

Rural Affairs, Islands and Natural Environment Committee

31st Meeting, 2022 (Session 6), Wednesday, 23 November

Hunting with Dogs (Scotland) Bill – Stage 2

Introduction

1. The Hunting with Dogs (Scotland) Bill was introduced by the Cabinet Secretary for Net Zero, Energy and Transport on 24 February 2022. [The Bill and accompanying documents can be accessed here.](#) [The SPICe bill briefing can be accessed here.](#)
2. The Committee published its Stage 1 report on the Bill on 27 September. The Minister for Environment and Land Reform provided a written response to the report in advance of the Stage 1 debate held on 25 October. The Stage 1 report, the Minister's response, and the Official Report of the debate can be accessed [here](#).

Game and rough shooting and the two-dog limit

3. The Bill would replace the Protection of Wild Mammals (Scotland) Act 2002 and make it an offence to hunt a wild mammal using a dog. The Bill would also provide for four exceptions where hunting using a dog would be permitted for certain purposes and if the specified conditions are met.
4. Section 3 introduces an exception for the management of wild mammals above ground. Section 6 provides an exception for field sports and related pursuits, specifically for providing quarry for falconry, game shooting and deer stalking or to search for and retrieve a wild mammal which has been killed as a result of these activities.
5. The conditions which must be met for both exceptions include a limit on using two dogs; that dogs must be kept under control; that reasonable steps are taken to ensure the dogs do not join with other dogs to form a pack; the landowner has given permission; and the wild mammal is humanely killed as soon as possible. More than two dogs may be used for the section 3 exception where a licence has been granted under section 4; the Bill does not provide any scope for more than two dogs to be used for the section 6 exception.

RAINE Committee consideration

6. The Committee explored the implications of the Bill on hunting rabbits, included within the definition of wild mammal in the Bill, especially as part of a rough shoot (also sometimes referred to as a mixed or joint shoot) in evidence sessions with stakeholders and the Scottish Government.
7. [In evidence at Stage 1, the Scottish Government](#) was clear that rough shooting, when using more than two dogs to hunt a wild mammal, would be considered an offence under the Bill. The Minister stated that “people who take part in a joint

shoot that involves game (which is not caught by the bill) and wild mammals (which is caught by the bill) will be caught by the Bill”.

8. [In the Committee’s Stage 1 report](#), the Committee noted the concerns raised by some stakeholders about how the exception under section 6 would work in practice in relation to game and rough shooting. The Committee asked the Scottish Government to respond to these concerns.
9. [In her written response](#) to the Committee’s Stage 1 report, the Minister clarified that “the two-dog limit does not necessarily mean that not more than two dogs can be present at a rough shoot”. She stated the Bill would apply to each individual person using dogs to hunt quarry as part of a rough shoot where wild mammals such as rabbits or hares may be shot rather than apply to the rough shoot as a whole.
10. [During the Stage 1 debate](#), the Minister further stated that rough shooting would be permissible under the Bill provided that, “one person uses their own two dogs to flush their own quarry, not working in proximity to, or with, others in pursuit of the same quarry and not allowing other dogs to join them”.
11. The Committee launched an additional call for views about the Scottish Government’s clarification in relation to rough shooting and the Bill, which received 231 responses. [The responses to the additional call for views can be accessed here.](#)
12. The Committee took evidence from the Scottish Government’s Bill team on 16 November to inform its forthcoming consideration of Stage 2 amendments. The Committee then agreed to hold a roundtable evidence session with some of the organisations who had responded to the additional call for views.
13. Following the roundtable evidence session, the Committee may wish to consider whether to take evidence from the Minister for Environment and Land Reform in relation to game and rough shooting under the Bill before its consideration of the Bill at Stage 2.

**Rural Affairs, Islands and Natural Environment Committee clerks
November 2022**