess
Supported by: Colin Smyth

13 Leave out section 5

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Field sports

Ariane Burgess

2 In section 1, page 1, line 10, leave out <, 6>

Rachael Hamilton

132 In section 1, page 1, line 10, after <6> insert <, (*Exception: rough shooting*)>

Rachael Hamilton

133 In section 1, page 1, line 10, after <6> insert <, (*Exception: gundog field trials*)>

Ariane Burgess

4 In section 2, page 2, line 14, leave out <, 6>

Rachael Hamilton

134 In section 2, page 2, line 14, after <6> insert <, (*Exception: rough shooting*)>

Rachael Hamilton

135 In section 2, page 2, line 14, after <6> insert <, (*Exception: gundog field trials*)>

Ariane Burgess

6 In section 2, page 2, line 20, leave out <, 6>

Rachael Hamilton

136 In section 2, page 2, line 20, after <6> insert <, (*Exception: rough shooting*)>

Rachael Hamilton

137 In section 2, page 2, line 20, after <6> insert <, (*Exception: gundog field trials*)>

Ariane Burgess

8 In section 2, page 2, line 25, leave out <, 6>

Rachael Hamilton

138 In section 2, page 2, line 25, after <6> insert <, (*Exception: rough shooting)*>

Rachael Hamilton

139 In section 2, page 2, line 25, after <6> insert <, (*Exception: gundog field trials*)>

Colin Smyth

123 In section 6, page 5, line 24, leave out <falconry,>

Rachael Hamilton

227 In section 6, page 5, line 40, at end insert—

<( ) For the avoidance of doubt, this section applies if the activity mentioned in subsection (1)(a) includes—

(a) more than two dogs but who are not working simultaneously,

(b) more than two dogs but that do not work together in a pack or in formation.>

Edward Mountain
Supported by: Rachael Hamilton

100 In section 6, page 6, line 2, leave out <for sport>

Colin Smyth

146 In section 6, page 6, leave out line 3

Edward Mountain
Supported by: Rachael Hamilton

101 In section 6, page 6, line 3, leave out <for sport>

Edward Mountain
Supported by: Rachael Hamilton

102 In section 6, page 6, line 4, leave out <for sport>

Rachael Hamilton

228 In section 6, page 6, line 5, leave out <attacked> and insert <killed>

Ariane Burgess
Supported by: Colin Smyth

14 Leave out section 6

Rachael Hamilton

142 After section 6, insert—

<Exception: rough shooting

(1) This section applies if—

(a) a person is using one or more dogs above ground to—

(i) search for, stalk or flush from cover a wild mammal, with the intention of providing quarry for a rough shoot,

(ii) search for and retrieve a wild mammal which has been killed as a result of the activity mentioned in sub-paragraph (i), and

(b) the conditions set out in subsection (2) are met.

(2) The conditions referred to in subsection (1)(b) are that—

(a) any dog used in the activity is under control,

(b) permission for the activity has been given by the owner of the land on which the activity takes place,

(c) any wild mammal being flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,

(d) if an attempt to kill the wild mammal, as mentioned in paragraph (c), results in it being injured but not killed, reasonable steps are taken to kill it as humanely as possible.

(3) For the purposes of this section, "rough shooting" means informal mixed quarry shooting which is not undertaken with the intention of using a pack of more than two dogs to search for, stalk, or flush from cover a wild mammal.>

Rachael Hamilton

143 After section 6, insert—

<Exception: gundog field trials

(1) This section applies if—

(a) a person is using one or more gundogs above ground to—

(i) search for, stalk or flush from cover a wild mammal, with the intention of providing quarry for a field trial,

(ii) search for and retrieve a wild mammal which has been killed as a result of the activity mentioned in sub-paragraph (i), and

(b) the conditions set out in subsection (2) are met.

