

# **Wild Mammals (Hunting with Dogs) Bill**

[Bill 7 1997/98]

**Research Paper 97/122**

**19 November 1997**



In the third such measure in recent years, the *Wild Mammals (Hunting with Dogs) Bill*, introduced by Michael Foster, seeks to ban the hunting of wild mammals with dogs and to make it an offence to control a pack of dogs for hunting. The hunting of wild rabbits and rodents is exempted. The Bill was first in the Ballot and the Government has promised a free vote at second reading.

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## I The Bill

### A. Wild Mammals (Protection) Bills

The present Bill is the third Private Members' Bill attempting to ban hunting in recent years. Kevin McNamara's *Wild Mammals (Protection) Bill 1991/92* was defeated at second reading<sup>1</sup> by 187 to 175 votes and in the 1994-5 session John McFall introduced a similar *Wild Mammals (Protection) Bill* [Bill 14 1994/95].

This was passed at Commons second reading by 253 votes to nil<sup>2</sup> - not, of course because it was completely unopposed, but because its opponents sought to avoid the propaganda victory of a division in favour of the Bill.

Since Mr McFall's Bill was fairly low in the ballot (seventh) and there was considerable opposition to it, it was never likely to succeed. Before the Bill entered Standing Committee Mr McFall amended it substantially to increase its chances of success. In essence, he removed all clauses except clause 1, dealing with cruelty to wild mammals. The clauses removed included those banning hunting and prohibiting the setting of snares.

If enacted, clause 1 would have closed the perceived loophole in the *Protection of Animals Acts* which then provided protection against cruelty only to captive or domestic animals. However, the Bill ran out of Parliamentary time after, it was alleged, delaying tactics had been employed against it in both Houses. There were concerns that even in its substantially reduced form the Bill could be used against hunters or those committing inadvertent acts.

Alan Meale introduced the third Bill of the same name in the 1995/96 Session, with intentionally limited ambitions. It did not seek at all to ban hunting but was based on the amended version of John McFall's Bill. It sought simply to amend the Protection of Animals Acts and was also subject to intense negotiation before it entered Parliament. This resulted in it being unopposed and passing through all of its Commons stages in one afternoon<sup>3</sup>. The Act received Royal Assent in February 1996<sup>4</sup>.

So the *Wild Mammals (Protection) Act 1996* did not of course ban hunting, which was the initial aim of the two earlier Bills, but it gave protection against cruelty to wild, non-captive mammals

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<sup>1</sup> HC Deb 14 February 1992 c1214-1285

<sup>2</sup> HC Deb 3 March 1995 cc1297-1368

<sup>3</sup> HC Deb 26 January 1996 c553-74 second reading debate; all other stages formal

<sup>4</sup> HC Deb 29 February 1996 c1013; CAP 3 1996

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which were previously unrecognised in law. It has since been used successfully to prosecute a 16 year old youth who kicked a hedgehog with steel toe-capped boots and beat it with a stick before stabbing it to death. The RSPCA inspector involved pointed out that a few months earlier such acts would have been legal<sup>5</sup>.

On the other hand, a Court ruled in November 1997, in a case brought by the League Against Cruel Sports (LACS), that a fox trapped in a drain by terriermen of the New Forest Foxhounds was temporarily captive and not covered by the 1996 Act<sup>6</sup>.

### **B. Wild Mammals (Hunting with Hounds) Bill [Bill 7 1997-98]**

Michael Foster MP came first in the ballot this session and in June 1997 after some delay (during which time he consulted his constituents<sup>7</sup>) announced his intention of introducing a Bill seeking to ban hunting with hounds. It confines itself to this issue and unlike John McFall's earlier Bill does not seek to ban the use of snares.

**Clause 1** seeks to make it an offence to use, cause or permit any dog to hunt any wild mammal. It will also be an offence to enter a dog, in the course of hunting, into any structure or place likely to be used by a wild mammal for shelter or protection.

Any land owner or occupier who permits someone to hunt with a dog on their land will be committing an offence as will any dog owner or keeper who allows that dog to be used to hunt. It will also be an offence to own, use or control a pack of dogs for the purposes of hunting.

**Clause 2** allows a constable to arrest anyone whom he has reasonable grounds to believe has committed, or is about to commit an offence under the Act. He may also stop and search a person, vehicle, animal or article for evidence, seize and detain any vehicle, article or animal and enter any land or building which is not a dwelling house.

**Clause 3** sets the penalty for offences under the Act at a fine not exceeding level 5 on the standard scale (currently £5000) or 6 months imprisonment or both. Separate fines may be imposed if the crime is in respect of more than one wild mammal. Individuals in bodies corporate will be liable to prosecution.

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<sup>5</sup> RSPCA Parliamentary Digest 27-31 January 1997

<sup>6</sup> LACS News Release 10 November 1997 Captive fox proves need for new law

<sup>7</sup> The House Magazine supplement on Private Members' Bills 23 June 1997

**Clause 4** allows the court to order the forfeiture of any vehicle, animal or article used in connection with the commission of an offence. The offender may also be disqualified from keeping a dog and the dog may be delivered up for disposal at the expense of the owner.

There is an appeal system against disqualification from keeping a dog and against the destruction of dogs owned by persons other than the offender. In addition, an offender disqualified from keeping a dog may appeal against the disqualification order a year after it comes into operation.

**Clause 5** defines the verb to 'hunt' as intentionally to course, search for, chase, pursue, harry, bait, attack, injure or kill any wild mammal (whether or not injury is caused by a dog).

An owner or occupier of land may however use a dog to hunt 'any wild rabbit or wild rodent on that land'.

The defence of any person or captive or domestic animal under immediate attack by a wild mammal is also exempted.

The flushing out with a dog of a wild mammal from cover on or above ground to be 'immediately and lawfully shot' for management purposes is exempted, as is the use of a single dog under close control to track, locate and retrieve any wild mammal which is seriously disabled. This must have been as a result of a lawful activity, or else as the result of an unlawful activity which that person was not a party to.

Draghunts, in the course of which a dog inadvertently chases, attacks, injures or kills a wild mammal are also exempt, provided the draghunt is registered with a body which expressly forbids its members from using dogs for any purpose other than a draghunt.

A draghunt is defined by **clause 6** as a pursuit in which a person or persons together with a pack of dogs follows a man made or man laid scent and which does not involve the hunting of a wild mammal.

The Act extends to Northern Ireland.

### C. Party Positions

Labour's Election Manifesto promised a free vote on the issue of hunting with hounds<sup>8</sup>. Its manifesto for animals pamphlet published in December 1996<sup>9</sup> stated

Labour is strongly opposed to the so-called sport of hunting with hounds. Labour is the only party with a long-standing commitment to have a free vote in the House of Commons to ban it.

No one Labour member has voted against attempts to abolish hunting with hounds. This cannot be said of the Tories or the Liberal Democrats.

We would also support European moves to ban bullfighting and other cruel rituals.

In response to a Parliamentary Question in advance of the Countryside Rally in Hyde Park (see page 8), the Prime Minister indicated that he would personally be voting for the Bill<sup>10</sup>:

**The Prime Minister:** I have voted before in favour of a ban on fox hunting, and I shall continue to do so. I believe that a ban may be imposed without the massive destruction to the countryside that some people fear. We are all entitled to make up our minds according to the evidence. That is what I intend to do, and I suggest that other hon. Members do likewise.

Attending the Hyde Park rally the Leader of the Opposition William Hague stated<sup>11</sup>

'I do not go hunting but I defend people's right to do so. I think freedom is important even if it is unpopular'.

The Liberal Democrats have undertaken to 'Ban the hunting of animals with hounds, and coursing, by a free vote in the House of Commons'<sup>12</sup>.

