

Hunting
Wild Mammals (Protection) Bill
[Bill 14 1994/95]

Research Paper 95/26

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This paper provides a background to Mr John McFall's *Wild Mammals (Protection) Bill* [Bill 14 1994/95] and to some of the surrounding issues.

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I. Introduction

Supplementary information on the subject of hunting can be found in pamphlets produced by the two groups on either side of this debate, the League Against Cruel Sports (LACS)¹ and the British Field Sports Society (BFSS)². These are both available for consultation in the Members' Library, along with parliamentary briefings on the Bill from the BFSS, LACS and RSPCA.

The current debate concerning hunting and similar sports has been sparked by Mr John McFall's *Wild Mammals (Protection) Bill*. A Bill of the same name introduced by Mr Kevin McNamara was defeated at second reading by 187 to 175 votes³ in 1992, when the Government majority was much larger than at present. The *Daily Telegraph*⁴ has speculated that the present Bill may receive an unopposed second reading on 3 March because "a growing number of Conservative MPs and ministers now support a ban" and "Government MPs who support field sports are likely to allow [the Bill] to go through in order to deprive opponents of what would be the propaganda victory of the first Commons vote to ban hunting".

However, Mr McFall was seventh in the ballot, and the British Field Sports Society, in its lobby note on the Bill⁵, has written that "A vote on 3 March is unnecessary because ... There is insufficient time for the Bill to make progress in its later Commons stages...". It says the bill would be unworkable and impractical and would not save the life of a single wild animal.

On the other hand, the League Against Cruel Sports⁶ says that Mr McNamara's bill received "huge" public and political support, and that Mr McFall's bill seeks to take the difficulties thrown up during consideration of that bill into account, while preserving its main intentions.

In essence the Bill would ban setting dogs after any animals except rabbits and rodents, although there would be various defences (please see section III A for details). It would thus outlaw all forms of hunting with hounds and terrier work.

¹*Wildlife Protection The case for the abolition of hunting and snaring* LACS 1992

²*Hunting The Facts* British Field Sports Society undated

³HC Deb 14 February 1992 c1214-1285

⁴Tory MPs back Bill to ban hunting. 30 January 1995

⁵BFSS *Wild Mammals (Protection) Bill* February 1995

⁶LACS *John McFall's Wild Mammals (Protection) Bill A briefing for MPs and journalists* February 1995

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There are over 300 packs of hounds in Britain⁷:

- 194 packs of foxhounds
- 80 packs of beagles
- 22 packs of harriers
- 9 packs of basset hounds
- 19 packs of mink hounds
- 4 packs of deer hounds
- 6 packs of fell foxhounds

One recent report has gone so far as to speak of plans being drawn up to "move whole packs of hounds out of Britain" to Ireland or France because, reportedly, hunting supporters are "convinced that the sport's days are numbered"⁸. Anti-hunt supporters say that even if hunting were banned, drag hunting would provide employment for hounds. Such issues are further discussed below.

The Bill would also ban the use of all snares without a pest control licence. It would make it an offence to "cruelly kick, beat or torture" a wild mammal (wild animals are exempted from the *Protection of Animals Acts*). It does not address the use of traps or poisons, which are covered in other legislation, so the RSPCA say that it would not affect the control of mice or rats⁹.

This paper provides a briefing on the present Bill but also seeks to give a general background to an issue on which the Library receives many enquiries.

II. Legal protection for wild mammals

A. Protection of Animals Acts

The main body of animal welfare statutes relate to cruelty, and are the *Protection of Animals Acts (1911-1964)*, including the *Protection of Animals (Scotland) Act 1912*. Most of the RSPCA's prosecutions are brought under the 1911 Act.

⁷*Hunting the facts* BFSS p.15

⁸Hounds may be forced to quit UK... *Daily Telegraph* 11.2.95

⁹RSPCA *Parliamentary Brief Protection of Wild Mammals*

The Protection of Animals Acts make it illegal to "cruelly ill treat" an animal in specified ways, such as beating, overloading or terrifying it. There is also the more general offence of wantonly or unreasonably causing unnecessary suffering to an animal. This includes not only overt acts but also omissions such as failing to provide food, water, or veterinary attention. To prove that an offence has been committed, it is necessary to prove that the action caused suffering and that the suffering was unnecessary, since the adverb "cruelly" is to be equated with "so as to cause unnecessary suffering"¹⁰.

Specific offences of cruelty punishable include

- transportation of an animal in a way which causes it unnecessary suffering
- animal fighting and baiting
- the deliberate poisoning of an animal without reasonable care
- the failure of an owner of an animal to exercise reasonable care and supervision to protect it from cruelty.

However, the Acts apply only to any domestic or captive animal. "Domestic" animals include any species "sufficiently tamed to serve some purpose for the use of man" and "captive" animals include any species in captivity or under some form of control but **not** simply under a temporary prevention from escape. Hence although certain such species have protection under conservation legislation such as the *Wildlife and Countryside Act (1981)*, free-living non-domesticated animals are not covered by the main Acts unless they are taken into captivity.

Two cases set precedents for the interpretation of the meaning of "captive" under the Acts¹¹. In *Steele v. Rogers (1912)*¹², a person cut a piece off a whale stranded on a beach. The tide later came in and other beached whales were able to return to the sea. In *Rowley v. Murphy (1964)*¹³, a hunted deer was restrained and dragged from under a van before being killed with a knife. In both cases it was decided by the courts that the animals involved were not captive within the meaning of the Act. These precedents were followed in 1986 in a decision involving deliberate injury to a hedgehog.

In this last case a defendant admitted that he had beaten a hedgehog with a stick and left it injured; it was rescued by a neighbour but later died. The RSPCA appealed against an acquittal of the defendant and argued that the hedgehog was effectively captive because it was

¹⁰*An Introduction to Animal Law* Cooper 1987 p.28

¹¹*ibid*

¹²76 J.P. 150.

¹³1 All E.R. 50.

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so severely injured that it could not escape. The Court held however that the Act did not make it an offence to maim an animal which had not yet become captive. It was also argued by the RSPCA that since the hedgehog's defence to attack is to roll up instead of run away, by hitting it the defendant was effectively keeping it confined to the spot. These arguments were rejected.

In a more recent test of the law, the RSPCA decided to prosecute after witnesses testified that during an attack a wild rabbit had been effectively held captive by six youths because they had repeatedly thrown a coat over the animal while they kicked it and beat it with sticks. The rabbit died when its skull was crushed and was screaming during the attack. However, on appeal to the High Court the youths were freed¹⁴.

The RSPCA, in a leaflet entitled "Recognise these animals? Most of the time the law doesn't" supporting the present Bill writes:

"The RSPCA has investigated instances where foxes have been dug out of their earths and brutally killed by terrier men. In one case a man stood with his foot on a fox's head while his three dogs attacked it ... The hedgehog that was used as a football was first shot with an air rifle, and then, while still alive, thrown on a bonfire. In another case a hedgehog was beaten repeatedly with a stick. At the moment all these dreadful acts are completely legal".

The League Against Cruel Sports adds that "The RSPCA has investigated cases of hedgehogs being kicked to death and thrown alive onto fires - Other animals such as foxes and squirrels have been burned to death and even nailed alive to trees. None of these cases have resulted in convictions due to the fact that the animals have not been deemed by the courts to be 'domestic or captive'. The new Bill would allow the perpetrators of such mindless cruelty to be brought to justice"¹⁵.

On the other hand, the British Field Sports Society writes¹⁶

"The *apparent* objective of **Clause 1** of the Bill, which is to outlaw the 'kicking, beating or torturing' of a wild mammal, will command widespread support. There appear to be isolated incidents of peculiar torture of animals

¹⁴RSPCA *Animal life* Spring 1994 p.7

¹⁵LACS *John McFall's Wild Mammals (Protection) Bill A briefing for MPs and journalists* February 1995

¹⁶BFSS *Wild Mammals (Protection) Bill* February 1995 lobby note

such as hedgehogs and squirrels. Plainly we should all like to see an end to this".

However, the BFSS says it "strongly opposes" other clauses of the Bill, which with the exception of Clause 1, would be "unworkable and impractical, creating absurd anomalies in the law and severely restricting pest control" (please see section III A for notes on clauses). It adds that

"It is nonsense to claim that wild mammals are unprotected by law: all are fully protected when they become captive. Substantial legislation exists to protect wild mammals: e.g. the Deer Acts, Game laws, Badgers Act and the Wildlife and Countryside Act."

B. General wildlife legislation

Measures have appeared intermittently to strengthen the main Protection of Animals Acts. In addition, some wild animals have been recognised as being endangered or persecuted and meriting their own protection (such as deer, seals and badgers), and these processes gave way to legislation in 1975 in the form of the *Conservation of Wild Creatures and Wild Plants Act 1975*, designed to give protection to a limited number of species from deliberate destruction and capture. Among other things, this banned the killing of otters; hunting is thought to have been a contributing factor to that species' decline which started during the late 1950s¹⁷.

The 1975 Act was replaced by Part I of the *Wildlife and Countryside Act 1981*. The 1981 Act (WCA) provides legal protection for non-domesticated species which are for the most part free-living and indigenous to Great Britain, by imposing restrictions on the killing, taking, possession of and trading in such species. It also provides habitat protection and implemented the UK's obligations under the EC Wild Birds Directive and the Berne Convention (later to give rise to the Habitats Directive). Leaving aside the WCA's extensive provisions on birds, its main provisions are that:

- Animals listed in Schedule 5 may not be intentionally killed, injured or taken. Their shelters are also protected, and trade is prohibited (unless captive). These include all bats, the otter, porpoises and dolphins.
- Self-locking snares and the use of bows, crossbows, explosives and live mammals or birds as decoys to catch *any* animal are

¹⁷*Otter survey of England 1984-1986* NCC 1990 p.54

prohibited. If a person sets any (free running) snare so as to catch an animal and then fails to inspect that snare at least once every day, then he is guilty of an offence.

