RURAL AFFAIRS COMMITTEE

Tuesday 21 November 2000
(*Afternoon*)

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RURAL AFFAIRS COMMITTEE
† 32nd Meeting 2000, Session 1

CONVENER

*Alex Johnstone (North-East Scotland) (Con)

DEPUTY CONVENER

*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

COMMITTEE MEMBERS

*Alex Fergusson (South of Scotland) (Con)
*Rhoda Grant (Highlands and Islands) (Lab)
*Mr Duncan Hamilton (Highlands and Islands) (SNP)
*Richard Lochhead (North-East Scotland) (SNP)
*Des McNulty (Clydebank and Milngavie) (Lab)
Mr John Munro (Ross, Skye and Inverness West) (LD)
Dr Elaine Murray (Dumfries) (Lab)
*Cathy Peattie (Falkirk East) (Lab)
*Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Mr Jamie McGrigor (Highlands and Islands) (Con)

WITNESSES

Dr Seumas Caine (Deerhound Coursing Club)
Mr John Gilmour (Master of Foxhounds Association)
Dr Gill Hartley (Scottish Agricultural Science Agency)
Andrew Knowles-Brown (Scottish Hawk Board)
Mr Ian McCall (Game Conservancy Trust)
James Morris (Scottish Society for the Prevention of Cruelty to Animals)
Mrs Ann Taylor (Deerhound Coursing Club)

CLERK TO THE COMMITTEE

Richard Davies

SENIOR ASSISTANT CLERK

Tracey Hawe

ASSISTANT CLERK

Jake Thomas

LOCATION

Committee Room 1

† 31st Meeting 2000, Session 1—held in private.

Scottish Parliament

Rural Affairs Committee

Tuesday 21 November 2000

(*Afternoon*)

[THE CONVENER *opened the meeting in private at 13:30*]

14:02

Meeting continued in public.

Protection of Wild Mammals (Scotland) Bill: Stage 1

The Convener (Alex Johnstone): Ladies and gentlemen, we will move to the public part of today's proceedings. We have before us three witnesses, whom I propose to take as a panel. They are Dr Gill Hartley of the Scottish Agricultural Science Agency, Mr Ian McCall, the Scottish director of the Game Conservancy Trust, and James Morris of the Scottish Society for the Prevention of Cruelty to Animals. Dr Hartley is accompanied by Dr Robert Hay, the director of SASA, who is sitting behind her. I propose to allow committee members to direct questions to any one of the panellists. If any panellist would like to comment on another panel member's answer, I would be delighted to let them do so, but they should not feel that it is necessary to comment if they do not feel it appropriate.

Each of the witnesses has provided the committee with notes, so introductions should not be necessary. I remind the committee that Dr Hartley is a civil servant and so is here to provide facts, not opinions. We will move directly to questioning.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I understand that, under existing legislation and practice, cruelty to animals has been defined as the causing of unnecessary suffering. Does each witness regard that definition as correct and appropriate? If so, do they agree that the concept of cruelty is not absolute, that whereas some activities are prima facie cruel, others are not, and that there are degrees of suffering in any method of pest control or killing animals? Some methods, such as the use of gin traps, are plainly diabolical and cruel, but others are less so and are more difficult to define as cruel. If that definition of cruelty is not acceptable to the witnesses, could they offer their own definition?

Dr Gill Hartley (Scottish Agricultural Science Agency): I defer to colleagues on this. Under the Protection of Animals (Scotland) Act 1912, if any activity is considered to be cruel, the case can be considered in court. I would rather not discuss that, however, because it is difficult to define cruelty in this context.

Mr Ian McCall (Game Conservancy Trust): I come from a similar position, in that the Game Conservancy Trust, which I represent, is a conservation organisation and so definitions of cruelty are not at the top of our agenda. However, I agree with the basic statement that unnecessary suffering is a good definition and I agree totally that there are different degrees of suffering. I cannot add more than that.

James Morris (Scottish Society for the Prevention of Cruelty to Animals): Convener, you will be less than surprised to hear that the Scottish Society for the Prevention of Cruelty to Animals does not have a definition of a kind of cruelty that it is prepared to defend. Regardless of that, I tend to agree with the statement that was made. Our inspectors use the legal definition of cruelty as the infliction of unnecessary suffering. That involves considering the welfare of the animal. We would say that unnecessary suffering is caused when someone inflicts, limits or degrades the welfare of the animal—its ability to exist within its natural environment. Therefore, if someone imprisons, traps, or harasses and terrifies an animal, even though they might not kill it, that would be cruelty. We take that from the Protection of Animals (Scotland) Act 1912, which says that people must not terrify an animal. So far, we are all in line.

In dealing with domestic animals, if not wildlife, our inspectors will use scientific evidence as far as they can. Something that pursues, terrifies and kills in a non-instantaneous manner—and the word "instantaneous" is difficult to define—would be cruel. Provided that there is no wilful infliction of pain, we largely accept what was said. Cruelty is something that humans, not other animals, create for the animal world. The man—nowadays I should say "the person"—controlling the whole business would be the person who creates the cruelty. There has to be a will to do something other than dispatch the animal as humanely as possible.

Fergus Ewing: Sooner or later, we will have to grapple with the definition of cruelty. You will be familiar with the 1951 report to the Scottish home department, which I believe is known as the Henderson report. Paragraph 42 of the report said:

> "We are not, however, satisfied that wild animals suffer from apprehension or the after-effects of fear to the same extent as human beings."

What is your view on applying human standards of

morality to the animal kingdom?

James Morris: A report from 1951 would probably be regarded as relatively up to date. We must not transfer human emotions to animals; we must remember that they are animals. However, since the 1950s, there has been increasing evidence of the sentience of animals and of the fact that they have feelings and the ability to think. I am not saying that animals should be treated as humans—we must avoid doing that—but we must give credence to the view that they may have a sentience that would permit them to suffer from fear. Such ideas are not fixed in concrete; they change all the time as new evidence comes to light.

Fergus Ewing: Humans, we hope, think about things. We have a sense of the past and the future—indeed, some people in the newspapers regularly accuse me of living in the past. However, wild animals have no choice but to live in the present. Is that not a clear difference between animals and humans?

James Morris: At a basic level, yes—I do not think that animals think into the future.

Fergus Ewing: If that is so, does it not mean that the capacity of animals to apprehend fear is wholly different from that of humans? Should that not be taken into account in assessing what is cruel and what is not?

James Morris: Yes, it should be taken into account, but you should not say that the capacity of animals to apprehend fear is wholly different from that of humans—it is different, even greatly different, but not wholly different. It is possible to feel fear without thinking too far into the future. Any animal that is sentient realises when it is reaching a dangerous point in its life or when it is near death.

Alex Fergusson (South of Scotland) (Con): This question is born out of ignorance. Is the report to which Fergus Ewing referred the definitive work on cruelty? Has it been updated? Do people in your field look upon the report as being worthy of reference?

James Morris: I do not believe that anything that was written in the 1950s should be taken at face value now that it is 40 or 50 years later and we are in a new millennium. Science is moving on rapidly, especially the science of psychology. I do not think that we can go back any great length of time and simply quote reports from the past without re-examining them in the light of what we now believe.

Alex Fergusson: Could this subject bear re-examination?

James Morris: It could bear constant re-examination.

Alex Fergusson: I accept that science moves onwards, but would it be fair to say that much of the legislation and many of the codes of practice that govern field sports and similar activities have also to a degree moved onwards?

James Morris: Yes—we are trying to ensure that that process continues.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I would like to concentrate on the idea of cruelty in pest control and sport. The SSPCA's definition of cruelty is "unnecessary suffering". That seems to be a subjective definition. How is it measured? Individuals will interpret "unnecessary" in different ways.

Correct me if I am wrong, but it strikes me that you are saying that killing an animal in the pursuit of a sport is more easily identifiable as causing unnecessary suffering than other ways of killing an animal are. What are your views on the people who manage the countryside—gamekeepers, for instance—and have to dispatch animals in the course of their duties? In the definition, do you distinguish between sport on the one hand and land management and the work of gamekeepers on the other?

14:15

James Morris: I would be cautious about branding something simply as sport or as pest, species or population control. If you use the word "sport", you stray into areas such as the Highland pastimes of shooting and fishing. In some instances, it is hard to see how else animals could be controlled but, in others, such as fox hunting, alternative methods exist. At that point, sport has become entertainment not only for those who are killing the animals, but for those who are watching it. People are being entertained by the killing of an animal. The word "sport" does not give a clear definition.

Mr Rumbles: Is the view of the SSPCA that the death of animals for entertainment is cruel and wrong?

James Morris: I would definitely say that.

Mr Rumbles: Is that what you hope the bill would outlaw?

James Morris: Yes.

Mr Rumbles: I would like to pursue this: what is the difference between entertainment and sport? I need to understand your definitions of cruelty, sport and entertainment. What about fishing? Do fish feel? Is fishing entertainment or sport?

James Morris: My society does not oppose fishing, shooting or almost any other country sport—sports in which the prey is consumable. Some of us, but not all of us, have great concerns

about the taking of fish merely to weigh them, put them back, take them again, put them back again, and so on.

Mr Rumbles: So you are against catch and release.

James Morris: Catch and release is worrying; but there is no evidence to suggest that great suffering is caused to the fish. We are at a very early stage in our studies of the sentience of fish. Some people believe that fish can suffer pain. However, we are talking about conceptions of pain and suffering. What happens to a fish when it takes a hook in its mouth is a question that still requires a lot of scientific research. We are a long way from anyone being firm and saying that people must not fish. The SSPCA does not oppose fishing.

Mr Rumbles: Correct me if I am wrong: are you distinguishing between the death of an animal that will be eaten and the death of one that will not?

James Morris: There is obviously a difference. People could also question whether we need to eat the animal. However, we have no difficulty with such issues. When animals are killed for human consumption, it should be done as humanely as possible. I cannot think of ways of taking wild birds other than the way in which it is done at the moment, unless we were to have an intensive rearing system, which would probably be worse. Such sports are part of society and part of mankind's approach. It is difficult to say what is cruel when you take an animal to eat it. However, I have no difficulty, and my board has not the slightest difficulty, in deciding about the other sports that take place in Scotland.

Mr Rumbles: In your evidence, you talk about the use of hounds by foot packs that are primarily engaged in predator control and you imply that the SSPCA is not opposed to that. However, in many people's view, the bill would make such practices illegal. Are you arguing that you support the bill, even though it would make the function of pest control illegal?

James Morris: We are not attempting to prevent regulated and humane pest control. We question the method of pest control. We have difficulty with the use of a hunting pack, but we do not have the same difficulty with flushing to guns to control animals.

The Convener: Is there any disagreement about the need to deal with mammalian pests? Do we all share the view that there are several species in the countryside that are in surplus and are potentially damaging both to domestic animals and to wildlife?

Dr Hartley: We know that foxes take lambs. The issue of the protection of livestock is particularly relevant to Scotland. As our submission states, if there were changes to certain methods that are currently used to control foxes, the level of predation might increase. That may not be desirable.

The Convener: Does the same problem exist in relation to the game population? Is there an increasing problem of predation by mammals?

Mr McCall: The trust would agree with such a statement. Indeed, our evidence has featured the concern about the significant increase in the fox population in Scotland over the past 50 years. During that time, there has been a reduction in the number of legal techniques for controlling fox predation. The bill removes several methods of control. It is a matter of concern that we might not be able to control the fox population with all the methods that are currently at our disposal. The fox is the most serious predator, but there are other mammalian pests whose control could be affected.

The Convener: Could you clarify which methods of fox control are currently available?