Labour have promised a free vote but noticeably have not promised to devote any of the Parliamentary timetable to introducing legislation on the subject. The matter was not included in the Queen's Speech after which it was clear that if hunting were to be debated this Session it would be as a result of a Private Members' Bill.

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<sup>8</sup> *New Labour because Britain deserves better*. Labour 1997 p.30

<sup>9</sup> *New Labour new Britain: new life for animals*. Labour Party 1996

<sup>10</sup> HC Deb 9 July 1997 c935

<sup>11</sup> *Times* 11 July 1997 Heseltine condemns hunt ban as bigoted

<sup>12</sup> <http://www.libdems.org.uk>

Although the Bill is likely to receive a majority at second reading it will of course be subject to the usual difficulties faced by Private Members' legislation. The Government has declined to make any special arrangements or extra time available to the Bill, which would be setting an unusual precedent. At the same time, the Government has not ruled out making time or introducing measures in future sessions and there have been several indications, allegedly from senior sources, that if the Bill enjoys wide support it may be picked up again in a future session<sup>13</sup>.

Dr Ian Gibson had an adjournment debate on sport hunting in October 1997<sup>14</sup>.

## D. The Campaign

After Michael Foster announced his intention of introducing an anti-hunting Bill the organisations on both sides of the debate consolidated their forces to begin an intense campaign.

### 1. Countryside Alliance

The British Field Sports Society (BFSS), the Countryside Business Group and the Countryside Movement, the last being chaired by Lord Steele, have formed the Countryside Alliance.

The Alliance organised a Countryside March, ending in a Countryside Rally in Hyde Park on 10 July 1997, supported by 150 organisations including the British Shooting Sports Council, the British Horseracing Board, and the Country Landowner's Association<sup>15</sup>.

The Labour Peer Baroness Mallalieu of 'Leave Country Sports Alone' said that the Government had not been elected to 'criminalise hundreds and thousands of decent law-abiding people'. Leave Country Sports Alone was formed some years ago by Labour supporters, including Melvyn Bragg, David Puttman and Jeremy Isaacs, keen to counter the animal rights lobby within the Labour Party and play down the perceived class divide between hunt opponents and followers<sup>16</sup>.

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<sup>13</sup> *Guardian* 5 November 1997 Hunt ban bill puts assets at risk p.13; *Independent* 5 November 1997 Death sentence hangs over MP's anti-foxhunt Bill p. 7; *Guardian* 3 November 1997 Two year timetable to flush out hunting with dogs p.9; *Financial Times* 17 June 1997 Government support 'minimal' for foxhunting bill p.8.

<sup>14</sup> HC Deb 29 October 1997 cc837-858

<sup>15</sup> Countryside Alliance advertisement, *Independent* 9 July 1997 p.11

<sup>16</sup> *Independent* 23 June 1996 p.3 Labour's celebrity followers rally to the hunting horn



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The rally's organisers hoped to exceed the total of 92,000 poll-tax protestors who gathered in Hyde Park in 1990<sup>17</sup>, and it is widely said that the rally attracted 100,000 protestors, but in fact the Metropolitan Police put the number at nearly 80,000<sup>18,19,20</sup>.

In 1996 the Countryside Movement commissioned a *Report of a Review of Hunting with Hounds*<sup>21</sup> to review the 1951 Scott Henderson report<sup>22</sup>. (This had recommended that all wild animals should be brought within the provisions of the Protection of Animals Acts, but that all hunting activities should be exempt unless accompanied by unnecessary suffering. Hunting and coursing for the purpose of sport would be lawful while conducted under the approved rules of the sport.)

The *Report of a Review of Hunting with Hounds* recommended that a supervisory authority be appointed for hunting. This would, *inter alia*, monitor hunts, investigate alleged breaches of rules and codes, redefine hunt territories to keep them away from towns, change the rules for digging out foxes and provide transparent and accountable supervision<sup>23</sup>.

## 2. Campaign for the Protection of Hunted Animals

The RSPCA, International Fund for Animal Welfare (IFAW) and the League Against Cruel Sports (LACS) joined forces to form the Campaign for the Protection of Hunted Animals, with the intention of banning the use of dogs to hunt foxes, deer, mink or hares.

IFAW published the results of a MORI poll in July 1997<sup>24</sup> just after the Hyde Park Rally had, according to some reports<sup>25</sup>, begun to swing public opinion in favour of hunting. The poll had been conducted for IFAW in early July, before the rally. 1000 adults, one third of whom lived in rural areas and two-thirds in urban areas, were interviewed by telephone. The overall data were weighted to be nationally representative.

Nationally, 68% of people would support, and 16% would oppose the bill to ban hunting with hounds. In urban areas the figures were 71% and 15% respectively, and in rural areas 50% and 35%.

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<sup>17</sup> *Daily Telegraph* 10 July 1997 Blair backs hunt ban on eve of rally; blow to countryside supporters

<sup>18</sup> *Times* 11 July 1997 Heseltine condemns hunt ban as bigoted p.23

<sup>19</sup> *Financial Times* 11 July 1997 Hunting bill given little chance of success p.7

<sup>20</sup> *Guardian* 11 July 1997 Faithful gather in countryside blood feud p.5

<sup>21</sup> Phelps *et al* May 1997

<sup>22</sup> *Report of the Committee on Cruelty to Wild Animals* Home Office/Scottish Home Department Cmd 8266 June 1951

<sup>23</sup> *op cit* p.75

<sup>24</sup> MORI fax to Commons Library 18 July 1997 IFAW/MORI Hunting Poll July 1997

<sup>25</sup> for instance *Financial Times* 11 July 1997 p.7 Hunting bill given little chance of success, *Independent* 11 July 1997 Editorial Parliament in pursuit of the wrong priorities p.17

Nationally, 71% of people (74% in urban areas and 54% in rural areas) thought hunting wild mammals with hounds should be made illegal. When asked about individual species a legal ban on the hunting of deer attracted most support, with 84% of those polled nationally, 85% of urban and 73% of rural respondents supporting a ban.

From 17-28 October 1997 MORI conducted a further survey<sup>26</sup> for the Campaign for the Protection of Hunted Animals. Over 3 000 people, including over 1500 people from representative rural areas were interviewed by telephone and the results compared to the July MORI poll.

For the rural survey (of 1 500 people), 57% of people, compared to 54% in July, would support the Bill to ban hunting with dogs; 32% compared to 38% would oppose it. 74% compared to 60% in July, thought that if people wanted to hunt they should take part in drag hunting. 34% compared to 40% in July thought hunting with dogs was an important part of the rural economy – 61% compared to 48% disagreed.

Nationally (of 3 000 people), the proportion who would support the Bill was 73% compared to 65% in July. 80% thought people who wanted to hunt should drag hunt and 21% thought hunting with dogs was an important part of the rural economy.

### **3. Wildlife Network**

A third main group has now entered this debate, adopting what it would call a middle ground. The Wildlife Network's Director is a former Executive Director of the League Against Cruel Sports, who considers that both the League and the BFSS adopt too extreme and implacable an attitude.

The Network's thesis, in short, is that hunting kills relatively few foxes. If it were banned completely then farmers would tolerate foxes to a lesser degree, and fox killing would continue and even increase, through more snaring and perhaps unskilled shooting.

Acknowledging that terrier work is the 'Achilles' heel' of hunting, the Network has made several proposals seeking to allow hunting to continue, but to control it to a greater degree than at present. These proposals include an independent authority to regulate hunting, which would issue licenses under which hunts would have to operate. Terrier work would similarly be licensed, to impose certain conditions. (These would include the use only of dogs which stand off rather than hard dogs which bait foxes, a one hour time limit on terriers being underground,

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<sup>26</sup> Campaign for the Protection of Hunted Animals MORI Rural/National Surveys Topline Results MORI/10743 faxed to Commons Library 17 November 1997

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locators for dogs underground, and the use of a .22 pistol or similar to kill foxes.) The hunting season would finish mid-March to protect nursing vixens, pre-season cub-hunting would be ended, and the digging out of foxes banned unless requested by the landowner<sup>27</sup>.