- The use of any trap, snare, poison or electrical stunning device, nets, automatic or semi automatic weapons, dazzling or illuminating devices as night shooting aids, vehicles for driving or killing an animal, smoke and sound recordings as decoys to take or kill animals listed in Schedule 6 to the Act is prohibited. This includes the above species plus badgers, dormice, pine martens, shrews, wild cats and red squirrels.

For details of the protection afforded to certain mammals please see sections IV A-D below. Further information on the use of snares is given in section IV B. Various animals and birds are given protection during the times of year when they breed, i.e. close season protection, although outside close seasons animals may be taken and in several cases game licenses are required, through the *Game Act 1831* and *Game Licenses Act 1960*¹⁸.

C. The 1951 Scott Henderson report

Following attempts to introduce Private Member's legislation banning hunting during the immediate post war years, a Committee on Cruelty to Wild Animals, chaired by John Scott Henderson KC, was appointed by the Government in 1949¹⁹. Its Report recommended that²⁰

All wild animals should be brought within the provisions of the Protection of Animals Acts. This will make it possible for action to be taken against any person who causes or permits unnecessary suffering to a wild animal. As, however, such a provision may unduly discourage several very necessary activities and would be liable to curtail the carrying on of field sports to an extent that we consider neither necessary nor desirable, there should be specific provisions to the effect that:-

- (a) nothing in the Act should apply to the commission or omission of any act in the course of the hunting, pursuit, capture, destruction or attempted destruction of any wild animal

¹⁸Cooper *An Introduction to Animal Law* 1987 p.132

¹⁹*English Fox Hunting* Raymond Carr 1986

²⁰*Report of the Committee on Cruelty to Wild Animals* Home Office/Scottish Home Department Cmd 8266 June 1951

unless such hunting, etc., was accompanied by the infliction of unnecessary suffering; and

(b) subject to other provisions of the Act, the hunting, coursing, pursuit, capture, destruction or attempted destruction of any deer, fox, hare or otter for the purpose of sport shall be lawful while conducted under the approved rules of the sport.

III. Private Members' Bills

A. Wild Mammals (Protection) Bill 1994/95

Mr John McFall's *Wild Mammals (Protection) Bill* [Bill 14 1994/95] resembles Mr Kevin McNamara's Bill of the same name which was introduced in the 1991-92 session (please see next section).

Clause 1 of the Bill is a general measure seeking to give wild mammals the same degree of protection as that afforded to domestic and captive animals by the *Protection of Animals Act 1911*, but by confining itself to mammals this clause does not affect birds and fish. Any person who cruelly kicks, beats or tortures any wild mammal shall be guilty of an offence.

As with the main *Protection of Animals Acts*, for an offence to be committed under this section, evidence will thus have to be provided that the animal in question suffered, that the suffering was unnecessary, and that it was wilfully inflicted (the adverb "cruelly" is to be equated with "so as to cause unnecessary suffering")²¹.

Clause 2 is intended to make it an offence to wilfully cause a dog to kill, injure, pursue or attack any wild mammal. This will "outlaw the hunting of foxes, deer, mink, hares with hounds, hare coursing and the use of terriers to attack foxes underground"²². However, rabbits and rodents are exempted by clause 6 (see below).

Clause 3 makes it an offence to set any snare to kill, injure or take any wild mammal. The use of self-locking snares was abolished by the *Wildlife and Countryside Act 1981*, leaving

²¹ Cooper, *An Introduction to Animal Law* p.28

²²Mr McFall's notes on his Bill in *The House Magazine* 23.1.95 pp14-15

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free-running snares which under the 1981 Act have to be inspected at least once every 24 hours. This clause is designed to outlaw the use of all snares, although a person holding a pest control licence will still be allowed to set snares under clause 8 (see below).

The Bill provides for a number of exceptions to the first three clauses:

Clause 4 allows an "authorised person" (a landowner, occupier or someone with their permission) to set a single dog under his control to track or locate any wild mammal that has escaped from captivity or that is seriously wounded or suffering from a disease.

Clause 5 allows similar action for the immediate protection of any domestic or captive animal or livestock which is being attacked or is likely to be attacked, if the person is the owner or is acting for or in the owner's interests.

Clause 6 allows a person to set dogs after a rabbit or any rodent not otherwise protected by law (in practice, grey squirrels, rats and mice).

Clause 7 permits the unavoidable killing or injuring of an animal as an incidental result of a lawful action, or under the *Animals (Scientific Procedures) Act 1986*.

Clause 8 allows a person holding a pest control licence issued by the Secretary of State to set snares for a wild animal not otherwise protected by law.

Clause 10 allows constables to stop and search a person or vehicle without warrant should he or she have reasonable grounds for suspicion that an offence has been committed, and to seize and detain anything that may be evidence.

Under **Clause 11**, offences under the Act would be punishable by a fine not exceeding level 5 on the standard scale (presently £5000), or six months in prison or both. Offences committed in respect of more than one wild mammal will be treated separately.

Clause 12 allows for the confiscation, disposal or destruction, on conviction, of any vehicle or equipment used in commission of the offence. An order may also be made for the destruction or disposal of any dog used in an offence, and the offender may be disqualified from keeping a dog for a period as the court thinks fit.

The Act will not apply to Northern Ireland.

B. Wild Mammals (Protection) Bill 1991/92

Mr Kevin McNamara's bill was similar in scope to Mr McFall's present bill. The main differences are that;

- the first general clause now refers to cruelly torturing rather than intentionally inflicting "unnecessary suffering on" an animal;
- Mr McFall's bill is designed to allow a single dog to be used to locate a wild mammal that has escaped from captivity, and refers expressly to being able to use a dog for the protection of livestock as well as for any domestic or captive animal;
- a dog is allowed to chase any rabbit (the word wild is omitted) and rodents, and the need to show that this action was necessary for the protection of domestic or captive animals, crops or property is removed.
- Mr McFall's bill simplifies enormously the clauses on licenses in Mr McNamara's bill and merely stipulates that licenses may be issued for pest control. The present bill specifically excludes procedures carried out under the *Animals (Scientific Procedures) Act 1986*.

Probably all of the arguments on this issue were touched upon by opponents and supporters of Mr McNamara's bill during its second reading²³, and only major recurring points are dealt with below.

The issue of whether the Bill was the "thin end of a wedge" that would lead eventually to attempts to ban shooting or fishing was mentioned several times. Mr McNamara said in his introduction that

"There is behind the measure no domino theory. Angling is not included. I have no intention whatsoever of interfering with anglers".

The Bill did not specifically outlaw shooting wild mammals, so the shooting of deer, for example, would have been unaffected providing the animal did not undergo "unnecessary suffering" which in practice probably meant that it was shot accurately using a high velocity

²³HC Deb 14 February 1992 c1214-1285

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rifle. However, during the Bill's passage Mr McNamara gave an undertaking to move a new clause in committee specifically exempting shooting so long as unnecessary suffering was not caused by using an "inappropriate weapon"²⁴.

Despite this, several Conservative Members voiced concerns on this point. For instance, Mr John Townend said that²⁵:

"The Bill is only the first stage in a concerted effort by the so-called animal rights lobby to ban all field sports. We have already heard the League Against Cruel Sports and the anti-hunting lobby say that when hunting is banned, they will move on to campaign against hunting and fishing."

The possibility of replacing fox hunts with drag hunts was also brought up several times. Drag hunting involves a runner or rider laying an artificial trail over a set course; this is followed in the usual way, on horseback and with hounds. (Alternatively, bloodhound packs can follow the scent of a human runner.) For instance, Mr Tony Banks said²⁶

"Drag hunting will become far more popular after this Bill becomes law. Whatever is said about the number of drag hunts, there will be many more, and that is the way in which people will be able to indulge in the good sport of riding to hounds, on a horse, through the countryside".

But Sir Richard Body, who had been a master of drag hounds, noted that²⁷

"What I have heard in the debate about drag hunting amounts almost to nonsense ... It is difficult to persuade 30 or 40 farmers to allow a drag hunt over their land..."

Speaking for the Government, one of Mrs Angela Rumbold's main concerns was the bureaucracy likely to be incurred by a license system²⁸:

"The need for the farmer to protect his crops and livestock, and thus his livelihood, from pests is crucial, and I fear that the Bill does not quite

²⁴ibid, c1215

²⁵c1246

²⁶c1245

²⁷c1251

²⁸c1268

recognise that ... Of course licensing systems can work clearly but the scale of operation proposed in the Bill would be massive".

Mr McNamara said that clause 5 of his Bill would allow a farmer to take immediate action to protect livestock.

In the event the Bill was defeated at second reading by 187 to 175 votes.

IV. Position of certain wild mammals

A. Deer

It is generally agreed that deer need to be controlled. The natural predators of the deer (wolves, the lynx and the bear) have been removed from the British Isles. The League Against Cruel Sports "recognises that there is a need for culling [old, sick, weak and lame] animals" and says that "it is beyond dispute that deer must be subject to control management"²⁹.

The *Deer Act 1991* and *Deer (Scotland) Act 1959*, as amended by the *Deer (Scotland) (Amendment) Act 1982*, provide close season protection to all deer (red, sika, fallow and roe). Various weapons are prohibited. In Scotland it is an "offence to take or wilfully kill or injure deer otherwise than by shooting". To "take" means *inter alia* to catch (for instance in a snare, with a view to killing)³⁰. Thus in Scotland deer have to be controlled through shooting with rifles.