Mr McCall: We are concerned about two methods that the bill would affect. The first method is the control of foxes with foot packs, in which foxes are flushed to teams of guns using hounds. Many gamekeepers keep foxhounds and use them for tracking and finding foxes in order to dispatch them by any of the other legal methods. The second method that the bill threatens is the use of terriers. We have done considerable research on fox control methods, across a range of different habitats—although not in Scotland—and have found that the methods of control and their efficiency vary.

The area most similar to Scotland that we studied is Wales, where we found that terrier work and the use of foot packs were particularly significant. Scotland has areas that are remote, rocky and less accessible, where those methods are particularly appropriate. It also has large forested areas, where conventional techniques are not always as effective as they are in arable landscapes.

The Convener: Were any of the methods that are currently illegal seen to be more effective than those that are now legally available?

Mr McCall: There is relatively little research on the methods that are illegal, because the kind of research that is available today was not available when those methods were being practised. There is no doubt that some of the methods that were rightly outlawed, predominantly because of their indiscriminate nature—such as the use of poisons—were easy to use and effective in the reduction of fox populations. The other method that has been mentioned is gin trapping. We now have a reduced arsenal and our concern is the

further reduction of that arsenal without the provision of an adequate alternative.

We have pursued research into alternative methods and spent much money and time researching the options of taste aversion therapy. Although that has shown some results on coyotes in America, all our work suggests that it will not work in this country.

The Convener: I would like to ask Dr Hartley whether there are figures on the current fox population in Scotland and how it has changed over the past 25 years.

Dr Hartley: The current estimates, which are crude because they are based on habitat surveys and what we know about fox densities in different habitats, suggest that there are about 23,000 foxes in the whole of Scotland. That figure is for the end of the winter and the beginning of the spring, when the population is at its natural minimum—before the birth of cubs. About 20,000 of those foxes live in rural areas and 3,000 live in urban areas.

The scientific evidence suggests that the Game Conservancy Trust is correct in its assertion about fox numbers. The evidence is taken from the number of foxes that are killed each year—not perfect data, but there are other data to support them—and shows that the fox population has been increasing since the 1950s.

The Convener: Would it be accurate or irresponsible to construe that there might be a link between the increase in fox numbers and the reduction in the number of methods that are available to control the fox population?

Dr Hartley: It would be very difficult to confirm that from the evidence that is available. Some scientific evidence suggests that that is not the case, and there is evidence to suggest that in certain areas, the change in the fox population is related to food availability. For example, during the myxomatosis outbreak, when there were lots of dying and dead rabbits, there was an observed increase in the fox population. Clearly, that increase was related to food availability. The Game Conservancy Trust may have more information on that.

Cathy Peattie (Falkirk East) (Lab): What has been the increase in foxes in urban areas? I live in an urban area and I see foxes wandering about most nights. Does that increase form part of the figures?

Dr Hartley: We do not know a great deal about urban fox populations. We think that the movement of foxes into cities is a post-war phenomenon, which is believed to be related to the housing that was built at that time. The studies that have been carried out since the 1950s have concentrated on rural populations.

Cathy Peattie: So the urban fox population is not considered in the surveys on the increasing population?

Dr Hartley: No.

Cathy Peattie: What role do foxes play in the wider pest control of rabbits?

Dr Hartley: My colleague, Ian McCall, knows more about game management. We know that foxes have the potential to regulate rabbit populations below a certain threshold. Several scientific studies have shown that once the rabbit population exceeds that threshold, it is unlikely that predators will have an impact on their numbers.

Mr McCall: To return to an earlier point, the Game Conservancy Trust has evidence from the results of the national game census—which we have been running for a number of years, and which covers in excess of 1 million acres—to suggest that the overall number of foxes across Britain increased between 1977 and 1994. Specifically, the results from the Scottish submissions suggested an 80 per cent increase over that period, over a substantial sample area of 4,500 sq km.

I agree totally with Dr Hartley that that increase cannot entirely, or even partly, be blamed on the reduction in the number of control techniques that are available. Professor Hudson's work suggested that the increase in the rabbit population since the days of myxomatosis has provided a food source that is partly responsible for the increase in the number of foxes.

14:30

Cathy Peattie: To return to pest control, are there alternatives to killing foxes? Could improvements in agricultural management be used instead?

Mr McCall: We have assessed taste aversion therapy, which I mentioned earlier. It is a complicated, ingenious technique. Are you familiar with it?

Cathy Peattie: I have read about it with regard to hawks.

Mr McCall: We have spent a number of years considering the technique, but, unfortunately, the practicalities of it appear not to be appropriate for Britain, let alone for Scotland.

James Morris: To return to an earlier point, the owner of livestock has the responsibility of looking after and protecting his lambs. It must be possible for some effort to be made to provide greater protection at critical periods, when the lambs are

young and weak. I do not know how that balances between hill farms and more inby farming, but I would have thought that some responsibility could be passed to the farming community to help protect lambs.

Rhoda Grant (Highlands and Islands) (Lab): What methods for looking after lambs would you suggest as an alternative to fox control?

James Morris: I am not a farmer. Farmers would probably tell me that everything is too expensive; at this particular time, that is probably true. More people seem to lamb closer to the farms than in the past. I am not sure if hill farming has the future that it once had, and there may be fewer lambs in the hills.

It may be that the whole shift of emphasis in farming and the lower number of lambs could alleviate the problem. We could end up deciding that we must kill foxes, only to discover that their supposed damage has already been limited by other economic changes.

I know farmers who stand on both sides of the fence. Some of them suffer from foxes; some do not. I am concerned that foxes are automatically viewed as the major threat. I am not sure that they always are. We accept, however, that the shooting of rogue foxes has to be done.

Mr Duncan Hamilton (Highlands and Islands) (SNP): I have two questions. The first is on what Mr McCall described as the arsenal of methods that are open to farmers. One of the submissions that we have received—I think it was that of Mr Morris and the SSPCA—made it clear that

"*Traditional mounted hunting* is not an effective pest control measure, as kill figures show. It is therefore, primarily a sport."

Your submission for the Game Conservancy Trust, Mr McCall, says:

"It is important that the benefits delivered by Scotland's mounted hunts are recognised. Outside the fox and cub-hunting seasons many operate as working footpacks".

Do you accept the implication that, in season, hunting is primarily a sport? Do you still maintain that the kill figures back the claim that it is not an effective means of pest control?

Mr McCall: I accept that, for part of the season, fox hunting does not have a huge impact on predation control of the fox. I have to declare an interest at this point: I am a part-time sheep farmer—I am very glad that it is only part-time, as it is uncomfortable. We require one of the mounted hunts in my area to come out. It operates in woodland adjacent to us. Together with the local gamekeepers, it is extremely effective in removing foxes at a critical time of year, one week before lambing.

Mr Hamilton: In a sense, that is an incidental benefit of the mounted hunt, rather than a principled argument for having a mounted hunt. Is that fair?

James Morris: That hunt is a service that has been developed recently. I would regard it as a benefit—it is not for me to say how incidental it is.

Mr Hamilton: To return to a more basic question, exactly what is it that we are trying to hunt? There is conflicting evidence on whether it is the adult fox or the cub. That has an impact on which method is most effective for pest control. Do you think that the specific targeting of fox cubs is more important, or do you think that you should deal with them at the conclusion of the process—when the problem is caused by adult foxes?

Mr McCall: The Game Conservancy Trust's raison d'être is conservation through wise use. We are interested in conserving game. The fact remains that those who hunt game seem to be the people who spend most money, effort and time conserving game.

For people who are interested in conserving game, our contention is that the most important period of fox control is during the nesting season, from spring and throughout the early summer months. That is when game birds lay eggs. Those eggs are vulnerable. Most game birds nest on the ground; most of the mammals that are quarry species are also extremely vulnerable during the same period, particularly brown hare and grey partridge. They are both biodiversity action species, which this Parliament and the Westminster Parliament have agreed to conserve.

I noticed that suggestions were made last week that late summer and autumn were the key periods of control. We could not agree with that as regards game and wildlife conservation.

Mr Hamilton: So you do not accept the evidence suggesting that it is the existence of the fox cubs that encourages the adult to carry out more predation?

Mr McCall: No. As far as we are concerned, the key period for control with regard to game and wildlife conservation is the spring and early summer.

Mr Hamilton: Would the other witnesses like to comment on that point?

James Morris: My concern is that the systems used for pest control to protect game seem to have come from history. They are traditional, and are the way that people did things. There is no suggestion that reducing the population at the start of the winter, so that foxes do not breed, would be more effective. I am not an expert, but that is another possible approach. The number of cubs could be reduced by lowering the breeding

population. It is simply a matter of examining that alternative approach. We must not keep doing things simply because of tradition. We are moving on all the time.

Dr Hartley: On the protection of lambs, there is anecdotal evidence from Scotland, and strong evidence from outwith Scotland, as I have detailed in my submission, that it is those foxes that are rearing cubs that are particularly likely to take lambs in the spring, and that removing the fox cubs and, potentially, the adults rearing them, will help prevent lamb predation in spring. We recognise that the timing of the birth of cubs is coincidental with the lambing period.

Richard Lochhead (North-East Scotland) (SNP): Before I move on to my main question, I want to ask Ian McCall if I picked him up correctly when, in response to a question from Duncan Hamilton, he said that he is a part-time sheep farmer who benefited from a fox hunt, in that local foxes had been controlled.

Mr McCall: That is correct.

Richard Lochhead: Did you say that that was a new service?

Mr McCall: It was a new service from that hunt.

Richard Lochhead: What happened before that service came into existence?

Mr McCall: I have farmed in that area for 12 years in partnership and for five years on my own account. Before that, the adjacent forestry block of some 200 hectares was much younger. Therefore, it was possible to get around part of it and control foxes through a combination of spot lamping and snaring.

However, the trees have grown, as trees do, and they are now the height of this room. Spot lamping was mentioned last week as a technique that people could use more, but it is not appropriate for that area. The area is also within a few miles of Dundee, so there are obvious potential dangers, which are more important. The landscape has changed and I am fortunate that the local hunt has provided that service.

Richard Lochhead: Did the fox hunt coincide with a change in the habitat?

Mr McCall: Yes, but it was only coincidental—that is all.

Richard Lochhead: My main question returns to the theme of cruelty, and I expect that I should direct it at James Morris.

We have before us the SSPCA's written submission, which states:

"The Society notes that most foxes are killed by shooting and views this as the only humane method of despatch".

On fox cub control, if the mother is shot, the cubs will be stranded in the den. As I understand the situation, if terriers are not used, the cubs will starve to death. According to the Scottish Agricultural Science Agency, the only other alternative is the use of gases and although gases are legal, no particular gas is licensed for the killing of cubs. Which method is more cruel, do you think, allowing cubs to starve to death down a den or using terriers?

Perhaps other witnesses might want to comment on the use of gases. The SSPCA submission says that

"gassing of foxes is legal but there are no products approved for use against foxes".

If such a product existed, would gassing cubs be cruel? Does gassing kill animals quickly? Would gassing be an alternative to the use of terriers?

James Morris: Cubs are at risk only if the vixens are shot. We would prefer a closed season on vixens—that is, if people can tell the difference. If we could stop shooting when cubs are young and still totally dependent on their parent, we would avoid having to go back to the den for the cubs. If widespread shooting of foxes while the cubs are in the dens becomes a regular feature, leaving those cubs to die would be the greatest cruelty.

If shooting of rogue animals only were permitted, one would have to take the risk that the rogue animals were few enough in number in order to be able to accept that the death of a particular litter of cubs would constitute necessary suffering.