Interestingly, the Network's proposals resemble those of the Countryside Movement's *Report of a Review of Hunting with Hounds*, and also reflect some of the practices of the Welsh Farmers Fox Control Association. The WFFCA represents Welsh farmers who hunt in upland areas with hound packs but without horses, so it is separate from the Masters of Foxhounds Association (MFHA).

When at lambing time a farmer reports problems with foxes the chairman will recruit local farmers to help the huntsman. The WFFCA estimate that 85% of the foxes they kill are shot above ground with shotguns. Terriers with radio collars are sent after foxes gone to ground, and four packs accounted for almost 10 000 foxes from 1983-1996. The WFFCA sees terriers as essential for fox hunting in Wales since once a fox has gone to ground it is 'essential to the sheep farmer that it is eradicated'<sup>28</sup>. It interesting to note that the rates of foxes killed per km<sup>2</sup> by upland foot packs monitored by the WFFCA are an order of magnitude higher than for mounted hunts anywhere<sup>29</sup>.

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<sup>27</sup> Wildlife Network pamphlets and *Fox Hunting Beyond the Propaganda*, Charlie Pye-Smith, Wildlife Network 1997

<sup>28</sup> *Report of a Review of Hunting with Hounds* Phelps et al May 1997 pp.93-95 Appendix E

<sup>29</sup> *The impact of sport hunting: a case study*. Macdonald and Johnson in: *The exploitation of mammal populations*, Eds. Taylor and Dunstone, 1996 pp. 161-207

## II The Fox

More detail concerning fox biology can be found in Library Research Paper 95/26, which also covers mink and badgers, but the main arguments are covered below.

### A. Do foxes need to be controlled?

Foxes will eat rabbits and hares, wood mice and field voles, insects and earthworms, poultry, game birds and wild birds. In urban environments the fox's diet includes much more food scavenged from litterbins, compost heaps and bird tables. Foxes will also take lambs but because they hunt alone and not in packs they can only take animals up to a certain size and scavenging from already dead animals is most common. In the autumn, in upland areas, sheep and deer carcasses often form the bulk of a fox's diet.

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<sup>30</sup>. The roughly 1% of lambs taken by foxes in the above study might be crucial to a marginal hill farmer but one study of fox predation on lambs noted that<sup>31</sup>;

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.

Game Conservancy research has shown that fox predation on incubating hen partridges can be significant, but local fox control has been achieved in such instances by snaring and shooting, since hunting was thought unlikely to be effective<sup>32</sup>. Further Game Conservancy work has shown that fox predation can also be significant on harvestable pheasant populations<sup>33</sup>. Although the Game Conservancy notes that the main predators of the adult grouse are the fox

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<sup>30</sup> Hewson and Leitch 1984 "Scavenging and predation upon sheep and lambs in the West Scotland" *Journal of Applied Ecology* **21**, pp843-868

<sup>31</sup> Hewson 1984 Scavenging and predation upon sheep and lambs in West Scotland. *Journal of Applied Ecology* **21**, 843-868

<sup>32</sup> Reynolds, 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 pp. 319-334

<sup>33</sup> *Handbook of British Mammals* 3rd Edn 1991 p.360

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and the peregrine<sup>34</sup>, 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 predation<sup>35</sup>.

A recent literature review by Bristol University has concluded that ‘foxes do not warrant their reputation as major pests of agriculture’<sup>36</sup>. This also discusses the results of a telephone survey of 85 outdoor pig farmers in which 69% reported no problem with foxes, 25% reported minor problems with under 1% of piglets being lost, and 6% had major problems with over 1% being lost.

There is no requirement for individuals to notify MAFF of instances of fox predation, and those suffering losses of livestock, game or poultry are free to use whichever (legal) methods of control they choose<sup>37</sup>.

### B. Do hunts control foxes?

Two independent zoologists published the most reliable analysis of the data available on this issue last year<sup>38</sup>. In the countryside fox populations peak at around 2.4 animals per km<sup>2</sup> in autumn after the cubs have been born. By spring around two thirds of the autumn population will have died, returning the population to its stable level of around 0.8 foxes per km<sup>2</sup> in the countryside. In other words, mortality due to all causes for all foxes is around 1.6 foxes per km<sup>2</sup> over winter.

Many of these animals die through a lack of food or because of other natural causes, but man-made causes, especially road traffic accidents, probably account for the greater part of mortality in the countryside. Between 1960 and 1980 around 14 500 foxes were killed annually by hunts. In the late 1980s the rate had risen to around 22 000 foxes a year and the increase was greatest in the southern hunts. These figures correspond to rates of around 0.1 fox being killed annually per km<sup>2</sup> between 1960 and 1980, and around 0.15 in the late 1980s.

Using data from Game Bag estimates from the Game Conservancy and the results of the survey sent to hunts and farmers, it was estimated that hunting kills only around 6 - 7.5% of animals

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<sup>34</sup> *Game Conservancy Review of 1992* p.120

<sup>35</sup> *Handbook of British Mammals* 3rd Edn 1991 p.360

<sup>36</sup> *Is the fox a pest? The ecological and economic impact of foxes in Britain* McDonald, Baker and Harris October 1997 unpublished

<sup>37</sup> HCDeb 19 November 1992, c232w

<sup>38</sup> *The impact of sport hunting: a case study*. Macdonald and Johnson in: *The exploitation of mammal populations*, Eds. Taylor and Dunstone, 1996 pp. 161-207 - The authors considered hunt records and issued questionnaires to all hunt masters along with a letter from the Masters of Foxhounds Association. A questionnaire with 130 questions was also sent to over 2000 farmers selected to represent the major farming regions. 387 farmers' questionnaires were returned.

killed each year by snaring and shooting. It is likely that the number of foxes killed by hunts is less than 10% of man-made mortality.

Moreover, fox populations are naturally kept 'in check' by availability of food. Female foxes may not themselves breed but may help rear the young of related females. On the other hand, if foxes are removed from the population this lowers the population density, increases the food available to each remaining animal, and in response more females may start breeding, litter size may increase, and individuals may live longer. Macdonald and Johnson therefore point out that 'The proportion of foxes removed by hunts every year would have to be in excess of this suppressed capacity to reproduce for there to be any impact on numbers'. Furthermore, foxes can move in from surrounding areas to fill gaps.

Hunts do have other effects however – notably, they may 'move' or put up rather than just kill foxes. In the autumn, when the juvenile foxes are about 6 months old, males in particular will disperse from the home territory where they were born. They will seek 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. Hunts probably 'move' around 4-5 times as many foxes as they kill.

It is today generally accepted that hunts do not provide widespread population reduction, if indeed it is possible to achieve this through any practical means. 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 killing<sup>39</sup>.

Work by the ITE<sup>40</sup> on fox populations in Scotland from 1971 to 1976 concluded;

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.

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<sup>39</sup> Hewson 1986 Distribution and density of fox breeding dens and the effect of management *Journal of Applied Ecology* **23** 531-538

<sup>40</sup> Kolb 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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It seems that general population control is not feasible although a local problem with foxes, such as persistent lamb mortality, threats to rare bird populations in sanctuaries or damage to game, may be alleviated – whether this is done by shooting, snaring, electric fences or hunting with hounds.

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 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.

Page 12 above describes the work of upland packs in Wales which do not use horses.

The League 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 population<sup>41</sup>.

