



SACS
UK-WIDE SHOOTING
& COUNTRY SPORTS
ADVOCACY

SACS CONSULTATION RESPONSE & GUIDANCE FOR MEMBERS FOR THEIR OWN RESPONSES

Closing date for responses is 15 September 2019:
complete the survey [here](#).

Alison Johnstone MSP, the Scottish Green Party member for Lothian, is consulting the public on a draft proposal for a new Bill restricting all management of red fox, brown hare and mountain hare and potentially other wild mammals.

This is a Private Member's Bill proposal, which means it works differently from normal legislation. After the consultation has closed, Ms Johnstone will lodge a final proposal in the Parliament that will need cross-party support from at least 18 MSPs. Then, in order to move on to the usual three-stage Bill approval process, Ms Johnstone will also need confirmation that the Scottish Government does not intend to legislate in this area.

We know that ScotGov is intending to legislate in this area, so Ms Johnstone's proposal is designed to apply political pressure on the SNP, which as we all know relies on Parliamentary support from the Greens due to their minority position. So, as nonsensical as Ms Johnstone's proposals may seem, make no mistake: this is designed by the Greens to force ScotGov to stop all hound and terrier work via its forthcoming Animal Welfare legislation.

We are aware that some within our community have stated that these proposals are so idiotic they cannot happen and that SACS is over-reacting. We heard the same criticism in earlier legislation and more recently when we responded quickly and robustly to the English General Licence revocation. Ms Johnstone's proposals and any related legislative compromises are a profound threat.

It is vitally important to give well-considered, intelligent answers to this consultation, which is designed to lead respondents to give answers that will damage the fieldsports community and our crucial conservation work. Hounds and terriers must not be thrown under the bus; it will not stop here. The ultimate aim of many Scottish politicians and their paymasters is to ban all shooting and field sports. As such, on behalf of its members, SACS will respond accordingly.

What we need you to do is to read these guidance notes on how to respond to the consultation questions and then to complete the online questionnaire via the links at the top.

Words in red are the suggested response, together with our reasoning below.

SUGGESTED QUESTIONNAIRE RESPONSES:

Question 1: Which of the following best expresses your view of the proposed Bill's aim to improve the protection and conservation of wild mammals?

Appropriate response = FULLY OPPOSED

The proposed Bill does not aim to protect and conserve wild mammals. It aims to prohibit the routine management of red fox, brown hare and mountain hare, which is not the same thing.

The premise of the proposed Bill is an animal rights mindset based on pick-and-mix science that is not representative of reality. It is frightening that Scottish politics has descended to the point where civil servants have told us that 'the facts do not matter; politicians are concerned only with public opinion'. Public opinion is notoriously poorly-informed. We speak to the public on a regular basis, and the high level of environmental illiteracy is evident. It is a fact that humans are part of nature, not benign spectators: our species has performed a regulatory function on other species for millennia, and our ecosystem role is entirely natural.

We fully accept the principles of animal welfare and the need to avoid unnecessary suffering. It is incorrect for Ms Johnstone to imply that the death of an animal is inherently violent or cruel, and this indicates that Ms Johnstone has not been well-informed by those with professional experience of wildlife management.

Those of us who fulfil our natural function in the Scottish ecosystem do not kill 'for fun', but for the purposes of food provision, conservation or protection of crops and livestock. These are the facts, and these facts are our community's lived experience that, under the Scottish Government's community engagement guidelines, cannot be simply dismissed as 'do not matter'.

Question 2: Which of the following best expresses your view of clarifying the offence of hunting so that "deliberately hunts" becomes "intentionally or recklessly hunts", and "includes to search for or course" becomes "includes to search for, stalk, flush, chase, pursue or course"?

Appropriate response = FULLY OPPOSED

Extract from Act:

1 Offences

(1) A person who deliberately hunts a wild mammal with a dog commits an offence.

10 Meaning of expressions

(1) In this Act "to hunt" includes to search for or course;

If the activity required to be controlled by Scottish law is the *active and deliberate chase of a wild mammal with dogs*, then the offence of hunting should be amended to, **"to deliberately chase a wild mammal with dogs"**. This would be much simpler for practitioners, police and courts to understand and enforce. The intention of the accused and the manner of their behaviour should be the focus.