The *Deer Act 1991* and *Deer (Amendment) (Scotland) Act 1982* allow the Secretaries of State to specify the types of weapon and ammunition that must be used when shooting deer. Prohibited weapons are listed in Schedules to the Acts. For instance, Schedule 2 to the *Deer Act 1991* prohibits the use of smooth-bore guns, rifles of calibre less than .240 inches or a muzzle energy of less than 2,305 joules (1,700 foot pounds), or any air gun, air rifle or air pistol. A defence is provided for landowners or other authorised persons acting to protect crops or other property.

²⁹*Wildlife Protection The case for the abolition of hunting and snaring* LACS 1992

³⁰Halsburys Statutes 4th Edn Volume 2 p.536

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Although rifles are expensive (costing from £400 to £1500, plus £50 to £600 for a telescopic sight³¹), the real argument over whether to use or a rifle or not hinges on whether or not deer should be hunted with hounds. The Masters of Deerhounds Association³² argues that the problem with shooting by rifle is the

"irreducible risk of losing wounded deer; it is difficult enough killing deer in the wide open spaces of the Scottish Highlands where they are excluded from taking cover in woodland by deer fencing ... On Stag hunting ground in the West Country shooting deer is much more problematic".

The Association says that "hunted deer never escape wounded" and that by hunting with hounds a deer can be brought "to bay" and kept at point blank range to be shot humanely.

However, the League Against Cruel Sports says that "Hunt supporters claim that the deer are humanely killed with a single shot at the end of the hunt but it is not a simple matter to kill a deer with the prescribed heavy gauge shotgun". It alleges that recently the Devon and Dorset Stag hounds shot one deer twice with adapted short barrel shotguns before it was finally killed in a river (by drowning, according the League, and by using a humane killer, according to the Hunt)³³. Of course, the League further argues that the cruelty of the hunt before the kill negates any advantage of a closer shot. They say that annually 80,000 deer are killed by shooting, accounting for 99% of the annual cull³⁴;

"A skilled professional marksman, using a high powered rifle fitted with telescopic sights, can kill a grazing deer instantly ... the late author and naturalist David Stephen .. wrote.. 'Down South you'll hear it said that the Red Deer on Exmoor and round about could not be culled in the Highland manner, that is with the rifle. This is nonsense which any Highland Stalker would laugh out of existence. The Devon and Somerset Stag hounds hunt in country with well wooded valleys, and is tailor made for shooting Red Deer from high seats as the Forestry Commission does with Roe Deer".

Forestry Commission culling of deer is carried out by high velocity .270 rifle.

The Masters of Deerhounds Association says that deer are only killed instantly if shot in the head or neck, and that deer may run 100 yards with a lung shot, possibly into cover. It says that shooting is easier in Scotland because not only is there less cover for the deer to

³¹*The Herald*, 16 July 1994 pg. T22

³²*The Stag hunting Controversy Some provocative Questions... with straight Answers* 1990

³³*Mail on Sunday* 30 October 1994 p.13

³⁴*LACS Wildlife protection The case for the abolition of hunting and shooting* p. 21

disappear into, but land ownership is less scattered, making it easier for deer management policies to be carried out³⁵.

B. Badgers

Recent Acts have built upon the protection afforded by the *Badgers Act 1973*. This made it an offence to kill, injure or take a badger or attempt to do so, or to ill-treat or dig for one, and also an offence to possess a dead badger which had been killed illegally. Badger baiting, like the baiting of any animal, has long been an offence under the *Protection of Animals Act 1911*³⁶.

Two more pieces of legislation were introduced in 1991. The *Badgers Act* of that year introduced by Mr Roy Hughes MP, protected badgers' setts rather than just the animals themselves, making it an offence to damage, destroy or obstruct a sett, or to enter a dog into a sett, or to disturb a badger in its sett. However, licences were introduced for interference with setts for various conservation, development and hunting purposes.

The circumstances under which licensed interference would be allowed were subject to consultation³⁷ and following this a MAFF News Release³⁸ summarised the detailed arrangements for interference for certain purposes, such as for development, for agricultural, forestry or drainage operations, to prevent serious damage to land, crops or property, and for controlling foxes to protect livestock, game or wildlife.

Licences may be issued to stop setts to prevent foxes bolting down them during hunts, and in "exceptional circumstances" to enter a dog into a sett to flush out a fox. The decision to allow such licenses brought considerable criticism from animal welfare groups.

As of October 1994 1,562 licenses had been issued for interference with badger setts following the 1991 Act in Wales, Scotland and England, although very few if any of these were for the purpose of fox control³⁹. According to earlier PQs, MAFF had issued no licenses for dogs to be put down setts for the purposes of fox control⁴⁰, but the Welsh Office had issued one⁴¹.

³⁵*The Stag hunting Controversy Some provocative Questions... with straight Answers* 1990

³⁶ Home Office News Release, 25 July 1991

³⁷*Badgers Act 1991- licences for interference with badger setts* MAFF consultation document 23.12.91, DEP 7725/91

³⁸*Badgers Act 1991-licensing arrangements*, 14.10.92

³⁹HC Deb 28.10.94 c860w, 26.10.94 c624w, 25.10.94 c573w

⁴⁰HC Deb 25.1.93 c564w

⁴¹HC Deb 30.3.93 c140w

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The *Badgers (Further Protection) Act 1991*, introduced by Alan Meale MP, increased the powers of courts to deal with offences involving the use of dogs committed under the 1973 Act. Dogs used could be confiscated or destroyed, and the owner prohibited from keeping another dog. The Home Office Minister considered that this put badger diggers in the same position as badger baiters, who could already be stopped from keeping a dog, their main tool in digging out badgers⁴².

The *Protection of Badgers Act 1992* consolidated the three above Acts and came into force on 16 October 1992. The Government's view is that badgers are now better protected than any other non-endangered animal⁴³;

Dr Spink: To ask the Secretary of State for the Home Department what action he has taken to ensure that all perpetrators of attacks on badgers are brought to justice.

Mr Charles Wardel: Badgers receive more protection than any other unendangered animal. The Protection of Badgers Act 1992 makes it an offence to kill, injure, ill-treat or take a badger, or attempt to do so, or to dig for one, except under licence or in certain particular circumstances defined in the Act. The baiting of any animal is prohibited by the Protection of Animals Act 1911.

The enforcement of the law is a matter for the police.

The National Federation of Badger Groups (NFBG) is particularly concerned about the capture of badgers by snares set for other animals.

Snares are indiscriminate, but people who set them can put stops in the wire to prevent the snare becoming too large or too small, can place the snare carefully and can inspect them as soon as possible after dawn to minimise suffering (inspection once every 24 hours is mandatory in any case). Illegal self locking snares are wire loops that continue to tighten as an animal struggles to escape; free running snares on the other hand will slacken off. Although self-lock snares are no longer on sale, they are apparently still used, often made up by re-running a noose wire through the catch of the standard free-running snare⁴⁴, and a free-running snare that develops a kink or gets tangled in a fence or other wire through an animal struggling can turn into a locking snare⁴⁵.

⁴²ibid and Home Office Circular 31 October 1991

⁴³HCDdeb., 27.1.94, c331w

⁴⁴*Fair Game The law of countryside sports and the protection of wildlife*. Parkes and Thornley 1989 edition p.142

⁴⁵National Federation of Badger Groups, Wild Mammals Protection Bill lobby note, undated

In its lobby note on the present Bill the NFBG quotes the following RSPCA figures for animals reported caught in snares from 1991-1994:

Badgers	54
Foxes	37
Cats	37
Dogs	8
Deer	4
Hares	3
Otter	2
Rabbits	1
Squirrel	1
Calf	1

Of the 54 badgers, 12 were found in self locking snares.

The BFSS says it opposes indiscriminate snaring and that

"Properly conducted, the use of free-running snares is a selective, humane and necessary form of pest control"⁴⁶.

It notes that in the hands of gamekeepers, snares and cage-traps can be set professionally and checked regularly, but acknowledges however that "both snares and traps can cause unavoidable stress for wild animals, and nobody supports a significant increase in their use which would become necessary if Hunting were to be banned"⁴⁷.

The NFBG also alleges that some fox hunts illegally block setts because they do not always adhere to light stopping methods⁴⁸;

"More than half the [Badger] Groups reported that foxhunts had grossly violated the stopping code, reporting that the tops and sides of sett entrances had been dug, that entrances had been blocked with plastic barrels, rocks, branches and heavy sods of earth."

⁴⁶BFSS *Wild Mammals (Protection) Bill* February 1995 lobby note

⁴⁷*Hunting The Facts* British Field Sports Society undated p.5

⁴⁸ibid

C. Mink

The mink is a semi-aquatic animal whose native range is confined to North America. It was introduced to the UK and bred on fur farms from 1929 onwards, and escapes and reintroductions have led to self-sustaining populations over much of the UK. Consideration of the welfare of farmed mink is beyond the scope of this paper.

In the wild the animal's main habitat is on rivers with lots of vegetation and cover and it preys on a wide variety of mammals, birds, fish and invertebrates. Rabbits are its most important food overall. According to the *Handbook of British Mammals*:⁴⁹

"Although there is still popular concern to the contrary, detailed studies indicate that mink predation has had little overall effect upon prey populations in mainland Britain, although some local reductions in prey numbers may have occurred in suboptimal habitats. Initial fears as to the importance of mink as an agricultural pest were exaggerated; several studies show that poultry and game birds make up less than 1% of the diet.

"... Much publicity initially given to predation by mink upon domestic ducks and poultry, game birds and pets. Regarded as a pest by fish-farmers, game and poultry keepers, though its overall commercial impact is negligible. Easily trapped, but difficult to eradicate except where populations small and isolated. Hunting with hounds is practised, with about 20 packs covering most of England, Wales and parts of southern Scotland."