The opposing camps differ, of course, as to whether shooting is an acceptable control method for foxes. The BFSS says that shooting foxes is difficult, and risks foxes escaping injured while the RSPCA dispute the extent to which this happens<sup>42</sup>. The present Bill allows dogs to be used to flush a wild mammal from cover to be 'immediately and lawfully shot for the necessary management and control of the wild mammal'. Whether this would apply to fox causing a local problem or only to deer, and whether a dog could be used to locate the animal without being accused of hunting the animal, is not clear.

English Nature carry out control of foxes to protect birds on some of their own reserves<sup>43</sup>. Control is achieved by shooting and lamping, snaring and live trapping, and they employ a gamekeeper on a contract basis. Results have been "excellent" with an electric fence and of the control methods used, the most effective has been shooting using high powered rifles with night sights, although '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

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<sup>41</sup> Letter from MAFF to LACS 17.2.94

<sup>42</sup> RSPCA *Parliamentary Brief Protection of wild mammals*. February 1995

<sup>43</sup> Outfoxing the foxes ENACT 1 (1) pp6-10

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]'.

The Wildfowl and Wetlands Trust based at Slimbridge<sup>44</sup> 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'.

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<sup>44</sup> The Wildfowl & Wetlands Trust *Statement on Foxhunting* February 1995



### III Deer

#### A. Population management

Red deer *Cervus elaphus* on the Quantocks and Exmoor are the only deer populations in the UK subject to traditional hunting-to-hounds. Indeed, red deer were reintroduced into the Quantocks specifically for staghunting. Around 2-4% of the population is taken in these areas each year by hunting, and a further 8-12% by rifle shooting, but because the deer are highly productive these culling methods have not prevented substantial population increases over recent decades<sup>45</sup>.

The fact that deer need to be controlled is accepted by the League Against Cruel Sports which says 'it is beyond dispute that deer must be subject to control management'<sup>46</sup>. Although there are four types of deer in Britain (red, sika, fallow and roe) and there are concerns about, for instance, the management of sika deer (an introduced species) it is the hunting of red deer about which the debate centres.

This is because although the animal is a natural inhabitant of the UK its main predator (the wolf) has become extinct, and since the 1960s it has been clear that red deer and plantation forestry have been directly competing for land. As well as the population increases in England, in Scotland red deer numbers have risen from 150 000 in 1900 to 300 000 in 1989<sup>47</sup>.

In Scotland it is illegal to control deer through any means other than shooting with rifles<sup>48</sup> and it is illegal to shoot at night without permission from the Deer Commission for Scotland<sup>49</sup>. (The *Deer Act 1991* and *Deer (Scotland) Act 1996* provide close season protection to all deer, and allow the Secretaries of State to specify the types of weapon that must be used when shooting.) Forestry Commission culling of deer is carried out by high velocity .270 rifle.

The Masters of Deerhounds Association argues that the problem with shooting by rifle is 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 disappear into, but land ownership is less scattered, making it easier for deer management policies to be carried out<sup>50</sup>.

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<sup>45</sup> Langbein and Putman *Studies of English deer populations subject to hunting-to-hounds*. In; *The Exploitation of Mammal Populations* Eds. Taylor and Dunstone 1996 pp. 208-225

<sup>46</sup> *Wildlife Protection The case for the abolition of hunting and snaring* LACS 1992

<sup>47</sup> *Red deer and the natural heritage* Scottish Natural Heritage SNH Policy Paper June 1994

<sup>48</sup> Halsburys Statutes 4th Edn Volume 2 p.536

<sup>49</sup> Deer Commission for Scotland Annual Report 1996-97 p.2

<sup>50</sup> *The Staghunting Controversy Some provocative Questions... with straight Answers* 1990

However, LACS says that shooting, accounting for 99% of the annual cull, kills 80,000 deer annually<sup>51</sup> and adds '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'<sup>52</sup>. Of course, the League further argues that the cruelty of the hunt before the kill negates any advantage of a closer shot.

## **B. The Bateson Report and the National Trust ban**

Professor Patrick Bateson FRS of Cambridge University was commissioned by the National Trust to examine the welfare aspects of hunting deer with hounds on Exmoor and the Quantocks.

This followed a long-running dispute between some of the Trust's 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 said it neither opposed nor supported stag hunting, but licensed hunts where they had traditionally operated, and had decided that a postal ballot of its members on the issue would be unconstitutional.

Professor Bateson considered hunting records (to assess lengths of chases, patterns of kills and distribution of deer, for instance), stalkers' wounding rates, theoretical modelling of different culling methods and finally, physiological profiles of culled red deer. This involved analysing samples of blood and muscle taken at the time of the kill from deer killed in a variety of ways - by hunting, stalking, in accidents and on farms. The analyses of the samples were performed in a variety of ways largely by independent laboratories<sup>53</sup>.

In his foreward to the report Professor Bateson wrote:

The Hunt Masters must have been worried about where the science might lead us. Nevertheless, they co-operated fully from the outset and taught us a great deal. To many people, to witness a hunt is to feel part of English history and the sight of a full field of horses and hounds is both beautiful and thrilling. The field-craft of the huntsmen is remarkable and the skill of the hounds marvellous to watch. And it has to be said that the involvement of many members of the local population in the hunts is impressive to somebody such as myself coming from outside the region. Nevertheless, it was also plain that many other local people were strongly opposed to the activities and disturbance of the hunts.

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<sup>51</sup> LACS *Wildlife protection The case for the abolition of hunting and shooting* p. 21

<sup>52</sup> *Mail on Sunday* 30 October 1994 p.13

<sup>53</sup> *The Behavioural and Physiological Effects of Culling Red Deer* Report to the Council for the National Trust by Professor Patrick Bateson FRS

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We really did not know what we were going to find. As always in science, we failed to find some things that we had expected to find and we uncovered some major surprises which nobody had foreseen. Inexorably we were led to certain conclusions. I hope that those who will undoubtedly dislike these conclusions will accept that we have arrived at them honestly and, in some respects, not without sadness.

The stressful events associated with hunting were examined; hunted deer came into contact with humans on foot and hounds often enough, and followers blocked their escape route frequently enough to be a cause for concern. As the hunt progressed the overall posture of the animal changed and it was more often seen lying, standing or walking, but despite these indications of fatigue it cantered at the same frequency throughout the hunt, suggesting that animals exerted themselves maximally at the end.

61 hunted deer had their blood and muscle samples analysed. The average hunt for these 61 deer had lasted just over three hours and the animals had travelled on average just over 19 kilometres. There are several widely accepted measures of physiological stress in animals (they have been developed and are used, for instance, to assess the effects of transportation on farm animals or procedures on laboratory animals). For example, lactate buildup in exercised muscles that do not have sufficient oxygen supply is an effect with which we are all familiar. Professor Bateson summarises some of these indicators in the hunted deer:

From virtually the start of the hunt one measure of stress (cortisol) rose rapidly and haemoglobin released by the break up of red blood cells also appeared in the plasma in large amounts. The levels were higher in animals hunted for longer distances. At an early stage lactate was produced in large amounts and the blood became very acid. Thereafter lactate fell, not because the animals were coping but because lactate was probably used as a fuel as reserves of carbohydrate were exhausted. The view that such dramatic depletion occurred was supported by the disappearance of sugar from the blood and carbohydrates from the muscles and the appearance of increasing quantities of fatty acids in the blood. In the course of hunts muscles started to show signs of physical damage. Levels of a pain killing hormone ( $\beta$ -endorphin) rose steadily with distance hunted.

These data on hunted deer contrast strongly with data on farmed deer and on clean-shot deer from Exmoor and Scotland. The non-hunted deer did not differ from each other. They had low levels of stress hormones, low levels of lactate and low levels of haemoglobin.