We are talking about measuring the value of one animal against all animals and a balance must be struck. A voluntary closed season when the cubs were younger would mean that one would be able to leave the cubs alone rather than sending terriers underground after them.

However, if we are to continue to permit shooting and many vixens are shot, the numbers involved would be such that a method of despatching the cubs would have to be found. We should not leave them underground.

Richard Lochhead: Are you saying that shooting vixens should be timed so that the cubs are old enough to survive by themselves?

James Morris: If vixens were not shot during the breeding season, cubs would be old enough to survive and would not need vixens. However, that is a moot point. More research may be needed, given the effect of that issue on whether terriers should go underground.

We would prefer terriers not to go underground. Everyone would prefer that—we realise that it is a difficult question.

14:45

Richard Lochhead: Do you think that sending terriers underground is more cruel than leaving cubs to starve to death?

James Morris: I did not say that. If terriers were sent underground only to kill cubs, there would be no cruelty to the cubs and the terrier would not suffer any damage. The difficulty arises when terriers go down not knowing what is underground, as there may well be a fox. One could end up in a baiting or fighting situation, where not only the fox but the terriers are injured and damaged. That is when cruelty begins to be introduced.

Richard Lochhead: Do any of the witnesses wish to comment on gassing?

Mr McCall: I am advised that carbon monoxide would probably be a humane option. Unfortunately, it is not registered and one must use a registered compound. Commercially, it would require about £1 million to get the necessary registration.

Richard Lochhead: Okay.

Dr Hartley: In the more remote and rocky areas of Scotland a proportion of denning sites will be located in rock cairns. In such situations, gassing would be ineffective and one would be unable to dig down to reach the cubs. Such sites are different from dens in soil.

Mr Rumbles: Richard Lochhead's point was interesting, because, as you are aware, Mr Morris, the bill does not propose a closed season on shooting. However, it does propose a ban on terrier work. If I understand you correctly, you seem to be saying that the bill would instigate a measure of cruelty. Is that correct?

James Morris: Do you mean as the bill stands, without amendment?

Mr Rumbles: That is what we are looking at.

James Morris: I fear that we will have to support terriers going underground.

Mr Rumbles: Thank you for that response.

I have been trying to get in my main point, which relates to footpacks. As Richard Lochhead pointed out, you said in your submission that the SSPCA believes that shooting foxes is

"the only humane method of despatch".

However, taking a practical rather than a theoretical approach, when footpacks operate, hounds are driven through the woods or wherever and foxes are driven to a line of guns, where they are shot. As you are aware, foot packs are not as clean as that, and hounds often despatch foxes during that process.

If the SSPCA is advocating that approach, is it more cruel for the dogs to dispatch the foxes as they are being driven through the wood, which happens all the time, or is it more cruel to shoot the foxes?

James Morris: I would say that using hounds in woods is flushing to guns. If a dog then catches a fox, that is nature, I am afraid, and cannot be controlled. That is why I am worried about close control. You have heard that the terrain varies in Scotland and whatever is right for one terrain will almost certainly not suit another part of the country.

Mr Rumbles: But do you accept that flushing to guns is not a neat exercise? Foxes are not just shot but taken by dogs.

James Morris: I accept that flushing to guns will involve losses to the dogs—while that need not happen, it could happen. However, I still think that that is the cleanest and most humane approach to killing foxes.

Fergus Ewing: I will pursue two points.

Mr Morris, your evidence seems to contradict the evidence that Mike Watson gave us last week, when he said that his bill would outlaw all underground activity. Are you saying that not all underground activity with terriers is cruel?

James Morris: I am saying that it depends—we are back to the definition of cruelty—but some underground activity would be necessary to avoid cruelty to the cubs.

Fergus Ewing: Close control involves the owner of the dog keeping the dog under control and preventing it from going underground. In his evidence last week, Simon Hart said that it is the natural instinct of a terrier to go underground. If an owner sees his dog going underground in those circumstances, ought he to shoot his dog? If so, would that be cruel or not?

James Morris: The SSPCA is a pragmatic society and we know that there is no way of stopping a terrier from going underground. Show it a hole and it will almost certainly find its way in. We would prefer people to use their terriers in what they believe to be an above-ground situation. However, we have to accept that, when people are flushing foxes, especially from cairns, the dogs will go in after them. The dogs and the foxes will come out, as the holes are not blocked, and there is therefore no baiting involved. The dog should drive the animal out into the open.

As a society, we have not come down firmly with a statement that there must be no underground work. We would prefer there to be no underground work and our philosophy is that we do not want that type of work. Pragmatically, however, we acknowledge that it will occur.

Fergus Ewing: Do you agree that it is wrong to criminalise the conduct of somebody who has a pack of dogs if those dogs behave like dogs and go underground?

James Morris: I do not believe that the bill's intention was to criminalise that type of activity. We would not want to criminalise anyone whose dog acted as a dog.

Fergus Ewing: Last week, one of the witnesses, when commenting on what is cruel and what is not cruel, said:

"Simply being chased does not constitute cruelty."—[*Official Report, Rural Affairs Committee*, 14 November 2000; c 1353.]

Do you agree with that?

James Morris: That is quite a tricky question. We believe that the chase creates stress for the animal. It is very difficult to do post mortems to demonstrate what happened in the lead-up to the death of the animal, but I believe that scientific evidence will suggest that animals that are being chased suffer stress at some stage during the chase. It the animal suffers stress, I would say that that is cruel.

Fergus Ewing: The witness whom I was quoting was Mike Watson. I am surprised that you and Mr Watson have now disagreed on three aspects of the bill.

James Morris: I would like to point out that we are here to give evidence about a bill, but we are not the promoters of that bill. We are here as the SSPCA and we have views that differ from other animal rights groups—but only in degree. Our differences concern the degree to which we accept that certain things must happen.

Rhoda Grant: I would like to enlarge on terrier work again. You said that, in cairns, a terrier would usually go underground to flush out a fox so that it could be shot. There are some concerns that terriers can be used for baiting underground. Are there ways of training a dog to ensure that it is not used for baiting, or of using a different breed of dog to ensure that flushing out, rather than baiting and fighting, takes place?

James Morris: I do not think that you could change the breed of dog, and I certainly do not think that you could train out a terrier's instincts. The society issued a code of conduct for terrier work and a proposal for a licensing scheme for terrier clubs. We received no adverse comment on that code of conduct, but it went into abeyance when this bill was published, because now everyone is waiting for the outcome of the bill.

We have come up with ideas for how we could attempt to regulate terrier work. The whole philosophy of baiting involves people who operate terriers in a sporting sense. They are not involved in pest control, but they are able to operate because there is no law to preclude them from operating. I could draw your attention to some websites on the internet that would give you a flavour of the type of sport that certain terrier clubs promote, but that activity is not pest control. Those people block up exits and then put their dogs underground. I admit that there could be a fight underground, but people can get away with the deliberate setting of dogs to bait and to fight underground because we can never prove that every entrance to the earth has been blocked. We have dealt with several such cases, in which we could not conclude that the activities in question had amounted to baiting. We need something to stop people setting dogs on animals underground.

Alex Fergusson: Correct me if I am wrong, but fox baiting—a phrase that seems to have entered this debate quite recently—or the baiting of any other animal is already illegal under the Protection of Animals Act 1911 and the Protection of Animals (Scotland) Act 1912. If it is already illegal, surely we do not need further legislation to make it illegal. Your submission refers to illegal fox baiting, but it is already illegal.

James Morris: The acts that you mentioned cover only domestic and captive animals. An animal that is underground is not classed as captive. The law therefore does not allow us to prosecute in those situations.

The Convener: I would like to ask about other species that may be hunted by dogs, traditionally or currently. Do you have any views on the hunting of mink or hares with dogs?

James Morris: I see no reason to hunt hares with dogs. I would have thought that flushing to shoot the hare was the normal procedure. We have concerns about coursing, in which two dogs are set on a hare, possibly chasing it to the death, to measure the performance of the dogs.

We have already been consulted on hunting mink on Lewis, Harris and elsewhere in the Western Isles. We can think of few ways of hunting mink for pest control purposes. It is a difficult animal to pursue.

The Convener: Do you have a specific view on the use of dogs to control rats?

James Morris: If rats are decreed to be a pest species, I have no difficulty with the idea of using a dog to flush a rat. However, because of the relative weights of the rats and the terriers, I think that people simply have to use terriers to control a pest that can carry disease and is a threat to society. The practical desires and needs of the human race are such that I accept that that procedure is necessary, but it should be licensed. There is undoubtedly a need to destroy rats.

Mr McCall: The Game Conservancy Trust is a research charity and we cannot enter into the moral debate. That is not our remit. However, I should point out again that the brown hare is a biodiversity action species. There is considerable evidence to suggest that, where there is an interest in coursing, there are a lot more hares. The people who want to pursue those animals are the people who are doing most to conserve them. I just want to point out that fact.

Mr Rumbles: The Macaulay Land Use Research Institute's independent report suggests that more than 13 per cent of gamekeepers would be made redundant if the bill were passed. I understand that the SSPCA has a certain moral authority and weight in these matters. Does the SSPCA believe that, when members of the Scottish Gamekeepers Association use dogs in pest control activities, they are being inherently cruel? You seem to be saying that that sort of activity really should not happen. Are you saying that the Scottish Gamekeepers Association is engaged in a cruel activity?

James Morris: We do not say that. We work closely with gamekeepers and with the whole countryside population. We are a pragmatic society. In many cases, gamekeepers are forced into action because they have no option. It would be nice to be in a perfect world but the situation is not like that. Almost all gamekeepers will be looking after animals and will not be following a cruel practice—we have had few problems. It is important that the gamekeepers are kept separate in your minds from some of the terrier men. I do not like that term as I feel that there will be many good and nice terrier men who are doing their job. However, some terrier men will be following a practice that is exceedingly cruel and which we must find a way of stopping.

15:00

Mr Hamilton: I may have misheard you, Mr McCall, so I would like to clarify a point. When you were talking about hare coursing and the best way of helping endangered species to flourish, were you suggesting that hare coursing was beneficial in that respect?

Mr McCall: I suggested that it was indirectly beneficial. The idea of conservation through wise use has some direct benefits in that those who enjoy having dogs that pursue hares—which is, at the moment, their privilege—appear to have a greater population of hares. That suggests that they preserve and maintain the hares' habitat. There are more hares where there is coursing.

Mr Hamilton: None the less, you would accept that that is a use of warped logic. If someone in China keeps bears because they like to milk the bile, that does not mean that they are acting in the best interests of the bears. The argument that hare coursing helps conservation seems an odd view.

Mr McCall: We do not find it odd. Conservation through wise use is a well-known philosophy. Many species in the world are conserved because there is a use for them.

Alex Fergusson: My question follows on well from Duncan Hamilton's point. I do not live in such an area and so have no personal experience of this matter, but it has been put to me that the bodies that are responsible for the management of foxes in areas that are controlled by fox hunts have an interest in maintaining a healthy population of the species. I have experience of sheep farming in areas where there is no hunt and I have to say that many of my former colleagues would be happy if they never saw a fox again.

Is there legitimacy in the argument that fox hunts play an important role in the conservation of a species and the maintenance of a balanced population of that species in the area? What might happen to the species if that method of control were removed?

Mr McCall: If an area had no foxes, a fox hunt could not be held. That is self-evident. That means that the hunter has an interest in ensuring that the species survives and that the individuals are fit and able. That contradicts the point about control that was mentioned earlier, but there is no doubt that, as an old saying suggests, it is a poor rabbit trapper who kills the last pair of rabbits on his ground.

Alex Fergusson: Could you answer the second part of my question? What would happen to the fox population in an area if fox hunting were banned?

