

HUNTING WITH DOGS (SCOTLAND) ACT 2023

GUIDANCE FOR SHOOTING AND FIELD ACTIVITIES CONCERNING THE USE OF DOGS



1. Introduction

The Hunting with Dogs (Scotland) Act 2023 repealed the Protection of Wild Mammals (Scotland) Act 2002 and now restricts those hunting wild mammals to the use of no more than two dogs. "Hunting" includes searching for and coursing a wild mammal.

This guidance has been produced in collaboration with Scottish Government officials, in response to the Minister's comments and the concerns raised by rural stakeholders in relation to rough shooting.

Under the new Act, rabbits are included under the definition of a wild mammal. Combined with the new two-dog limit for all uses of dogs in the course of hunting, adjustments have to be made to the manner in which activities outlined in this guidance document are carried out.

This guidance is not legal advice but is designed to fulfil the Minister's commitment to "work with the shooting industry on post-legislative guidance in order to try to manage down the risk of vexatious claims". People abiding by the detail of this guidance document should be confident of not being subject to prosecution'.

For the avoidance of doubt, the owner/handler of any dog which chases a wild mammal by accident (eg. on a walk) is unlikely to be charged with an offence if he/she makes every effort to call it back.

2. Types of Activity

a. Gundog field trials

Not all types of field trials fall under the scope of the Bill, provided that no more than two dogs are actively working at any one time to flush rabbits.

This means there is no limit to the number of dogs which can compete, be present in the gallery or indeed in the walking line, provided not more than two dogs are flushing the same quarry at the same time and in the same area.

b. Driven or walked-up gamebird shooting

Gamebird shoots are not affected by this legislation, therefore there is no limit on the number of dogs that can be used during driven or walked-up gamebird shooting.

Section 6 of the Act provides an exception for "falconry, game shooting and deer stalking". In this section the two-dog limit does not apply to the activity of shooting gamebirds. Therefore, the restriction on using no more than two dogs does not apply on a pheasant, partridge or grouse shoot provided there is no intention to hunt wild mammals i.e., "no ground game".



c. Mixed quarry rough shooting

During a rough shoot, gamebirds and ground game (such as rabbit, hare or fox) may be shot.

Two or more dogs can be present on a rough shoot; however the Act makes it clear that you cannot use more than two dogs per “activity”, which would include flushing wild mammals like rabbits, from cover. An “activity” in this context means searching for or flushing a wild mammal from cover by, for example, a discrete unit of handler/shooter and no more than two dogs in a part of the field or wood”.

This means that a handler/shooter and their two dogs, who is part of a rough shoot party, could flush their own individual quarry to be shot, provided that other shooters take reasonable steps to ensure that any dog used in the activity does not join with others to form a pack of more than two dogs. An individual shooting, without a working dog, must be careful to only shoot wild mammals flushed by no more than two dogs.

To avoid dogs forming a pack with other shooters’ dogs, for example, individual shooters should ensure their dogs are not joining up with other dogs down the walking line. It means that more than two dogs can be present at a rough shoot, provided that not more than two dogs are working for each gun/handler.

Example: A gun brings four dogs to a rough shoot. Provided all dogs were under control, two dogs could be working and flushing his/her quarry whilst the other two dogs are at heel by his/her side.

d. Beating or retrieving on a shoot

During a gamebird shoot, a person or persons can beat with more than two dogs on a gamebird shoot. There is no limit.

During a mixed shoot however, reasonable steps must be taken to ensure that on the beating line, a beater or gun is working only his/her dogs for flushing wild mammals and the dogs are not joining with fellow beaters’ or guns’ dogs to flush the same quarry.

If someone suspects that a wild mammal is wounded, then no more than two dogs can be used to search for it, with the wounded wild mammal being despatched by shotgun/rifle upon discovery. It is not allowed to be killed by dog(s).

e. Rabbit control

The definition in the new Act includes rabbits as wild mammals. This means that two dogs may still be used to search for and flush rabbits for a legitimate purpose such as “preventing serious damage to livestock, woodland or crops” but any rabbits flushed must now be shot dead or killed by a bird of prey as soon as reasonably possible.

If during that process the rabbit is injured, then reasonable steps must be taken “to kill it in a way (other than by using a dog) that causes it the minimum possible suffering”. This does not prevent a dog from being used to find the injured rabbit, but it must be shot or despatched by hand.

Dogs cannot be used below ground to search for or flush a rabbit.

There is no legal restriction on the breed of dog which can be used in rabbit control, but special care should be taken if using lurchers or cross-bred dogs with the instinct and speed to chase and kill hares and rabbits on a rough shoot or rabbit control operation.

f. Rats

Rats are excluded from the definition of “wild mammal” for the purpose of this Act, therefore rat control with terriers or other dogs can continue.

g. Falconry field meets

The use of a bird of prey as the means to kill flushed wild mammals is also lawful under the main exceptions in the Act. However, it would only be legal for one or two dogs to be used to flush quarry for a bird of prey to dispatch.

h. Deer stalking

More than two dogs can accompany a person or persons out deer stalking, provided that no more than two dogs are working at any one time to indicate the presence of deer during the stalk, find a dead or injured deer, or track a wounded deer. The dogs are not permitted to kill the deer having located it.

i. Training of dogs

Although trail hunting has been banned, Section 12 allows for the training of dogs to follow an animal-based scent for the purpose of training dogs for deer stalking, however, no more than two dogs can be used in this training activity.