However, Professor Bateson found that around 5% of stalked deer are probably not shot cleanly and would be likely to undergo suffering as intense as the hunted deer. This means the numbers of animals involved in either method determines which is the less stressful method of culling. It is not only the hunted and killed deer which suffer - two thirds of hunted deer which escape have run over 10km and will take time to recover. So roughly 130 deer are killed by the hunts each year and roughly a further 100 that escape will experience unacceptable levels of suffering. However, using the 5% figure for bad shots, only seven or so of the 130 at present killed by hunting would have such problems if they were shot. Thus Bateson concluded that an increase in shooting to replace hunting would be unlikely to produce the number of deer with exceptional blood chemistry levels seen in hunted deer.

The physiological evidence matched the direct observations of animals, showing in some cases extreme signs of fatigue, but Bateson concluded that the physiological data indicated that stress levels were much higher than would be expected from exertion alone. He also noted that it was impossible to follow up deer which escaped, to see how far these stress changes could be overcome on recovery- available literature suggests that eventual recovery probably occurred in most deer with the possible exception that the immune system could be weakened.

Professor Bateson explained his results by citing studies of deer movement which show that deer are adapted to living in forest habitats and evading their natural predator, the wolf, in short athletic dashes or by hiding – the prolonged exercise of the hunt is not a natural activity. He stressed that his results could not be extrapolated to foxes or other mammals. In his conclusion he stated

The study produced clear-cut scientific results. These show that lengthy hunts with hounds impose extreme stress on red deer and are likely to cause them great suffering. The hunts force them to experience conditions far outside the normal limits for their species...

...I conclude that the level of total suffering would be markedly reduced if hunting with hounds were ended. Hunting with hounds can no longer be justified on welfare grounds, taking into account the standards applied in other fields of animal welfare. I accept that the National Trust will want to weigh this conclusion against other issues.

He went on to discuss the need for effective deer management to control deer numbers and deal with injured deer; there should be a campaign for legislation to force stalkers to put identifiable tags on each carcass to eliminate inexperienced shooting. The need for such deer management should not however be used as a pretext for delaying consideration of a ban on hunting on National Trust land.

In the event, immediately after the publication of Bateson's report the Trust decided not to renew licences on its land from the end of the season on 30 April 1997 and has since confirmed this decision<sup>54</sup>. The five hunts involved hunt on land other than that owned by the Trust, and some said hunting would continue and that deer management around Trust land would suffer. Some of the hunters said the science was flawed<sup>55</sup>, but this is difficult to accept. The Quantock Staghounds and Devon and Somerset Staghounds have since failed to obtain High Court orders to allow them to continue hunting on Trust land<sup>56</sup>.

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<sup>54</sup> *National Trust Information* no.75 2 October 1997 National Trust confirms its decision not to re-issue deer hunting licences

<sup>55</sup> *Guardian* 11 April 1997 p.5 National Trust bans 'unnatural and cruel' deer hunting, *Independent* 11 April 1997 National Trust drives out stag hunting p. 5

<sup>56</sup> *Guardian* 17 July 1997 Court backs stag hunt ban on National Trust land p.5

## IV Hare coursing

In October 1997 Colin Pickthall introduced his fourth ten minute rule Bill seeking to make hare coursing illegal<sup>57</sup>. Mr Pickthall wanted to highlight the fact that Michael Foster's Bill sought not only to ban the hunting of foxes, but also the hunting of deer and the hare, which he described as 'By no means vermin. It is a spectacularly beautiful and magical animal and it is already under stress as a species because of changes in agricultural practice'. Hares had to be imported for coursing in some parts of the country. Replying, Peter Atkinson agreed that hare populations had declined until about 20 years ago but were stable now. Levels had changed because of agricultural practices, and if coursing were banned the populations on coursing estates would decline as they had in other parts of the country.

There are two British hares; the brown or common hare *Lepus europaeus* is widespread throughout England Scotland and Wales, but the Mountain or Irish hare, *Lepus timidus*, 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 methods<sup>58</sup>.

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 sports<sup>59</sup>.

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 people walking across the field to be coursed over raise them. 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 season<sup>60</sup> but Colin Pickthall said in his recent debate that the Waterloo Cup was held every

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<sup>57</sup> HC Deb 29 October 1997 cc915-920

<sup>58</sup> *Handbook of British Mammals* 3rd Edn 1991 pp. 146-175

<sup>59</sup> *ibid* pg.160

<sup>60</sup> *This is Coursing* National Coursing Club

February 'when the hares are breeding'<sup>61</sup>; litters (about three) are indeed produced by hares from February to October<sup>62</sup>.

"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 1914.

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 dogs<sup>63</sup>. It has described coursing as 'worse than fox hunting'<sup>64</sup>. During illegal coursing, in which coursing is carried out on land without the owner's permission, tens of thousands of pounds can change hands in bets and bonuses. This 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<sup>65,66</sup>.

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 packs<sup>67</sup>. 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 and that<sup>68</sup>

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.

The BFSS says that "hares have now returned to population levels which in areas like East Anglia make them pests"<sup>69</sup>.

Although hares may be 'widespread' this is not the same as being numerous, and while population levels are high in some areas this does not seem to be the overall case.

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<sup>61</sup> HC Deb 29 October 1997 cc915-920

<sup>62</sup> *Handbook of British Mammals* 3rd Edn 1991 p.157

<sup>63</sup> *Independent on Sunday* 19 February 1994 p.9

<sup>64</sup> *The Times*, 18 August 1992

<sup>65</sup> *Harehunting and Coursing* League Against Cruel Sports

<sup>66</sup> *The Times*, 18 August 1992, *The Sunday Telegraph*, 3 January 1993

<sup>67</sup> *Harehunting and Coursing* League Against Cruel Sports

<sup>68</sup> *This is Beagling* BFSS undated

<sup>69</sup> *Hunting the Facts* BFSS p.3

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The third quinquennial review of the Schedules to the *Wildlife and Countryside Act 1981* took place last summer, to assess which British species need the special protection of Schedule 8 for plants or Schedule 5 for animals. The League Against Cruel Sports had 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 century<sup>70</sup>. 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 954,000<sup>71</sup>. The Joint Nature Conservation Committee (JNCC) 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<sup>72</sup>.

The consultation periods on the additions to the Schedules ended on 1 April 1997. The hare was not among those species which the JNCC was minded to add, which included the water vole, the basking shark, the pool frog, the stag beetle and the marsh fritillary butterfly<sup>73</sup>.

The brown hare has however been listed on the UK's 'short list' of 'Globally Threatened/Declining Species' of conservation concern drawn up by the UK Biodiversity Steering Group. This is producing biodiversity action plans for our endangered species under the UN Biodiversity Convention. The 300 species on the 'middle list' will have action plans prepared during the next three years and the 'short list' of 116 species has already had plans produced<sup>74</sup>.

The brown hare's action plan<sup>75</sup> states that populations have declined substantially since the 1960s and estimates of populations now vary from 800 000 to 1 125 000. While shooting estates suggest numbers have stayed stable over the past ten years the evidence for this is 'unclear'. The factors causing the decline are conversion of grassland to arable, loss of habitat diversity in the agricultural landscape, and changes in cropping and planting regimes (from hay to silage, and autumn planting of cereals).

The action plan wants to expand existing populations to double present numbers in Britain by 2010, but most of the action proposed involves changes in the agri-environmental regime. However, the legislation pertaining to shooting and selling of hares will be reviewed in the light of research findings on the seasonality of reproduction. No mention of coursing is made.

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<sup>70</sup> BFSS *Wild Mammals (Protection) Bill* lobby note

<sup>71</sup> HC Deb 14.12.94 c661w

<sup>72</sup> Letter to League Against Cruel Sports from JNCC dated 21 January 1995. In: League Against Cruel Sports lobby brief February 1995 p.26.