Mr McCall: There is no doubt that some gamekeepers are aware that there are key periods of the year in which foxes do not do great damage to game. At that time, larger numbers of foxes can be tolerated. Focusing control in the autumn takes the cream off the milk but does not deal with the problem. Foxes are territorial and the key time to control them is, as I said earlier, in the pre-breeding season, before the time in which they do most damage.

James Morris: I have some doubt, if 10 hunts can kill 350 foxes in a year, that disposing of 30 foxes in any area is doing much towards their control or towards the quality of the fox. The choice of which fox they chase appears to be indiscriminate. If you are suggesting that their staff bring foxes into the area to be chased, that definitely suggests that it is a sport and that they are breeding for a sport. I find that a strange argument.

Alex Fergusson: With respect, the issue of whether it is a sport was not the thrust of my question. We have discussed that. What is your view of what might happen to the fox population within an area if fox hunting was removed?

James Morris: Where necessary, you would have to impose other forms of control, which would be flushing to guns. You would shoot more foxes. That is the only other option.

Alex Fergusson: My final question is to Mr Morris. In your submission, you state that the society believes, however reluctantly, that the use of dogs should be allowed for rabbit and rodent control. I have genuine difficulty understanding the differences between the sensory capabilities of rodents and foxes and what the difference is that means that hunting is cruel and vermin control is not.

James Morris: I can best answer that by saying that society determines the need for controlling certain animals and how many need to be controlled. Society has decided that it must control vermin such as rats. You exterminate them in many ways other than with dogs; for example, we license poisons for that.

In relation to foxes, we are talking about a different number of animals to be controlled. I see the need for society to control certain animals. Rats and smaller animal rodents have to be controlled, and licensed pest control firms do that. There is a licence requirement. Sometimes a dog is used, but mainly on farms; it used to be done in stables, but there are few of those in towns nowadays. That method will gradually die out as people use proper licensed operators. It is difficult to put poison down on farms as poisons are indiscriminate and there is the need to be more selective. We are forced to permit certain types of animal control by dog that we do not wish to permit.

I see no difficulty in my society's position of having a philosophy that would like to see something done, but taking a practical approach that says that, in the meantime, we cannot achieve that so we must take a more pragmatic view. That is a sensible approach.

The Convener: We are coming towards the end of this evidence session, but Jamie McGrigor and Des McNulty would like to ask a question.

Mr Jamie McGrigor (Highlands and Islands) (Con): I must declare an interest in that I have been a sheep farmer—now an ailing one—for nearly 30 years. I was trying to work out how many lambs I have lost due to foxes during that time. I could not tell you the exact number, but it is certainly in the thousands.

Although I deplore any deliberate cruelty, fox control is necessary, especially in the Highlands. Terriers accompany people who go round dens on open hill ground at cubbing time. My experience is that a properly trained terrier goes in and will come out. At that point, you cock your gun because you know that the fox will come out behind the dog. On the several instances that I was there, I never saw a fight between a terrier and a fox. Although I will not say that it never happens, it is not what is meant to happen and it only happens rarely.

My second point is that it is generally acknowledged in the Highlands that by going round the areas of the known dens each year and putting terriers down the holes you discourage foxes from coming to those earths again. My experience is that in going around 10 earths, although many have been cleaned out, you will only find a fox having cubs in one out of 10. You might go for three years—

The Convener: Do you have a question, Jamie?

Mr McGrigor: I have asked two questions so far; I am asking a third. I would like to hear James Morris's comments on those two points.

The third question, which is on the same issue, is that with the increase in Forestry Commission ground—in some cases vast acreages up to 20,000 acres—one of the reasons that there are so many foxes on the open hills and an increase in pressure is that people have lost the knowledge of where the dens are in Forestry Commission areas. The number of foxes in the Highlands has increased because of that. Should there be an onus on the Forestry Commission to make sure that its rangers know where fox earths are, so that if it is necessary to have fox control, they can do something about it?

I also had a question on mink, but I will stop.

James Morris: I am sorry, convener, but could Mr McGrigor repeat the first two questions?

Mr McGrigor: My first point was that, in my experience, properly trained terriers go into dens and come out if they find a fox, and the fox comes out within a couple of minutes. What is your comment on that?

My second point was that regularly putting terriers down holes discourages foxes from making their earths there.

Third, should there be an onus on the Forestry Commission to know the number of foxes on its land, and where they are?

The Convener: Can you comment briefly?

James Morris: Yes, because there is little that I can say. If it is Mr McGrigor's observation that terriers go in holes and then come out, I respect that. I have no way of knowing whether that is right or wrong. The idea is that terriers push foxes out.

If we can drive foxes out quickly and cleanly, we welcome that, however it is done.

Mr McGrigor: May I come in on that, convener? The point of terrier work is that you send the terrier in, and once the vixen with the cubs knows that there is danger around, she will come out to check it, which is when the vixen gets shot. That is how I have seen it done.

James Morris: If that is the case, I welcome that.

The Convener: To be perfectly honest, we cannot ask you to comment any further than to accept what has been said. Mr McCall, do you have any comments before we move on?

Mr McCall: I totally agree. I have working terriers and I use them. I suspect that keepers, who I believe you will see next week, will tell you that if you are careful, you make sure that you do not go downwind. There are all sorts of techniques that aid flushing, as opposed to confrontation down an earth. If you value your terriers, as most of us do, you use those techniques, because your object is to control foxes.

I sympathise with the problem of deliberate confrontation between foxes and other mammals that are down earths. However, I do not believe that constantly putting terriers down known sand-holes and earths discourages vixens from occupying them in following years. I have not heard of that. It may be the case, but I do not think that there is any scientific evidence.

With regard to good-neighbour policy, whether it is the Forestry Commission or another land user, when we have an increasing population of foxes it is important that we know about and use all methods that are as humane as possible, although nothing is going to be 100 per cent humane. The suggestion about the Forestry Commission is extremely helpful.

Mr McGrigor: May I ask a question on mink?

The Convener: We must progress. We have a schedule that we are trying to keep to.

Des McNulty (Clydebank and Milngavie) (Lab): I have a question following on from Ian McCall's comments. Are there any areas in Scotland where the fox population is artificially maintained by people who are interested in the pursuit of foxes?

15:15

Mr McCall: I do not know the answer to that. Control of foxes in the spring is probably not taken as seriously in some places because there is a hunting interest in it somewhere in Britain.

Des McNulty: Dr Gill Hartley presented some figures on the methods that are used to kill foxes and cubs in Scotland. I notice that the figures come from 1971-72 and are old. Is it possible to produce a reliable and reasonably contemporary estimate of the extent to which hunting contributes to the number of animals killed for pest control?

Dr Hartley: The Scottish Executive rural affairs department commissioned a report from the Macaulay Land Use Research Institute, which gave estimates of the number of foxes killed in mounted hunts. The fox clubs provide returns on the number of foxes that they kill.

Des McNulty: My question was not about the overall number of foxes killed, but about the number of foxes that are identified as pests and subsequently killed.

The Convener: Are there separate figures for what has been described as a rogue fox, which is identified and disposed of?

Dr Hartley: No, I am pretty sure that there are none.

Mr McCall: I have just been reminded that the idea that a fox can become a rogue and start to do something that is irritating is impractical and is not what happens in the real world, whether you are a game manager or a sheep farmer. Foxes do not have "brigand" or "goody" written round their necks. Foxes are not easy to control, despite all the methods that are and have been available.

The fox is a successful creature. The current situation is artificial, and I was interested to hear Des McNulty use the word "artificial". Once upon a time, foxes had natural enemies in Scotland, not least of which were wolves, bears and lynxes. None of them exists any longer. The last creature in the world that one can blame for there being lots of foxes is the fox.

The Convener: As we have reached the natural end of the questioning process, I offer the committee's gratitude to Dr Gill Hartley, Ian McCall and James Morris for helping us with our stage 1 inquiry into the Protection of Wild Mammals (Scotland) Bill.

15:18

Meeting adjourned.

15:34

On resuming—

The Convener: I hope that you have all had the opportunity to have a cup of tea or coffee. That is the most civilised way of proceeding.

I pass on to members the news that the Parliamentary Bureau has agreed formally to allow us to visit Dumfries for our last evidence-taking

session on stage 1 of the bill. However, the proposal has still to be considered by the conveners group, which is meeting at four o'clock today until about a quarter to five. I would like to get to the meeting before it finishes, and I would appreciate it if members would bear that in mind while we take evidence from our next witnesses.

We have decided to hear from our next three witnesses one at a time and to allow them to be assisted by supporters. It is our intention to take evidence from the witnesses in quick succession. That means that we are required to deal with each panel in 15 to 20 minutes, if possible. However, we will extend questions slightly if that proves necessary.

Our first group of witnesses is led by Andrew Knowles-Brown of the Scottish Hawk Board. He is supported by Marian Sherwood and Graham Whiting. I understand that Mr Knowles-Brown would like to make a short opening statement. Members will then have an opportunity to ask questions.

Andrew Knowles-Brown (Scottish Hawk Board): Thank you for inviting the Scottish Hawk Board to address the committee. As we have said in previous evidence, the board's primary concern is the protection of falconry. You will know that falconers, like other field sports enthusiasts, do not fit into neat little boxes. Many falconers, fox-hunters, shooters, fishermen and so on, take part in field sports other than that which is their main interest. If one sport is affected, the ripple effect concerns many more than just those whose interest is vested in the core affected sport.

Falconers rely heavily on landowners and gamekeepers for access to suitable ground on which to fly their birds. Gamekeepers ensure that there is an adequate supply of our chosen quarry. Fox hunting country has good supplies of trees and woods for our quarry species to reside in—there are no monoculture prairies in fox hunting country. Hare coursing country has very good populations of hares for us to hunt. It is in the interests of landowners in such areas to prevent unlicensed long-doggers from slaughtering as many hares as possible in a day.

Restricting field sports will have a detrimental knock-on effect on our quarry species. All legitimate controlled field sports in this country practise sustainable use for their quarry species. That is a responsible way in which to manage our wildlife. We have some of the finest country in the world for our game and quarry species because we practise sustainable use. Removing controlled hunting will let in poachers and those who wish to make a fast buck and have no long-term interest in keeping viable quarry populations alive.

Our hunting is the envy of Europe. Foreigners flock here every year to take part in hunting of one sort or another. Our quarry species are in good heart. Members should think what would be left if no one was at hand to keep the pest species under control and the poachers at bay.

The protectionist organisations that support the bill have spread misinformation. The wording of the bill makes their intentions perfectly clear. I hope that I can answer your questions satisfactorily to help clear up any points of contention.

Fergus Ewing: How might falconry activities be affected by Mr Watson's bill?

Andrew Knowles-Bill: Yes. Misinformation has been circulated, but not by the field sports lobby. Both falconry and rough shooting will be affected by Lord Watson's bill. The bill clearly states that

"A person must not hunt a wild animal with a dog"

and that

"'to hunt' includes to search for or course."

Many falconers use one or more dogs to search for rabbits or hares before flushing them. We regularly use more than one dog to hunt a rabbit, but section 2(7) states that only "a single dog" can be used, and it is not clear what "under close control" means. We often work our dogs more than a quarter of a mile away from us on open moorland.

Section 2(7)(b) would affect falconers because we regularly use more than one dog to stalk or flush a hare from cover above ground. Section 2(8) does not exempt us because we do not shoot the hare.

Falconers would break the law if they hunted a rabbit with more than one dog or if they stalked or flushed a hare with one or more dogs. At last week's meeting, Lord Watson, Les Ward and Bill Swann spoke about cruelty and fox baiting—all emotive words—but no one has been able to quantify those descriptions. I suggest that that is emotional blackmail rather than scientific argument.