It is difficult to consider mink without mentioning otters, since the two animals occur in similar habitats. The otter is the larger animal. The killing of otters has been banned since the *Conservation of Wild Creatures and Wild Plants Act 1975*; hunting is thought to have been not the main cause but a contributing factor in that species' decline which started during the late 1950s⁵⁰.

According to the Nature Conservancy Council [the predecessor to English Nature, Scottish Natural Heritage and the Countryside Council for Wales]⁵¹:

"After 1978, many [otter] hunts changed their quarry to mink ... and have remained active. There is a considerable problem here, as Green *et al* (1984) and Jefferies (1987) have shown that otters generally react adversely to the presence of even a single dog. Packs of otter hounds have caused otters to vacate the disturbed sections of a river for several months in Norfolk ... The

⁴⁹*Handbook of British Mammals*, 3rd Edn., pp406-415

⁵⁰*Otter survey of England 1984-1986* NCC 1990 p.54

⁵¹*ibid*

British Field Sports Society, after meeting the Joint Otter Group, laid down guidelines for mink hunting which stated that hunting should not occur where otters are resident and should be stopped whenever signs of otters are found. The potential risk has been emphasised by Green *et al* (1986), who demonstrated that mink and otter will share the same resting sites, particularly where they are at a premium. Also, as both species change resting sites frequently, it is impossible to predict their whereabouts when planning a hunt. Thus any mink hunting on rivers containing otters is likely to cause considerable disturbance...".

Despite their overlap in habitats and diet, the mink does not appear to compete with the otter for food; since it is not wiping out its own prey species or competitors the mink seems to have successfully filled a "niche" or ecological gap which was previously unoccupied in this country⁵². The NRA note that "it is highly improbable that mink have had any adverse effect on otter numbers ... In fact, anecdotal evidence indicates that the presence of otters may actually limit the mink population"⁵³.

Despite such findings, the mink is still seen as a pest by many. One very recent article⁵⁴ compared the mink in the UK to other alien pests such as the grey squirrel and suggested a bounty system for the trapping of mink for fur:

"rats, cats, pigs, rabbits and foxes ... have devastated the fauna of Australia and New Zealand and wiped out whole species on many islands across the world. Mink thrive along many British river banks, where they are now known to have locally extirpated water voles, moorhens, dippers and many other much-loved species. I therefore suggest a scheme for the extermination of mink ... Environmentalists will tell you this is impossible and we should learn to love the mink; what they mean is that they are terrified of suggesting that people should kill animals even if those animals are reducing biodiversity as mink do. But animal sentimentalism is not conservation. There is no reason why a simple bounty scheme, rewarding people for killing mink, should not work....The principle is the same as that behind the extinction of the beaver in much of North America between 1700 and 1900: the scarcer beavers grew, the more valuable they became ... Does English Nature have the courage to adopt such a scheme?"

⁵²*Handbook of British Mammals*, 3rd Edn., pp406-415

⁵³*Otters and river habitat management*. NRA Conservation Technical Handbook 3 October 1993

⁵⁴*Sunday Telegraph* 29 January 1995 Down to Earth: How to wipe out a pest - put a price on its head

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There are 19 packs of mink hounds in Britain⁵⁵. During the second reading of Mr McNamara's bill in 1992 Sir Richard Body noted that⁵⁶

"The other predator is the mink, about which hardly a word has been said ... Some 15 years ago we had a mink ... It was three weeks before [my son who was then aged 15 and a friend of his] ... were able to shoot one of them ... By the end of three weeks, all the wildlife had gone. The fish had gone from the river, the kingfisher had been killed and the water voles ... had all gone. The mallard had gone and that little area of land was dead. It took eight years for the wildlife to return ... I ask those who support the bill what advice they would give me if the mink returned ... Apart from the cruelty of trapping there is only one practical method ... The only practical and humane way is to use hounds."

D. Rabbits and hares

Rabbits are ubiquitous in Britain and Ireland and pre-myxomatosis they were the major vertebrate pests of agriculture, with annual costs of damage of around £50m at 1952 prices. The myxoma virus caused up to 99% mortality in rabbits, but after the spread of weaker strains of the virus and the development of resistance in rabbits, the population has started increasing again. Rabbits are now mainly killed as pests, following the decline in meat and fur markets, although in some situations their grazing is beneficial for plant growth. Foxes, stoats, polecats and wild cats are the rabbit's main predators, and badgers, weasels, buzzards and domestic cats take young rabbits. The incidence of rabbits is higher where predator control is practised; although direct cause and effect have not yet been proven⁵⁷ it is worth remembering that both foxes and mink prey extensively on rabbits.

Set-aside schemes introduced under the CAP have had the effect of increasing rabbit habitat and numbers in Scotland by 5-35% in different areas. The rabbit's comeback after myxomatosis has led to recent estimates of crop damage across the UK varying from £200m to £900m⁵⁸.

Under the *Ground Game Act 1880* as amended rabbits and hares may not be shot at night (unless by authorised persons) or poisoned, nor may spring traps be used except in burrows. Man controls rabbits through gassing, ferreting and bolting rabbits onto guns, shooting, snaring and trapping. Non-lethal methods include the use of electric and other fences. Clause 3 of Mr McFall's bill would outlaw the use of all snares, except under Clause 8 by a person

⁵⁵*Hunting the facts*. BFSS

⁵⁶HC Deb 14 February 1992 c1252

⁵⁷*Handbook of British Mammals* 3rd Edn 1991 pp152-3

⁵⁸ *Scotland on Sunday*, 28 August 1992

holding a pest control licence who would still be allowed to set snares for animals not otherwise protected by law. Although Clause 2 of the Bill makes it an offence to wilfully set a dog after a wild mammal, rabbits (and rodents otherwise unprotected by law) are specifically exempted by Clause 6.

There are two British hares; the brown or common hare is widespread throughout England Scotland and Wales, but the Mountain or Irish hare, which has a white winter coat, largely replaces the common hare in upland Scotland and Ireland. The common hare is most abundant on arable farmland, but low diversity of crops, the presence of livestock and human settlement all reduce hare numbers. During the last two decades hare numbers have declined significantly in much of Europe, perhaps because of modern farming methods⁵⁹.

The hare can be considered a "minor agricultural nuisance" provided its numbers are not excessively high. Its most important predator is the fox, and some farmers organise "hare shoots" in late winter that can reduce spring populations by over 50%. In much of continental Europe the hare is prized for shooting, but in Britain this is less the case, and the hare is favoured for hound sports⁶⁰.

Coursing involves setting two dogs after a hare. Greyhounds are typically used although whippets, deerhounds, lurchers, afghans and salukis may course; these are all "gazehounds" that hunt by sight rather than predominantly by smell, as do fox hounds. The hares are raised by beaters and driven into a field, or they are raised by people walking across the field to be coursed over. The dogs are let go after the hare has a start of 80 yards. The annual Waterloo Cup, according to the National Coursing Club, attracts over 10,000 people over three days. The Club also says that in 1990-91, seven out of eight hares coursed escaped. Club rules do not allow coursing between 11 March-14 September, during the hare's breeding season⁶¹.

"Enclosed" coursing in which the hare cannot escape is now banned by National Coursing Club Rules although still popular in Ireland. This was because the results were too predictable so the betting market and attendances fell; former coursing grounds such as Haydock and Kempton were converted to racecourses following the last enclosed coursing in 1914⁶².

The League Against Cruel Sports says that one in every five, rather than one in every eight hares is caught and that the hare is not always killed instantly but may be pulled between two dogs⁶³. It has described coursing as "worse than fox hunting"⁶⁴. Illegal coursing, in which coursing is carried out on land without the owner's permission, tens of thousands of pounds

⁵⁹*Handbook of British Mammals* 3rd Edn 1991 pp146-175

⁶⁰*ibid* pg.160

⁶¹*This is Coursing* National Coursing Club

⁶²*ibid*

⁶³*Independent on Sunday* 19 February 1994 p.9

⁶⁴*The Times*, 18 August 1992

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can change hands in bets and bonuses or prizes are awarded to the dog catching the hare, is a major problem in some parts of the country, according to the League Against Cruel Sports, and some farmers may "reluctantly" shoot hares on their land to deter illegal coursers^{65,66}.

There are 23 greyhound coursing clubs, but far more packs of hare hounds. Harehunting with packs of dogs is also known as beagling; there are around 100 beagle packs, 10 basset packs and 40 harrier packs⁶⁷. Like coursing, this takes place from October to March. Packs of about thirty beagles (or bassets) are followed on foot rather than on horseback, although harriers are followed by horse. The British Field Sports Society thus says that followers of beagling are drawn from all walks of life: "Farm workers, factory workers, professionals, housewives, children and the retired all find themselves united by the love of the open countryside and the sight and sound of hounds". According to the BFSS⁶⁸

"The Game Conservancy's research indicates that hares should always be widespread and that hunting does not make an appreciable impact on the hare population".

They say that "hares have now returned to population levels which in areas like East Anglia make them pests"⁶⁹.

Although hares may be common in some areas this does not seem to be the overall case however. In Summer 1995 the Schedules of the *Wildlife and Countryside Act 1981* will be routinely reviewed and the League Against Cruel Sports has been pressing for the hare to be added to Schedule 5; it says that numbers have dropped from 4 million at the turn of the century⁷⁰. The Government-funded national hare survey of the 1991-2 and 1992-3 winters estimated the current British population at somewhere between 680,000 and 954,000⁷¹. The JNCC has acknowledged that

"There has undoubtedly been a serious decline in hare numbers in the course of this century and we must now find the best way of reversing that trend"⁷².