(2) The conditions referred to in subsection (1)(b) are that—

(a) any dog used in the activity is under control,

(b) permission for the activity has been given by the owner of the land on which the activity takes place,

(c) the wild mammal which is being searched for, stalked or flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,

(d) if an attempt to kill the wild mammal, as mentioned in paragraph (c), results in it being injured but not killed, reasonable steps are taken to kill it as humanely as possible,

(e) due regard has been given to any Kennel Club Field Trial Regulations, including Gundog Working Tests.

(3) In this section—

"field trial" means a meeting for the purpose of holding competitions to assess the work of gundogs in the field, with dogs working on live unhandled game and where game may be shot,

"gundog" means types of hunting dogs developed to assist hunters in finding and retrieving game.>

Searching for injured and dead wild mammals

Màiri McAllan

148 In section 1, page 1, line 10, after <6> insert <, *(Exception: relieving the suffering of injured wild mammals)*>

Màiri McAllan

149 In section 1, page 1, line 10, after <6> insert <, *(Exception: searching for dead wild mammals)*>

Màiri McAllan

150 In section 2, page 2, line 14, after <6> insert <, *(Exception: relieving the suffering of injured wild mammals)*>

Màiri McAllan

151 In section 2, page 2, line 14, after <6> insert <, *(Exception: searching for dead wild mammals)*>

Màiri McAllan

152 In section 2, page 2, line 20, after <6> insert <, *(Exception: relieving the suffering of injured wild mammals)*>

Màiri McAllan

153 In section 2, page 2, line 20, after <6> insert <, *(Exception: searching for dead wild mammals)*>

Màiri McAllan

154 In section 2, page 2, line 25, after <6> insert <, *(Exception: relieving the suffering of injured wild mammals)*>

Màiri McAllan

155 In section 2, page 2, line 25, after <6> insert <, *(Exception: searching for dead wild mammals)*>

Màiri McAllan

168 After section 6, insert—

<Exception: relieving the suffering of injured wild mammals

(1) This section applies if—

(a) a person is using a dog above ground to search for, stalk or flush from cover a wild mammal which the person has reasonable grounds for believing is injured, with the intention of treating, capturing or killing it for the purpose of relieving its suffering,

(b) the wild mammal was not deliberately injured for the purpose of allowing the activity mentioned in paragraph (a) to take place, and

(c) the conditions set out in subsection (2) are met.

(2) The conditions referred to in subsection (1)(c) are that—

(a) the activity mentioned in subsection (1)(a) does not involve the use of more than two dogs,

(b) any dog used in the activity is under control,

(c) reasonable steps are taken to ensure that any dog used in the activity does not join with others to form a pack of more than two dogs,

(d) either—

(i) permission for the activity has been given by the owner of the land on which the activity takes place,

(ii) the person carrying out the activity is a constable exercising a power of entry,

(iii) the person carrying out the activity is exercising a power of entry under section 14M or 14N of the Wildlife and Countryside Act 1981, or

(iv) the person carrying out the activity is exercising a power of entry under section 15 of the Deer (Scotland) Act 1996,

(e) the wild mammal which is being searched for, stalked or flushed is, as soon as reasonably possible, either—

(i) given treatment to reduce or alleviate its pain or discomfort before being allowed to escape without being pursued or killed,

(ii) captured for the purpose of being given treatment to reduce or alleviate its pain or discomfort (whether at that place or at another place),

(iii) shot dead, or

(iv) observed and allowed to escape without being pursued or killed,

(f) if an attempt to kill the wild mammal, as mentioned in paragraph (e)(iii), results in it being injured but not killed, reasonable steps are taken to kill it in a way that causes it the minimum possible suffering.>

Rachael Hamilton

168A As an amendment to amendment 168, line 11, leave out from <does> to end of line 12 and insert <involves as many dogs as appropriate or practical to relieve the suffering of the wild mammal,>

Màiri McAllan

169 After section 6, insert—

<Exception: searching for dead wild mammals

(1) This section applies if—

(a) a person is using a dog above ground to search for and retrieve a dead wild mammal, and

(b) the conditions set out in subsection (2) are met.