At a public meeting, Les Ward admitted that only six out of 10 foxes that were shot would be cleanly killed and that it would be a small price to pay if fox hunting—mounted followers with hounds—were to be banned. That is not a very nice statement for the 40 per cent of foxes that would not be killed outright—particularly from a man whose principles are supposed to be so high.

Mr Rumbles: Your written evidence states:

"Both Lord Watson and Mr Ward made categorical assurances before publication, that the bill when published would not affect falconry."

Could you expand on that point? What assurances

were given?

Andrew Knowles-Brown: We were referring to the intentions of the gentlemen. We believe that the intentions of Lord Watson and the co-drafters of the bill are clear. They intended the bill to cover all field sports, including falconry. If they wish to ban fox hunting, hare coursing and terrier work, as they have said, why did they not write the bill to ban specifically those elements of the field sports spectrum?

The bill has been drafted so as to ban any activity that includes dogs hunting mammals, which would include falconry. Well before the bill was presented to Parliament, it was made perfectly clear to both Lord Watson and Les Ward that if the bill contained provisions similar to those in Michael Foster's bill, it would affect falconry. Lord Watson assured me twice and Les Ward assured me at a public meeting that the bill would not affect falconry.

We have had no contact from Lord Watson or his advisers on the exemption of falconry from the bill. The effect on falconry of the Foster bill was debated in the Westminster Parliament. Ann Widdecombe tabled an amendment to the bill to exempt falconry. Everyone concerned was well aware of the implications of such legislation for falconry. I have recently been informed that the bill may contravene the EC directive on the conservation of natural habitats and of wild fauna and flora.

Cathy Peattie: My understanding is that Lord Watson has indicated his intention to lodge an amendment to exempt rough shooting and falconry from the bill.

Andrew Knowles-Brown: At present, we are discussing stage 1 of the bill—amendments can be considered only at stage 2. Although we would welcome any changes to exempt falconry, which is included as a result of bad drafting, we think that the bill should be withdrawn and redrafted so that falconry is not included in the first place. It would be remiss of me to agree to any proposed future wording. However, I can comment on the proposed amendments that Lord Watson has published.

The first amendment uses the phrase:

"by using a dog under close control".

What is the meaning of "close control"? Our dogs frequently work out of sight and hearing. The amendment also says that we must ensure

"once a wild mammal is found or emerges from cover, it is shot, or killed by a bird of prey, as soon as possible."

How soon is as soon as possible? Dogs can be on point for as long as 15 minutes before a flight takes place. Flights can cover some distance depending on wind direction and terrain.

The amendment refers to using a dog to flush wild mammals from cover "above ground". There is no mention of the Scottish mountain hare or blue hare. A dog is sometimes employed to locate the short single burrow that the hare uses as protection from the weather. A dog can locate the inside end of the burrow, close to the surface and dig down to flush out the hare.

We are told that the bill has been introduced to stop cruelty—a laudable reason—but if that is the case, why has Lord Watson decided to exempt anyone who hunts rabbits or rodents? Surely it is just as cruel—in Lord Watson's words—to hunt a rabbit or rodent as it is to hunt a fox or a hare?

Mr Hamilton: You said that you will not comment on specific amendments, which might make my question redundant. It strikes me that your submission is unnecessarily polarised because, given that some amendments will be introduced, you are not against the vast majority of the bill as long as the three points that you have raised can be addressed. Surely that cannot be beyond the wit of the committee and the Scottish Parliament. If those amendments were framed appropriately, you would have no particular objection to the bill in principle. Is that correct?

15:45

Andrew Knowles-Brown: Our objection would lie with the fact that the bill would prevent dogs from chasing wild mammals. The dog is a major part of our sport. We use dogs considerably, not just in hunting rabbits and hares but in hunting grouse and bird species—which the bill does not deal with—on open moorland. Our dogs range far and wide. There are blue hares on the open moorland. What happens if we are running our dogs and they flush hares? They are trained to ignore hares, but they will flush them because a hare will not sit tight if a pointer runs past. We would be affected by the bill quite considerably as we would be prevented from using dogs for our chosen sport. The majority of the bill affects us, whether it deals with pointers or hounds.

Mr Hamilton: Most people would take on board the legitimate concern that you have, particularly as Lord Watson has made clear that he does not intend the bill to impact on falconry. He and this committee would want to do something about any incidental impact. However, while your written submission is, rightly, focused on the parts of the bill that can be changed, I am not sure that the wider points that you are making are against the spirit of the bill.

Andrew Knowles-Brown: The problem is that Lord Watson has made it clear that the use of all dogs is to be banned. He has lodged no

amendment to say otherwise. I have spoken to Les Ward and on two occasions I have made Lord Watson aware of the Foster bill. Both know about the Foster bill—Les Ward was involved in its drafting. They are aware that the bill would affect falconry. Why, then, did Lord Watson not lodge an amendment at stage 1 to exempt falconry activity?

There are still problems with the amendment that we are discussing. It has yet to be debated and it could well be amended itself.

The situation is difficult. Where is the line drawn between people like me running two dogs on an open hill and accidentally flushing a hare that the dog ignores and people who are hare coursing? Who will say whether the dog is coursing the hare or ignoring it? That is why we have to oppose the bill in its entirety.

Mr Rumbles: We have to decide what the principles of the bill are. Are you opposed to the bill in principle because of the reasons that you just outlined?

Andrew Knowles-Brown: That is correct.

Mr Rumbles: And you have not been satisfied by the assurances that you have been given so far.

Andrew Knowles-Brown: We have not.

Alex Fergusson: I want to ask about the practical issues of falconry. When the prey is flushed from cover and the falcon sets off after the prey, is the prey aware that it is being pursued by the falcon?

Andrew Knowles-Brown: It will be aware that it is being pursued by the falcon.

Alex Fergusson: It will be aware that not all is quite as it should be in its perfect world.

Andrew Knowles-Brown: That is correct.

Alex Fergusson: What is the average length of a pursuit?

Andrew Knowles-Brown: It is hard to say. It depends on the species of bird that is being flown. If a smaller hawk—such as a harris hawk—is being flown and a dog is on point and the hawk is in an advantageous position and the wind direction is good for the bird, it might be only 10 seconds before the rabbit is caught. However, if an eagle is being flown and the bird has to change tack to gain height to get above its quarry because it has run uphill, it might take 15 to 20 seconds before the eagle can make a second pass. In such a case, the flight can go on for a period of time, but it is unlikely that it would be as long as five minutes, because the quarry will have found cover or gone down a hole by then.

Alex Fergusson: I believe that you mentioned that the quarry could sometimes be shot.

Andrew Knowles-Brown: No.

Alex Fergusson: I am sorry—I must have misheard.

Andrew Knowles-Brown: Birds of prey and shooting do not go well together.

Alex Fergusson: At the conclusion of the flight or the chase—whatever the term is—when the prey is taken by whatever species of raptor, is the kill quick and clean, or might it be called protracted?

Andrew Knowles-Brown: We would hope that it would be quick and clean. Our intention is to dispatch quickly whatever quarry species we are hunting. It is more difficult for smaller hawks to dispatch their quarry as quickly as a golden eagle or other larger bird. Falconers are normally on hand quickly in order to make straight in and dispatch the quarry immediately. We do not just sit there and watch the bird and the rabbit or hare having a fight on the floor—we will make in and dispatch the quarry as soon as practicable.

Alex Fergusson: Thank you for your honesty on that. Do you have any figures to show how many wild mammals might be taken in pursuit of this activity every year in Scotland?

Andrew Knowles-Brown: I do not have any figures, but it will be many thousands. Rabbits are by far the main quarry for smaller hawks. Hares are flown for a great deal, but because of their size and cleverness, a lot fewer of them are caught. They are very good at evading their pursuers.

The Convener: If there are no further questions, I thank you very much for coming today to help us with our considerations.

Our next witness is Mrs Ann Taylor of the Deerhound Coursing Club. She is accompanied by Dr Seumas Caine and Dr Marjory Mckinnon. I did not check in advance: do you have a brief opening statement?

Mrs Ann Taylor (Deerhound Coursing Club): I had not prepared one, but I would like to say that we are here to represent the Deerhound Coursing Club, a sub-committee and semi-autonomous section of the Deerhound Club, which exists to promote the deerhound, Scotland's oldest hound. It is a very rare breed, even in its own country. We reckon that there are probably fewer than 5,000 of them worldwide. To maintain the type, as handed down to us by past breeders, we want to work them in the only legal way that remains open to us: by coursing hares.

The Deer (Scotland) Act 1959 made it illegal to take deer other than with a high-powered sporting weapon. We can no longer use deerhounds for what they are for. To keep them as they ought to

be—a working dog, not an expensive pet or show dog—we want to be able to continue to course hare.

Seumas Caine is half the top breeding combination in Britain, and has been for some years. He owned the breed record holder and owns the current male breed record holder, who has also been top coursing dog. Marjory Mckinnon has been breeding deerhounds for longer than I am aware. Both of them judge at championship level. I am a relative beginner at judging—I am only in my third year.

Rhoda Grant: Is hare coursing a sport or a type of pest control?

Mrs Taylor: I do not think that it is either. It equates to gun-dog field trials. We are not going out specifically to kill hares—which would argue the case for pest control. Hare coursing is not a sport as such, because, to be honest, it is not particularly enjoyable for the humans.

I have two dogs which, between them, weigh about 16 stone. If I take them out on the hill and one decides to go one way and the other decides to go the other and I am knee-deep in heather, I can assure members that it is not fun or entertaining. We are trying to maintain a rare breed in its working capacity. I do not think that either pest control or sport enter into it.

Rhoda Grant: How often is the hare caught by the dog killed by the dog?

Mrs Taylor: We do not have figures for blue hares. For brown hares in England, a maximum of one in eight is killed. We have to bear in mind the fact that the hare is a small animal: even a big, strong brown hare weighs only about 7 lb, whereas a deerhound weighs something in the region of 100 lb. A deerhound finds it rather more difficult to turn in its own length than a hare does; a deerhound would be lucky if it turned in the distance between me and Alex Fergusson on the other side of the room. A hare can easily elude a hound.

Fergus Ewing: In paragraph 10 on page 12 of your written submission, you list some misapprehensions about coursing with deerhounds. I would like to hear your comments on some of the charges that are made against it. The most basic one is that it is cruel.

Mrs Taylor: You would have to define cruel before I could comment on that. I do not think that anyone has yet defined cruel. If you are asking whether coursing affects the hare's welfare, I could answer with an anecdote and say that, for some 18 months, in the woods near my home, my dogs and my friends' dogs regularly chased the same distinctive hare, which led them a merry dance all round the woods. We always found that hare in the same place; it seemed to be totally unaffected by being regularly chased. We do not know who caught it in the end; it was not us.

Fergus Ewing: A common misapprehension is that the hare is often torn to pieces while still alive. Is that true?

Mrs Taylor: I do not believe that that is true. It is not my experience.

Fergus Ewing: What actually happens?

Mrs Taylor: If the hare is caught—and it is a big if—it is usually gripped round the middle and dies pretty much instantly. If it does not die instantly, coursing officials have the specific job of going in, taking the hare from the dogs and killing it immediately.

Fergus Ewing: If hare coursing were banned, what would happen to the hare population? Would it increase or decrease?

