

Hunting with Dogs (Scotland) Bill

2nd 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;
- a list of any amendments already debated;
- 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

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 amendments in 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, 244, 242

Exceptions: landowner permission

194, 195, 196, 197, 198, 199, 200, 201, 202

Length of time of licence granted

243

Exception for environmental benefit

229, 170, 31

Laying a scent for a dog to follow

174, 174A, 237, 238

Enforcement and 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 already debated

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

62

Exception for use of dogs underground

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, 93, 94, 95, 96, 167, 225, 13

Field sports

123, 227, 100, 146, 101, 102, 228, 14, 142, 143

Searching for injured and dead wild mammals

168, 168A, 169

Licensing

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 amendments in this group

Amendment 156 pre-empts amendment 204

Amendment 206 pre-empts amendment 23

Amendment 243 in the group “Length of time of licence granted” pre-empts amendments 208 and 158

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Amendments in debating order

Exceptions: condition of killing the wild mammal

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.>

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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.>

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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—

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- <() 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.>

Exceptions: behaviour of dog

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

- 244 In section 22, page 18, line 19, at end insert—

<“pack” means a group of two or more dogs trained for hunting, excluding working gun dogs,>

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>

Exceptions: landowner permission

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,>

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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,>

Length of time of licence granted

Rachael Hamilton

243 In section 4, page 4, line 17, leave out from <14> to end of line 18 and insert <28 days, which must fall within a period of 6 months,>

Exception for environmental benefit

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>

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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.>

5

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 and 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>

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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>

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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>

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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>

THIS IS NOT THE MARSHALLED LIST

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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For information on the Scottish Parliament contact
Public Information on:

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Textphone: 0800 092 7100

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