(2) The conditions referred to in subsection (1)(b) are that—

(a) the activity mentioned in subsection (1)(a) does not involve the use of more than two dogs,

(b) any dog used in the activity is under control,

(c) reasonable steps are taken to ensure that any dog used in the activity does not join with others to form a pack of more than two dogs,

(d) either—

(i) permission for the activity has been given by the owner of the land on which the activity takes place,

(ii) the person carrying out the activity is a constable exercising a power of entry,

(iii) the person carrying out the activity is exercising a power of entry under section 14M or 14N of the Wildlife and Countryside Act 1981, or

(iv) the person carrying out the activity is exercising a power of entry under section 15 of the Deer (Scotland) Act 1996,

(e) reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed.>

Exceptions: circumstances in which exceptions are available

Rachael Hamilton

35 In section 3, page 3, line 11, leave out <serious>

Colin Smyth

111 In section 3, page 3, line 14, at end insert—

<( ) the person responsible for the activity under subsection (1)(a) can demonstrate that in achieving the purpose set out in subsection (2)—

(i) the activity is appropriate in achieving that purpose, and

(ii) there is no more humane method that would be effective,>

Colin Smyth

112 In section 3, page 3, line 14, at end insert—

<( ) the activity mentioned in subsection (1)(a) does not take place during the breeding season of the wild animal being searched for, stalked or flushed,>

Colin Smyth

118 In section 5, page 5, line 5, leave out <or dependent>

Colin Smyth

119 In section 5, page 5, line 6, at end insert—

<( ) the person responsible for the activity under subsection (1)(a) can demonstrate that in achieving the purpose set out in subsection (2)—

(i) the activity is appropriate in achieving that purpose, and

(ii) there is no more humane method that would be effective,>

Colin Smyth

144 In section 5, page 5, line 6, at end insert—

<( ) the activity mentioned in subsection (1)(a) does not take place during the breeding season of the wild mammal being searched for or flushed,>

Colin Smyth

145 In section 6, page 5, line 28, at end insert—

<( ) the activity mentioned in subsection (1)(a) does not take place during the breeding season of the wild mammal being searched for, stalked or flushed,>

Colin Smyth

127 In section 7, page 6, line 21, at end insert—

<( ) the person responsible for the activity under subsection (1)(a) can demonstrate that in achieving the purpose set out in subsection (2)—

(i) the activity is appropriate in achieving that purpose, and

(ii) there is no more humane method that would be effective,>

Colin Smyth

147 In section 7, page 6, line 21, at end insert—

<( ) the activity mentioned in subsection (1)(a) does not take place during the breeding season of the wild mammal being searched for, stalked or flushed,>

Licensing

Ariane Burgess

9 In section 3, page 3, leave out line 15

Ariane Burgess

10 In section 3, page 3, leave out lines 18 and 19

Ariane Burgess

11 In section 3, page 3, line 21, leave out <unless paragraph (a)(ii) applies,>

Rachael Hamilton

21 In section 4, page 3, line 38, after <require,> insert <for example the number of dogs or guns that would be required or licensed,>

Jim Fairlie

191 In section 4, page 3, line 38, at end insert <which may in particular include—

( ) the number of dogs for which permission is being sought,

( ) the number of guns intended to be deployed,>

Edward Mountain

72 In section 4, page 4, line 1, leave out <the relevant authority may require> and insert <may be required by regulations made under section (*Fees*)>