Mrs Taylor: I think it would crash. Hares are mostly kept on shooting estates for coursing. They are a pest species in some areas. On grouse moors and in East Anglia, which is our other main base of operations, hare numbers are very high and are kept that way because of coursing. If there were no coursing, there would be no incentive to maintain habitat for hares or, indeed, to keep hares. All the estates suffer from illegal coursing and poaching; if the estates no longer needed hares because coursing had been banned, they could shoot them to prevent that problem of illegal coursing and poaching.

Fergus Ewing: Is the snaring of hares illegal?

Mrs Taylor: I do not know. It is not something I would like to see.

Fergus Ewing: Again in paragraph 10, you say:

"If coursing were to be banned hares would be shot and snared to reduce their numbers."

Mrs Taylor: That is possible, but I do not know whether it would be legal.

Richard Lochhead: In Scotland, is demand for deerhounds greater than supply? According to your submission, there is a demand for them overseas and they are exported.

Mrs Taylor: There is a high demand from overseas; but Seumas Caine can probably answer your question better than I can.

Dr Seumas Caine (Deerhound Coursing Club): I am afraid I have no knowledge about exporting hares.

Mrs Taylor: I think it was deerhounds.

Dr Caine: Oh, deerhounds? Yes, there is a big demand for deerhounds. I have exported a number of deerhounds to America, Germany,

France and Australia.

Richard Lochhead: Would you say that a primary motivation for keeping deerhounds is business?

Dr Caine: You really do not make much money out of it; you do it for the love of the breed. I have bred, shown and coursed deerhounds for 30 years. Once you are used to a breed, you get very attached to it. I had the top winning show dog in the show ring—she was coursed all her life. I still have the top dog in the show ring. He was also the top coursing dog in his youth—it is a young dog's game.

Richard Lochhead: Fergus Ewing suggested that there may be an increase in snaring if coursing were banned.

Dr Caine: Snaring is legal for catching hares.

Richard Lochhead: Your submission states that the deerhound very rarely catches the hare. I am trying to reconcile two lines of argument; if the deerhounds do not often catch the hare, they will not be a very effective pest control.

Dr Caine: Hares are a pest in Scotland. On the Scottish moors hares reach astronomical numbers and have to be shot. They carry a tick that causes disease in the grouse population and reduces the grouse population significantly, so on many estates they are shot out. The suffering that is experienced as a result of coursing is insignificant compared with the suffering that is experienced as a result of shooting.

16:00

Richard Lochhead: Given that your submission says that the hare usually escapes, would you say that coursing is not a very effective pest control?

Dr Caine: It is not—it is a bit of both. The point is that it does not cause much suffering. Lord Burns made that point.

Mrs Taylor: Coursing is not expected to be pest control. If it were pest control, we would not give the hare a start, but would slip dogs directly on to the hare. The hare is given every opportunity to escape. It is a wild hare living on its own ground—it knows the ground, but the dogs do not. The object of the exercise is not to control pests—to kill hares—but to test hounds.

Richard Lochhead: What percentage of chases result in the hare being caught by the deerhounds?

Mrs Taylor: As I have said, we think that about one in eight brown hares are caught. We have held a meeting with a 32-dog stakes and more than 50 courses but at which we have not killed one hare. That was a wonderful meeting, involving excellent coursing although the hares all got away.

Alex Fergusson: Mrs Taylor mentioned blue hares and brown hares. This maybe illustrates the level of ignorance about hare coursing in Scotland. If I am right, blue hares live up the hill, and brown hares live down it. Most people probably think of hare coursing being as it was portrayed in "Clarissa and the Countryman" on television last week, which was quite obviously brown hare coursing. I think that the programme showed the Waterloo cup event, at which bets were laid on dogs and which had all the paraphernalia of a sporting meeting. However, such activity is hardly likely to take place in areas where there are blue hares. Where in Scotland is hare coursing carried out? How many meets are held? Is the hare coursing that was shown on that programme typical?

Mrs Taylor: We are not here to speak on behalf of greyhound coursers, who have their own arrangements for meetings. Deerhound coursing differs from greyhound coursing in three ways: deerhound coursing does not involve betting or prize money, and we do not even score a point for the kill. Mostly we have walked-up meetings in Scotland. We have two in the Borders—in Berwickshire—and one in Mike Rumbles's constituency in Aberdeenshire. They are two-day meets that attract full, 32-dog stakes. There might be 60 people at meets, as one dog might be owned by a family.

The slipper is the official, who has the dogs, which run in pairs, in charge. He has them on quick-release leads—Seumas Caine has brought examples of such leads to show the committee. When a suitable, strong hare gets up, the slipper will release the dogs once he is satisfied that both dogs have seen the hare and that they are evenly balanced and are both running. We walk up hares—we do not have driven meetings in Scotland. The whole field is strung out in a line with the slipper in the middle, with the judge ahead on foot—one does not take horses up on the hill—at a suitable vantage point.

We have pickers-up at each end of the line to assist with any hare that is brought down. When a strong hare gets up, the slipper releases the dogs. The line stands still while the course takes place. The course lasts between a few seconds and a minute and a half, by when the hare either will have been caught or will have gone to ground and got away. Once the hounds cannot see the hare, they lose interest and come back to their owners.

Des McNulty: This may be a question that you cannot answer. What proportion of legal hare coursing do your activities represent?

Mrs Taylor: A very small proportion. We have seven meetings on our calendar for this year.

Normally, we have about 10 or a dozen. You would have to check with the greyhound people, the saluki people and the whippet people how many meetings they run. At any rate, our activities represent a fairly small proportion of the total coursing scene.

Des McNulty: In your submission, you clearly make the case that the kind of coursing that you are involved in is not inherently cruel. Part of that argument is that the hare has an excellent chance of getting away. Might some forms of hare coursing be viewed as cruel if the same arrangements that you make are not maintained, or if the chances of the hare being caught were significantly higher? Where is your boundary?

Mrs Taylor: My boundary is to give the hare a damn good chance and let it get on with it. I have no experience of any form of coursing other than deerhound coursing. I have not even been to a greyhound meeting, so I cannot speak for them.

Des McNulty: Does your definition of why you believe that your form of coursing is justifiable relate to the hare's chances of getting away and to the limited degree of coursing that you are involved in—the fact that it is controlled and is for a specific purpose relating to the protection of the breed? Is that the basis of your argument?

Mrs Taylor: We could probably agree to that, yes.

Richard Lochhead: Your written submission says:

"At any time in Scotland there will be fewer than 100 Deerhounds".

How many of them will participate in coursing?

Mrs Taylor: I would think between 15 and 20 per cent. It varies, depending on who has a dog that is fit to run. I have two deerhounds—I run only one of them, as she is the only one that is sufficiently young and fit. Marjory McKinnon has one running dog; Seumas Caine has a choice of two or three. Others keep dogs for coursing. Some are old, retired dogs, which live as family pets—most of them are pets. I would enter one or two in a meeting, and I am not untypical in doing so.

Alex Fergusson: I wish to ask the same question that I asked the previous witnesses. During a course, is it your opinion that the hare knows that it is being chased?

Mrs Taylor: Who knows what goes on in a hare's mind? I know that the hare is supremely designed to elude capture. It is very fast—a lot faster than the deerhound. It can turn in its own length and, assuming it eludes capture, it will then go back to doing exactly what it was doing before it was coursed. I am not sure if that answers your question.

Alex Fergusson: Not quite, but I understand if you cannot answer it.

Do you agree with Lord Burns, who said in his inquiry report:

"It seems likely that, if the hare is caught by the pack, insensibility and death follow very swiftly . . . within a matter of seconds"?

Is it as quick as it can be?

Mrs Taylor: Yes, it is.

Mr McGrigor: How many people would turn up to a typical hare coursing meet? Would many of them be people who did not have dogs of their own?

Mrs Taylor: It depends on the size of the stakes. A 32-dog stakes, which takes place over two days, will tend to attract more people, who go to see the dogs rather than to run them. They include tourists from the United States, Germany and Norway, who come specifically for that two-day meet and then stay on in Scotland, as tourists, for two or three weeks. They come primarily to see the coursing.

Mr McGrigor: That brings me to my point: hare coursing contributes quite a lot of money to the rural economy.

Mrs Taylor: It certainly does, and at a time of year when the local businesses really need it. Coursing takes place during the winter, starting on 15 September and finishing on March 10. That period is fairly marginal for tourists.

Rhoda Grant: I perhaps picked you up wrongly earlier: you said that coursing is not enjoyable to watch and does not attract people to come and watch it in the sporting sense.

Mrs Taylor: People come to see coursing in the same way that they go to gun-dog field trials. People do not go coursing to see hares being killed; if they do, they are disappointed. We are not all blood crazed. The object of the exercise is to see how the hounds work. Some people breed as a result of what they see on the hill: they will pick a stud dog or book a puppy from a bitch according to its performance on the hill. They care enough about their hounds being kept working to ensure that they will have a working pup. We are trying hard to avoid any split in the breed, between working and show dogs, and so far we are succeeding.

Rhoda Grant: You are saying that the sport could be in watching the dog rather than killing the quarry.

Mrs Taylor: Absolutely. I cannot stress strongly enough that the object of coursing is not the killing of hares.

The Convener: To bring this section to a close,

I shall ask what may sound a very strange question. It is designed to solicit what may sound a very strange answer. Do you believe that the activities of the Deerhound Coursing Club actually do some good for the species in Scotland—that is, the blue and the brown hare?

Mrs Taylor: I think that we do, yes. Individual hares may die, but the population of hares as a whole is kept at a level that is sustainable and that promotes the biodiversity that we have heard a lot about today. It is good for hares. It may not be good for an individual hare. No one is saying that that may not be an issue for some people. However, it is good for the hare as a population and a species.

Richard Lochhead: Why is that? I do not know what the hare population of Scotland is. Do you know?

Mrs Taylor: No, but the game conservancy people probably have figures that they would be pleased to pass on to you. That information is not available to amateurs such as us without research.

Richard Lochhead: Why is coursing good for the population of hares?

Mrs Taylor: Because the hare is maintained at a high level. Individual hares may be killed in a meet, but in a coursing or shooting estate the hare population as a whole will be higher than where there is no coursing, because there is no need to control the hares. The landowners like to see the hares as much as anyone else, so they are kept for us.

The Convener: I thank Ann Taylor, Dr Marjory Mckinnon and Dr Seumas Caine for their assistance.

Our final witness today is Mr John Gilmour of the Master of Foxhounds Association. I welcome Mr Gilmour. Do you have a short statement with which you would like to open?

Mr John Gilmour (Master of Foxhounds Association): I do indeed, convener.

Ever since early man started farming, the countryside has been a managed environment. Along with all other field sports, hunting has been part of that management. The country that you see today is a product of the policy of planting small woods and gorse banks for sport and conservation.

At present, with the increase in forestry creating the ideal habitat for foxes, it has been shown conclusively that hunting with hounds has a part to play in controlling them. It is not only in the Highlands that that happens; large areas of forest are now being planted in the lowlands, and most lowland packs operate, to some extent, in the same way as the hill packs. During the year, my hounds get many call-outs and requests from keepers to hunt forestry blocks with strategically placed guns. However, hounds often catch the foxes before they get to the guns.

There are two sides to running a pack of foxhounds. First, we have a job to do: to control foxes, both on call-out days and on traditional days. That is the responsibility of the master and his staff, and it is a job that goes on 365 days a year.

Secondly, we have to manage the people who wish to follow hounds. They pay for the privilege of being able to ride across countryside, which they would not be able to do under normal circumstances. That is the great attraction of hunting. Hunting has developed a code of conduct that allows us access to the land over which we hunt. If we break the rules of that code, we lose the country and we cannot continue to hunt it. I suggest that by liaison, co-operation and common sense, we have cracked the access to the countryside argument that other bills seek to quantify.