<sup>73</sup> DoE no. 44 31 January 1997 *Government proposes added protection for endangered species*

<sup>74</sup> *Biodiversity: The UK Steering Group Report* Volume 1 1996

<sup>75</sup> *Biodiversity: The UK Steering Group Report* Volume 2: Action Plans 1996 p.83

## V Other considerations

### A. Could horses and hounds be switched to drag hunting?

Hunt supporters allege that any ban of hunting with hounds could lead to the wholesale destruction of hound packs and of horses used for hunting. Hunt opponents say that a switch to drag hunting, in which hounds and hunts follow a man-made or man-laid scent, would preserve jobs and the position of hunts. There is some debate about whether hunters could, or would, switch their hounds and horses kept for fox hunting to drag hunting.

There are 206 registered hunts in Britain and several different types of hound pack in the UK, each of which keeps on average '35 couple of hounds', in other words, 70 animals<sup>76</sup>. Estimates of the total number of hounds in the UK range from around 21,000-23,000. The majority (around 15,000) are foxhounds and the rest beagles, harriers, mink, fell, basset, stag and deer hounds<sup>77</sup>.

According to the National Light Horse Breeding Society, only leisure riding provides a larger demand for horses than hunting, and currently 44,000 horses have hunting as their 'primary role'.<sup>78</sup> A different estimate, from the Horse and Pony Taxation Committee, is of 60,000 horses kept primarily for hunting<sup>79</sup>. A survey of two West Country staghound packs in 1993 concluded that 49% of those who hunted kept their horse only for that activity<sup>80</sup>.

Regarding existing wastage, the International Fund for Animal Welfare says that every year 7,000 foxhounds are born and that 5,000 of these will be destroyed because they are not suitable for fox hunting. It says that injured animals or animals considered too weak to hunt are destroyed too, and that even dogs that are selected to hunt are used for only six seasons before they too are destroyed<sup>81</sup>. There are few estimates of the number of hounds injured during hunts - the LACS<sup>82</sup> report 27 instances of one or more hounds either being killed or hit by cars but this does not amount to a great number. There are no published figures from the other side of the argument or concerning horse casualties.

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<sup>76</sup> *Hunting: the facts*, British Field Sports Society p.15

<sup>77</sup> *Countryside Sports Their economic, social and conservation significance*. Cobham Resource Consultants for the Standing Conference on Countryside Sports 1997 p. 46

<sup>78</sup> *Report of a review of hunting with hounds*. Phelps *et al* May 1997 (Commissioned by the Countryside Movement) p.107

<sup>79</sup> *Daily Telegraph* 5 July 1997 Outdoors: How puppy love could help to kill the Bill

<sup>80</sup> *Financial Times* 1 July 1997 The threat hounding rural life...

<sup>81</sup> IFAW advert in *The Independent*, 1 March 1995

<sup>82</sup> *RIOT! A report on hunt trespass*. League Against Cruel Sports 1994



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For the horses, Macdonald and Johnson in their study of the impact of sport hunting concluded that<sup>83</sup>,

Matson (1991, cited by Winter et al, 1993) estimated that closing down a large pack of foxhounds could affect 57 jobs. However, the majority of these are jobs generated by horse husbandry (grooms, grain merchants, etc..) and the extent to which they would be affected depends on the extent to which horses are kept solely for the purpose of foxhunting. Winter et al (1993) carried out a detailed investigation of the economic impact of stag hunting with hounds in Devon and Somerset. They concluded that hunting played a relatively minor role in the economy, though on a local scale the impact could be important. Fewer than half the horses owned by hunt subscribers were said by their owners to be kept solely for hunting, and it cannot be concluded that these horses would not be kept for other purposes in the absence of hunting.

However, the 'Horse and Pony Taxation Committee' has announced that 12,000 horses would be slaughtered if hunting were banned. Several reasons are given for this - 'many people only ride to hunt'; the cost of keeping horses in livery is high; horses over 16 years old are valueless<sup>84</sup>, and banning hunting would cause the price of top-rate hunters to collapse. The figure of 12,000 is based on their estimate of 60,000 horses being kept primarily for hunting<sup>85</sup>.

The arguments most often put forward by the hunting lobby against the animals being switched to drag hunting are summarised in the following extract<sup>86</sup>:-

Perhaps the most emotive issue of all is the likely fate of the hounds. Supporters of hunting see it as a powerful propaganda weapon; opponents say the claim that they would be put down is a bluff and that, once passions have cooled, they would be quietly redeployed in drag-hunting.

This will not happen, for two main reasons. There is no comparison between fox-hunting and drag-hunting, the latter being a high-adrenaline equestrian sport whose members are usually in their twenties and thirties. The aim is to charge after hounds following a scent along a pre-arranged route, taking jumps at speed. The children on ponies and the middle-aged, who make up a large number of a fox-hunt, do not take part, nor do locals as hunt followers.

Second, it is doubtful whether farmers would make land available for many additional drag-hunts, given that they do nothing to control the number of foxes. If a ban on fox-hunting were enforced, some of Britain's 20,000 fox-hounds would probably be used for drag-hunting. But not many - probably not more than 1,000.

Presumably because it is said to be a faster sport, one letter to the *Independent* has claimed that the horses needed for drag hunting are more expensive. The same letter said that one horse

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<sup>83</sup> *The impact of sport hunting: a case study*. Macdonald and Johnson in: *The exploitation of mammal populations*, Eds. Taylor and Dunstone, 1996

<sup>84</sup> horses which have been retired from eventing or point-to-pointing may be used for hunting so the age distribution may be skewed

<sup>85</sup> *Daily Telegraph* 5 July 1997 Outdoors: How puppy love could help to kill the Bill

<sup>86</sup> *ibid*

insurance quote placed drag hunters in a higher risk category, along with polo ponies, than fox hunters<sup>87</sup>.

While the above quotes focus on drag hunting being a faster, more dangerous sport, other hunt supporters claim that drag hunting is pointless<sup>88</sup>:

'Most foxhunters I know regard draghunting as similar to paying for sex- it lacks the uncertainty of the chase!'

And<sup>89</sup>

'Hunting people say that asking them to switch to drag hunting is like suggesting to a salmon fisherman that he fish for toy fish with magnets!'

The LACS says that trails can be laid to make drag hunting either fast or slow, by lifting the scent so that the hounds check, allowing the riders to catch up. In this way drag hunting can cater for riders of differing expertise. The League also goes some way towards countering the argument that farmers would not allow drag hunts over their land by saying that, unlike fox hunts, trails can be laid to avoid sensitive crops, livestock, gardens, roads and other hazards<sup>90</sup>.

The BFSS says that practically all the fox hounds in the country - around 20,000 dogs - would have to be destroyed, or shipped abroad, if hunting were banned<sup>91</sup>. The master of the Beaufort Hunt feels that perhaps ten couples of hounds could be kept on if that Hunt switched to drag hunting. Some would, he thinks, be brought by hunts in France, the US and Australia to improve bloodlines, and the rest would be put down: 'A skeleton number could be kept on [to drag hunt], say 10 couples. But the role of the hounds is almost pointless. You might as well chase somebody else on a horse<sup>92</sup>.

Surprisingly, the adaptability of the hounds does not appear to be raised as an argument. This is despite the fact that hounds are trained specifically to chase foxes (through the practice of cub-hunting which takes place in September and October each year). The natural instinct of any dog might still be a problem however<sup>93</sup>:

'Well the antis want us to go drag hunting. Fine. But if a fox pops up, who's going to tell a dog - any dog- that the law has changed?'

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<sup>87</sup> *Independent* 19 June 1997 Letter: drag-hunting is too expensive

<sup>88</sup> *Daily Telegraph* 3 April 1997 letter to the Editor Equine threat

<sup>89</sup> *Independent* 9 July 1997 Hunt ban will hit rural workers...