The fundamental point here is that 'intent' is the foundation of any offence. The word 'deliberate' is important because it sets apart someone who is contemptuous of the law from someone who is demonstrably intending to comply with the law. This important, practical distinction is recognised within the current Act; it is essential that legislation on this issue remains practical and fit for purpose for practitioners, rather than desk-based ideologists.

The use of multiple dogs to flush foxes from cover to be shot by guns is an essential wildlife management tool. In areas where other forms of fox control cannot be utilised (due to topography, vegetation, presence of human habitation), it is the only option to protect natural heritage and livestock. Stalking, searching and flushing are all necessary elements in the competent hunting of any quarry species. The language proposed by Ms Johnstone is incompetent, and indicative of someone who lacks understanding of the issue on which they are trying to impose legislation.

SACS is opposed to politically-driven language in legislation that may appease anti-hunting interests but does nothing to improve the efficacy of the law. If fox welfare is the genuine concern here, then Ms Johnstone is duty-bound to heed practitioners' knowledge; it is well-established that attempting to impose restrictions on communities without taking account of their voices is doomed to failure.

Question 3: Which of the following best expresses your view of prohibiting the use of fox-based scents in recreational activities, such as trail-hunting?

Appropriate response = FULLY OPPOSED

Mounted hunting is not a significant activity within the SACS membership, as the majority of our members who carry out fox control facilitated by dogs do so on foot, quad bike or scramble bike. It is our understanding that there are at least 20 footpicks operating in Scotland, which are separate entities from those packs who utilise horses. Nevertheless, we well understand that animal rights activists are forcing a game of attrition on our community, and so we stand in solidarity with those who ride to hounds.

Though we understand the origins of Ms Johnstone's concern that trail hunting could be used as a legitimate front for unlawful chasing of a fox by hounds, prohibition of the use of fox-based scents by equestrians travelling across country would be an unprecedented intervention in private activity by the state. Our organisation takes a fundamentally liberal approach that opposes state micro-regulation of private citizens' lives. As the Scottish Green party presents itself as progressive, Ms Johnstone's proposals are startlingly draconian.

Further, it cannot be assumed that foxhounds can be turned into draghounds. The science and art of hound training and hound work is more complex than Ms Johnstone's consultation document suggests, and it is evident that experts in hounds have not been involved in designing her proposals; again, this is not compliant with ScotGov community engagement guidelines. The cultural, economic and hound welfare impacts of prohibiting foxhounds from their natural state of being – which is essentially what Ms Johnstone is proposing – would be unacceptable.

For all of these reasons, we oppose the proposed prohibition of the use of fox-based scents. We do not believe it is necessary, and are suspicious that Ms Johnstone has not mentioned alternative options such as amendment of the new Code for Mounted Hunts, in which SACS was a drafting partner, to include scent-based activities. Legislation is not necessary when an effective voluntary solution already exists, endorsed by all stakeholders including LACS and OneKind.

Question 4: Which of the following best expresses your view of removing the current exceptions to the offence of hunting wild mammals with dogs?

Appropriate response = FULLY OPPOSED

The exceptions within the 2002 Act were developed as the result of extensive research during the legislation's bill passage. The exceptions were included as practicable routes by which lawful, necessary fox control could be carried out by practitioners for specific, evidence-based reasons. The Scottish Government and its relevant agencies accept that control of foxes is necessary for environmental and economic reasons; the use of dogs to facilitate fox control is, in turn, a necessary tool for practitioners to utilise where appropriate.

One of those reasons is conservation - protecting ground-nesting birds – and yet this is not recognised by Ms Johnstone as a legitimate reason to regulate the population of foxes. A broad range of stakeholders including the RSPB actively recognise the serious impact of fox predation on species of birds whose populations are of conservation concerns, such as the curlew. Without proactive fox control, i.e. lethal control of foxes to prevent predation taking place rather than lethal control of foxes after they have already destroyed nests, the conservation status of such birds will not improve. Nowhere in Ms Johnstone's consultation document is this fact mentioned. It is not rational to seek to fully protect the red fox, a species that is abundant and whose population is not of conservation concern, when so many of our iconic ground-nesting birds are on the brink of localised extinction.