A pack of hounds serves a useful purpose in the rural economy by disposing of farmers' fallen stock to the current value of £3.25 million per year. We are also licensed to use humane killers and hunts are often called upon to put down injured animals on the public highway and other places.

On the question of cruelty, I have examined my conscience and can find no reason to stop hunting foxes. Parson Jack Russell, the breeder of the terrier as we know it today, surely did the same. I have been a master for 27 years and a huntsman for 12 years. I have yet to see a terrified fox, far less a terrified mink. Last week, it was said that a hunted fox shows none of the classic signs of mortal fear. At a fox's last moment, it is still in its nature to attack. My hounds know that instinctively and therefore kill a fox as quickly as possible to avoid getting bitten.

Finally, if the bill is passed, I have nothing but sorrow and regret for the folk who will lose not only their jobs, but their way of life, and for the hounds and horses that will lose their lives. That would all be for the idea, which was refuted by Lord Burns, that hunting is a cruel and barbaric sport. On gaining independence, third world countries often had the same high ideas as those the bill purports to promote, but they have rapidly come to the conclusion that to protect the environment, the best approach is to continue a policy of controlled and sustainable field sports.

If the Parliament takes away our right to hunt—an activity that man has pursued since time began—we will have no vested interest in protecting our countryside.

16:15

The Convener: Thank you, Mr Gilmour.

Richard Lochhead: You have been a huntsman for 12 years.

Mr Gilmour: I have been a huntsman for 12 years out of the 27 years I have been a master.

Richard Lochhead: I have never been on a fox hunt. Can you tell us what it is like?

Mr Gilmour: As a job it is very hard work. It starts very early in the morning, when we get the hounds and horses ready. In the late summer and early autumn, when it is cub hunting time, we begin at 3.30 or 4 o'clock in the morning. My concern as a huntsman is always for my hounds and to do the job for which we are there. If we do not control foxes for the farmers over whose land we hunt, we would not be popular. We have a specific job. The people who follow hounds are there for the fun of it. They come to ride cross-country, to enjoy the countryside and to have a day out with their friends. It is a social experience and a way of life.

Richard Lochhead: Do you enjoy it?

Mr Gilmour: I enjoy hunting. I do not think that anyone who takes part in a field sport enjoys the killing—I certainly do not. One always has a twinge when something dies. However, that is a necessary part of the countryside. I am a farmer. If an animal is born on a farm in the countryside, it is going to die. That is a fact of life—unfortunately.

Richard Lochhead: I represent a largely rural constituency and you are the first person I have ever met who goes fox hunting. I was interested to read in the submission that if the bill were to be passed

"a way of life, both social and economic, will disappear for a large percentage of the rural population."

How big a percentage of the rural population will be affected?

Mr Gilmour: To give you some indication, I can tell you that the hunt runs all sorts of functions, the biggest of which is our race meeting. We get anything up to 9,000 people for that meeting. That is the biggest crowd in Fife—it beats East Fife by a long way—for such a sporting occasion. There is a range of support across the social spectrum. I have a database of names and addresses of people to whom I send postcards detailing fixtures and functions, which covers about 140 families. I know that those people pass that information on to others. It is a big slice of the community. Many people who are not on that list come hunting simply because they enjoy it.

Richard Lochhead: What percentage of the rural population would be affected?

Mr Gilmour: The Macaulay report says that 230 full-time jobs would be lost. The knock-on effect would be considerable; farriers, saddlers and people who sell Landrovers would be affected. My Landrover dealer says that his business would be affected if the bill were enacted. To a greater extent, the whole rural economy would be affected. Various charities, such as the International League for the Protection of Horses, say that a ban would do nothing for the protection and care of equines.

The Convener: I think that we are beginning to stray from the topic. I remind the committee that we are trying to cover the basic issues of pest control and cruelty today. I should also point out that rude remarks about East Fife do not go down well with certain members. [*Laughter.*]

Des McNulty: It is clear that you do not like Mike Watson's bill. Can you see any effective role for legislation in regulating fox hunting? Is there any scope for a licensing regime or would more systematic self-regulation be a possible alternative to the bill?

Mr Gilmour: Yes. The Master of Foxhounds Association has already put in place a control system with an independent supervisory authority. We have monitors. Many of those arrangements follow from Lord Burns's recommendations. I would be perfectly happy to listen to other suggestions, as would my association. Some form of licensing might be appropriate if it allowed the basic idea of the operation to continue.

Des McNulty: Do you think that there could be constructive alternatives?

Mr Gilmour: Yes.

Rhoda Grant: Is a mounted fox hunt intended primarily for sport or pest control?

Mr Gilmour: The hunt is in place for pest control. The people who follow the hounds—what we call the field—are there to enjoy riding in the countryside. In other words, as far as they are concerned, it is a sport. There are two distinct elements to a pack of hounds. First there is the job carried out by me and my staff, which involves looking after and running the hounds and the killing of foxes for farmers, landowners and shooters. Secondly, the nice thing about it is that people enjoy following and watching hounds, which is a great attraction. People pay for that privilege. Thank goodness they do, otherwise I could not afford it. The two parts are distinct.

The pack of hounds is available 365 days a year. We answer call-outs from shooters, farmers, shepherds and so on, over and above the activities we organise on a general basis—we hunt from September to March. The people who follow us do so as a sport. They like to follow hounds

because they like to ride across the countryside. As I said, it is part of their social life. They enjoy galloping and jumping and some people fall off—it is a risky business. However, that is part of their enjoyment.

Rhoda Grant: How efficient is it? We have had evidence that fox hunts can go on foot to track down an individual fox that has been identified as a problem. Fox hunts on horseback do not target a specific fox, but target the first fox to break ground.

Mr Gilmour: My staff and I know where there are foxes. Farmers and keepers tell us if there is a three-legged fox about. Sometimes foxes get hit on the road or shot and wounded and they need to be tracked down. Vixens have a different scent in spring, so they are not hunted then.

You asked how effective a mounted fox hunt is. The Game Conservancy Trust has figures that show that a pack of hounds will kill about 10 per cent of foxes in an area. The number depends on the area. In Fife, the hunt's problem is that it is isolated. No matter how many foxes we or keepers kill, a vast reservoir of foxes will continue to exist in the rest of Scotland and some of them will come into the area. Foxes are territorial. If an area is cleaned out of foxes, other foxes will move into that area. They are very clever animals.

Rhoda Grant: So you do not conduct mounted fox hunts in spring?

Mr Gilmour: No. Come the spring, it is lambing and sowing time and we are all busy on the farm. We would hunt in the spring only if a shepherd or a farmer rang us to say that he had a problem. Then, we would go probably not with hounds, but just with terriers, because the shepherd or farmer could probably tell us where the fox was working.

Alex Fergusson: I was interested to read the report of a hunt in *The Scottish Farmer* the other day. According to that report, four foxes had been flushed—if that is the right word—and none had been caught. What percentage of foxes that are flushed end up caught and killed by the hounds?

Mr Gilmour: We tried to work that out once, when we were helping a professor whose name escapes me, who was doing work for the University of Reading. I think that we came to the conclusion that we killed about one in 10 foxes.

Alex Fergusson: On a mounted hunt, do the followers of the hunt—you called them the field—usually witness the kill?

Mr Gilmour: No. Even as a huntsman, when I hunted with hounds, I rarely saw the hounds catch a fox. The hounds are generally three, four or five fields in front, or they may be on the other side of a hill. I know that hounds kill more foxes than we know of. The hounds will kill the fox—bang—then leave it and run on.

There is a terrible misconception that a pack of hounds will tear a fox to pieces. That does not happen. A hound has a weight advantage of about 8:1 or 10:1. It has a muckle great jaw and when it grabs a fox it takes one crunch and the fox is dead. At last week's meeting, Les Ward tried to argue that it could take 15, 20, 30 or 40 seconds to kill the fox. That is absolute rubbish. As I said in my opening statement, hounds know instinctively that the fox will turn round and bite them unless they kill it. It is in the hounds' interest to kill the fox as quickly as possible.

Alex Fergusson: Veterinary evidence that was published last week agrees with your statement, but I hope that you will forgive me for asking the next question. If you are four to five fields away at the time of the kill, how can you back up your statement?

Mr Gilmour: I and other people see the kill occasionally. What I described is generally what happens. The field can be close, but not that close, although it is usually a long way away.

Alex Fergusson: So you as the huntsman would normally be the first man on the scene?

Mr Gilmour: Absolutely.

Alex Fergusson: We are often told that, in the event of a fox hunting ban, drag hunting would be a perfectly acceptable alternative and would avoid all the problems that have been flagged up, such as redundancy. Like Richard Lochhead, I have never been hunting. I do not know much about it. Why do you think drag hunting is not a feasible alternative? My own view is that if drag hunting were such a successful operation, it would already exist in Scotland, and I believe that there is no drag hunt in Scotland.

Mr Gilmour: You are right: there is not. Drag hunting is a totally different horse sport—it is akin to racing. It is highly dangerous and not for the faint-hearted. Hounds that follow a dragline go very fast because the smell is so strong. The smell of a fox is faint, which is why hounds take a long time to work it out. In a drag hunt, once hounds have the smell, they take off like a rocket. It is flat out from start to finish. The whole thing is over in 15 to 20 minutes—if you have survived that long. I rode for a long time as a steeplechase jockey; I would rather go back to that than go drag hunting.

16:30

Alex Fergusson: We are told that if drag hunting were the only form of hunting available, farmers would not give up their land for it because it is not pest control. Is that a valid argument?

Mr Gilmour: Yes. Sadly, because of the state of the beef industry, we are having to go round farms putting down bulls, as there is no market for them.

Alex Fergusson: That was my final point. You said that the value to the industry was some £3.25 million a year. Was that the value of the fallen stock that you are taking—

Mr Gilmour: No. That is what it would cost the Government to dispose of the fallen stock if we were not doing it.

Mr Hamilton: It will be for the committee and the Parliament to decide whether the social and economic impact that you are talking about should be addressed in the bill. On pest control, however, you talk about one in 10 foxes being taken. That is a small number. If that is correct and the bill were passed, would there not be a move to different methods of killing foxes? It is not as if the foxes that are currently controlled by hunts would survive. In other words, foxes that are killed by the current methods would still be killed. What is the pest control argument?

Mr Gilmour: No one who hunts foxes wants them to be eliminated. We want a sustainable, ecological balance in the countryside. There are certain farmers who do not want foxes to be killed because they have a big rabbit problem. We are there to kill the weakest: the ones that have been wounded—

Mr Hamilton: Pardon me for interrupting, but why would that not happen under a different method?

Mr Gilmour: If you took away the interest in protecting foxes to an ecological, sustainable level, you would find that keepers, shoot owners and so on would wipe out the whole fox population. At the moment, I protect my land. I stop people poaching and shooting. Many people lamp illegally at night, which is highly dangerous. If hunting disappeared, I would have no interest in stopping that or in protecting the wildlife.

Mr Hamilton: The assumption behind what you are saying is that you and only you have that ecological balance in mind. Why do you assume that those who would be charged with controlling foxes would not?

Mr Gilmour: The people we are talking about have no interest in that. They are there—

Mr Hamilton: Why do you say that?

Mr Gilmour: Because throughout the country many of them shoot at night—they are basically poachers.

Mr Hamilton: Yes, but do you understand my problem? I am trying to think about this logically. Different people are involved in controlling the fox population. Why would a different method have such a disproportionate impact on the balance, given that one in 10 foxes would probably be killed anyway?