<sup>90</sup> *Wildlife Protection The case for the abolition of hunting and snaring*. League Against Cruel Sports undated p.39

<sup>91</sup> Library Research Paper 95/26 *Hunting*

<sup>92</sup> *Daily Telegraph* 5 July 1997 Outdoors: How puppy love could help to kill the Bill

<sup>93</sup> *Daily Telegraph* 13 November 1996 Will Blair bend the rules to ban hunting...

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Under Clause 5 of the present Bill draghunts, in the course of which a dog inadvertently chases, attacks, injures or kills a wild mammal are exempt from prosecution, provided the draghunt is registered with a body which expressly forbids its members from using dogs for any purpose other than a draghunt.

The League Against Cruel Sports sums up the anti-hunting argument thus<sup>94</sup>:

'A switch to drag hunting would preserve the tradition and pageantry of hunting, avoid any unemployment of kennel staff and grooms, and allow for the retention of hounds and horses- whilst removing the hounding and killing of wild animals. Hounds would be retrained to hunt the drag, just as some foxhounds are presently retrained to hunt mink'.

### **B. Environmental considerations**

One of the questions which Macdonald and Johnson<sup>95</sup> sought to answer was summarised:

It is often alleged that one of the benefits to the rural environment which has to be considered in an appraisal of foxhunting is the management practices which accompany it. The argument is that hunting farmers are likely to place more value on such habitats as hedgerow and coverts, and be less prone to remove these for economic reasons. We examined whether there was any evidence for this link by comparing responses concerning past and present management strategies of these habitat features with the farmers' answers to the question concerning foxhunting participation.

Farmers who said they took part in hunting reported removing fewer hedgerows in the decade preceding the survey (both in metres per farm and metres per hectare). On average the absolute loss was around 400m per farm for farmers who hunted compared to 500m for non-hunters; the difference was statistically significant.

This might have merely resulted from differences in land management practice in different agricultural regions, which could simply have reflected or correlated with hunting participation. However, the hunting parameter remained the dominant deciding factor even when difference in land management was included in the analysis.

In addition, farmers whose principal field sport interest was 'hunting' or 'hunting and shooting' were five times more likely to tick 'to improve hunting' as a motive for retaining hedgerows, compared to farmers whose main interest was shooting alone, or neither hunting nor shooting. Although this is a circular argument, the differences were highly statistically

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<sup>94</sup> *Wildlife Protection The case for the abolition of hunting and snaring*. League Against Cruel Sports undated p.39

<sup>95</sup> *The impact of sport hunting: a case study* David Macdonald and Paul Johnson, In: *The Exploitation of Mammal Populations* Eds. Taylor and Dunstone 1996 Chapter 11 pp.160-207

significant and suggest that farmers who were hunters were indeed retaining the hedgerows expressly for this purpose.

Hunting participation was not, however, associated with the retention of coverts or field corner spinneys. The proportion of farmers who were retaining or encouraging these features did not differ between hunting and non-hunting farmers.

The updated 1997 review and survey by Cobham Resource Associates published by the Standing Conference on Countryside Sports<sup>96</sup> describes the effects of angling, shooting, game rearing, stalking and hunting on the countryside. A survey of 158 lowland fox hunts carried out by the BFSS in 1995 found that 95% carried out gate repair and hanging, 82% bridle path work, 60% covert laying and management and 22% hedge laying.

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 1970s<sup>97</sup>.

LACS counters 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, so the fact that the countryside has been so depleted since the Second World War refutes the claim that hunting provides conservation. It also notes that the 1992 Cobham Resource Associates survey found that of the reasons why landowners retain or plant woodland, ‘providing fox coverts’ was the least significant motive; ‘beauty in the landscape’ was the most popular<sup>98</sup>. (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.<sup>99</sup>)

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 (out of nine possible reasons)<sup>100</sup>.

### C. The banning of hunts from land

The permission of landowners is need for hunts to cross land; hunts may otherwise be deemed to be trespassing. A landowner may expressly deny permission for a hunt to enter his land by

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<sup>96</sup> *Countryside Sports Their economic, social and conservation significance* 1997 Section 15 Conservation and the creation of countryside features pp. 89-101

<sup>97</sup> Campaign for Hunting *Stand Up For Hunting* p.5

<sup>98</sup> *Wildlife protection The case for the abolition of hunting and snaring* LAC p.41

<sup>99</sup> RSPCA *Parliamentary Brief Protection of Wild Mammals*

<sup>100</sup> *Countryside Sports Their Economic and Conservation Significance* 1992 p.62

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posting notices or by sending the Master of Hounds a letter<sup>101</sup>. The Minister of Agriculture, Fisheries and Food Elliot Morley recently said that there was no basis for estimating the percentage of farmers who have banned hunts from their land but 'farmers are free to prohibit hunting with dogs on their land and many do so'<sup>102</sup>.

Section III.B discussed the National Trust ban on hunting on its land<sup>103</sup>. At the moment, hunting is permitted on MoD and Forestry Commission land through Government-issued licences. These licences are renewed annually, in September<sup>104</sup>.

Elliot Morley, when Opposition spokesman on animal welfare, was reported to have said that a Labour Government would not renew these licenses<sup>105</sup>. In the Labour Manifesto and Labour Party pamphlet on animal policies<sup>106</sup> however the only commitment was to a free vote on the issue of hunting with hounds generally<sup>107</sup>.

According to the latest statement on this, the Forestry Commission is reviewing its policy on hunting over commission land, and the Government expects to receive its advice soon. This is an internal review so the advice will not be published<sup>108</sup>.

Hunting with hounds is 'one of the means by which fox numbers on the Defence Estate are reduced'<sup>109</sup>, and the Government is currently assessing the extent of existing hunt licences on Ministry of Defence land. In the meantime licences will be renewed for the next hunting season but they will contain a one month termination clause, according to a recent series of PQs<sup>110</sup>:

**Mr. Spellar:** The review of hunting on Ministry of Defence land and the consequences of stopping such hunting is being conducted by MOD officials as apart of their continuing duties.

**Mr. Spellar:** The Government came into power with a commitment to allow a free parliamentary vote on hunting with hounds. Against this background, we wish to ascertain the extent to which Ministry of Defence land is used for hunting and what the consequences would be of ending such use. This investigation is not yet complete, but taking full and proper account of the legal issues involved and the fact that it would be wrong to anticipate the outcome of the Parliamentary

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<sup>101</sup> Parkes and Thornley, 1990 *Fair Game: The Law of Country Sports and the Protection of Wildlife*

<sup>102</sup> HC Deb 18 November 1997 c118w

<sup>103</sup> *National Trust Information* no.75 2 October 1997 National Trust confirms its decision not to re-issue deer hunting licences

<sup>104</sup> source: Home Office 14 May 1997

<sup>105</sup> *Guardian* 17 March 1997 Fox-hunters threaten 'riot' on ban; *Guardian* 1 March 1997 New Forest hunt in hue and cry over New Labour: Country set turns on 'city socialists'; *Times* 3 April 1997 Labour policy on hunting 'threatens 150,000 job losses'

<sup>106</sup> *New Labour new Britain: new life for animals*. Labour Party 1996

<sup>107</sup> *New Labour because Britain deserves better*. Labour 1997 p.30

<sup>108</sup> HC Deb 3 November 1997 c38w

<sup>109</sup> HC Deb 18 November 1997 c154w

<sup>110</sup> HC Deb 30 July 1997 c352-3w

process, the current situation will be allowed to continue. Licences for fox hunting on Ministry of Defence land for the 1997-98 hunting season will be renewed on application. These will be limited to hunts which have traditionally held such licences and the scope and area covered by the licenses will not be extended. These licences will contain a termination clause on the one month's notice.