Christine Grahame

156 In section 4, page 4, line 6, leave out <or to a category of persons>

Rachael Hamilton

204 In section 4, page 4, line 6, after second <a> insert <group or>

Rachael Hamilton

205 In section 4, page 4, line 7, leave out <relate to a particular> and insert <specify the>

Rachael Hamilton

22 In section 4, page 4, line 9, leave out <effective> and insert <practical>

Rachael Hamilton

206 In section 4, page 4, leave out lines 11 to 13

Rachael Hamilton

23 In section 4, page 4, line 11, leave out <only permit the use of the minimum number of dogs which the relevant authority is satisfied would be effective in> and insert <permit the person granted the licence the use of more than two dogs where that is necessary, with regard to the terrain, weather conditions, number of guns and any other relevant circumstance and will make a significant contribution to>

Jim Fairlie

157 In section 4, page 4, line 13, at end insert—

<( ) must require the deployment of the minimum number of guns which the relevant authority is satisfied would be effective for compliance with the conditions set out in section 3(3)(e) and (f) in relation to the activity for which the application for a licence is being made,>

Colin Smyth

116 In section 4, page 4, line 16, after <licence> insert <and adhering to a set of standards based on ethical principles for humane wildlife management>

Rachael Hamilton

207 In section 4, page 4, line 17, after <maximum> leave out <period>

Rachael Hamilton

208 In section 4, page 4, line 17, leave out from <which> to end of line 18 and insert <within a 12 month period,>

Màiri McAllan

158 In section 4, page 4, line 18, leave out <14 consecutive days> and insert <6 consecutive months>

Rachael Hamilton

24 In section 4, page 4, line 18, after <days,> insert <or 365 consecutive days if the licence is granted to an approved professional body,>

Rachael Hamilton

209 In section 4, page 4, line 21, after <person> insert <, group>

Christine Grahame

159 In section 4, page 4, line 21, leave out <or category of persons>

Rachael Hamilton

210 In section 4, page 4, leave out line 25

Jim Fairlie

160 In section 4, page 4, line 25, at end insert—

<( ) the minimum number of guns (if any) which are required to be deployed,>

Rachael Hamilton

211 In section 4, page 4, line 26, after <any> insert <other>

Christine Grahame

161 In section 4, page 4, line 27, at end insert—

<(5A) The relevant authority must keep a register of licences granted, including the start and end dates of the licence and the name of the licence holder.

(5B) The relevant authority must make the register available for public inspection.

(5C) The Scottish Ministers may by regulations make further provision for the purposes of subsection (5A).

(5D) Regulations made under subsection (5C) are subject to the affirmative procedure.>

Rachael Hamilton

25 In section 4, page 4, line 31, at end insert—

<(6A) In this section, "approved professional body" means an organisation licensed by the relevant authority to work within an agreed code of practice.

(6B) The Scottish Ministers must by regulations make an agreed code of practice for the purposes of this section.

(6C) Regulations made under subsection (6B) are subject to the affirmative procedure.>

Ariane Burgess
Supported by: Colin Smyth

12 Leave out section 4

Ariane Burgess

15 In section 7, page 6, leave out line 22

Ariane Burgess

16 In section 7, page 6, leave out lines 25 and 26

Ariane Burgess

17 In section 7, page 6, line 28, leave out <unless paragraph (a)(ii) applies,>

Jim Fairlie

171 In section 8, page 7, line 29, at end insert <which may in particular include—

( ) the number of dogs for which permission is being sought,

( ) the number of guns intended to be deployed,>

Edward Mountain

103 In section 8, page 7, line 30, leave out <the relevant authority may require> and insert <may be required by regulations made under section (*Fees*)>

Rachael Hamilton

231 In section 8, page 7, line 35, after second <a> insert <group or>

Rachael Hamilton

232 In section 8, page 7, line 36, leave out <relate to a particular> and insert <specify the>

Rachael Hamilton

33 In section 8, page 7, line 38, leave out from beginning to <in> in line 1 on page 8 and insert <that it is necessary and will make a significant contribution to>