⁶⁵*Harehunting and Coursing* League Against Cruel Sports

⁶⁶*The Times*, 18 August 1992, *The Sunday Telegraph*, 3 January 1993

⁶⁷*Harehunting and Coursing* League Against Cruel Sports

⁶⁸*This is Beagling* BFSS undated

⁶⁹*Hunting the Facts* BFSS p.3

⁷⁰BFSS *Wild Mammals (Protection) Bill* lobby note

⁷¹HC Deb 14.12.94 c661w

⁷²Letter to League Against Cruel Sports from JNCC dated 21 January 1995. In: League Against Cruel Sports lobby brief on the present bill, February 1995 p.26.

V. Foxes

A. Biology

The red fox *Vulpes vulpes* is a territorial animal; family groups usually consist of one male (dog) and several females (vixens), although only the dominant female will breed. The fox is generally nocturnal, especially in areas where human disturbance is high. Vixens reach sexual maturity at 9 months and give birth to one litter a year, usually in March. The average litter size is five puppies.

When the foxes are about 6 months old, males in particular will disperse from the home territory where they were born and move to other territories, over typical distances of 10-50 km. Mortality rates are higher in foxes which disperse, and disturbance, including that from fox hunts, may trigger such dispersal. Females on the other hand more often stay on, and may help rear the young of related females (sisters and mothers), if they themselves do not breed. This pattern, of only dominant females breeding and subordinate females helping to raise related cubs, is common in carnivores. If population densities are lowered, through natural diseases or through artificial control operations, reproductive rates increase (more females may disperse and breed, litter sizes may increase and survivability [lifespan] may increase), and this helps populations recover quickly from decimation.

Some of the keys to the fox's success are its versatility, adaptability and lack of specialised habitat and food requirements.

B. Diet

The fox is a highly adaptable forager which in practice will eat almost anything. However, analyses of stomach contents and droppings show that rabbits and hares, wood mice and field voles are the mammals which are most commonly eaten. As well as such small vertebrates it will eat invertebrates including insects and earthworms. It will take poultry, game birds and wild, including endangered, bird species. It will take lambs (see below), but it hunts alone, not in packs, and scavenging is far more important. In upland areas sheep and deer carcasses often form the bulk of a fox's diet in the autumn. Since the fox is an opportunist forager, its diet will vary according to time of year and location; it will, for instance, eat windfall fruit.

Analyses of stomach contents and scats reveal the following diets for foxes in various locations (figures are percentage occurrences)⁷³:

⁷³Adapted from *Handbook of British Mammals* 3rd Edn 1991 p361

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	Devon n=186	Lincs n=111	Yorks n=165	Kent n=64	Wales n=67	NE Scotland n=272	W Scotland n=137	NE Ireland n=340
Hares and rabbits	24	88	55	39	30	62	14	45
Small rodents	36	16	24	47	54	20	70	23
Other wild mammals	5	2	-	14	3	2	4	-
Perching birds	6	4	16	14	9	all birds 48	all birds 48	4
Game birds	3	-	4	19	15			16
Pigeons and doves	1	-	4	8	2			-
Other birds	8	9	21	5	5			22
Beetles	78	1	all insects 5	6	15	all insects 6	all insects 12	-
Other insects	37	-		6	3			-
Earthworms	14	-	-	-	2	-	-	-
Fish	-	1	2	-	-	-	-	--
Crabs	-	7	12	-	-	-	-	-
Sheep carrion	2	-	-	13	51	7	45	9
Deer carrion	-	-	-	-	-	4	13	-
Fruit	11	-	-	9	-	?	?	-

In urban environments the diet of the fox comprises a different selection of foods and typically a high proportion (35-50%) of items scavenged from litter bins, compost heaps and bird tables; many households also put out scraps for foxes in cities such as Bristol⁷⁴. It is commonly assumed that urban foxes may kill cats, but when observed, urban foxes either avoid or are nervous of encounters with cats. Oxford is one of the British cities with a high population of urban foxes, and of 1939 fox droppings analysed in Oxford over seven years, only 8 contained traces of cat fur. This does not prove that in those cases the fox killed a cat, since it may have been scavenging on cats killed in road accidents⁷⁵.

One well-known aspect of fox behaviour is known as "surplus killing". On occasions foxes may kill large numbers of easy prey, such as hens in a run, or ground nesting birds, and leave many uneaten although some may be buried. This results from the triggering of the fox's

⁷⁴Harris and White *The Red Fox* The Mammal Society 1994 p.13

⁷⁵Macdonald and Doncaster, Department of Zoology, Oxford University. "Foxes in your neighbourhood?" RSPCA 1988

innate behaviour patterns; carnivores who rely on perhaps scattered or unpredictable food sources may have to go days between kills; if prey is available then even if they are not at that moment hungry they may benefit by killing and caching that food for later, possibly leaner times. The behaviour is clearly not appropriate in the hen house and results, in the eyes of the farmer, in wasteful carnage.

C. Is the fox a pest?

The League Against Cruel Sports says that;

"The fox has a reputation ... of being a cunning and ruthless thief which carries off lambs, poultry and pet cats ... research has shown the fox in an entirely different light and unanimously agrees that man's efforts at controlling the fox population are largely ineffective and that the damage caused by foxes is insignificant ... For example, a five year study ... revealed that whilst up to 24% of lambs in the Highland of Scotland may be lost through still-births, malnutrition and hypothermia, only around 1% are lost to foxes".

This study⁷⁶ found that foxes at two sites in Scotland fed largely on sheep carrion and field voles, supplemented by deer carrion, rabbits and birds. Eagles and foxes killed lambs mainly 1-5 days old and apparently in good condition. Foxes killed lambs up to 10kg in mass whereas eagles took lambs up to only 6kg. From 1976-1979 the foxes killed a minimum of 1.3, 1.8, 0.8 and 0.6% of lambs estimated to have been born in each year respectively.

So foxes do kill livestock, but as the table above illustrates, the composition of their diet changes according to habitat. The degree to which they are considered a pest varies. The roughly 1% of lambs taken by foxes in the above study might be crucial to a struggling hill farmer. The BFSS says that

"Surveys show that at least two-thirds of sheep farmers operate some form of fox control. On uplands and moorlands the figure is higher. If only 2% of a lamb crop is lost to foxes, this means that a typical hill farm with 1,200 ewes will lose 31 lambs [worth over £1000] - a considerable blow to a marginal hill farmer"⁷⁷.

⁷⁶Hewson and Leitch 1984 "Scavenging and predation upon sheep and lambs in the West Scotland" *Journal of Applied Ecology* 21, pp843-868

⁷⁷Stand up for Hunting The Case for Hunting 1993 p. 3 and *Hunting the Facts* BFSS p.3

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However, one study of fox predation on lambs noted that⁷⁸;

There is also the possibility that a small improvement in management of hill sheep would do more to improve the crop of lambs than a large effort to control foxes, which, using existing methods, may not be effective.

According to the Campaign for Hunting⁷⁹;

"*Scientific research proves that fox control is effective*" Game Conservancy research has proved that control is effective. In their Salisbury Plain Predation Project, scientists compared two similar areas of farmland. On one the predators, including foxes, were controlled; on the other they were not. The breeding success of wild partridges was more than trebled when they were protected from predation".

This Game Conservancy research has been published in the Proceedings of a Conference held in Hungary⁸⁰ but work published more recently in a scientific journal by a related team of authors as part of the same project⁸¹ summarises the results of this earlier work:

"Foxes were the chief cause of loss of incubating hen partridges on comparison areas of Salisbury Plain without predator control and predator control dramatically reduced these incubation losses ... the resulting increase in partridge hen survival was a local phenomenon which did not extend to a site without predator control only 6 km away ... A large, local reduction of predation on incubating hen partridges on Salisbury Plain demonstrated that fox control there was effective".

It should however be noted that the control was achieved not by hunting but through shooting and other methods (hunting was thought to be "unlikely to have made a large impact on the fox populations"; see next section, D).

Foxes can be a major predator of nesting birds, and electric fences are often deployed to prevent this (by for instance conservation organisations such as English Nature; please see section VI C). The above-mentioned Game Conservancy research has shown that fox predation on incubating hen partridges can be significant, and further Game Conservancy

⁷⁸Hewson 1984 Scavenging and predation upon sheep and lambs in West Scotland. *Journal of Applied Ecology* **21**, 843-868

⁷⁹ibid

⁸⁰Tapper, Brockless and Potts 1991 The effect of predator control on populations of grey partridge *Perdix perdix*. In: Proceedings of the XXth Congress of the International Union of Game Biologists, Gödöllo Hungary, Eds Csanyi and Ernhaft pp398-403

⁸¹Reynolds, Goddard and Brockless 1993 The impact of local fox (*Vulpes vulpes*) removal on fox populations at two sites in southern England. *Gibier Faune Sauvage* **10** December 1993 pp319-334

work has shown that fox predation can also be significant on harvestable pheasant populations⁸². Although the Game Conservancy notes that the main predators of the adult grouse are the fox and the peregrine⁸³, in hill areas foxes do not limit the number of breeding grouse or the numbers available for shooting, and non-territorial birds are most vulnerable to predation⁸⁴.

There is no requirement for individuals to notify MAFF of instances of fox predation however, and those suffering losses of livestock, game or poultry are free to use whichever (legal) methods of control they choose⁸⁵.

D. Can fox populations be controlled?

One Institute of Terrestrial Ecology (ITE) study looked at the effects of management on fox numbers and breeding success in Scotland. Gamekeepers and shepherds checked all known den sites, and foxes were bolted by terriers and shot or gassed. There was no relation between the number of foxes killed each winter and the number of breeding dens the next spring, hence

This indicates that control was ineffective in reducing the breeding population, although it may have prevented it from increasing... As the number of foxes has continued to increase except when influenced by food availability (Hewson 1984), it must be concluded that non-selective control, as currently practised, has not been effective in preventing this increase. It has not reduced complaints of lamb killing by foxes. However, the destruction of foxes and cubs at breeding dens often stops local instances of lamb killing⁸⁶.