The proposal to remove the current exceptions in the 2002 Act is irrational, since it would compromise rural economic activity, including farming and food security interests and the vital conservation of Scotland's natural heritage.

Question 5: Which of the following best expresses your view of providing one new, narrowly defined exception to the offence of hunting wild mammals with dogs, which would allow for a maximum of two dogs to be used?

Appropriate response = FULLY OPPOSED

The point of the 2002 Act is to prohibit the unnecessary chase of a fox by dogs, while still allowing necessary fox control to take place. As we have already explained at length throughout the legislative process relating to fox control using dogs, there are instances where other methods of fox control cannot be used due to topography, vegetation, and human-based restrictions including footpaths and habitation. Hounds and terriers are used to move a fox out of cover into a position where it can be shot dead: this is the simple premise of the activity Ms Johnstone wishes to ban. It is simply a means to an end as part of proactive management of an abundant predator species that negatively impacts other species whose populations are vulnerable, and which compromises the economic stability of agriculture.

It is well-established that two dogs are far less effective in moving a fox out of cover than multiple dogs. There is no practical point to allowing the use of only two dogs, as this is an insufficient number to allow the competent control of foxes in an environment where other methods cannot be used. For example, in a large forestry block – a non-native habitat ideal for foxes that ScotGov wishes to see more of in Scotland, usually adjacent to the open grazing and moor land favoured by vulnerable ground-nesting birds – where foxes are known to be present, two dogs will be unable to apply sufficient pressure on a fox to move it out into the open where it can be shot. The fox will either not move, or will move and escape in a manner of its own choosing so as to avoid dogs and humans

carrying firearms. Multiple dogs under the control of a practitioner are directed to move the fox out of cover so that it can be humanely dispatched by being shot.

So, it is evident that the use of only two dogs is incompetent. The licensing scheme proposed by the RANE Minister for multiple dogs in situations where no other fox control methods are possible is a fair compromise between those who wish to see potential for unlawful chasing of foxes to be more restricted, and the practical realities of our natural role in the Scottish ecosystem.

Question 6: Which of the following best expresses your view of implementing the following Bonomy Review recommendations? Vicarious liability; burden of proof; time limit for prosecutions?

Appropriate response = FULLY OPPOSED

We support none of these recommendations, for reasons that have already been well aired in the previous consultations on this issue, and which we now need to repeat here:

The suggestion of *vicarious liability* for wild mammal control reflects a complete ignorance of the differences between this activity and game shooting, such as for grouse. The two are not comparable in the context of vicarious liability, and particularly not in regard to the 2002 Act. The relationships between landowners and practitioners of wild mammal control are different to the relationships between landowners and gamekeepers or estate managers.

Due to the high level of interest in sabotage of our community in some quarters, and the credible risk of spurious accusations, an unintended consequence of introducing vicarious liability could be the removal or cessation of the use of dogs by some landowners; such individuals may choose to suffer the impact of increased predation by foxes and the consequent impacts on livestock, conservation and biodiversity in preference to risking the trauma of an unfounded prosecution. While supporters of Ms Johnstone's position may see this as a net benefit, the reality is that the population status and welfare of vulnerable birds will suffer, and so will the ewes that lose their lambs.

Coming to *burden of proof*, at SACS, we believe that people accused of an offence are innocent until proven guilty. The burden of proving innocence should not be placed on the accused; the person or persons making the accusation must provide compelling evidence to support their accusation.

Placing the burden of proof onto the accused would open the floodgates to spurious accusations against members of our community made by people who are ideologically opposed to the use of dogs in wild mammal control, and who know that making an accusation – even when there is no substantive proof of wrongdoing – could destroy the accused's life, or at the very least make life so difficult and unpleasant for the period of legal action, that there would be a tangible and material negative impact on the accused. This is not a hypothetical scenario, as hunt saboteurs have a recorded history (in England particularly) of wasting police time by fabricating evidence or outright lying. They may believe that the end justifies the means – that lying is acceptable if it causes trouble for the hated hunting people – but that is not the view of the law or of an ethical society.