**Mr. Spellar:** We have received a number of representations from those with land adjoining or near Ministry of Defence land, concerning continued co-operation with the Military if a decision were taken not to renew licences for fox hunting with hounds on Ministry of Defence land. We greatly value the excellent relations the armed forces have with landowners throughout the country, and are assessing these responses as part of the review currently being conducted.

Several press articles have described the fears of the BFSS, terrier and lurcher groups, some farmers and huntsmen concerning any imminent ban of hunting on Government-owned land<sup>111</sup>.

Several county councils have banned fox hunting on their land<sup>112</sup> and if this is done the reason must be one of, for instance, nature conservation or improvement of local amenity, not moral repugnance<sup>113</sup>.

The LACS has compiled lists of incidents in which hunts have gone through farms, gardens, railways, roads or farms or in which pets have been attacked. It says that it has never received similar complaints concerning drag hunts or bloodhound packs<sup>114</sup>.

The BFSS say however that hunting takes place with permission on millions of acres of countryside<sup>115</sup>. According to Cobham Resource Consultants, Field Masters allow the mounted field to ride only where acceptable to the landowners and requests to stay away from an area are respected<sup>116</sup>.

#### **D. The economic effects of a ban (Author: Adrian Crompton)**

A range of figures for the employment and income generated through hunting has been quoted in the press and elsewhere. However, the differences between them are almost entirely due to definition – whether hunting or other field sports, such as shooting or angling are included – and the date of the estimates concerned. By far the most regularly quoted

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<sup>111</sup> *Guardian* 17 March 1997 Fox-hunters threaten 'riot' on ban; *Guardian* 1 March 1997 New Forest hunt in hue and cry over New Labour: Country set turns on 'city socialists'; *Times* 3 April 1997 Labour policy on hunting 'threatens 150,000 job losses'

<sup>112</sup> *Animal Life* Spring 1994

<sup>113</sup> Can a local authority lawfully ban hunting? *Environmental Law and Management* December 1994 pp.207-11

<sup>114</sup> *RIOT! A report on hunt trespass* LACS

<sup>115</sup> *Hunting the facts*. BFSS p.13

<sup>116</sup> *Countryside Sports Their Economic and Conservation Significance* Cobham Resource Consultants 1997 p.100

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figures come from general studies of the impact of countryside sports compiled for the Standing Conference on Countryside Sports by Cobham Resource Consultants<sup>117</sup>. The Standing Conference on Countryside Sports was formed in 1978 by 26 organisations concerned with the ‘future well-being of the countryside’ and can be considered pro-hunt. The latest study was published in July 1997 and uses Cobham’s own surveys as well as drawing on other work to produce a range of estimates of participation, economic activity and other matters. Most of the following statistics are drawn from this report.

### 1. Participation

An estimated 229,000 people in Great Britain participate in hunting, of whom 183,000 are principally involved in hunting foxes and deer, 32,500 hares and 13,500 other animals (such as mink)<sup>118</sup>.

### 2. Employment

Employment generated by hunting<sup>119</sup> can be examined at three levels. First comes employment directly generated by those who organise and participate in hunting: professional hunt staff, fence builders, stable staff and so on. This is estimated to total 8,600 full-time equivalents<sup>120</sup>.

In addition, a further 6,600 jobs are sustained by the expenditure of organisers and participants in associated trades and services – farriers, feed merchants, vets, saddlers, bootmakers, livery yards and so on<sup>121</sup>. The total employment directly generated by hunting is therefore put at **15,200**.

The third stage is to look at jobs that are generated indirectly by linkages between direct and indirect spending in hunting and the rest of the economy (the ‘multiplier’ effect). This is put at 7,750<sup>122</sup>.

The overall figure for employment generated by hunting is, therefore, around 23,000. This is a considerable reduction on estimates published in 1992, which were 9,500 direct jobs, 7,000 in hunting-related trades and 18,000 ‘multiplier’ jobs making a total of 34,700<sup>123</sup>.

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<sup>117</sup> **Countryside sports – their economic, social and conservation significance** Review and Survey by Cobham Resource Consultants (Standing Conference on Countryside Sports, 1997).

<sup>118</sup> page 30

<sup>119</sup> That is, hunting with hounds (foxhounds, harriers and beagles), although falconry is included in some of the figures.

<sup>120</sup> page 57.

<sup>121</sup> page 55.

<sup>122</sup> page 74.

All the above figures are full-time equivalents. Estimates have recently been produced of the distribution of the 15,200 jobs directly generated by hunting between those that are full-time and those that are part-time, and between all year and seasonal jobs<sup>124</sup>. They are given in the following table. It is important to note that these figures are **estimates** and that some of them are particularly approximate. They should, therefore, be used with care.

**Estimates of employment generated by hunting**

full and part-time, seasonal and all year. GB

	Direct	Associated
Full-time	5,700	4,900
Part-time	5,850	2,550
<i>of which:</i>		
<i>seasonal</i>	4,400	500
<i>all year</i>	1,450	2,050
FTE of part-time	2,900	1,700
<b>FTE total</b>	<b>8,600</b>	<b>6,600</b>

FTE - full-time equivalent

Other employment estimates come from the Campaign for Hunting, which looks only at direct and indirect employment. Their total is just under 14,000 and comprises 3,900 directly employed by hunts – 900 employed in hunt kennels and 3,000 stable staff of hunt followers<sup>125</sup> - and 10,000 in affiliated trades. These comprise about 3,500 employed in trades such as fodder, bedding, saddlery and clothing; 5,500 vets, farriers, in livery yards etc; and 1,000 in hotels, horsebox suppliers, garages etc<sup>126</sup>.

The number of jobs that would be lost were hunting to be abolished is, of course, not necessarily the same as the number of jobs sustained by hunting, whether directly or indirectly. Organisations such as the League Against Cruel Sports argue that there could be no job losses at all if those participating in hunting now simply switched to draghunting and that most horses used for hunting are primarily used for general riding and would require saddles, livery and farriers whether they were hunted or not<sup>127</sup>. Others, however, argue differently. For example, a survey conducted the Leicestershire Branch of the Blacksmiths and Farriers Association found that many respondents said that, without hunting, they would not be able to continue in full-time practice during the winter, with an average anticipated loss of work of 50 per cent<sup>128</sup>.

<sup>123</sup> **Countryside sports – their economic, social and conservation significance** Survey by Cobham Resource Consultants (Standing Conference on Countryside Sports, 1992).pages 29, 46.

<sup>124</sup> Supplied by Ralph Cobham, formerly of Cobham Resource Consultants and now of Scott Wilson Resource Consultants.

<sup>125</sup> The latter figure is an estimate which is currently being looked at. New figures are likely to be available in September.

<sup>126</sup> Independent 9 July 1997 page 14; Campaign for Hunting. Some of the figures are taken from research by Produce Studies for the British Equestrian Trade Association.

<sup>127</sup> LACS in <http://www.lightman.co.uk/lacs/facts/facts-01.html>.

<sup>128</sup> British Field Sports Society (<http://www.bfss.org/foxhunting.html>).



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### 3. Financial effects

The Cobham studies include work on the more general economic impact of hunting, for example the amounts of expenditure generated and the income to the government that result. The effects of banning hunting on these sums are unpredictable in the same way that the employment effects depend on the extent to which other activities would replace hunting as it is now. With this in mind though, direct expenditure on hunting with hounds in 1996 is estimated to total £176 million, of which £17 million is spent by those who organise hunting and the remainder by participants. This may generate another £110 million of indirect expenditure (the multiplier effect). The income to central and local government from **all countryside sports** is estimated to be £655 million, but 60 per cent of this comes from angling. No separate figures for hunting are published<sup>129</sup>.

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<sup>129</sup> Cobham op cit pages 53, 66, 67, 73.

**Research Paper 97/122**

**Section Code: SES**

**Title: Wild Mammals (Hunting with Dogs) Bill**

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