Rachael Hamilton

233 In section 8, page 8, leave out lines 4 to 6

Rachael Hamilton

34 In section 8, page 8, line 4, leave out <only permit the use of the minimum number of dogs which the relevant authority is satisfied would be effective in> and insert <permit the person granted the

licence the use of more than two dogs where that is necessary, with regard to the terrain, weather conditions, number of guns and any other relevant circumstance and will make a significant contribution to>

Jim Fairlie

172 In section 8, page 8, line 6, at end insert—

<( ) must require the deployment of the minimum number of guns which the relevant authority is satisfied would be effective for compliance with the conditions set out in section 7(3)(e) and (f) in relation to the activity for which the application for a licence is being made,>

Colin Smyth

130 In section 8, page 8, line 9, after <licence> insert <and adhering to a set of standards based on ethical principles for humane wildlife management>

Rachael Hamilton

234 In section 8, page 8, line 14, after <person> insert <, group>

Rachael Hamilton

235 In section 8, page 8, leave out line 18

Jim Fairlie

173 In section 8, page 8, line 18, at end insert—

<( ) the minimum number of guns (if any) which are required to be deployed,>

Rachael Hamilton

236 In section 8, page 8, line 19, after <any> insert <other>

Ariane Burgess

18 Leave out section 8

Edward Mountain

104 Before section 9, insert—

<Granting of a licence

(1) The relevant authority, within the meaning of section 4(6), must on receipt of an application under section 4 or 8, as the case may be—

(a) grant the licence, or

(b) refuse to grant the licence, provided that it is not refused unreasonably.

(2) If the Scottish Ministers have delegated their functions under section 9, it is for the Scottish Ministers to determine any question which arises as to whether consent has been withheld unreasonably and their decision is final.>

Edward Mountain

105 In section 9, page 8, line 25, leave out <Scottish Natural Heritage> and insert <NatureScot>

Edward Mountain

106 In section 9, page 8, line 27, leave out <Scottish Natural Heritage> and insert <NatureScot>

Ariane Burgess

19 Leave out section 9

Ariane Burgess

20 Leave out section 10

Edward Mountain

107 After section 10, insert—

<Fees

(1) The Scottish Ministers may by regulations make provision for the payment of a reasonable fee in respect of an application for a licence under sections 4 and 8.

(2) Regulations made under subsection (1) must remain in force for no longer than 3 years.

(3) Regulations under this section are subject to the affirmative procedure.>

<u>Exceptions: condition of killing the wild mammal</u>

Edward Mountain

69 In section 3, page 3, line 16, at beginning insert <subject to paragraph (g),>

Edward Mountain

70 In section 3, page 3, leave out lines 26 and 27 and insert—

<( ) the person engaged in the activity mentioned in subsection (1)(a) has the aim of shooting the wild mammal dead, or to have it killed by a bird of prey, as soon as reasonably possible,>

Colin Smyth

114 In section 3, page 3, line 26, leave out <or killed by a bird of prey,>

Rachael Hamilton

140 In section 3, page 3, line 29, leave out from <in> to end of line 30 and insert <as humanely as possible.>

Colin Smyth

115 In section 3, page 3, line 30, after <suffering> insert <and that does not include a dog or dogs being used to kill the wild mammal>

Rachael Hamilton

203 In section 3, page 3, line 30, after <suffering> insert <in the circumstances>

Edward Mountain

71 In section 3, page 3, line 30, at end insert—

<(g) in an attempt to kill under paragraph (f), the limit of two dogs mentioned in sub-paragraph (a)(i) does not apply.>

Rachael Hamilton

36 In section 3, page 3, line 30, at end insert—

<( ) a sufficient number of dogs, as determined by the person using them, may be used to kill a wild mammal if—

(i) the wild mammal has been injured but not killed in the course of activities under this section,

(ii) the wild mammal is inaccessible and cannot be killed as provided for in paragraphs (e) or (f), and

(iii) using dogs to kill the wild mammal is considered necessary to kill it as humanely as possible.>