Finally, on the *time limit for prosecutions*, we have consistently stated that three years is a long period of time for an innocent individual to endure the threat of prosecution due to what may well prove to be an unfounded allegation driven by ideological hatred rather than a genuine wildlife welfare concern.

For a practitioner, there are likely to be other consequences relating to the accusation: loss of employment, relationship breakdown and loss of firearms or shotgun certificates while a prosecution

is pending. We work with our members throughout the most difficult periods of their lives: acute or chronic mental health challenges, relationship breakdowns, job losses, firearms licensing problems, physical health issues; we know first-hand how traumatising these incidents are.

We should not have to ask politicians to demonstrate empathy for such people, but it would seem that in the crusade to attack our community, our opponents have 'othered' us to such an extent that extreme proposals are deemed reasonable i.e. the ideological ends justify almost any means regardless of practicality, proportionality or fairness. Whilst we recognise the potential difficulties associated with the current time period, three years is too long to put someone's life on hold. The Scottish Government is also currently consulting on this proposal, and we have submitted our views.

Question 7: Which of the following best expresses your view of increasing the maximum penalty for hunting a wild mammal with a dog to a £40,000 fine or 5 years' imprisonment?

Appropriate response = FULLY OPPOSED

Sentencing should be proportionate to the offence committed. A high level wildlife crime committed by a corporate body e.g. poisoning a river, killing freshwater pearl mussels or the deliberate killing of endangered species by an individual is at an entirely different level to the offence of killing an over-abundant species such as fox which is in itself responsible for the destruction of endangered species.

Fairness and proportionality in sentencing are essential, as are a breadth of appropriate sentencing options to discourage deliberate criminality. The rationale presented in ScotGov's current wildlife crime penalties consultation is on the whole sound, given that these are maximum available options covering a wide variety of small to large-scale wildlife crimes, rather than default sentences and the court service would look at each case and sentencing on its individual merits. However, what we have here is not a genuine animal welfare legislative proposal, but an ideologically-driven, emotionally-charged and factually-bereft attempt to ban or discourage fox control just for the sake of doing it. By definition, proportional sentencing language cannot then apply to disproportionate and unjust legislative proposals, such as Ms Johnstone's and we therefore fully oppose the proposal.

Question 8: Which of the following best expresses your view of protecting mountain hares, so that any killing at any time would require a licence?

Appropriate response = FULLY OPPOSED

Like mounted fox control, the control of mountain hare is not a core activity for SACS members although we do have members who are practitioners. The subject of mountain hare management has been politicised in the opposite manner to that of red deer: while the former is being used to attack our community and private landowners amidst accusations of 'mass slaughter', the latter is used to attack our community and private landowners for not carrying out sufficiently extensive 'mass slaughter'. Both species are iconic Scottish mammals. Both require management, and for similar reasons. But their manipulation for political agendas is representative of the hypocrisy of those who attack our community for ideological motives.

The management of mountain hare has been scrutinised for some time now. As an active member of both Scotland's Moorland Forum and RELM, SACS is demonstrably committed to establishing consensus on mountain hare management. Along with the RSPB and others, we sit on the Steering Group for the Principles of Moorland Management project, which has recently published best practice guidance relating to mountain hares. SACS is a grassroots not-for-profit, so it is significant that we have committed some of our limited resources to these cross-stakeholder projects. We must ask why

Ms Johnstone is proposing legislation before a voluntary initiative that has the support of such a broad range of stakeholders has had time to become established, and before the ongoing SNH and other stakeholder work on mountain hare counting methodology is complete.

We do not agree that the lethal control of mountain hare should only ever take place under licence, because the thinking behind this proposal is badly flawed. Regarding mountain hare data, the recent Watson and Wilson paper, despite the media headlines, states clearly that land use change – particularly commercial afforestation on moorland – is the major driver of mountain hare abundance change; alleged over-culling of hares could only exacerbate any negative change, rather than being the primary cause. In addition, it is not proven that there is a population decline in mountain hares: the Watson and Wilson methodology was not designed for counting mountain hare and the authors state that their data do not provide an estimate of absolute density or population size. The authors also state that they cannot prove that grouse moor management causes mountain hare declines, and that *“mountain hares are capable of reaching their highest densities on grouse moors.”*

Further, the other recent paper claiming a decline in mountain hare abundance (*Massimino et al*) also uses a survey methodology inappropriate for mountain hare, generating results that are not reliable. Neither of the papers referred to could be used to justify changes to current mountain hare management practices, and it is ethically concerning that the authors of these papers have seen fit to draw conclusions that are essentially conjecture and do not align with community evidence from people who live and work alongside mountain hare. This disingenuous approach is divisive, clearly deliberately misleading and jeopardises cross-stakeholder resolution.