Gamekeeping was the control method employed in this study and hunting kills fewer foxes than this (gamekeepers kill at least 150,000 foxes a year and hunts 20,000 according to the BFSS, see section V E below), but on the other hand the BFSS would say that hunting is *selective* control, killing older and weaker or rogue foxes.

Work at the ITE⁸⁷ examined fox populations in Scotland from 1971 to 1976. This concluded;

⁸²*Handbook of British Mammals* 3rd Edn 1991 p.360

⁸³*Game Conservancy Review of 1992* p.120

⁸⁴*Handbook of British Mammals* 3rd Edn 1991 p.360

⁸⁵HCDdeb., 19 November 1992, c232w

⁸⁶Hewson 1986 Distribution and density of fox breeding dens and the effect of management *Journal of Applied Ecology* **23** 531-538

⁸⁷Kolb and Hewson 1980 A study of fox populations in Scotland from 1971 to 1976 *Journal of Applied Ecology* **17** 7-19

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From what has been discussed so far it seems unlikely that the fox population of Scotland as a whole is being limited by the present level of control...Any action to reduce fox populations over large areas and maintain them at a low level, as for instance in an attempt to minimise the risk of rabies, would require far greater expenditure and effort than at present.

Work on fox populations in Northern Ireland has indicated⁸⁸:

It is unlikely that the foxes killed by man in N. Ireland have any long term effect on the population. There are several lines of evidence for such a hypothesis ...

To summarise, the population of foxes in N Ireland is probably limited by a high infant mortality as a result of various diseases. Notwithstanding this, during autumn and winter months numbers may be further reduced by disease and hunting by man, though the latter does not limit the population.

In conclusion, it has been shown that the reputation of the fox as a pest of agriculture is exaggerated...

Further work from the ITE on fox populations from 1948-1970 has concluded⁸⁹ that despite Fox Clubs operating under the *1954 Pests Act* paying bounties for fox destruction,

the influence of control methods seems to be subservient to environmental factors in determining the size of the fox population, and it seems doubtful that existing control methods have had an appreciable effect on the main changes or have limited the number of foxes.

Work on urban foxes is less relevant to this debate, because urban foxes have very much higher population densities than rural foxes, they are generally tolerated by the majority of human inhabitants, and of course hunting and shooting cannot in general be used to control them. However, work comparing urban foxes in London (where local authorities will carry out fox pest control) and Bristol (where they do not) has shown that⁹⁰:

It is suggested that in London the fox control operations do not significantly reduce the number of fox family groups but reduce the number of adult foxes and cubs in the population and hence mean family group size. In London,

⁸⁸Fairley 1971 The control of the fox *Vulpes vulpes* (L.) population in Northern Ireland *Scientific Proceedings of the Royal Dublin Society* **B 3** pp44,46

⁸⁹Hewson and Kolb 1973 Changes in the numbers and distribution of foxes (*Vulpes vulpes*) killed in Scotland from 1948-1970 *Journal of Zoology* **171** (3) 345

⁹⁰Harris and Smith 1987 Demography of two urban fox (*Vulpes vulpes*) populations. *Journal of Applied Ecology* **24**, 75-86

mortality rate in adults and cubs is higher than in Bristol and a stable population is maintained by increased productivity. This is not achieved by altering litter size but by reducing the population of non-breeding vixens and the proportion of dog foxes in the cub and adult populations.

In other words, when foxes are removed by control, more females, who would normally be barren or non-reproductive, start breeding. The population can bounce back from being reduced because the fox has a large surplus reproductive capacity that is normally kept "in reserve" or suppressed by factors limiting the population.

In addition, the way foxes physically migrate each year, particularly in winter months, also allows repopulation of depleted areas from neighbouring areas. In an above-mentioned Game Conservancy study in which foxes were removed through shooting and other methods (hunting, although present, was thought to have been "unlikely to have made a large impact on the fox populations")⁹¹;

"core and surround areas at both sites clearly were recolonised each year through immigration ... fox control had a local impact only ... the greatest impact [of the average yearly kill made by British gamekeepers] would have been to create a fox-free zone during spring and summer, as in the present study".

The authors concluded that to limit fox density throughout the year, larger intense and co-ordinated fox culls would be required because replacement through immigration would be rapid during autumn and winter when natural dispersion was at its peak.

According to the World Health Organisation, in the context of rabies vector controls (see Library Research Paper 94/98, *Rabies*)⁹², the red fox's

"high reproductive capacity ensures rapid recovery of populations decimated by hunting, gassing, trapping or disease".

Of course a major argument in favour of fox hunting rests on the control of the odd "problem" fox that is bothering a farmer, rather than widespread population control. The BFSS points out that

"During the spring, in upland sheep farming areas, Hunts are called out specially by farmers in order to hunt and dispatch foxes which have been

⁹¹Reynolds, Goddard and Brockless 1993 The impact of local fox (*Vulpes vulpes*) removal on fox populations at two sites in southern England. *Gibier Faune Sauvage* **10** December 1993 pp319-334

⁹²World Health Organisation *WHO Expert Committee on Rabies Eighth Report* 1992 WHO Technical Report Series 824

taking lambs. The scent of the fox is followed from the lambing field until the fox is found and killed.

"This is an important service for sheep farmers, as just one example clearly shows. In the spring of 1991, the David Davis hunt in Wales was called out a total of 39 times by farmers who had lost a total of 310 lambs to foxes. In total, the Hunt killed 46 foxes.

"The use of hounds is the only certain means of locating individual foxes which are responsible for lamb losses. In one recent incident in the lake District, a particular fox had killed more than forty lambs. In attempting unsuccessfully to catch this fox, thirteen others had been killed by means other than Hunting. But it was not until the local pack of foxhounds was called in that the culprit was located and destroyed."

Section VI C indicates how organisations such as English Nature and The Wildfowl and Wetland Trust deal with such individual animals, in those cases being pests to endangered bird species.

As well as actually killing individual foxes, hunts may increase disturbance and thus trigger increased dispersal, so raising mortality, particularly during the Autumn (although dispersal occurs naturally in any case). The LACS attacks the practice of "cub hunting"⁹³, but the BFSS say that⁹⁴

"Farmers also expect families of foxes to be reduced in number and/or dispersed. This usually happens in the autumn, and the practice is called Autumn Hunting or Cubhunting. The word cub is something of a misnomer. These are families of foxes which may be in their first year, but have normally reached maturity....The hounds and any foxes they find are encouraged to stay within [a piece of] woodland, with two objectives ... the first is to ensure that a number of foxes are killed or dispersed ...the second is to develop the young hounds which have joined the pack during the summer ...they must be taught to distinguish between, for example foxes and deer, and to only hunt foxes".

⁹³ "Cub-hunting" LACS and *Wildlife Protection The case for the abolition of hunting and snaring*, LACS pp8-9

⁹⁴*Hunting the facts* BFSS Campaign for Hunting p.9

E. Is hunting a significant control method?

Each year, according to the British Field Sports Society (BFSS)/Campaign for Hunting⁹⁵,

- foxhound packs take around 18,000 foxes
- gamekeepers kill "at least" 150,000

The League Against Cruel Sports (LACS) puts the figures at⁹⁶

- 12-13,000 foxes taken by hunting with hounds each year
- 50-100,000 snared
- 50-100,000 shot
- 25-50,000 taken by terrier gangs and fox destruction clubs
- 50-100,000 killed on the roads

The League Against Cruel Sports say that the peak Spring population is 500,000 foxes in the UK and that roughly 300,000 die from the above causes by the time winter comes. Using a figure of 12,500 foxes killed by hunts and their population estimate of half a million, the League Against Cruel Sports says that hunting with hounds kills around 2.5% of the fox population.

On the same basis the BFSS's figure of 18,000 gives a higher percentage of 3.6% foxes killed by hunts. The precise number of foxes in Britain is unclear and the uncertainties surrounding the figures make it impossible to very accurately assess the proportion of foxes taken by given methods. One other estimate puts the adult population at about 240,000 adults alive by the end of the winter and 425,000 cubs born each spring (a total of 665,000 foxes of which 81% are in England, 10% in Scotland and 9% in Wales). In urban areas, road accidents account for 58.6% of fox deaths, while 14.2% are deliberately shot, snared, trapped, dug out or killed with lurchers and 9.6% die from disease⁹⁷.

The LACS suggests that hunting is thus a minor control method. It argues for appropriate animal husbandry, saying that the pest status of the fox is overrated, and that in any case population control through killing (by hunting or shooting or by any other means) is ineffective. The LACS quotes a letter to it from MAFF, which says;

Recommended methods of [fox] control include shooting and the use of cage traps in urban areas ... Whilst it undoubtedly accounts for a number of foxes, the Ministry does not consider fox hunting to be a major controlling factor in the fox population⁹⁸.

⁹⁵*The Case for Hunting*, and *Hunting The Facts*, both BFSS

⁹⁶*Wildlife protection The case for the abolition of hunting and snaring* LACS

⁹⁷*The Red Fox*. Harris and White The Mammal Society, 1994

⁹⁸Letter from MAFF to LACS 17.2.94

However, the BFSS says that hunting has other advantages such as regulating and dispersing the fox population. The BFSS also say that on hill and moorlands where hill sheep farming is common, hunting is needed more than in arable lowlands; they assert that the use of hounds is "essential" on upland and forestry areas. They cite examples (see above section) where hunts have been called out to remove "rogue" foxes after other methods had removed other animals but failed to solve the problem. They say that shooting foxes is difficult, and risks foxes escaping injured.