Colin Smyth

120 In section 5, page 5, line 13, leave out <or killed by a bird of prey,>

Rachael Hamilton

29 In section 5, page 5, line 16, leave out from <in> to end of line 17 and insert <as humanely as possible.>

Colin Smyth

121 In section 5, page 5, line 17 after <suffering> insert <and that does not include a dog or dogs being used to kill the wild mammal>

Rachael Hamilton

223 In section 5, page 5, line 17, after <suffering> insert <in the circumstances>

Rachael Hamilton

37 In section 5, page 5, line 17, at end insert—

<( ) a sufficient number of dogs, as determined by the person using them, may be used to kill a fox or mink if—

(i) the fox or mink has been injured but not killed in the course of activities under this section,

(ii) the fox or mink is above ground but inaccessible and cannot be killed as provided for in paragraphs (d) or (e), and

(iii) using dogs to kill the fox or mink is considered necessary to kill it as humanely as possible.>

Edward Mountain

97 In section 6, page 5, line 29, at the beginning insert <subject to paragraph (g),>

Edward Mountain

98 In section 6, page 5, leave out lines 36 and 37 and insert—

<( ) the person engaged in the activity mentioned in subsection (1)(a) has the aim of shooting the wild mammal dead, or to have it killed by a bird of prey, as soon as reasonably possible,>

Colin Smyth

125 In section 6, page 5, line 36, leave out <or killed by a bird of prey,>

Rachael Hamilton

141 In section 6, page 5, line 39, leave out from <in> to end of line 40 and insert <as humanely as possible.>

Colin Smyth

126 In section 6, page 5, line 40, after <suffering> insert <and that does not include a dog or dogs being used to kill the wild mammal>

Rachael Hamilton

226 In section 6, page 5, line 40, after <suffering> insert <in the circumstances>

Rachael Hamilton

38 In section 6, page 5, line 40, at end insert—

<( ) a sufficient number of dogs, as determined by the person using them, may be used to kill a wild mammal if—

(i) the wild mammal has been injured but not killed in the course of activities under this section,

(ii) the wild mammal is inaccessible and cannot be killed as provided for in paragraphs (e) or (f), and

(iii) using dogs to kill the wild mammal is considered necessary to kill it as humanely as possible.>

Edward Mountain

99 In section 6, page 5, line 40, at end insert—

<(g) in an attempt to kill under paragraph (f), the limit of two dogs mentioned in paragraph (a) does not apply.>

Colin Smyth

128 In section 7, page 7, line 4, leave out <or killed by a bird of prey,>

Rachael Hamilton

32 In section 7, page 7, line 7, leave out from second <in> to end of line 8 and insert <as humanely as possible.>

Colin Smyth

129 In section 7, page 7, line 8, after <suffering> insert <and that does not include a dog or dogs being used to kill the wild mammal>

Rachael Hamilton

230 In section 7, page 7, line 8, after <suffering> insert <in the circumstances>

Rachael Hamilton

39 In section 7, page 7, line 8, at end insert—

<( ) a sufficient number of dogs, as determined by the person using them, may be used to kill a wild mammal if—

(i) the wild mammal has been injured but not killed in the course of activities under this section,

(ii) the wild mammal is inaccessible and cannot be killed as provided for in paragraphs (e)(ii) or (f), and

(iii) using dogs to kill the wild mammal is considered necessary to kill it as humanely as possible.>

<u>Exceptions: behaviour of dog</u>

Colin Smyth

113 In section 3, page 3, line 22, after <pack> insert <or relay>

Colin Smyth

124 In section 6, page 5, line 33, after <pack> insert <or relay>

Rachael Hamilton

242 In section 22, page 18, line 27, after <command> insert <, or the dog is carrying out an activity for which it has been trained>