Community evidence brought to our attention suggests that mountain hare abundance on driven grouse moors is favourable. This is also seen in evidence from the GWCT. In common with other mammal species such as rabbit and red deer, for welfare and biodiversity reasons mountain hare numbers require to be managed in balance with their habitat by humans, performing our natural apex predator role. Those individuals who oppose our community frequently make accusations about unregulated killing, failing to understand that it is in our community’s best interests for the hunting of any quarry species to be sustainable. Without competent stewardship of our natural resources, there would be nothing for us to hunt, i.e. in this case, no wild food. It would be helpful if Ms Johnstone could ask our community why we do what we do, instead of presuming to tell us – and getting it wrong.

Through our research of this issue it appears to SACS that the key threat to mountain hare abundance is habitat loss caused by land use change driven by contradictions in Scottish Government land use, economic and climate change policies. As a Green Party MSP, Ms Johnstone is well-placed to tackle these critical issues by working with the current administration. This would be a more productive use of time than harassing our community, though undoubtedly it would be more difficult.

Question 9: Which if the following best expresses your view of protecting brown hares, so that any killing at any time would require a licence?

Appropriate response = FULLY OPPOSED

SACS is demonstrably committed to brown hare conservation. We have actively supported Dr Diana Bell of the University of East Anglia in her work on the appalling increase in pathogens killing brown hare in localised incidents around the UK; this work has been supported on the ground by one of our gamekeeper members, who has volunteered his time for free with the agreement of his employer. As we have previously stated, conservation of quarry species is the foundation of our way of life; we also believe that these species are intrinsically valuable.

We do not support the proposal that lethal control of brown hare should only ever take place under licence. We understand that voluntary restraint on management of brown hare has already been demonstrated in areas affected by disease outbreak; we also know of landowners who do not permit hares to be shot on their property, either because they are not overabundant, are causing no damage, or simply because they do not like to eat hare or believe in the substantial folklore associated with this species in the UK. But the brown hare is an important source of wild food to some members of our community, and it is also an established, serious pest of agricultural and forestry crops that requires to be controlled. As with foxes, proactive rather than reactive control is entirely necessary to competently protect these crops.

The brown hare population is not currently of conservation concern, and the species has multiple litters during its breeding season. There is already a close season for this species, and an individual licensing scheme for unavoidable control during this period. Of greater concern for brown hare's future is land use change, particularly given the uncertainty around Brexit and lobbyists calling for currently open agricultural and moorland ground – a requirement of so many species that cannot live in forestry – to be planted with trees. We are keen to understand what actions Ms Johnstone is taking to ensure the protection of these open habitats, the destruction of which would cause many of our iconic species will disappear from Scotland.

Question 10: Which of the following best expresses your view of protecting red foxes, so that killing at any time would require a licence other than in an emergency situation?

Appropriate response = FULLY OPPOSED

The red fox is listed by the IUCN as a species with a stable population, and is not of conservation concern. The fox is a meso-predator, which hunts primarily large, medium and small-sized mammals, birds and invertebrates. A significant predator in Scotland, there is a considerable body of research that has established beyond doubt the negative impacts of fox predation on a range of species including vulnerable wading birds and livestock. This is understood and accepted by a wide range of land management stakeholders, including those who have no interest in fieldsports.

In Scotland, fox control is facilitated using a number of lawful methods including shooting during the day by rifle and shotgun, night-shooting (shooting at night using a high-powered torch or a night-vision/thermal optic device), snaring, and the use of multiple dogs to move the fox from cover to be humanely dispatched by firearm. Given the serious negative impacts caused by Scotland's abundant fox predation, all of these methods are necessary and legitimate.

