



Hunting with Dogs (Scotland) Act 2023

2023 asp 1

PART 1

HUNTING A WILD MAMMAL USING A DOG

Exceptions to the offences

3 Exception: management of wild mammals above ground

- (1) This section applies if—
- (a) a person is using a dog above ground to—
 - (i) search for, stalk or flush from cover a wild mammal, with the intention of killing it for one or more of the purposes set out in [subsection \(2\)](#),
 - (ii) search for and retrieve a wild mammal which has been killed as a result of the activity mentioned in [sub-paragraph \(i\)](#), and
 - (b) the conditions set out in [subsection \(3\)](#) are met.
- (2) The purposes referred to in [subsection \(1\)\(a\)\(i\)](#) are—
- (a) preventing serious damage to livestock, woodland or crops,
 - (b) preventing the spread of disease,
 - (c) protecting human health.
- (3) The conditions referred to in [subsection \(1\)\(b\)](#) are that—
- (a) either—
 - (i) the activity mentioned in [subsection \(1\)\(a\)](#) does not involve the use of more than two dogs, or
 - (ii) the activity is carried out in accordance with a licence granted under [section 4](#),
 - (b) any dog used in the activity is under control,
 - (c) unless [paragraph \(a\)\(ii\)](#) applies, reasonable steps are taken to ensure that any dog used 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,

*Changes to legislation: There are currently no known outstanding effects for the
Hunting with Dogs (Scotland) Act 2023, Section 3. (See end of Document for details)*

- (e) the wild mammal which is being searched for, stalked or flushed is shot dead, or killed by a bird of prey, as soon as reasonably possible,
- (f) if an attempt to kill the wild mammal, as mentioned in [paragraph \(e\)](#), results in it being injured but not killed, reasonable steps are taken to kill it in a way (other than by using a dog) that causes it the minimum possible suffering.

Commencement Information

- I1** S. 3 not in force at Royal Assent, see [s. 31\(2\)](#)
- I2** [S. 3](#) in force at 3.10.2023 by [S.S.I. 2023/262](#), [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the *Hunting with Dogs (Scotland) Act 2023*, Section 3.