



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

VALID FROM 03/10/2023

PART 2

TRAIL HUNTING

Offences

14 Offences relating to trail hunting

- (1) A person commits an offence if—
 - (a) the person engages or participates in trail hunting, and
 - (b) the exception in [section 16](#) does not apply.
- (2) In this Part—

“trail hunting” is the activity in which a dog is directed to find and follow an animal-based scent which has been laid for that purpose,

“animal-based scent” means—

 - (a) a scent which is derived from a wild mammal, or
 - (b) a scent which mimics, replicates or resembles the scent of a wild mammal (or which is designed to do so), whether or not that scent is derived wholly or in part from artificial ingredients.
- (3) A person commits an offence if—
 - (a) the person—
 - (i) is an owner or occupier of land, and
 - (ii) knowingly causes or permits another person to engage or participate in trail hunting on that land, and
 - (b) the exception in [section 16](#) does not apply to the trail hunting.
- (4) A person commits an offence if—
 - (a) the person—
 - (i) owns or is responsible for a dog, and

Status: Point in time view as at 08/03/2023. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Hunting with Dogs (Scotland) Act 2023, Part 2. (See end of Document for details)

- (ii) knowingly causes or permits another person to use the dog for trail hunting, and
 - (b) the exception in [section 16](#) does not apply to the trail hunting.
- (5) A person who commits an offence under [subsection \(1\)](#), [\(3\)](#) or [\(4\)](#) is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding £40,000 (or both).
- (6) It is a defence for a person charged with an offence under [subsection \(3\)](#) or [\(4\)](#) to show that the person reasonably believed that the exception in [section 16](#) applied to the trail hunting.
- (7) In this Part, an “owner” of land includes, in particular, a person who—
- (a) manages or controls that land, or
 - (b) is authorised to give permission for that land to be used for trail hunting.

Commencement Information

- I1** S. 14 not in force at Royal Assent, see [s. 31\(2\)](#)

15 Power to modify meaning of trail hunting

- (1) The Scottish Ministers may by regulations modify [section 14](#) so as to include in the definition of trail hunting a scent other than an animal-based scent.
- (2) The Scottish Ministers may make regulations under [subsection \(1\)](#) only if they consider that modifying the definition of trail hunting would contribute towards the protection of wild mammals from unlawful hunting using dogs.
- (3) Regulations under [subsection \(1\)](#) are subject to the affirmative procedure.
- (4) Before laying a draft of a Scottish statutory instrument containing regulations under [subsection \(1\)](#) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.
- (5) Regulations under [subsection \(1\)](#) may—
- (a) make different provision for different purposes,
 - (b) modify—
 - (i) this Part,
 - (ii) [section 19\(1\)](#), [21\(10\)](#), [22\(13\)](#) or paragraph 1 of the schedule where such modification is consequential to the modification of this Part,
 - (c) make incidental, supplementary, consequential, transitional, transitory or saving provision (including provision for exceptions to the offences in [section 14](#)).

Commencement Information

- I2** S. 15 not in force at Royal Assent, see [s. 31\(2\)](#)

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Exception to the offences

16 Exception: training dogs to follow an animal-based scent

- (1) This section applies if—
- (a) a person—
 - (i) directs a dog to find and follow an animal-based scent which has been laid for that purpose, or
 - (ii) lays an animal-based scent for a dog to find and follow, in order to train a dog for a lawful purpose, and
 - (b) all of the conditions set out in [subsection \(2\)](#) are met.
- (2) The conditions are that—
- (a) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve more than two dogs,
 - (b) any dog involved in the activity is under control,
 - (c) reasonable steps are taken to ensure that any dog involved in the activity does not join with others to form a pack of more than two dogs,
 - (d) permission for the activity has been given by the owner of the land on which the activity takes place,
 - (e) reasonable steps are taken to ensure that no wild mammal is pursued, injured or killed.

Commencement Information

- I3** S. 16 not in force at Royal Assent, see [s. 31\(2\)](#)

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Changes to legislation:

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