Practitioners of fox control may utilise one or several of the available lawful methods, since the terrain of Scotland is highly diverse and some methods can only be utilised in certain limited circumstances. To remove one, several or all of these methods would severely compromise the ability of practitioners to effectively manage fox populations at local and landscape scale. The implications of Ms Johnstone's proposals would be to critically undermine Government-backed conservation efforts including the reversal of declines in threatened species such as the curlew, as well as to impact the stability of Scotland's agricultural and game sectors at a time when Brexit uncertainty is already causing tangible negative impacts.

Ms Johnstone's bill asserts that the lethal control of foxes is a welfare issue, in direct contradiction of the Scottish Government's policy position statement on wild animal welfare. The science that informed this position is clear on the physiology of lethal control, and the need to avoid unnecessary suffering. SNH is firm that 'animal rights' is not the same as 'animal welfare', but Ms Johnstone consistently conflates the two. In addition to its established position statement, SNH is also currently

working closely with a broad range of stakeholders to develop and publish a set of adaptive wildlife management principles, which will consolidate and strengthen the existing legislative framework.

In this context, the proposal to fully protect the red fox is seen to be irrational and without justification.

Question 11: The Bill proposes tightening the criteria for issuing a licence to kill foxes, hares or other wild mammals. Which of the following would you support?

Appropriate response = NONE OF THE ABOVE

This question deliberately misleads respondents by stating that the bill proposes to ‘tighten the criteria for issuing a licence’; but, other than for limited control of hare in their close seasons, there is currently no licensing scheme for these species and for foxes especially there are no licence criteria to tighten. **By framing the question in this way, Ms Johnstone attempts to draw respondents to tacitly agree to one or more of her proposed licensing criteria; this is disingenuous and fundamentally unethical.**

As we have stated elsewhere in this consultation response, outwith close seasons for hares, there is no rational justification for introducing a licensing scheme for these species; similarly, the criteria listed by Ms Johnstone are not scientifically, economically, practicably or ethically justified for the species concerned. No-one with professional, qualified knowledge and experience of wildlife management would have proposed these ideas.

Further, mention is made of ‘other wild mammals’ with no clarification on what is meant. A consultation on proposed legislative change should be explicit and clear in what is being consulted on. **Therefore, on behalf of our members it is our informed and community-engaged view that this consultation document is incompetent and not fit for purpose.**

Question 12: Taking into account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

- (a) Government and the public sector: **Appropriate response = SIGNIFICANT INCREASE IN COST**
- (b) Businesses: **Appropriate response = SIGNIFICANT INCREASE IN COST**
- (c) Individuals: **Appropriate response = SIGNIFICANT INCREASE IN COST**

There would be no ‘potential savings’ as a result of these proposals. SACS members currently carry out management of these species at no cost to the public purse; they bear the costs themselves, because they believe passionately in what they do as part of their way of life. We see, consistently, that opponents of our community fail to understand that it is not a hobby, it is a culture intertwined with fragile livelihoods.

If Ms Johnstone’s full proposals are implemented, the licensing authority – likely to be SNH – would have to bear the cost of designing, implementing and running the licensing scheme. They currently have no available resource to do this, and so would require additional funding. The principle of controlling pest species in Scotland is that this is in the public interest, and so the public purse bears the cost. It is not appropriate to charge people such as SACS members, who are working for the public good, for the burden of carrying out public interest wildlife management activities.

If Ms Johnstone’s proposals are implemented, businesses and individuals will experience additional costs: businesses will suffer from fox predation, Scotland’s natural capital will experience a diminution in value due to the accelerated destruction of ground-nesting birds caused by fox predation, and the

prohibition of hare management will impact on agricultural, forestry and game meat interests. Finally, the protection of game is not a private interest, it is a public interest. Wild game, deer and fish populations are part of Scotland's natural capital too; the provision of meat from these populations is a public good. In addition, the work carried out by our members to conserve vulnerable species such as the curlew is also in 'the public interest'. Why should private individuals be forced to pay for the cost of a licence to protect the public interest, when they are already volunteering their time, skills and practical resources?