<u>Exceptions: landowner permission</u>

Beatrice Wishart

194 In section 3, page 3, line 24, after <owner> insert <or owners, as the case may be,>

Beatrice Wishart

195 In section 3, page 3, line 30, at end insert—

<( ) For the avoidance of doubt, if the activity mentioned under subsection (1)(a) will take place across land under more than one person's ownership, then permission under subsection (3)(d) must be given by each owner of the land on which the activity will take place.>

Beatrice Wishart

196 In section 5, page 5, line 10, after <owner> insert <or owners, as the case may be,>

Beatrice Wishart

197 In section 5, page 5, line 17, at end insert—

<( ) For the avoidance of doubt, if the activity mentioned under subsection (1)(a) will take place across land under more than one person's ownership, then permission under subsection (3)(c) must be given by each owner of the land on which the activity will take place.>

Beatrice Wishart

198 In section 6, page 5, line 34, after <owner> insert <or owners, as the case may be,>

Beatrice Wishart

199 In section 6, page 5, line 40, at end insert—

<( ) For the avoidance of doubt, if the activity mentioned under subsection (1)(a) will take place across land under more than one person's ownership, then permission under subsection (2)(d) must be given by each owner of the land on which the activity will take place.>

Beatrice Wishart

200 In section 7, page 6, line 32, after <owner> insert <or owners, as the case may be,>

Beatrice Wishart

201 In section 7, page 7, line 8, at end insert—

<( ) For the avoidance of doubt, if the activity mentioned under subsection (1)(a) will take place across land under more than one person's ownership, then permission under subsection (3)(d)(i) must be given by each owner of the land on which the activity will take place.>

Beatrice Wishart

202 In section 12, page 10, line 15, after <owner> insert <or owners, as the case may be,>

<u>Exception for environmental benefit</u>

Rachael Hamilton

229 In section 7, page 6, line 11, leave out <as part of a scheme>

Màiri McAllan

170 In section 7, page 6, line 18, after <welfare)> insert <for environmental benefit>

Rachael Hamilton

31 In section 7, page 6, line 20, at end insert—

<( ) The Scottish Ministers must by regulations provide a definition of what a scheme under this section would be.>

Laying a scent for a dog to follow

Christine Grahame

174 In section 11, page 9, line 15, at end insert—

<( ) A person commits an offence if, in the course of any activity involving the laying of an artificial or human scent so that a dog may follow it, the person allows a dog to hunt a wild mammal or is reckless as to whether it does so, whether or not the activity is described as trail hunting.>

Rachael Hamilton

174A As an amendment to amendment 174, line 4, leave out <or is reckless as to whether it does so>

Rachael Hamilton

237 Leave out section 11

Rachael Hamilton

238 Leave out section 12

Enforcement of proceedings

Màiri McAllan

175 Before section 13, insert—

<Search of a person without warrant

If a constable has reasonable grounds for suspecting that a person has committed or is committing an offence under this Act, the constable may—

(a) search that person without warrant, and detain the person for such time as is reasonably required to permit the search to be carried out,

(b) search or examine any thing found in the course of a search, if the constable has reasonable grounds for suspecting that evidence of the commission of the offence is to be found in or on that thing,

(c) seize any thing found in the course of a search which may be relevant to the commission of the offence.>

Màiri McAllan

176 In section 13, page 10, line 23, after <makes> insert <further>

Màiri McAllan

177 In the schedule, page 21, line 29, leave out <believing> and insert <suspecting>

Màiri McAllan

178 In the schedule, page 21, line 35, leave out <believing> and insert <suspecting>

Màiri McAllan

179 In the schedule, page 22, line 33, leave out <reason to suspect> and insert <reasonable grounds for suspecting>

Rachael Hamilton

40 In section 16, page 11, line 30, leave out <or horse>

Rachael Hamilton

41 In section 16, page 11, line 33, leave out <or horse>

Ariane Burgess

192 In section 16, page 12, line 2, after <disposal> insert <which must take into account the need to ensure the welfare>