Mr Gilmour: Undoubtedly the number of foxes would fall. It is the same question as the one that you put to Mrs Taylor about the hare population. Where there is a vested interest in field sports, there is a good balance in the countryside and the number of animals is maintained.

Mr Hamilton: I am questioning the assertion that only those involved in field sports have an interest in maintaining the balance. I am not entirely convinced of that.

Mr Gilmour: What other party would have an interest in it?

Mr Hamilton: We shall have to agree to disagree on that point.

Richard Lochhead: In your opening remarks you said that the purpose of the mounted hunt is pest control, that the people who follow the hunt do so for sport and that mounted hunts kill only one in 10 foxes. What would make a farmer invite a mounted hunt on to his land, rather than employ another type of pest control?

Mr Gilmour: Sorry, could you rephrase that?

Richard Lochhead: You said that farmers tend to invite mounted hunts on to their land as a form of pest control.

Mr Gilmour: I approach farmers. I ring round the farmers, most of whom I know well, and tell them that we are proposing to meet on spot X on Saturday and I ask permission and whether there are any problems. It is a major logistical problem. Before a day's hunting, I have to ring all the farmers and landowners over whose land we hunt to ensure that it is okay, does not clash with something that they have organised and that sheep and cattle will not be in the way.

Richard Lochhead: Given that backdrop, if you say that the purpose of the hunt is pest control and you call the farmer, does the farmer invite you on to the land only if he has a fox problem?

Mr Gilmour: No, because you never know where foxes are going to be. On a given day, we would organise a hunt to cover a large tract of country. We would have a good idea of where foxes would be and we specifically ask farmers or landowners who have a known population of foxes.

Richard Lochhead: Why would a farmer invite a mounted hunt as a form of pest control, rather than use another method?

Mr Gilmour: Mostly because it is traditional. Our pack has been in existence for more than 200 years. We carry out a service for farmers: we lift fallen stock, mend gates and clear rides. That issue might not have been raised previously. One of the benefits that the hunt provides is that it keeps the countryside open, not only for us, but for

other people. We put in hunt gates and bridges and open up rights of way. If we can keep our noses clean and ensure that there is no damage to the farmer's property, the farmer will continue to allow us to hunt. In many cases, the farmer is part of the social scene of the hunt. Most farmers come to the race meeting or to dances—it is part of what goes on in the countryside.

Richard Lochhead: Why are there so few hunts in Scotland?

Mr Gilmour: I do not know.

Richard Lochhead: You make them sound quite helpful.

Mr Gilmour: Historically, one pack of hounds hunted a much larger area than we hunt now. That is because of the changes to the countryside. If we go back to 1840 or 1850, much of Fife was just white grass and heather and therefore not conducive to foxes breeding in large numbers. We have changed the countryside by enclosing and planting it and that has caused the fox population to grow. At one stage, our pack hunted all of Fife, part of Perthshire and some of Angus. Historically, there were hounds in Aberdeenshire, long before the present–day Kincardineshire hunt. However, they did not operate in the Highlands because people cannot ride across the hills on horseback—they would end up in a bog.

Mr McGrigor: I have just a couple of questions on cruelty. You expressed an opinion that hounds kill a fox quickly. I see that there are only two other legal methods of killing a fox: shooting and snaring. If hunting were taken away, they would be all that was left. If hunting were abolished, would many more foxes meet a nastier end from snares and shooting?

Mr Gilmour: That would undoubtedly be the case. Good keepers check their snares every day, sometimes twice a day, but there is no guarantee that snares will be checked so regularly. It has been said, and it is accepted, that many foxes are wounded. I know that from the foxes that we have caught with hounds. One year, we did much research and found that many foxes that we killed with our hounds had shotgun pellets under their skin.

Mr McGrigor: Is there any element of hunting that people perceive as especially cruel that could go? I am thinking particularly about the process of digging out. Is that a necessary part of hunting?

Mr Gilmour: In some areas, it is. We have heard already that digging out is essential up in the hills. If terriers were not used in some places, the keepers would struggle.

Mr McGrigor: Sorry, I meant digging out at the end of a mounted hunt.

Mr Gilmour: Often, if we put a fox to ground, we do not dig it out.

Mr McGrigor: Supposing that you did not do that, would it upset you, as a huntsman?

Mr Gilmour: No, but the farmers over whose land I was hunting would probably be upset.

Mr McGrigor: That was my point.

Rhoda Grant: How long does a hunt normally last? For how long do the hounds chase the fox?

Mr Gilmour: How long is a piece of string? The hunt can be instantaneous. You can catch a fox just like that—in seconds—or you can hunt it slowly for a long time. In general, if you are hunting for a long time, the fox is miles in front, and probably has little perception that it is being hunted.

I have observed that only in the very last seconds before it is caught does the fox realise that it has a problem. I have seen foxes stop, sit down, scratch their ears and watch what is going on while they are being hunted. It has already been said that foxes are incredibly clever. Everyone knows that. A fox cannot be deemed to have the perception of being chased. It knows that something is wrong, but I do not think that it is aware of why something is happening as you or I would be if we were being hunted.

Fergus Ewing: You said that you have yet to see a terrified fox. Does a fox feel fear?

Mr Gilmour: That question has already been asked today. I think that the fox feels something, but not fear. I have not seen fear in the eye of a fox that has been dug out and is about to be shot. There is none of the signs of fear that have been referred to before, such as the loosening of the bowel. The fox remains highly aggressive. It is the same with a mink. A mink will do its damnedest to bite you at that moment.

Fergus Ewing: Lord Watson maintains that mounted hunts in particular are a cruel, barbaric practice per se. Jamie McGrigor has asked about the kill. Do you dispute that the chase is cruel?

16:45

Mr Gilmour: Yes.

Fergus Ewing: Why?

Mr Gilmour: Having watched foxes for most of my life, I do not think that they have the perception of being chased. The fox behaves totally differently from what you would expect if it were fleeing for its life.

Fergus Ewing: Moving on, you said that the master of the hounds and the staff control foxes 365 days a year. I presume that means that much

of their activity is control of the fox by other means, such as using dogs, as in other parts of Scotland. Will you give us more detail about the activities, other than mounted hunting, in which the master and the staff are involved?

Mr Gilmour: I meant that the commitment to running a pack of hounds is 365 days a year. We do not go out 365 days a year, but 80 to 90 days a year. Some packs, which have bigger countries than I do, go out as many as 120 days a year.

Fergus Ewing: Some people have said that if Lord Watson's bill becomes law, the dogs used in connection with mounted hunts would have to be destroyed. What is the evidence for that?

Mr Gilmour: I agree. I would not want anyone to have to take on foxhounds. They are not an animal that can be domesticated. I daresay that you might be able to do a modicum with a puppy, but older hounds, who have lived in kennels, are pack animals. They are expensive to feed and look after. The average person would not be capable of looking after them.

Fergus Ewing: Are any figures available on injuries to horses and dogs during mounted hunts?

Mr Gilmour: The short answer is no. The accidents that occur to the hounds happen when they jump fences and get torn on barbed wire. That has been happening for as long as barbed wire has been around. Occasionally, a horse will break a leg, but that can happen out on a ride or galloping round a field. Injuries are more likely to happen to human beings.

The Convener: That has brought us to the end of our questions for Mr Gilmour. I take the opportunity to thank you, on behalf of the committee, for coming along and helping us with this issue.

Mr Gilmour: Thank you, convener.

The Convener: The intention of item 3 is to enable members to make comments to go in the *Official Report* and, if necessary, to draw other matters to the attention of the committee. It is appropriate at this point to refer to the letter from Mike Watson, which we received earlier today, and the video that is mentioned in it. We did have the opportunity to see the video, but it has been suggested that we might wish to view it with other videos that have been submitted as evidence and that we should arrange a suitable opportunity for members of the committee and other members to view them at our earliest possible convenience. It has been suggested that we use for that purpose the Tuesday afternoon that we will not be using for a committee meeting in the week that we go to Dumfries. Would that fit with members' diaries?

Alex Fergusson: Is that 5 December?

The Convener: Yes.

Fergus Ewing: That would suit me at a personal level. I gather that the Deerhound Coursing Club also has a video. That will be shown along with Mr Watson's video, which features greyhounds rather than deerhounds. As we have discovered, they are quite different.

The Convener: Does the proposal meet with the agreement of the committee?

Members *indicated agreement.*

The Convener: All members of the Parliament are welcome to come to see the videos, if they wish.

I now offer members an opportunity to place on record any further comments that are relevant to today's evidence. It might be appropriate for us to make inquiries as to the level of coursing activity by dogs other than deerhounds. It might also be appropriate for us to seek from the appropriate organisations figures on the current populations in Scotland of blue and brown hares. I would be interested in having that information.

Alex Fergusson: I do not dispute what you have said, but we have spoken before about the need to be flexible enough to be aware of areas that our witnesses have not covered. That may be the result of our failure to seek evidence from other organisations. It may have come as news to many of us today that there are, in effect, two types of coursing. We need to put time aside to look into that.

The Convener: We will make inquiries in the first instance, so that the information to which I referred can be made available. Are there any further comments relevant to today's business?

Mr Hamilton: Cathy Peattie made a point about Lord Watson's proposed amendment. Can we be absolutely clear on the current status of that amendment?

The Convener: Under our procedure, we should deal in our stage 1 report with the bill as introduced. The committee will consider amendments at stage 2. Lord Watson's proposed amendments will have the same status as any other amendments that are lodged.

Fergus Ewing: A few days ago I was able to read part of a report, to which I have referred. Other members may not have seen it, so I wonder whether it could be circulated. The report in question is the Home Office Scottish home department report of the committee on cruelty to wild animals of 1951, which is known as the Henderson report. Although it is 50 years old, it contains a great deal of useful information that I have found very helpful. I would not want other members to be at a disadvantage. It includes a

very useful and detailed discussion of the concept and practice of cruelty and its application to the matters that we are considering. I found it very valuable, and other members may want to have an opportunity to see it.

The Convener: From where would the report be available?

Fergus Ewing: From Her Majesty's Stationery Office, I expect.

Alex Fergusson: As the proud owner of a rare copy of this report, I endorse what Fergus Ewing has just said. It has only recently come into my possession, but it contains some useful facts. I referred to it during questioning and I think that it is still relevant. It remains the last work done on defining cruelty in any detail.

The Convener: Does any other member of the committee already have a copy of the report?

Richard Lochhead: Alex Fergusson probably bought his in 1951.

Alex Fergusson: When I was two years old.

The Convener: Would it be appropriate for us to obtain copies of the report, to ensure that all members of the committee have one?

Members *indicated agreement.*

Fergus Ewing: When I put aspects of the report to Mr Morris, he pointed out that research and mores had moved on, and referred to other research. Could we invite the SSPCA to contribute more up-to-date research on the specific issue of cruelty and the extent to which animals are able to have feelings? I would appreciate having much more evidence in that area.

Richard Lochhead: During today's meeting reference was made on several occasions to close seasons for shooting foxes and, in particular, vixens. I understand that other countries have close seasons. It might be useful for the committee to get a background note on the situation in other countries and a summary of the references that were made to close seasons during today's meeting.

Alex Fergusson: Fergus Ewing made the point that it would be good to obtain further evidence on the issue that is flagged up in the Henderson report. It would also be useful for us to get an update on how methods of control have altered since the report was published—an issue that I attempted to highlight. Perhaps the Scottish Countryside Alliance could be asked to submit a paper outlining how practices have changed since the report was published.

Alex Johnstone: In the first instance, we should seek this information through the Scottish Parliament information centre. It can source information from whomever it thinks appropriate.

That brings us to the end of our agenda. I thank members for their assistance.

Meeting closed at 16:55.

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