We anticipate that part of the motivation of Ms Johnstone's proposals is the obsession with the idea of 'sport'. No fox or hare is killed purely for 'sport'; foxes are killed because they are an abundant animal that predates on vulnerable wildlife and livestock. Hares are killed for food, crop protection and tick management. Wildlife management in Scotland depends on people who carry out this activity as an indigenous pastime and take justifiable pride in responsible and welfare-minded lethal control; to prevent these people from going about their natural lives and accessing their heritage will not only be devastating to the culture of Scotland but will also place a significant financial burden on the Scottish Government, which will need to replace these people and pay for the work currently carried out at no cost to the public.

Question 13: What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics?

Appropriate response = NEUTRAL

Given the limitations of legally protected characteristics, which exclude indigenous culture from protection, we must answer 'neutral'.

Question 14: Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Appropriate response = NO

Ms Johnstone has fundamentally misunderstood the meaning of 'sustainability' in this context. For a Bill to be delivered sustainably, it must provide adequately for current circumstances while ensuring that it does not compromise future circumstances. The three pillars of sustainability are widely accepted to be the environment, society and the economy; Ms Johnstone's proposals would be catastrophic for all three.

By protecting the red fox, an abundant predator that already has a sustainable population and is currently managed sustainably, its prey species – species that are already at risk – would be severely compromised. This is the opposite of sustainable. In tandem, the impact on the sheep sector economy would be unacceptable; this would also be unsustainable.

We have already outlined elsewhere in this document the negative economic and environmental impacts of prohibiting the management of brown and mountain hares.

Now we turn to the societal impact of these proposals, which would also fly in the face of sustainability. We have completed a large number of similar consultations over the years. **Ultimately, our community keeps being asked for our views, and when we oblige, we are told that our views are irrelevant because we have a vested interest in protecting our activities.** We hope that the reader

sees the idiocy of this response from our elected representatives, and how horrified the public would be if this attitude was applied to other minority communities.

In other countries, cultural heritage and indigenous activities are protected and celebrated. In Scotland, the Government has taken the lead on protecting community interests and rights to self-determination, and yet our community is tacitly excluded from these rights. It is unethical and totalitarian to tell us that we are wrong about our own lived experiences, wrong about our way of life, wrong to even exist. It is astonishing that the destruction of our culture is being propagated by an elected representative, attempting to break associations reaching back thousands of years.

Our community is best placed to comment on our own lives and the environment we actively manage. We have direct knowledge and skills gained from working at the coalface of conservation and wildlife management, while our politicians are desk-based and in the main lack not only practical experience, but professional and academic qualifications to comment on these issues. **Using the excuse of ‘public opinion’ is the blind leading the blind. The open oppression of our community is a bloodstain on Scotland’s allegedly progressive and liberal democracy.**

Question 15: Do you have any other comments or suggestions on the proposal and are there any other wild mammals that you believe should be afforded greater protection than they currently have?

Please make your own comments, but please remember to remain polite.

These proposals have clearly been drafted in concert with animal rights extremist groups and this consultation is designed to deliberately mislead and obfuscate. This is not about majority public interest, but about the promotion of a minority animal rights extremist agenda where the practical realities of the natural world and our interaction with other food chain species plays second fiddle to a blinkered cotton wool ideology.

Throughout the consultation document, the language used is that of the animal rights lobbyist rather than the unbiased elected representative. For example:

- Ms Johnstone’s statement that the majority of the general public opposes wildlife management is without evidence. We understand that the overwhelming majority of responses received by ScotGov in its most recent Bonomy consultation came from LACS and OneKind members located predominately outside Scotland; these people are not representative of ‘the general public’. As elected representatives, politicians have a responsibility to act with integrity and make only factual statements.
- “Violence against animals” is already unlawful; this is animal rights language, which is clearly and legally distinct from animal welfare. Throughout the document, Ms Johnstone conflates animal welfare with animal rights, and refers to ‘evidence’ that has been created by animal rights lobbyists. Personal, biased opinions driven by prejudice have no place in Scottish law.

On behalf of its grassroots wildlife manager members SACS does not accept the premise of Ms Johnstone’s proposals, challenges the persistent absence of fact and evidence and supports the view that the consultation document is in itself both incompetent and misleading.

We would suggest that the Member for Lothian’s personal obsessions should take a back seat to the wider interests of her constituents and Scotland as a whole.