The RSPCA dispute the extent to which this happens, saying that in 1994 they collected 1693 injured and sick foxes (many urban foxes in particular suffer from mange and other diseases). Of these, 983 were injured, and of all of these only one had pellet injuries⁹⁹. However, it is worth pointing out that a seriously wounded fox would presumably go to ground and might not be discovered; conversely, a road kill would be highly visible and likely to be handed in.

F. Attitudes

Perhaps predictably, the LACS and the BFSS quote differing figures concerning farmers' attitudes. For example, the LACS quote a 1974 poll showing that 70% of farmers did not consider the fox significantly harmful to their interests and that 36% considered them useful in controlling rabbits and rodents¹⁰⁰.

Conversely, the BFSS say that 96.2% of Exmoor farmers believe foxes should be controlled (whether through hunting or not is not made clear), and that 80% of sheep farmers state that foxes must be controlled and 55% name hunting as a method of control they use¹⁰¹.

According to the RSPCA¹⁰², "In a recent RSPCA poll by NOP ... when asked specifically 75% of people thought fox hunting with hounds should be made illegal. 83% thought stag hunting should be made illegal. 80% thought hare coursing should be made illegal...".

⁹⁹RSPCA *Parliamentary Brief Protection of wild mammals*. February 1995

¹⁰⁰*Wildlife Protection the case for the abolition of hunting and snaring*, LACS p.37

¹⁰¹*Wild Mammals (Protection) Bill* BFSS February 1995

¹⁰²*Parliamentary brief Protection of Wild Animals* RSPCA February 1995

VI. Other considerations

A. Employment

The only major recent survey on this was conducted by Cobham Resource Consultants in 1991, and this was commissioned and published by the Standing Conference on Countryside Sports¹⁰³. On the basis of this work the BFSS say that 9,500 people rely entirely on hunting for their full-time employment, and that a further 7,000 people in related trades and professions would lose their jobs if hunting were banned; a total of 16,500 jobs. In total they say, 33,000 jobs are associated with hunting. The full figures are as follows;

Employment provided directly by the organisers of the sports and the participants	
Angling	14,500
Shooting	13,000 (including 5,000 fulltime gamekeepers)
Hunting	9,500 (hunt staff, terriermen, fence builders, stable staff)
TOTAL	37,000
Employment sustained by the expenditure of organisers and participants in a sample of associated trades and services	
Angling trades	5,500
Shooting and stalking trades	14,500
Hunting trades	7,000 (farriers, feed merchants, vets, saddlers, bootmakers, livery yards)
General Countryside trades	1,000
TOTAL	28,000
OVERALL TOTAL	65,000

All jobs = full time equivalents, Great Britain, 1990

The League Against Cruel Sports attacks these figures as being inaccurate and inflated, says that many jobs associated with hunts are low paid jobs with tied accommodation, and concludes that in any case:

¹⁰³*Countryside Sports Their Economic and Conservation Significance* 1992

"The fact is, banning hunting of wild mammals with dogs need not cause the loss of any jobs, unless the organisers choose, quite unnecessarily, to refuse to adopt draghunting"¹⁰⁴.

"A switch to drag hunting would preserve the tradition and pageantry of hunting, avoid any unemployment of kennel staff or grooms, and allow for the retention of horses and hounds-whilst removing the hounding and killing of wild animals"¹⁰⁵.

B. Countryside Conservation

The British Field Sports Society says¹⁰⁶

"The Hunt plays a large part in keeping local bridleways open, maintaining hedges and fences, and clearing and managing woodland. The Hunt also encourages traditional laying of hedges and management of coverts, making attractive habitats for wildlife of all kinds".

The BFSS cites a survey of 800 farmers in Oxfordshire, which found that hunting farmers removed 35% less hedgerows than the average farmer during the 1970s¹⁰⁷. The removal of hedgerows has certainly been a problem in Britain; according to the *Countryside Survey* published by the Government last year, there was a net decrease in hedgerows by 23% between 1984 and 1990¹⁰⁸. Most loss was due to a change in form, from, for instance, a hedge to a line of trees, but 10% was lost completely.

The Masters of Foxhounds Association and *Hunting Magazine* run the Inter-Hunt Conservation award, which the Heythrop Hunt in Oxfordshire won last year for its new hedges and coverts, wide headlands separating hedges from crops, and the variety of wildlife so encouraged. Lord Willoughby de Broke, one of the judges, said "The truth is that hunting has been practising conservation not for a few years, but for centuries"¹⁰⁹.

The League Against Cruel Sports counter by saying that given that "thousands of prominent hunters and shooters own a large proportion of the British countryside" and have been in positions of influence or are large farmers, the fact that the countryside has been so depleted since the Second World War refutes the claim that hunting provides conservation. It also notes the findings of the Cobham Resource Associates survey that of the reasons why

¹⁰⁴LACS *Wild Mammals (Protection) Bill briefing for MPs and journalists*

¹⁰⁵*Wildlife Protection The case for the abolition of hunting and snaring*

¹⁰⁶*Hunting the facts.* BFSS p.11

¹⁰⁷Campaign for Hunting *Stand Up For Hunting* p.5

¹⁰⁸*Countryside Survey 1990 Main Report.* DoE 1993

¹⁰⁹*Daily Telegraph* 23.11.94 p.13

landowners retain or plant woodland, "providing fox coverts" was the least significant motive; "beauty in the landscape" was the most popular¹¹⁰. (The RSPCA makes the same point and adds that farmers are now encouraged by Government schemes to maintain hedgerows for the good of the countryside.¹¹¹)

It should however be noted that the same survey showed that "providing game cover" was the second most popular reason for retaining or planting small woodland after "beauty in the landscape" (out of nine possible reasons, and with similar numbers of respondents giving their reason as "providing commercial timber crop" and "shelter")¹¹². Many moorlands are managed for gamebirds; for example, heather heath is burnt periodically to provide young heather shoots to feed grouse and this practice regenerates the heather plants and helps maintain biodiversity¹¹³.

On the other hand again, management must be sensitive to the needs of conservation as well as shooting or hunting, and these can conflict. For instance, Caledonian forests in the Scottish Highlands are failing to regenerate themselves because saplings get removed through grazing by red deer, encouraged by landowners to generate income from hunting, and there is also soil erosion, the loss of plants such as heather and juniper, and damage to dotterel nests¹¹⁴. Conservationists have called for large culls of the deer. The Game Conservancy says that deer alone are not to blame (they mention Canadian lumberjacks between the two World Wars and sheep), in this area where "deer and their control has been a major industry for 150 years"¹¹⁵. The British Association for Shooting and Conservation notes that¹¹⁶:

"The increase in numbers of deer has brought about the responsibility of managing their populations. Deer stalking has played a particularly important role in such management programmes and has contributed to the fact that Britain has a very healthy population of [deer] whereas 30 years ago deer were considered to be relatively scarce throughout most of lowland England".

C. Fox control: views of nature conservation bodies

English Nature carry out control of foxes to protect birds on some of their own reserves such as Stolt Head. An article on this from their in-house magazine notes that¹¹⁷

"Pest and predator control is not a pleasant task, but it is a job that must be done or one of the largest tern colonies in Britain will be lost".

¹¹⁰ *Wildlife protection The case for the abolition of hunting and snaring* LAC p.41

¹¹¹ *RSPCA Parliamentary Brief Protection of Wild Mammals*

¹¹² *Countryside Sports Their Economic and Conservation Significance* 1992 p.62

¹¹³ *Game Conservancy Review of 1992*

¹¹⁴ "Last chance for the wasting wilderness?" *New Scientist*, 18 September 1993 p.3

¹¹⁵ *The Game Conservancy Review* 1992 p.106

¹¹⁶ British Association for Shooting and Conservation Youth and Education Countryside Trust leaflet *Forestry*

¹¹⁷ *Outfoxing the foxes* ENACT 1 (1) pp6-10

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Control is achieved by shooting and lamping, snaring and live trapping, and they employ a gamekeeper on a contract basis.

An electric fence has been used, and results have been "excellent" with this, with no foxes known to have passed through the fence in three years' use, but because the reserve is on the seaside foxes can find their way around the ends of the fence via the low water intertidal sands. Of the control methods used, the most effective has been

"shooting using high powered rifles with sophisticated night sights. This is no easy task ... Meticulous planning is vital for safety reasons ... snaring has been less successful partly because snares have to be set at dusk and removed again at dawn to avoid injury to visitors' dogs. A catch alive trap proved to be least effective of all as foxes are far too wary to [enter]".

Scottish Natural Heritage carry out control of red deer on some of their reserves (using high velocity rifles)¹¹⁸.

The Wildfowl and Wetlands Trust based at Slimbridge have recently issued an updated statement on foxhunting¹¹⁹:

"The WWT believes that hunting with hounds is not compatible with the management of nature reserves especially of those where some or all of the nature conservation interest relates to birds which are vulnerable to disturbance. We therefore believe that foxhunting should be prohibited on Sites of Special Scientific Interest where there is a significant wintering interest, Special protection Areas and sites designated under the Ramsar Convention.

"Captive birds are vulnerable to fox predation; where these are kept at a WWT centre, they are protected by predator-proof fencing rather than by fox control in the surrounding areas.

"Foxes naturally predate a range of wildlife including ground-nesting birds and in certain areas (as where 'islands' of suitable nesting habitat are available in terrain otherwise unsuitable for breeding). In such situations nesting densities are artificially high and predation effects may be severe. Foxes may also have an impact on birds which are considered to be of conservation importance in a national context (that are listed in the book Red

¹¹⁸SNH, personal communication

¹¹⁹The Wildfowl & Wetlands Trust *Statement on Foxhunting* February 1995

Data Birds in Britain). They may occasionally cause considerable disturbance to colonial nesting species (eg terns and gulls).