Rachael Hamilton

42 In section 16, page 12, line 3, leave out <or horse>

Edward Mountain

108 In section 16, page 12, line 3, at end insert—

<( ) A deprivation order may only be made if the court is satisfied that it is necessary in order to prevent the future use of the dog or horse in the commission of a relevant offence.>

Rachael Hamilton

43 In section 16, page 12, line 10, leave out <or horse>

Rachael Hamilton

44 In section 16, page 12, line 14, leave out <or horse>

Rachael Hamilton

45 In section 16, page 12, line 19, leave out <or horse>

Rachael Hamilton

46 In section 16, page 12, line 26, leave out <or horse>

Rachael Hamilton

47 In section 16, page 12, line 31, leave out <or horse>

Rachael Hamilton

48 In section 16, page 12, line 32, leave out <or horse>

Rachael Hamilton

49 In section 16, page 12, line 33, leave out <or horse>

Edward Mountain

109 In section 17, page 13, line 34, at end insert <which must not be greater than—

( ) in the case of an offender's first conviction for a relevant offence, 18 months,

( ) in the case of an offender's second conviction for a relevant offence, 3 years, and

( ) in the case of an offender's third or subsequent conviction for a relevant offence, such period as the court may determine,>

Ariane Burgess

193 In section 18, page 14, line 32, after <disposal> insert <which must take into account the need to ensure the welfare>

Rachael Hamilton

50 In section 20, page 16, line 16, leave out <or horse>

Rachael Hamilton

51 In section 20, page 16, line 32, leave out <or horse>

Rachael Hamilton

52 In section 20, page 16, line 37, leave out <or horse>

Rachael Hamilton

53 In section 20, page 17, line 2, leave out <or horse>

Rachael Hamilton

54 In section 20, page 17, line 6, leave out <or horse>

Rachael Hamilton

55 In section 20, page 17, line 11, leave out <or horse>

Rachael Hamilton

56 In section 20, page 17, line 14, leave out <or horse>

Ancillary provision

Rachael Hamilton

239 In section 21, page 17, leave out line 27

Rachael Hamilton

240 In section 21, page 17, leave out lines 29 and 30

Rachael Hamilton

241 In section 21, page 17, line 31, leave out <otherwise>

Minor and technical

Màiri McAllan

180 In section 23, page 18, line 38, leave out subsections (2) and (3)

Màiri McAllan

182 In section 25, page 19, line 26, leave out <Her> and insert <His>

Màiri McAllan

183 In section 25, page 19, line 31, leave out <Her> and insert <His>

Màiri McAllan

184 In section 25, page 19, line 34, leave out <Her> and insert <His>

Màiri McAllan

185 In section 25, page 20, line 2, column 1, leave out <Her> and insert <His>

Màiri McAllan

186 In section 25, page 20, line 2, column 2, leave out <Her> and insert <His>

Màiri McAllan

187 In section 25, page 20, line 3, leave out <Her> and insert <His>

Màiri McAllan

188 In section 25, page 20, line 11, leave out <Her> and insert <His>

Màiri McAllan

189 In section 25, page 20, line 15, leave out <Her> and insert <His>

Màiri McAllan

190 In section 25, page 20, line 19, leave out <Her> and insert <His>

Duties to report

Màiri McAllan

181 In section 23, page 19, leave out line 11

Rachael Hamilton

57 After section 25, insert—

<Duty to report

(1) The Scottish Ministers must prepare a report setting out the impact of the Act on the following areas—

(a) the cultural heritage associated with hunting with dogs,

(b) the welfare of dogs, including—

(i) whether there has been or is likely to be a cull of working dogs, and

(ii) the impact of the two dog limit in situations where previously more than two dogs may have been used, and

(c) people whose employment is either directly or indirectly connected to hunting with dogs.

(2) The report under subsection (1) must be published and laid before the Scottish Parliament within one year of the commencement of section 1.>

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