"In local areas, where it is impossible to exclude them, it may be necessary to control foxes for nature conservation purposes. Where fox control is necessary, WWT believes that the control method should be effective and carried out in the manner least disturbing to the nature conservation interests of the site".

"The policy of WWT towards foxhunting, therefore relates to its nature as a disturbing activity rather than to any other consideration. The WWT regards many other pursuits, particularly those that involve rapid movement, noise and activity in a similar light".

The World Conservation Union IUCN states¹²⁰:

IUCN does not have a specific position on fox hunting in UK or elsewhere. IUCN is not opposed to hunting in principle and we believe there are certain situations in which hunting can be beneficial to conservation. However, IUCN only supports hunting when it is ecologically sustainable. As far as we know this is the case for fox hunting in Britain. There are also considerations of animal welfare when it comes to fox hunting. IUCN, however, is not particularly qualified to comment on this.

The Game Conservancy, considering grouse moor management, states that¹²¹

"Keepers are responsible for two major tasks: heather burning and the control of predators ... Where [high predation rates prevent the grouse population from increasing] management activities should operate to reduce these predation losses by the careful and legal control of foxes during the winter months".

The RSPB, in a letter to the League Against Cruel Sports, has written¹²²:

"...we do not carry out any form of fox control as a matter of course, but only in limited circumstances where there is no alternative, and ... the controls and criteria for this are very strict. We use the most humane methods available - which in practice means shooting...so far as I am aware we have never [snared foxes]. We have also abandoned trapping. The fox control programme at our Abernethy Reserve is frequently quoted (and misquoted!)

¹²⁰fax to the Commons Library, 10 February 1995 ref SNS/MCL/SSG/ID4/3

¹²¹*The Game Conservancy Review 1992* p.120

¹²²7 June 1994

in justification of predator control generally, despite our repeated statements that it is experimental only. If we find it really does help the Capercaillie, it will continue; if not, it will cease."

D. Trespass and the banning of hunts

During consideration of the Criminal Justice and Public Order Bill 1993-94, which became the 1994 Act, amendments were unsuccessfully tabled to the clauses¹²³ on aggravated trespass with the intention of keeping hunts off land¹²⁴.

Landowners and occupiers or anyone with their authority may ask trespassers on land to leave; trespassers should be allowed to leave in a peaceful manner, and if they refuse they can be physically removed using only as much force as necessary. Civil action may be taken by a landowner or occupier against anyone setting foot on the land without permission, and application may be made for damages and an injunction to prevent further trespass.

According to *Fair Game: The Law of Country Sports and the Protection of Wildlife*¹²⁵:

"Sportsmen hunting or coursing upon lands with hounds or greyhounds and being in pursuit of any deer, hare, or fox previously upon land where permission had been granted are exempt from the offence of trespassing for game under the Game Act 1831...They are not, however, exempt from civil trespass in these circumstances: the case of *Read vs Edwards* (1864) decided that sending or allowing hounds onto another's land without permission is a trespass, even if no person enters the land. This decision still stands: in 1983 a county court ordered the Master of the West Somerset Vale of Foxhounds to pay nominal damages to the League Against Cruel Sports for allowing a number of hounds to run through a League sanctuary near Bridgewater.

Since hunting and coursing take place in open countryside many unwilling acts of trespass occur, whether by hounds, members of the hunt or their followers. All commit acts of trespass if they pursue the hunted animal into an area they

¹²³Previously clauses 52 and 53, these were intended to deal with hunt saboteurs and people carrying on other similar activities. Clause 52 created an offence of aggravated trespass if a person trespassed on land on the open air and did anything intended to obstruct or disrupt a lawful activity in the open air, or did anything intended to intimidate people taking part in such an activity. Under clause 53 the Police were given powers to order people who are committing such an offence, or people who they think are about to commit such an offence, to leave the land. Anyone disobeying or returning as a trespasser within seven days (later amended to three months) would be liable to a fine of £2,500 and three month's imprisonment. These clauses are now sections 68 and 69 of the 1994 Act.

¹²⁴HC Deb 12 April 1994 please see cc104, 106 and 107 particularly

¹²⁵Parkes and Thornley, 1990

do not have permission to enter. Masters of Hounds or other appropriate hunt officials may in fact find themselves held liable for the trespass of others concerned with the hunt, even if they do not enter the land themselves."

The landowner may expressly deny permission for a hunt to enter his land by posting notices or by sending the Master of Hounds a letter. In the context of deer hunts¹²⁶:

"Section 35 of the Game Act 1931 does not give a hunt or anyone else the right to follow quarry onto another's land....several deer sanctuaries are strategically positioned in hunting country, and a number of private and council landowners have refused hunts permission to go on their land. Signs placed on the boundaries and written correspondence inform hunts of the landowner's wishes, and it is possible that where a hunt knowingly enters land without the consent of the owner or occupier in pursuit of deer, an offence under the Deer Act... would be committed, with no protection from... the Game Act."

At the end of 1993 a group of farmers in County Down were becoming increasingly angry with hunts damaging their property and their solicitors sent injunctions to prevent the Boxing Day hunt entering or trespassing on their land¹²⁷.

The League Against Cruel Sports has compiled one booklet of around sixty articles from local newspapers telling of "distressing hunting incidents" in which hunts have gone through farms, gardens, railways, roads or farms or in which pets were attacked, and another with notes of other incidents which have been reported to it. It quotes the Master of Surrey Union Fox Hounds on Radio 4 in 1990 saying

"I don't think I've seen a meet this year when we've not gone through somebody's back garden."

The LACS says that it has never received similar complaints concerning drag hunts or bloodhound packs¹²⁸.

The BFSS say however that hunting has the consent and support of the overall majority of farmers and that hunting takes place with permission on millions of acres of countryside. It mentions one foxhound pack that hunts over 99% of farms in its area and 75% of whose subscribers are "farmers or farmers' wives". Also, it says that the Masters of Hounds Association imposes strict rules on the sport and that¹²⁹

¹²⁶ibid

¹²⁷*Belfast Telegraph* "Chasing the Hunt" 29 December 1993

¹²⁸*RIOT! A report on hunt trespass* LACS

¹²⁹*Hunting the facts.* BFSS p.13

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"Each Hunt appoints a Master or Joint Masters to run the "country" - the area over which they hunt. This will on the whole be farmland, and it is with the farmers' express consent that the Hunt will operate".

The RSPCA say that 35 out of 47 county councils in England and Wales have banned fox hunting on their land¹³⁰ but there has been a good deal of dispute on this issue. In February 1994 it was decided that the action of Somerset County Council in banning deer hunting on its land was illegal. The basic reason given by the Court was that the Council had acted purely on the basis of its "moral repugnance" rather than on the basis of good management, and this was held to be *ultra vires* a statute¹³¹ which required the council to act for the benefit of the area¹³².

The case is going to appeal, but the initial decision was greeted with dismay among anti-hunt campaigners fearing that similar bans across the country would be jeopardised. However¹³³,

"The case does not, by any means, establish that all bans on hunting would be unlawful; indeed, the judgement itself cites examples of where such a ban would be permissible. However, these reasons are linked to the council reaching an objective conclusion that the ban is for the benefit of the area. Nature conservation is one of the examples given specifically..."

The National Trust has had a long-running dispute between some of its members and its Council as to whether to ban hunting on its land. In 1989 the Council decided that it was not bound to abide by the result of a vote to ban stag hunting on Trust land. The council says it neither opposes nor supports stag hunting, but licenses hunts where they have traditionally operated. In 1994 the Council decided that a postal ballot of National Trust members on the issue would be unconstitutional, after such a plan had won a small majority at an extraordinary general meeting at Westminster Central Hall in July 1994¹³⁴.

Recently the National Trust for Scotland withdrew permission for the Fife Hunt to cross its land near Coupar. Opinions as to the significance of this decision vary. The BFSS say that "The National Trust for Scotland has taken an administrative decision to stop access to the Fife Hunt over the Hill of Tarvet, which it has not hunted over for the past five years", but the LACS said "This is a great piece of news out of the blue. It would be nice if the National

¹³⁰*Animal Life* Spring 1994

¹³¹The *Local Government Act 1972* under which the land had been acquired, "for the benefit, improvement or development" of the Council's area

¹³²Can a local authority lawfully ban hunting? *Environmental Law and Management*, December 1994 pp207-11

¹³³*ibid*, p.210

¹³⁴*Observer* 17.7.94 Trust to vote on hunt ban p.10 and *Times* 21.10.94 Trust rules out postal ballot on hunting

Trust in England followed their example"¹³⁵. The *Daily Telegraph* later wrote "This week's decision by the National Trust for Scotland to ban foxhunting on its land is the latest indication of the momentum that the 'anti' movement is gathering"¹³⁶.

Further reading

- *Report of the Committee on Cruelty to Wild Animals* Home Office/Scottish Home Department Cmd. 8266 June 1951, reprinted 1975
- Second reading of Mr McNamara's Bill: HC Deb 14 February 1992 c1214-1285
- *Wildlife Protection The case for the abolition of hunting and snaring* League Against Cruel Sports 1992
- *Hunting The Facts* British Field Sports Society Campaign for Hunting undated
- *The Handbook of British Mammals* Third Edition Eds. Corbet and Harris 1991
- "Can a local authority lawfully ban hunting?" *Environmental Law and Management*, December 1994 pp207-211

¹³⁵Scotland's National Trust bans foxhunting *Daily Telegraph* 7.2.95 p.6

¹³⁶Hounds may be forced to quit UK - with a new anti-hunting Bill due to come before Parliament next month, drastic contingency plans are being drawn up. *Daily Telegraph* 11.2.95